United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, MAY 25, 2005 *No. 71*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 25, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Father Val J. Peter, Executive Director, Girls and Boys Town USA, Boys Town, Nebraska, offered the following prayer:

Dear Lord, we come before You on this fine morning to ask Your blessings on this House. Give wisdom and humility to all Representatives in their work today. May they seek what will bring light and goodness to our country, to our world. May they achieve what is best for our people.

Let us each this day do one blessed thing for another person; ask pardon from another person. Bless and keep safe those who are in the service of our beloved country and bless especially our children, those who are hurt and suffering. Send people to put joy and happiness into their lives.

In this we pray in Your name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. KLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. KLINE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION AND WELCOME TO FATHER VAL J. PETER

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Madam Speaker, I have the honor of extending a warm welcome to Father Val J. Peter, our guest chaplain in the House of Representatives today. And I also want to thank him for his heartfelt moving prayer.

Father Val is a native Nebraskan and has been the fourth executive director for Girls and Boys Town USA, with 20 years of service to Girls and Boys Town. Father Peter is renowned as one of the principal supporters of youth in the world.

Father Peter once said, ''We are like strong swimmers. When a child is floundering, we have a moral obligation to plunge in and help the child out of harm's way. Girls and Boys Town is not only to save children from harm but to make them whole again so they can become a strong, positive force that will touch other lives.''

As the Bible's Book of Psalms, chapter 127, verses 3 through 5 says: ''Behold, children are a blessing from the Lord. Like the arrows in the hand of a warrior, so are the children of one's youth. Happy is the man who has his quiver full of them.''

Father Val is undoubtedly one of the happiest and most devoted men I have ever had the privilege to meet. Father Val Peter began his service to Girls and Boys Town in 1985. Twenty years later, as he now nears his retirement, the following words he wrote about Girls and Boys Town's ongoing work have never rung truer: ''In the midst of apathy, we bring enthusiasm. In the midst of despair, we bring hope. In the midst of burdensome bureaucracies, we bring an entrepreneurial spirit. In the midst of violence, we bring the hope of peace.'' Father Val Peter has earned the gratitude of thousands of children and families across America.

Madam Speaker, I know I speak for my colleagues when I say we are honored to have Father Val Peter here with us today.

TIME FOR UNIVERSAL HEALTH CARE FOR ALL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, why should a family risk losing everything they have worked a lifetime for because one of their family members gets sick? Right now, one of the major economic crises in this country is the lack of accessibility to affordable health care for the American people.

There are 45 million Americans without health insurance, and those who have health insurance are finding that their premiums, copays, and deductibles are putting a tremendous financial burden on their families. It is time for this Congress to come up with a solution.

There is a solution at hand. It is H.R. 676, a bill to establish Medicare for all. A universal, single payer, not-for-profit health care system, which takes the resources of our system and makes it possible for people to be covered for all medically necessary procedures: for vision care, for dental care, for mental health care, for long-term care, and a prescription drug benefit.

It is time that we recognize that the people of this country are suffering from a health care system which is not responsive to their needs. It is time for Medicare for all, universal single payer, not-for-profit health care, H.R. 676.

NATIONAL MISSING KIDS DAY

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, as cochairman, along with the gentleman from Alabama (Mr. CRAMER) of the Congressional Missing and Exploited Childrens Caucus, I rise today in order to recognize National Missing Kids Day.

The numbers are stunning. Every day over 2,000 children go missing. Even though many are returned home, there are still many who remain missing to this day. If not for the efforts of the National Center For Missing and Exploited Children, signed into law by President Reagan in 1983, and thanks to the hard work of John and Reve Walsh, and many of our Nation's law enforcement and colleagues here in Congress, I am afraid many more parents would be mourning the loss of their children.

Despite our success in recent years in tracking down our missing kids, much more needs to be done. Over the years, we have heard the names: Jessica Lunsford, Jetseta Gage, Sarah Michelle Lunde, Megan Kanka, Jacob Wetterling, and Adam Walsh, all of them beautiful children carrying with them some hopes and dreams of every young child in this country. All of these children taken away from their parents and killed by sex offenders.

There are over 500,000 registered sex offenders in this country, and 150,000 of them are missing. Now we hear that Medicare may be giving them Viagra. How disgusting. How sad. How sick. We have to stop playing Russian roulette with our children.

Last week, the gentleman from Alabama (Mr. CRAMER), my cochairman, and I, along with Senators Hatch and Biden, introduced the Sex Offender Registration Notification Act. I urge my colleagues in the House to work with the gentleman from Wisconsin (Mr. SENSENBRENNER) in passing this important bill.

CONSENSUS ON SOCIAL SECURITY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, yesterday the President said, ''Those who obstruct reform, no matter what party they are, will pay a political price.'' Ironically, it is the President's insistence on privatization of Social Security that is slowing retirement reform. Privatization of Social Security has become the poison pill of progress.

We need to broaden the debate on privatizing Social Security into a discussion of retirement security. Democrats have ideas and proposals; our Republican friends have ideas and their proposals. We are not all that far apart. But before we can move forward, the privatization of Social Security has brought progress to a standstill.

Here are four ideas I have proposed: automatic enrollment in 401(k)s for all Americans; direct deposits of tax refunds into savings accounts; a government match of the first $2,000 you save, matching it for 50 percent; and the universal 401(k) to simplify and consolidate the 16 different savings vehicles that exist.

Madam Speaker, make no mistake, this is the domestic issue of our time. We can choose to lead, or we can continue to debate the privatization plan the public has already rejected. Let us not allow the President to stand in the way of progress. The American people deserve a secure retirement.

PRESIDENT BUSH SUPPORTS RENEWABLE FUELS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I rise today to applaud President Bush on his recent statements in support of renewable fuels such as ethanol and biodiesel. While touring a biodiesel facility in Virginia last week, President Bush stated, ''Our independence on foreign oil is like a foreign tax on the American Dream, and that tax keeps growing every year.''

The President called on Americans to increase our use of renewable fuels and highlighted biodiesel as a fuel of the future. ''You are beginning to see a new industry evolve,'' the President stated, ''and as more Americans choose biodiesel over petroleum fuel, they can be proud knowing they are helping to make this country less dependent on foreign oil.''

The energy bill that passed the House and is currently being debated in the Senate would increase our use of renewable fuels and reduce our reliance on foreign fuel. The President has called on Congress to get him that energy bill by the August break.

We need a national energy policy sooner rather than later, and a policy that strengthens and encourages the development and use of renewable fuels like biodiesel and ethanol.

HIDDEN ISSUE OF BASE CLOSURES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Madam Speaker, one item the House will not debate today in the Defense authorization is the hidden issue behind base closure: the Pentagon's inability and Congress' unwillingness to have the military clean up after itself.

Incredibly, we are starting the fifth round of base closures when we have 17 bases and thousands of acres that remain from the 1988 round that have not been cleaned up. No wonder people are concerned about BRAC. This footdragging is bad for the environment, it is bad for local economies, and it gives the military a reputation for being a poor partner.

Congress should no longer be missing in action in this critical area, and it is time for Secretary of Defense Donald Rumsfeld to stop trying to sidestep environmental responsibility and make sure that the military cleans up after itself. The public demands and deserve no less.

POLITICAL AGENDA OF DEMOCRATIC WATCHDOGS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, government watchdogs seem to be popular these days. They claim to keep an eye on politicians to keep them honest. Political Money Line is gathering data that is available to the public on who is paying for congressional travel. That is a watchdog. It puts the truth out for the public and sounds a warning when there is a problem.

However, other so-called watchdogs are not watching out for the public; they are promoting their own political agenda. They are partisans. Four of the big ones, Citizens For Responsibility and Ethics in Washington, Common Cause, Public Citizen, and Campaign Legal Center all have deeply embedded partisan ties with the Democrats. Together, they have hired Democrat staffers and former Democrat public officials, and they have contributed millions to Democrats in elections. Together, they have launched an attack on their partisan rivals and their number one enemy, the gentleman from Texas (Mr. DELAY).

They do not care about the public. They care about power. They want it back. This has nothing to with watching out for the public, but everything to do with partisans deceiving the American people and trying to change the party in power.

WOMEN IN THE MILITARY

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to honor the courage and commitment of women who have served and continue to serve in defense of our Nation. Today, we will be voting on an appropriations bill to limit and restrict women in the military. How ironic.

Tomorrow, women Members of Congress, from this Congress, will be attending the eighth annual Congressional Caucus for Women's Issues'

wreath laying ceremony at Arlington National Cemetery. The event is an annual opportunity to recognize women who play and have played a critical role in the Armed Forces, both in times of war and peace, and currently now in Afghanistan and Iraq.

Our troops and all of our servicewomen deserve our utmost respect for protecting our freedom. As of March 2005, an estimated 203,000 women serve in our U.S. military and another 142,000 women serve in the reserve units in the U.S. Armed Forces. These women give of themselves and make extraordinary sacrifices.

The Congressional Caucus of Women's Issues is committed to supporting women in our Armed Forces. As Democratic Chair of that women's caucus, I want to thank all the servicewomen for their unyielding courage, selfless commitment, and long-standing dedication to our military and our country. Let us remember them over the Memorial Weekend.

□ 1015

HONORING AMERICA'S MILITARY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, I rise today to honor America's military men and women. As we approach Memorial Day, our grateful Nation says thank you to those who have sacrificed so much in the name of freedom.

We here at home often show our appreciation for all that our troops have done by sending care packages, letters and phone cards to them while they serve, but our appreciation for their efforts, their courage, and their valor go far beyond the battlefield. These selfless acts of heroism have helped maintain our most fundamental freedoms, life, liberty and the pursuit of happiness for all Americans, all earned with the help of those who have paid the ultimate sacrifice.

At the same time, we have a responsibility to our veterans and their families. While Memorial Day is filled with parades and festivals in many towns across the country, let us not forget its true meaning: A heartfelt thank-you to those who serve our country.

Madam Speaker, I encourage all Americans to join me in thanking America's military men and women in all they do for us. Their sacrifices have proven that we should never underestimate the price of freedom and all it stands for.

SENATE SHACKLES DEMOCRACY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, as we approach Memorial Day, we should recognize that the honor of our men and women in the United States military should be a yearlong event.

Madam Speaker, I rise to question the idea of democracy as articulated by the United States Senate. President Lyndon Baines Johnson indicated that a man cannot finish a race if his hands and feet are shackled. The furlough of democracy took place in the United States Senate.

The compromise on the filibuster is really an extinguishing of democracy. It is now extinct because now there is an override, if you will, on whether or not men and women can rise to the floor of the Senate and express the views of the minority, not a minority of African Americans or Hispanics or others, but simply the minority view. That is what democracy is.

It is an outrage that any qualification would be put on the rights of those in the United States Senate whom happen to be in the minority to speak on the issues of concern. The judges that will receive a vote today have great opposition from many in this country. Now the filibuster is not in place, because it has be limited, and now democracy has been shackled and tied.

AMERICAN EDUCATION BEING LEFT BEHIND

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, in a recent Washington Times technology section, Fred Reed gives us good evidence while America is on the path towards a third-rate economy.

First, in 2001 through the end of the last school year, New York City 8th graders' failure rate in history and government grew from 61 percent to 81 percent. That is four out of five students.

Second, 22 percent of the students entering college in Indiana needed remedial math.

Third, this year's top U.S. university finished in 17th place in an international collegiate programming contest.

We are not preparing for tomorrow's economy. The world is getting more and more technical, and we are falling behind. While China is creating 350,000 engineers every year, while India is creating 80,000 software engineers every year, we are putting more and more of our students in remedial math. We have to change the educational environment in America if we are going to avoid becoming a third-rate economy.

Education is just one of the issues the Economic Competitive Caucus will be addressing this year so we can prepare for tomorrow's economy.

HONORING MAJOR BILL McCOLLOUGH

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Madam Speaker, I rise this morning to salute and wish a hearty farewell to Major Bill McCollough of the House Marine Corps liaison office.

In the midst of a career in the field and leading troops around the globe, Bill was selected by the Marine Corps leadership to serve as a Congressional Fellow in 2002.

Representing the Nation's largest Navy-Marine Corps complex, I had hoped to get a military fellow with the right mix of brains, brawn, and ability to ''get things done'' to help me better serve the San Diego community.

I met Bill, and knew I had found the right fit. Bill worked a number of sensitive military issues for me with great skill and finesse. So our office quickly rewarded him with an expanded portfolio, including domestic issues of critical importance to my district.

Major McCollough impressed me with his professionalism, his good will and dedication to family and Nation. I will always be grateful for the opportunity to work with him and his family.

As he returns to Camp Pendleton, and likely another tour in the Middle East soon, I wish Bill, his wife, Caroline, and sons, Hunter and Jack, the best of luck and a fond farewell. They know they will always have a family here in Washington.

HONORING DAUGHTERS OF THE AMERICAN REVOLUTION

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Madam Speaker, I rise today to recognize an outstanding group of women who have made an incomparable contribution to Northfield, Minnesota, and have set an example of service for all Americans.

The Daughters of the American Revolution is a volunteer women's service organization dedicated to promoting patriotism, preserving American history, and securing America's future through better education for our children.

Next month the Josiah Edison Chapter, Daughters of the American Revolution, in Northfield will celebrate their 100th anniversary. Over the past century they have established a proud tradition of service from bestowing Good Citizen Awards to high school students to volunteering at VA centers and laying wreaths during memorial services.

The women of the Josiah Edison Chapter are mothers and grandmothers, business women, teachers, ministers and veterans united by a belief in God, love of country, commitment to preserving our history, and dedication to improving education.

As a proud husband of a member, I can assure you these women live their motto of ''God, Home and Country.'' On this anniversary, I want to thank the

women of the Josiah Edison Chapter for their exemplary service and wish them continued success.

TRICARE FOR GUARD AND RESERVE

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of Mississippi. Madam Speaker, we have a lot to remember on Memorial Day. Today in south Mississippi, four families will be receiving death notices. Every one of those families had a young guardsman over in Iraq who was killed yesterday.

Last Friday, I visited Walter Reed. Five young soldiers were wounded, four of them amputees, every one of them Guardsmen Or Reservists.

Just last week the Committee on Armed Services passed an amendment that would allow Guardsmen and Reservists to buy TRICARE insurance for themselves and their families. Somewhere between the committee, where it passed, and the Committee on Rules, where it failed, it was blocked on a straight party-line vote.

So as we remember Memorial Day, I hope every Guardsman in America will remember the gentleman from California (Mr. DREIER), the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the gentleman from Washington (Mr. HASTINGS), the gentleman from Texas (Mr. SESSIONS), the gentleman from Florida (Mr. PUTNAM), the gentlewoman from West Virginia (Mrs. CAPITO), the gentleman from Oklahoma (Mr. COLE), the gentleman from Connecticut (Mr. BISHOP) and the gentleman from Georgia (Mr. GINGREY), eight of the nine who never served a day in uniform who voted to see that our Nation's Guardsmen and Reservists cannot buy Federal health insurance.

EMBRYONIC RESEARCH

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, this week we have heard people of all types arguing vehemently either for or against embryonic research.

It is hard for lay people to cut through all this scientific mumbo-jumbo, so let me ask a common-sense question: At what point is it not okay for researchers to create life in order to destroy it? Some argue that we should destroy human embryos to try to save an existing life. That is just totally immoral. And it is not the government's place to fund destruction of those embryos with taxpayer money.

What makes America the strongest Nation on earth is that we protect those who cannot protect themselves. I commend the President for his promise to veto H.R. 810.

STRENGTHEN SOCIAL SECURITY

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Madam Speaker, I rise today to talk about a serious challenge facing our government. Social Security, Medicaid, and Medicare are growing at alarming rates. By 2042, these three programs alone are going to comprise 26 percent of our gross domestic product. This number far exceeds today's entire Federal budget in relative terms, which is roughly 18 percent of GDP.

Our focus now in this House should be to strengthen Social Security and to ensure that it is around for our children and grandchildren. Along with the leadership of President Bush, this House must commit itself and take advantage of an opportunity to enact real reforms to the Social Security system, making this vital program better for all recipients.

We can no longer afford to have partisanship prevail on the other side of the aisle, and instead invite all to join the debate of ideas to ensure progress in this crucial debate.

PASS CAFTA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I have been listening to our colleagues talk about the fact that we are approaching Memorial Day, which we are. It is a very important time to remember the war dead and people who today are continuing to sacrifice.

I have had the privilege of serving here for nearly a quarter century, and I remember very well in the 1980s when U.S. military men and women were struggling side by side with freedom fighters in Central America to ensure that we could see self-determination, the rule of law, and the development of political pluralism and democratic institutions.

Madam Speaker, we are going to, in the coming weeks, be voting on the Central American Free Trade Agreement. Every single president in Central America has made it very clear to us that if we want to maintain the things for which U.S. men and women in uniform gave their lives, along with many Central Americans, we must lock it in by ensuring passage of the Central American Free Trade Agreement.

We need to think about that sacrifice made a decade and a half ago in Central America as we proceed with the prospect of keeping freedom alive.

PROVIDING FOR CONSIDERATION OF H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. COLE of Oklahoma. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 293 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 293

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

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

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of

any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. During consideration of the bill under this resolution—

(a) after a motion that the Committee rise has been rejected on a legislative day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the chairman of the Committee on Armed Services or the Majority Leader or a designee; and

(b) after a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman may not entertain another such motion.

□ 1030

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLE of Oklahoma. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H. Res. 293.

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

There was no objection.

Mr. COLE of Oklahoma. Madam Speaker, on Tuesday the Rules Committee met and reported a rule for consideration of H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006.

Madam Speaker, the rule is a structured rule providing for 1 hour of debate equally divided and waives all points of order against the rule. It provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read and waives all points of order against the amendment. It makes in order only those amendments printed in the report of the Committee on Rules and provides that amendments shall be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be debatable for the time specified in the report, and shall not be subject to amendment. Additionally, it allows the chairman of the Committee on Armed Services to offer an en bloc amendment consisting of amendments printed in the report of the Committee on Rules and provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in support of the rule for H.R. 1815 and the underlying bill. This bill will enhance our security, increase the capabilities of our military, and improve the lives of the brave men and women who defend our country. Since September 11, 2001, our military has proven its mettle and validated its doctrine, plans, and programs during the ongoing war on terror.

Madam Speaker, I genuinely believe that the Committee on Armed Services has presented us with an outstanding bill that addresses many of the challenges our troops face on a daily basis. However, it is important to remember that this yearly authorization is at root an ongoing transformative process that occurs on an annual basis. This year we have taken important steps in the improvement and transformation of our existing forces during an era that is dangerous, demanding, and filled with challenges that our country neither anticipated nor prepared for during the 1990s.

To fully appreciate the significance of H.R. 1815, one must understand the four long-term challenges we seek to address in this legislation. The first long-term challenge stems from the procurement holiday that our government voluntarily took during the 1990s. In those years, neither the President nor the Congress funded the procurement needs of our Armed Forces. As one example, during the 1990s the ammunition accounts of our military were woefully underfunded. As a result, even after radically increasing the productivity of our ammunition plants in the last few years, we are still struggling to keep pace with our current and projected needs.

The same is true of equipment, which was neither acquired nor replaced in sufficient quantities during the years between the collapse of the old Soviet Union and the onset of the war on terror. As a result, our military is still dealing with the shortages of equipment and munitions that were created in the 1990s and that have yet to be fully resolved. This bill helps address these shortages.

Madam Speaker, the second long-term challenge we must address on a continual basis is related to the transformation of our military forces. With the passage of the Goldwater-Nickles reforms of 1986, our military began putting an increased emphasis on jointness. Over the years, increased jointness has generated different requirements for our forces. Those requirements demand procedural, bureaucratic, and technological changes within our Armed Forces. The principle of transformation has affected everything that our military does, from how we fight to how we deliver services to those who serve in our Armed Forces. Properly used, joint planning, procurement, and operations are an effective combat multiplier that creates the critical edge that our forces need to defeat our adversaries. However, transformation comes with a substantial cost. This is an issue we must address on an ongoing basis. H.R. 1815 does just that.

Madam Speaker, the third long-term challenge we face is the need to expand the size of our military. Over the past few years, it has become clear that we went much too far in downsizing our military forces after the end of the Cold War. To begin to address our manpower shortage, the Committee on Armed Services increased end strength by 10,000 soldiers for the Army and 1,000 Marines for the Marine Corps. This is on top of increases made in the last 2 years. It is also in addition to reforms allowing us to use a greater percentage of our military personnel in a combat capacity.

Unfortunately, even these steps are not enough for our long-term needs, but they are at least a start and responsive to the heavy demands we are placing on our military forces. Over the next several years, we will be forced to look more carefully at manpower needs and come up with a more realistic assessment of what is actually required. Still, H.R. 1815 is a good next step and one which we should support and build upon in the coming years.

The fourth long-term challenge faced by the military results from the global war on terror. This is not a conventional war. It is a generational war which will take decades to win. We need to remember this when approaching the needs of the military in the authorization and the appropriations process. Hence, I believe we took a wise and important step in this direction when we added $49 billion to the defense bill to offset a portion of the costs of this conflict next year. It is something that indicates our understanding of the long-term nature of the challenge we face.

Madam Speaker, H.R. 1815 is not a perfect bill; but it is a very, very good piece of legislation. We must remember that the National Defense Authorization Act moves us in the direction we need to go. For that, all of us should be grateful. Ultimately, this bill is not about programs, weapons, or research and development. It is about our soldiers and their ability to defend the United States.

Today, some may want to discuss issues that, however important, are superfluous to the war on terrorism and the long-term military challenges that we face. We owe it to the sons and daughters of America who are on a global battlefield in the war on terror

to address the real issues and challenges our military will confront today and tomorrow. This legislation is a step in a continuing process of enhancing our military capabilities in a dangerous world.

I would ask Members to support these prudent steps taken in this thoughtful and comprehensive piece of legislation. Madam Speaker, to that end, I urge support for the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman from Oklahoma for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Madam Speaker, we find ourselves here today debating the rule for next year's Defense authorization bill. But while we should be discussing ways to better support our hardworking men and women in uniform, we find ourselves revisiting a debate I had assumed we settled years ago. Buried within H.R. 1815 is section 574, a provision that would severely limit the participation of women in our military. To say that I am disappointed would be an understatement of enormous proportions.

Some will say that section 574 merely codifies existing military policy; but if this provision is passed, we will be sending an entirely different message, not just to the brave women currently serving our Nation throughout the world but to those who have made the ultimate sacrifice, those who have been wounded or even killed. We will be telling them and indeed their families, We have seen you at work defending freedom and liberty here at home and abroad and you aren't good enough. I cannot think of a more disgusting message to be sending our troops, especially in a time of war.

This year, the Subcommittee on Military Personnel has not held hearings, commissioned studies, or released reports on this important issue. In fact, we have not seen a shred of evidence that a problem even exists with the integration of women in the Armed Forces. Yet the religious right wing in this country, against the advice of our military leaders, has once again decided to bend the process of government to their political will and force this issue upon America without research, without fact, without debate, and without the benefit of the democratic process.

We are in the middle of a war, in Iraq and on terror. Now is not the time to be telling more than 20,000 women that we do not value their service, especially when you consider that we are having serious problems meeting our recruitment goals. What woman is going to join a military that treats them as if they are second-class citizens not worthy of respect and dignity? Last night in the Rules Committee we watched as the coalition of members who stand rightly beside our women in uniform were slapped down on a party-line vote by the majority in their attempts to approve the Skelton-Snyder amendment which would remove this ill-conceived provision from the bill. The Secretary of the Army and the Army Vice Chief of Staff wrote the Armed Services Committee voicing their strong opposition to this provision.

Likewise, we can have no real discussion on the future of America's defense without talking about the base realignment and closure process. I share the concern of many experts and many of my colleagues across the political spectrum when I say that we are a Nation at war. Now is not the time to be closing America's military bases.

Many experts are also concerned that we are overconsolidating our resources in too few locations, especially when the greatest threat to our security comes not from a massive invasion but from a sneak attack by a terrorist organization on a target of opportunity. Did we not learn after Pearl Harbor not to put everything in one place? Does it not make more sense to have our resources strategically placed across the country? Moreover, as record numbers of Guard and Reserve troops are dying in combat defending this country, the Defense Secretary's proposed BRAC list would ground a third of the Nation's Air National Guard and Reserve units and shutter hundreds of other armories and readiness centers across the country.

Many local leaders and homeland security specialists, including the National Guard Association of the United States, has said that the consolidation would hamper State responses to local emergencies and domestic terrorist threats.

Unfortunately, the DOD did not adequately take into account a military installation's value to homeland security when developing their criteria. For example, the Niagara Falls Air Reserve Station has been recommended for closure despite the fact that it is the closest base to three major United States cities and the two largest cities in Canada. The Guard and Reserves who train there assist the Department of Homeland Security in interrogating suspicious individuals detained at the northern border. Yet the Air Force proposes to reduce the Air Mobility Command by 54 percent in the Northeast, incapacitating homeland defense in a region which comprises 20 percent of the entire United States population. I understand this is also a problem for other major cities and population centers around the country.

That is why I offered an amendment last night that would have required the commission to evaluate bases for their homeland security value, but unfortunately it was voted down.

All of us know that recruitment is another major issue that we are facing today. We have a recruitment crisis in America and an Armed Forces already stretched way too thin. But the DOD wants to close bases that regularly exceed their recruitment goals for the Guard and military reserves, like Niagara Falls. We do not know what will happen to the large Guard and Reserve units who serve at bases recommended for closure. We know exactly where their equipment is headed, but even the Pentagon admits it does not know what is going to happen to our most valuable assets, and those are the people stationed at the bases.

But perhaps what is most troubling about the BRAC list that was submitted to the commission is that according to an Air Force BRAC spokesman, the extensive criteria used to evaluate the strategic military value of each base was not even adhered to by the Pentagon when compiling their closure list.

□ 1045

Instead, they used a collective judgment. I do not even know what ''collective judgment'' is supposed to mean, but I know that in Niagara, thousands of people are losing their jobs and are at risk at a base that is highly ranked in performing its duties, and one that has always been evaluated highly that is on the chopping block. This is unacceptable to me, and it should be unacceptable to this body.

This BRAC constitutes a complete reorganization of our military resources during a time of war with very little thought, doing untold damage to the National Guard and military Reserves, and does not consider the homeland security role.

But there are a lot of concerns about the Pentagon that we have that we will not talk about today because we did not get enough amendments approved.

Madam Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Madam Speaker, I rise in strong support of this very fair and balanced rule that will allow us to deal with what is clearly the single most important issue that we address as a Federal Government and as a Congress.

I want to begin by complimenting my very good friend, the gentleman from Oklahoma (Mr. COLE), for his great service to the United States of America, his superb management of this rule, and his commitment to our Nation's security. I also want to compliment the distinguished chairman of the Committee on Armed Services, as well as the ranking member, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON), for their fine work and the

fact that they have worked together so well on a wide range of very important issues.

Madam Speaker, I also want to extend my congratulations to our commander in chief, George W. Bush, and our great Secretary of Defense, Donald Rumsfeld.

It is very clear that the United States of America over the past few years has gone through challenges the likes of which we have never in our Nation's history seen. Frankly, I believe that we are doing extraordinarily well.

The Defense Authorization bill that we are going to be considering today will create an opportunity for a free-flowing debate, a wide-ranging discussion on important issues that we face. Eighty-nine amendments were submitted to the Committee on Rules for consideration by 10 o'clock yesterday morning, and I am happy to say that of those 89 amendments, we have been able to take 29 of them and make them in order. Of those 29, 16 amendments were offered by Democrats that will be made in order, 13 will be offered by Republicans, and they will deal with the tough issues that we have faced.

Now, the issue that my friend, the gentlewoman from Rochester, New York (Ms. SLAUGHTER), just raised is one which has been contentious, and I believe we have been able to come to a consensus on the issue. There was a great deal of stir over this question of women in combat and what exactly we were going to do.

The manager's amendment, Madam Speaker, throws out the provisions that the committee had, and it put into place a requirement that over a 60 legislative day period, the United States Congress will be involved in any kind of change in the policy of women in combat that will be on the horizon. Secretary Rumsfeld has made it very clear publicly that he does not support any kind of change, and I believe that the action that we will see in the passage of the manager's amendment will help to ensure that that will take place.

I also have to say, Madam Speaker, that we are in a position today where we have just gotten the report issued from the Base Realignment and Closure Commission, and we know that there are concerns that have come to the forefront from a number of our Members on the recommendations of the BRAC Commission. As we begin debate on this bill, we will allow for a wide-ranging discussion on the issue of base realignment and closure.

The gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Connecticut (Mr. SIMMONS), have a BRAC amendment that is made in order, so that we will be able to discuss that here.

Madam Speaker, the five most important words in the preamble of the U.S. Constitution are ''provide for the common defense.'' There is nothing that we do that is more important than providing for the common defense. Virtually every issue that we address can be handled by some other level of government, but local governments and State governments cannot provide for the common defense. That is why it is so important that we step up to the plate, have bipartisan support for this rule which will allow for free-flowing debate, and do everything that we can to ensure that we get a great Defense Authorization bill to the President of the United States.

Ms. SLAUGHTER. Madam Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Madam Speaker, I thank the gentlewoman from New York for yielding me this time, and I rise in strong opposition to the rule. To start with, the Committee on Rules made in order almost no amendments that were of importance to the Democrats, including my amendment on women in the military.

Madam Speaker, in my opinion, the Committee on Rules has a duty to this institution and to each of us to create circumstances that will permit orderly consideration of legislation that is important to our country and also structured to the debate, so that we will have the opportunity to work our will on these important issues. Sadly, that is not the case.

Let me start with the most important issue, women in the military. Not only did the Committee on Rules not make my amendment in order, which would have stricken horrendous language and established a study; and by the way, my amendment was bipartisan in nature, along with my colleague, the gentleman from Arkansas (Mr. SNYDER), the ranking member on the Subcommittee on Military Personnel of the Committee on Armed Services; the gentlewoman from New Mexico (Mrs. WILSON), and the gentleman from Illinois (Mr. SHIMKUS) from the other side of the aisle.

It was not only not made in order, but a brand-new amendment by our colleague, the gentleman from California (Mr. HUNTER), was filed, not in a very timely fashion, and which we did not see for the first time until last evening. His amendment, which creates a time mechanism wherein any MOS or specialty changes for women will be notified to the Congress, also establishes a study. Should that amendment pass, that wipes out the onerous language that is presently in the bill.

This amendment, though, that the gentleman from California (Mr. HUNTER) is offering, is camouflaged with other amendments, including a memorial to the USS *Oklahoma* and a veterans' preference amendment and one amendment dealing with missile defense. Further, it allows only 10 minutes of debate.

I think that is wrong. It is not an overstatement to say that the action by the Committee on Rules is not living up to its responsibility.

Let me give a bit of a history of the women in military. All of a sudden, with only hours' or a day's notice, an amendment was passed in the Subcommittee on Military Personnel of the House Committee on Armed Services. That amendment related to women in the military, and the military stated in a letter signed by Lieutenant General Campbell, and I will place it in the RECORD, that over 21,900 positions would have to be closed to women. To say it was wrong is an understatement.

That was wiped out by a second amendment in full committee. The second amendment was one that froze the specialties and did not allow full expansion of specialties or MOS's for the women and, furthermore, it was an attempt to codify 1994 language from Secretary Les Aspin, but it did not include all of the elements. That is the bill right now.

The new Hunter language, which I described a few moments ago, fortunately wipes that out. If the Hunter language passes, which is not necessarily artfully written, but if that passes, the women in the military can breathe easier. It is a victory for the women in the military and victory for national security.

Every person that wears the uniform of the United States of America has the respect of every one of us in this body. We thank them for their service. The women are putting their hearts, their souls, their professionalism, their careers on the line every time they put the uniform on every day, and I think it is wrong to have come up and challenged these women in what they do for our country in this fashion.

I would also like to mention that the rule failed to mention the Taylor amendment regarding TRICARE for Reservists.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, May 17, 2005.

Hon. IKE SKELTON,
Committee on Armed Services,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SKELTON: Sir, if the amendment to H.R. 1815, proposing to prohibit the assignment of female Soldiers to Forward Support Companies (FSC) addressed only FSCs in Heavy and Infantry Brigade Combat Teams and equivalent elements of Stryker Brigades, a total of 21, 925 spaces currently open for assignment to female Soldiers would be closed.

We appreciate your interest in and support of our Soldiers as we continue to fight the Global War on Terrorism.

Sincerely,

JAMES L. CAMPBELL,
Lieutenant General, U.S. Army,
Director of the Army Staff.

Mr. COLE of Oklahoma. Madam Speaker, I am pleased to yield 3½ minutes to the gentleman from North Carolina (Mr. HAYES).

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

I rise today in support of the rule to provide consideration for the National Defense Authorization bill. This legislation focuses on force protection and personnel benefits for the soldiers and

airmen in my district at Fort Bragg and Pope Air Force Base. The ability to adequately execute the mission for which they are called and care for their families are the two issues that are second to none. I believe this legislation makes significant progress in these areas and will enable our men and women in uniform to continue to successfully win the war on terrorism.

My trip to Iraq just a few weeks ago, the third I have made, did nothing but reinforce my pride and confidence in our Nation's warfighters. These brave men and women serve with honor and distinction as they liberate a nation. Troops from the Eighth District of North Carolina have been at the tip of the spear that ended the dark reign of Saddam Hussein and continue to lead the way in post-conflict resolution in Iraq and Afghanistan.

This legislation, first and foremost, takes care of our most vital asset of our military: our people. It provides every serviceman with an across-the-board 3.1 percent pay raise and increases the force structure of the Army and the Marine Corps. It boosts the maximum amount of hardship-duty pay and increases the amounts paid for active duty and Reserve enlistments and reenlistments.

I am particularly happy that we are expanding the capacity of the military health care system to provide health care to service members and their families by requiring the reimbursement for services of mental health counselors without a referral from a primary care manager.

Additionally, I would like to mention the direct effects this legislation will have for the men and women at Fort Bragg. There is over $200 million for infrastructure and housing improvement, including $11.4 million more than was in the President's request for the Third Brigade Combat Team barracks complex. I worked hard to secure this funding because it will help improve the living conditions for our soldiers and support the Army's transformation to modularity.

Additionally, I am happy to support the funding for a new junior high school at Fort Bragg.

The National Defense Act also addresses another critical issue, that of fortifying the defense industrial base, ensuring that the Department of Defense purchases textiles that are made in America. My top two priorities are national security and economic security. There is seldom, if ever, a reason that these two goals should be considered mutually exclusive. I have vowed to always work and support and promote the U.S. manufacturing industry, but we must develop transparency within DOD to ensure that our troops are wearing uniforms made in America. I am hopeful that our colleagues in the other body will recognize the need to safeguard U.S. textile jobs and work with us through the conference process.

Madam Speaker, it is a gross injustice and misfortune that it took the tragedy of 9/11 to focus the public eye on the need for a more robust defense budget, but I feel that the legislation in front of us today will help our troops accomplish their mission. We are establishing a clear and strong course of support for our troops. I encourage my colleagues to send a message loud and clear to our soldiers, sailors, airmen, Marines and Coasties, that we will strongly support you and give you the resources necessary to perform the mission.

Madam Speaker, I urge a vote in favor of the rule, as well as the national defense bill.

The campaign began with shock and awe. At this point, it should be awe, admiration and appreciation for what these men and women are doing. Having been here for 7 years, the trend and support for our men and women in uniform has trended ever upward. That is where it should be.

As we look at this bill today, the way we can best thank our troops, show our love and appreciation for them, is to pass this bill and continue the upward trend that shows that we not only talk about our troops, but we do things that will make their lives better and show our appreciation.

I urge support for the rule and the underlying bill.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Madam Speaker, I thank the gentlewoman from New York for yielding me this time.

Our men and women in uniform are honorably serving this Nation on the ground in Iraq, Afghanistan, and many other locations. But because of our commitments, our Armed Forces are relying even more heavily than usual on our National Guard and Reserves.

It is estimated that National Guard forces make up about half of the U.S. force on the ground in Iraq. With this in mind, it is truly disappointing that an excellent amendment by the gentleman from Mississippi (Mr. TAYLOR) was not made in order under this rule.

The Taylor amendment would give our Reserve and National Guard members full access to TRICARE, the health care insurance provided to those in our Armed Forces.

□ 1100

It is simply irresponsible for us to allow the families of 20 percent of Reservists and National Guardsmen to go without health care benefits.

Our National Guard and Reserves know that they can be called up for more than the usual 1 weekend a month, but they never would have expected their 1-year tours of duty to be extended well beyond that time frame. I am concerned that the civilian leadership of the military has forced us to lean so heavily on the Reserve and National Guard personnel.

These men and women serving in the National Guard and Reserves are responding to the unexpected; and now we, their government, need to respond in kind and not with a lot of platitudes. For all that these men and women are doing, we should be able to find the $1 billion necessary to provide them and their families with health care.

Offering every member of the National Guard and Reserves the ability to access health care coverage is a moral issue. Our treatment of our Reserve and Guard members is unacceptable. The Taylor amendment began to address it. I am truly saddened that at a time of great service and dedication on their part, we are quibbling about fully providing for our servicemen and -women.

The line between active and reserve personnel has already been blurred. Our Guard and Reservists need to be focused on fulfilling their missions. They should not have worries in the back of their mind about whether their spouse or their child is getting health care back home.

This provision, passed in full committee, deserves debate on the House floor. I encourage my colleagues to oppose this rule which will allow this amendment to be made in order. We should honor our servicemembers and give them the health care coverage they not only deserve, but are entitled to.

Mr. COLE of Oklahoma. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Oklahoma has 16 minutes remaining. The gentlewoman from New York has 17½ minutes.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

(Mr. TAYLOR of Mississippi asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. TAYLOR of Mississippi. Mr. Speaker, in South Mississippi this morning, four families of National Guardsmen will be notified that their loved ones died yesterday in Iraq.

Last Friday, as I visited Walter Reed, I had the opportunity to visit five Mississippians, three of whom are amputees, all of whom are National Guardsmen or Reservists.

As the gentlewoman from California just mentioned, over 40 percent of all the people serving in Iraq right now are Guardsmen and Reservists, and a disproportionately high percentage of the deaths and wounds have been received by them.

One way we tried to make it up to them for their supreme sacrifice to our Nation was to see to that those Guardsmen and Reservists who choose to can buy into the TRICARE health care coverage provided by our Nation to every

other member of the Armed Forces, the regular soldier to their right, the regular Marine to their left.

It was brought up in committee, and by a majority vote the Armed Services Committee voted to allow National Guardsmen and Reservists to buy into TRICARE. But somewhere between the committee and the Rules Committee, someone decided that there was mandatory spending involved. So the same Congress that has brought 21 bills to this floor that waived all budgetary rules, no matter how much it ran up the deficit, the same Congress that has added $2.2 trillion to the National debt in just 4 years, that decided Paris Hilton can inherit hundreds of millions of dollars without paying a penny in taxes, decided because there was $5 million mandatory spending, these National Guardsmen could no longer buy into that policy.

So we went to the Rules Committee. We showed the Rules Committee where the National Guard Association, the Military Officers Association of America, the Enlisted Association of the National Guard, the Adjutant Generals of every single State voted unanimously for this amendment. The Reserve Officers Association and the Fleet Reserve Association all endorsed this amendment. And yet the Rules Committee, in a straight party line vote, decided that National Guardsmen and Reservists cannot buy their health care.

The gentleman from Illinois (Mr. HASTERT), the Speaker of the House, ignored the call of the adjutant general of Illinois and the 12,500 National Guardsmen in his State.

The gentleman from Texas (Mr. DELAY) ignored the call of his adjutant general and the 20,000 National Guardsmen in Texas.

The gentleman from Missouri (Mr. BLUNT) ignored the call of his adjutant general and the 10,000 National Guardsmen from Missouri.

The gentleman from California (Mr. DREIER) ignored the call of his adjutant general and 20,400 National Guardsmen.

The gentleman from Florida (Mr. PUTNAM) ignored the call of 12,000 National Guardsmen. The list goes on.

The bottom line is, if these people are good enough to serve our Nation in Iraq, if they are going to die in disproportionately high numbers, if they are going to lose their limbs in disproportionately high numbers, do you not think this Congress could find the time to debate an amendment that has already passed the Armed Services Committee, and let every Member of this body decide whether or not those Americans who are serving our country in the Guard deserve the opportunity to buy health insurance for themselves and their families?

Mr. Speaker, I urge a ''no'' vote on the rule.

COMMITTEE ON RULES

David Dreier, CA—Chairman; Lincoln Diaz-Balart, FL; Doc Hastings, WA; Pete Sessions, TX; Adam Putnam, FL; Shelley Moore Capito, WV; Tom Cole, OK; Rob Bishop, UT; and Phil Gingrey, GA.

Louise McIntosh Slaughter, NY—Ranking Minority Member; James P. McGovern, MA; Alcee Hastings, FL; and Doris Matsui.

Hastert, IL—12,594.
DeLay, TX—20,124.
Blount, MO—10,751.
McHugh, NY—16,010
Dreier/Hunter, CA—20,459.
Putnam, FL—12,088.
Doc Hastings, WA—8,495.
Sessions, TX—20,124.
Capito, WV—6,270.
Cole, OK—9,407.
Rob Bishop, UT—6,497.
Gingrey, GA—12,594.

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

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

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

Mr. SPRATT. Mr. Speaker, the well of this House ought to be a free market of ideas. It ought to be a great national forum where we dissect legislation and debate the big issues both.

And particularly today, as we take up the Defense authorization bill, with thousands of troops deployed all over the globe in harm's way, suffering casualties daily, we are spending $440 billion a year on national defense, plus the $80 billion in supplementals, over a half trillion dollars, today particularly we should have a full, vigorous, and complete debate.

In the 1980s, it was this way. At the height of the Cold War, when this bill came to the floor, 100, 200 amendments were offered; and most of them, many of them were made in order. It sometimes took us 2, 3 weeks to get this bill off the floor. We had a full, free, and open debate.

Today the debate will be circumscribed, carefully controlled to bar the issues that our Republican colleagues want to avoid or fear losing if the House were allowed to weigh the issues and work its will. This is not the way this institution should treat something so important.

In addition, in years past, when we ran the House, there was something called comity. And senior members of the committee in particular were allowed to have the deference at least of a few amendments that would be offered on the House floor. Their experience was valued.

Today, the gentleman from Missouri's (Mr. SKELTON) amendment, shut out. My amendment on nonproliferation, well crafted, carefully considered, at least I wanted the opportunity to present that choice to the people of the House, shut out. I will go down the list with senior members on the committee, senior Members in the House, offering thoughtful amendments that at least this House should consider, weigh and work its will upon, all have been shut out. This is no way to run a debate on something of such gravity and importance.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague for yielding.

Mr. Speaker, I rise this morning to speak for peace. I can no longer keep silent. Mr. Speaker, the time for silence is long past. As we debate the rule on the Defense Authorization Act of 2006, I believe that somebody, someplace, sometime, must stand up and speak up for the cause of peace.

Mr. Speaker, it is time for us to bring the conflict in Iraq to an end; 12,000 of our young men and women, the sons and daughters of America, have been wounded, and more than 1,600 of our soldiers have died. Tens of thousands of Iraqi citizens are dead, wounded, living in fear and chaos, uncertain about tomorrow.

How many more of our young men and women will we have to lose in a car bombing, a kidnapping or armed conflict before we understand that this war was unnecessary?

I have said it before, and I say it again today: war is vicious. It is evil. It is bloody. It is messy. It destroys the hopes, the dreams, the longing and aspirations of a people. It leaves little children without fathers and mothers. The war in Iraq is tampering with the very soul of our Nation.

In these Chambers we have struggled with many human problems. We have made decisions that have changed the course of history. Today I ask of my colleagues, Mr. Speaker, to search their souls and ask themselves, is it possible for a great Nation to come to a point where we decide to lay down the burden of war? Is it possible for a great Nation, a powerful Nation with a proud people to evolve to that level where we study war no more; where we decide we are going to destroy the tools and instruments of violence and war and devote all of our intelligence and all of the resources of this great Nation to lay the foundation for peace?

The way of peace is a better way, a more excellent way. We cannot and must not continue to move down the road that leads to a more bloody war, more violence, more death. If we fail to take heed, if we fail to listen and be guided by the spirit of history, the future will not be kind to us.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise today in strong opposition to this partisan rule.

The Rules Committee has once again failed to promote debate and instead rubber-stamped the majority and the administration's policies.

As a senior member of the Armed Services Committee, I do not offer so-called political amendments. I offer

substantive amendments to real solutions to real problems.

Prisoner abuse is a real problem.

Nuclear proliferation is a real problem.

But the Rules Committee apparently does not think so.

I offered three simple amendments that would have improved the bill in these areas. They were all rejected.

My first amendment would have mandated that the Pentagon share International Committee of the Red Cross reports on treatment of detainees with Congress that we would hold confidential so that we could be informed and be part of the solution.

The Rules Committee clearly does not worry about fixing our dismal image in the Muslim world or preventing human rights abuse or upholding our end of the bargain in overseeing the military.

I submitted an amendment that would have created an office of nonproliferation in the White House to better coordinate our nonproliferation efforts.

But the Rules Committee is not worried about nuclear proliferation.

And, finally, over the last 2 weeks the majority has sought to limit the opportunities for women in the military over the objections of the Secretary of Defense, the service chiefs and Democrats.

The Rules Committee seems to agree with the majority on the Armed Services Committee that when men volunteer for the Army, they become soldiers. But when women volunteer for the Army, they become women soldiers.

Mr. Speaker, this rule is a travesty and should be soundly rejected. Vote ''no'' on the rule.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to my good friends on the other side, I would simply point out that most of the speakers are actually members of the authorizing committee and passed out this bill 61 to 1, had opportunities to offer those amendments at the committee level, presumably did so, and if they did so, were not successful, and still felt the bill was worthy of being sent on to the floor for further consideration.

In addition, the Rules Committee actually considered and has allowed 29 amendments, a majority of which are Democratic amendments. There is always going to be a judgment debate as to what should or should not be considered and how much time should be devoted in a process to any particular piece of legislation. So I respect the gentlewoman from California's opinion, but obviously we have a difference on this.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

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

Mr. SALAZAR. Mr. Speaker, I thank the distinguished gentlewoman from New York (Ms. SLAUGHTER) for allowing me time to speak.

Mr. Speaker, today I rise in opposition of Rule H.R. 1815. Last night the Rules Committee rejected an amendment that I offered to help our military families who have lost loved ones in the defense of our freedom. My amendment would eliminate the survivors benefit pension dependency and indemnity compensation offset.

Under current law, survivors are prohibited from receiving payments from both programs at the same time. This is unfair and an unjust provision that hurts the families of those who have made the ultimate sacrifice to defend our freedom and democracy.

If a soldier was enrolled in a survivor benefit plan when they died of service connected causes, the spouse's SBP benefit is reduced dollar for dollar by the amount of the DIC, a $933 a month deduction. The remaining SBP is barely enough for a spouse with a family to survive or pay the basic needs such as food, clothing, and rent. We should be taking care of these families, not abandoning them in this time of need.

□ 1115

I am a proud cosponsor of H.R. 808, which would correct the gross injustice for the families of all military personnel and retirees who died of a service-connected cause.

We must keep our promise that we made to the brave men and women who have given their lives for our freedom.

Mr. Speaker, I urge my colleagues to defeat the previous question, so that we can have the opportunity to debate my amendment and to vote on this important issue. If this effort fails, I would ask that you vote ''no'' on the rule for H.R. 1815, and give our soldiers and their families the respect that they deserve.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, most Americans do not know that this country taxes disabled veterans. We take from military retirees, who are also disabled, 100 percent of their disability benefits. We started doing this in the 1800s. It is indefensible, in my opinion, and I think most Americans, if they realized we were doing it, would recognize that this is an indefensible policy of our country.

Mr. Speaker, for the last 20-some-odd years a supermajority of the Members of this House have signed on to legislation to end the disabled veterans tax. Once again, there is legislation that would end the disabled veterans tax with many cosponsors. Most of the Members of this House will ultimately cosponsor that legislation.

My amendment, Mr. Speaker, would have brought to the floor as part of the Armed Services authorization bill a complete elimination of the disabled veterans tax. That amendment was ruled out of order by the Committee on Rules. I think that rule is wrong. I think Members of this House want to vote on that particular subject.

Two years ago in the House Committee on Armed Services authorization bill we took a small step toward eliminating this tax. Mr. Speaker, we should take the final step of eliminating this tax by permitting the amendment to be made. It would receive an overwhelming vote. We would end the disabled veterans tax and we would end an injustice to our veterans.

The SPEAKER pro tempore (Mr. FOLEY). The gentlewoman from New York (Ms. SLAUGHTER) has 5 minutes remaining. The gentleman from Oklahoma (Mr. COLE) has 15 minutes remaining.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman yielding me time.

This restrictive rule is unfortunate and unnecessary. We have heard from my colleagues today, talking about huge issues and deep concerns. It is unfortunate that one additional casualty in the short-circuiting of this process is that we will not discuss the hidden issue surrounding base closures, and that is the cleanup of the mess the military leaves behind.

I offered a modest amendment that would have at least required that the 17 bases from the 1988 round of base closures be dealt with by the Department of Defense with a framework. But even as we move into a fifth round of base closures, that problem remains unaddressed.

To date, the Pentagon has been dragging its feet and Congress has been missing in action. Due to this unnecessarily restrictive rule, the bill is another lost opportunity to treat communities with closed bases fairly, and for Congress to continue to be absent without leave.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise to voice my strong objection to this rule. It allows debate on some important amendments, but leaves out many more, some of them dealing with key issues that I believe the House should have an opportunity to consider.

As a new member of the Committee on Armed Services, I am grateful to the gentleman from California (Mr. HUNTER) for working with me on a number of provisions on the bill that are important to my State of Colorado.

But I am disappointed that the gentleman from California (Mr. HUNTER) and the committee did not see it fit to work with Democrats on issues of additional importance to the Nation.

Last week, the Committee on Armed Services voted for the Taylor amendment to provide TRICARE to all Reservists on a permanent basis. But this language was removed due to budget constraints, and the Committee on Rules refused to make the Taylor amendment in order.

The Committee on Rules also precluded debate on the Spratt amendment to increase spending on nonproliferation programs, on the excellent Tauscher amendment on sharing reports on detainee treatment, and on an amendment I offered with my colleague, a bipartisan amendment to help former nuclear weapons workers in Colorado who are suffering from cancer related to exposure to radiation.

The rule also precludes debate on the Skelton-Snyder-Wilson-Shimkus amendment that should have been offered, another bipartisan amendment, to strike the provisions saying that any positions currently closed to women shall remain closed.

Many more amendments worthy of consideration were not made in order, Mr. Speaker.

My friend, the gentleman from Oklahoma (Mr. COLE) mentioned that in the committee the bill was voted out almost unanimously, but that does not mean that on the floor we cannot improve it. There are many of these amendments that should have been made in order.

For that reason, Mr. Speaker, I oppose the rule. It stifles debate and I cannot support it.

Mr. Speaker, I rise to voice my strong objection to this rule. It allows debate on some important amendments but leaves out many more, some of them dealing with key issues that I believe the House should have an opportunity to consider.

As a new Member of the Armed Services Committee, I am grateful to Chairman HUNTER for working with me on a number of provisions in the bill that are important to me and my state of Colorado. But I'm disappointed that Mr. HUNTER and the Committee didn't see fit to work with the Democrats on additional issues of importance to the nation and to the prosecution of the war in Iraq and Afghanistan.

I'm sure that the views of the Republican leadership of the Armed Services Committee influenced the deliberations of the Rules Committee and thus the final rule that was adopted. But it is the Rules Committee—not the Armed Services Committee—that determines which amendments are made in order.

Last week the Armed Services Committee voted for Representative TAYLOR's amendment to provide TRICARE to all Reservists on a permanent basis. But Chairman HUNTER took the language out due to budget constraints, and the Rules Committee refused to make Mr. TAYLOR's amendment in order. The Rules Committee also precluded debate on Representative SPRATT's amendment to increase spending on nonproliferation programs, on Representative TAUSCHER's excellent amendment on sharing reports on detainee treatment with Congress, and on an amendment I offered with my colleague Representative BEAUPREZ to help former nuclear weapons workers in Colorado who are suffering from cancer and other conditions related to their exposure to radiation and other hazards.

The rule also precludes debate on an amendment to be offered by Representatives SKELTON, SNYDER, WILSON and SHIMKUS to strike the provision saying that any positions currently closed to women shall remain closed. Mr. HUNTER will offer an amendment that waters down the provision slightly but combines it with other provisions, thus preventing a clean up or down vote on this very important issue.

Many more amendments worthy of House consideration were not made in order. This means that the bill we will debate today on the House floor will not address some of the key issues affecting our military and our policy in Iraq and Afghanistan.

Mr. Speaker, this rule stifles debate, and I cannot support it.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, I had to leave the room briefly. It was my understanding, when I left the room, that the gentleman had mentioned that the bill had passed committee 61 to 1. Is that correct?

Mr. COLE of Oklahoma. That is correct.

Mr. TAYLOR of Mississippi. Is the gentleman aware that when the bill passed the committee, the amendment that provided TRICARE for every single Guard member and Reservist was a part of that bill?

Mr. COLE of Oklahoma. I am aware of that.

Mr. TAYLOR of Mississippi. Okay. I just want the gentleman to know that that 61 to 1 vote included that amendment.

Mr. COLE of Oklahoma. Reclaiming my time, I am also aware that the item the gentleman mentioned was actually stricken on the parliamentary question.

I would like to submit for the RECORD the chairman of the committee's letter to that effect and also the statement from CBO upholding that decision.

COMMITTEE ON ARMED SERVICES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2005.

DEAR ARMED SERVICES COMMITTEE COLLEAGUE: This morning the Congressional Budget Office informed me via letter (copy attached), that the amendment agreed to during the committee's mark-up of H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, extending TRICARE coverage to all reservists will result in additional direct (or mandatory) spending. As a result, the inclusion of this provision would cause the bill to exceed the mandatory spending allocation provided under the Concurrent Resolution on the Budget. Exceeding the mandatory allocation will cause H.R. 1815 to violate the Congressional Budget Act and subject the bill to a point of order against its consideration on the House floor.

I have consulted the Chairman of the House Budget Committee on this matter and he informs me that if the bill is brought forward to the floor in violation of the Budget Act, he will exercise his prerogative to raise the applicable point of order and thus prevent its consideration on the floor.

Accordingly, after informing Mr. SKELTON and the sponsor of the amendment, I am exercising the authority granted to me by the committee to remove this section in order to bring the bill back into compliance with the Budget Act and eliminate this impediment to its floor consideration. In summary, if this action is not taken, a point of order will be raised and sustained against the bill and its consideration will be blocked.

Sincerely,

DUNCAN HUNTER,
Chairman.

Attachment.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 20, 2005.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, U.S. House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: As requested by your staff, we are sending you this letter containing our preliminary estimate of a provision in H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, as ordered reported by the committee on May 19, 2005. The provision would provide access to TRICARE health insurance benefits for reserve component personnel. Implementing that provision would have significant effects on both spending subject to appropriation and direct spending.

The provision would affect direct spending by increasing mandatory expenditures in the Federal Employees Health Benefits (FEHB) program. On a preliminary basis, CBO estimates that enacting this provision would increase direct spending for the government's share of FEHB premiums for retirees by $5 million in 2006, $94 million over the 2006–2010 period, and $269 million over the 2006–2015 period.

Under the provision, all reservists in the Selected Reserve would be eligible to enroll in TRICARE, the health insurance system for the Department of Defense (DoD). Based on information from DoD, CBO estimates that about 120,000 reservists work for the federal government. CBO expects that some of these reservists who are currently enrolled in the FEHB program would leave that program and enroll in the new TRICARE for Reservists program because the premiums would be lower than for FEHB and the coverage would be more generous. Generally, TRICARE premiums are lower because medical costs are highly correlated with age—the average reservist is age 34 while the average for enrollees in the FEHB program (including retirees) is closer to age 60.

Because the estimated health care costs for reservists switching to TRICARE are likely to be lower than the average per capita costs for all other enrollees in the FEHB program, average costs for the FEHB program would rise, even though its total costs would decline. Thus, CBO expects premiums for the remaining enrollees in the FEHB program would rise to cover the higher average cost. The government's share of premiums for annuitants (about 72 percent) is direct spending.

In addition to the direct spending effects, this provision would affect spending subject to appropriation. CBO estimates that implementing this provision would increase spending by DoD for this new benefit by about $230 million in 2006, and $4.6 billion over the 2006–

2010 period, assuming appropriation of the estimated amounts. In addition, we estimate that spending for reservists in the Coast Guard would increase by $2 million in 2006 and $46 million over the 2006–2010 period, assuming appropriation of the estimated amounts. Finally, under this provision, spending by the federal government for active workers in the FEHB program would decline by an estimated $340 million over the 2006–2010 period.

If you have any questions, the CBO staff contact is Sam Papenfuss, who can be reached at 226–2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I am against this rule and the underlying bill. Good substantive amendments that the American people need to hear debate on were not ruled in order.

I have offered an amendment to force the Pentagon to share the names of the companies that have received $20 billion to make Pentagon computers talk to each other. According to the GAO, DOD business systems remain fundamentally flawed, unable to provide timely and reliable information and leaving DOD vulnerable to fraud, waste, and abuse. And yet we continue to give the Pentagon more and more, despite their admission that they cannot track $2.3 trillion and despite the fact that they lost $100 million in Iraqi building funds and $9 billion in Iraqi oil revenue.

Both my amendments would force the Pentagon to tell us where all of this money is going.

My second amendment would have required the Pentagon to tell the American people who had the contracts to operate the detention centers like Abu Ghraib that have so shamed us recently.

Just imagine what we could do for Americans in need without all that Pentagon waste. I do, and that is why I ask these questions.

Other amendments addressing critical issues were not allowed, and I can think of no reason why the majority refuses to allow a full debate on these critical issues confronting us today.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) has 1 minute remaining.

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

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

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. COLE) for yielding me time and the Committee on Rules for their hard work on this bill, on the many amendments that they reviewed, took testimony on, and for their shaping of this package which will move the defense bill onto the floor here momentarily and allow us to do what it takes to make sure that the men and women of the Armed Forces, who are fighting in the war against terror in Afghanistan, Iraq, and other theaters around the world, will have the tools to get the job done.

Now, we have two considerations here. One consideration is to make sure that Members get their amendments heard and have their voices heard. The other consideration is to make sure we get a bill. And sometimes one of those considerations overbalances the other.

The worst thing that could happen is not to move this bill expeditiously through the House, move it quickly to conference, and provide the leadership not only for the base bill this year, but for the $49 billion that we have bolted onto the base package that, at the end of this fiscal year, will give our troops in Iraq and Afghanistan the force protection, the armor, the pay, the troop levels and all the other things that we need to carry out this mission.

So this is a crucial and critical bill, Mr. Speaker, and I appreciate the expeditious fashion that the committee has moved in.

This bill provides a 3.1 percent pay raise for our troops. We have increased pay 25 percent over the last 4 years. It provides many, many personnel benefits. It provides an expansion of family housing. It provides additional bonus flexibility for the services to continue to attract and recruit Americans to come into the armed services. And it gives our people additional warfighting capability, additional sensors, additional armor, additional munitions and weapons, all the tools that they need to get the job done.

At the same time, Mr. Speaker, we have put in some very important limitations on the costs of weapons systems. We see weapons systems costs going through the roof. We see a DDX program that now says it is going to cost $3 billion a ship. In a very businesslike way, we have analyzed these costs and the increases, and we have put in limitations and mechanisms that will allow us to control these costs. If we do not start bringing down the costs per ship, per aircraft, per big unit, we are not going to have enough of these systems to provide the coverage we need around the world.

Mr. Speaker, this is the most important of bills. It is a bill that goes to the very heart of our freedom, and that is the equipping and projection of our Armed Forces. I thank the Committee on Rules for doing a great job in packaging this bill in a way that we can move it expeditiously across the floor.

I thank the gentleman for his great work and his great work as a former member of the Committee on Armed Services, who is going to be coming back to see us and who sits in with us regularly.

Mr. COLE of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. COLE) for yielding me time.

Mr. Speaker, my faith means everything to me. And because of it, I strongly believe that the men and women in uniform should be able to practice their own faith as the Constitution guarantees.

Recent accounts paint a picture of considerable religious intolerance at our Air Force Academy. There has been a tide of complaints about harassment of anyone who is not an Evangelical Christian and special treatment for those who are. And the Air Force recently reassigned Captain MeLinda Morton, an Academy chaplain, who spoke out about this issue.

□ 1130

These accounts must be thoroughly and publicly investigated. We must avoid a repetition of the initial slow response of allegations of sexual assaults at the Air Force Academy.

Last week, I, along with 45 of our colleagues, sent a letter to the Air Force Secretary asking for a thorough and public investigation. I understand that the DOD Inspector General is looking into the reassignment of Captain Morton. But Air Force investigators looking into the allegations of religious intolerance have not interviewed key people who brought this issue to light, and this does not bode well for how seriously the Air Force is taking this matter.

Mr. Speaker, the gentleman from New York (Mr. ISRAEL) had an amendment to direct the Pentagon to protect religious freedom at the Air Force Academy. Unfortunately, it was not made in order. I hope this does not signal that the House will not take this issue seriously.

Religious freedom is the bedrock on which this Nation is founded. It would be intolerable if those who risk their lives for American ideals and values are denied the very religious freedom that they are defending.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time, and I urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will amend the rule to allow three very important amendments that were offered to the Committee on Rules last night and defeated on party-line votes.

The first amendment is by the gentleman from Mississippi (Mr. TAYLOR) and would provide members of the selected reserves access to the TRICARE military health care program on a permanent basis for the duration of their service. The second amendment, by the gentleman from Georgia (Mr. MARSHALL), would provide eligibility for payment of both retired pay and veterans disability compensation for certain additional military retirees with compensable service-connected disabilities. The last amendment is by the gentleman from Colorado (Mr. SALAZAR) and would repeal the dependency and indemnity compensation offset from survivor benefit plans' surviving spouse annuities.

Let me make it clear that a ''no'' vote will not stop the House from taking up the authorization bill, but a ''yes'' vote will preclude the House from considering these three amendments critical to the debate of our national defense. I urge a ''no'' vote on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, in closing, I again want to draw the attention of the Members to the strengths of H.R. 1815. It takes many steps forward in reforming the procurement and acquisition systems, increasing end strength, and provides $49.1 billion in supplemental funds for the war on terror.

Mr. Speaker, I would also like to respond just briefly to some of the concerns expressed on the other side of the aisle. First, about the process by which the Committee on Rules operated.

I remind my good friends that this bill was again reported out of the House Committee on Armed Services by a vote that was nearly unanimous, only one dissent; that 29 amendments have been made in order; that the majority of those amendments are Democratic amendments; and that we will, obviously, have an additional opportunity to debate the full merits of the bill as we move forward. I think there is more than ample time for discussion and debate.

Second, on the Reservist health care issue. This is a difficult issue, to say the least. It is an emotional issue and an important issue. I would like to point out that under the leadership of the gentleman from California (Mr. HUNTER), the Committee on Armed Services has made important progress in this particular area. It has extended the amount of time that members that are going to be deployed are eligible for TRICARE. It has extended the amount of time that those who are leaving service are able to enjoy the benefits of TRICARE. It has allowed additional time granted for time served in deployment and combat situations. So I think the Committee on Armed Services has expressed a continuous desire to keep looking at these issues.

I have personally visited with the gentleman from New York (Mr. MCHUGH), who is the subcommittee chairman responsible for this particular area; and he has assured me he wants to continue the progress that has been made over the last several years.

Again, I remind my good friends there were many opportunities when they were in the majority to address these type of issues. While we have been in the majority, we have addressed concurrent receipt in a step-by-step process that is moving us in the right direction. We have addressed survivor benefits in a step-by-step process moving us in the right direction. And now we are addressing the critical issue of health care as well. So I think important progress is being made on all these fronts, Mr. Speaker.

Finally, I would like to note that this legislation would not have been possible without much hard work on the part of the gentleman from California (Chairman HUNTER); the gentleman from Missouri (Mr. SKELTON), the ranking member of the committee; and the other subcommittee chairmen, and finally the members of the Committee on Armed Services themselves. As evidenced by their hard work, this is a bipartisan bill that the vast majority of the House should be able to agree is a good product. H.R. 1815 passed in the committee, again by a vote of 61 to 1. It deserves the same strong bipartisan support on the floor, as does its underlying rule.

Mr. Speaker, many today have complained about what they consider to be critical shortcomings in this legislation. No legislation is ever perfect; and as I said in my opening statement, the defense authorization specifically is more of an ongoing process than a final product. However frustrated some may be with particular aspects of H.R. 1815, it undoubtedly moves our military in the direction it needs to evolve and enhances the security of our country and the well-being of our men and women in uniform.

I would urge the Members on the other side of the aisle to consider carefully what a ''no'' vote would mean and say to our servicemen and -women in the field. Therefore, I once again urge my colleagues to support this rule and the underlying legislation.

Mrs. MALONEY. Mr. Speaker, while I rise today in support of H.R. 1815, the "National Defense Authorization Act for Fiscal Year 2006," I do have concerns about language in the bill that would limit the role of women serving in the military and restrict the opportunities available to them. I am hopeful that we will pass an amendment later today to correct this language.

I am pleased that the bill includes provisions to provide retirement credit to the members of the National Guard serving on State duty who responded to the 9/11 attacks in New York and at the Pentagon.

I, along with my friend and colleague, Representative KING, and other members of the New York delegation, have introduced legislation, H.R. 2499, which would accomplish the same goal, and I am thankful that the Committee has worked with us to correct this inequity.

I would like to thank Chairman HUNTER, Ranking Member SKELTON, Representative SYNDER, and especially Representative MCHUGH, who were so instrumental in this process, and I commend them for their commitment to the men and women serving this country all over the world.

I also would like to acknowledge both the military and minority staff of the committee for their assistance.

The terrorist attacks of September 11, 2001 were an unprecedented event in American history.

The provisions included in this bill will show our gratitude to the brave men and women who responded on that day by giving them the retirement benefits to which they are entitled.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 293—RULE ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2006

At the end of the resolution, add the following:

SEC. 7. Notwithstanding any other provision of this resolution, the amendments printed in section 8 shall be in order as though printed after the amendment numbered 1 in the report of the Committee on Rules if offered by the Member designated. Each amendment may be offered only in the order specified in section 8 and shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

SEC. 8. The amendments refered to in section 7 are as follows:

(1) Amendment by Representative TAYLOR of Mississippi or a designee.

AMENDMENT TO H.R. 1815, AS REPORTED

OFFERED BY MR. TAYLOR OF MISSISSIPPI

At the end of subtitle A of title VII (page 290, after line 5), add the following new section:

SEC. 707. EXPANDED ELIGIBILITY OF SELECTED RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(3) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''.

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

(2) The heading for such section is amended to read as follows:

''§ 1076d. TRICARE program: TRICARE standard coverage for members of the selected reserve''.

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

Page 508, line 14, insert after the dollar amount the following: ''(reduced by $180,000,000)''.

Page 509, line 22, insert after the dollar amount the following: ''(reduced by $180,000,000)''.

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(2) Amendment by Representative SALAZAR of Colorado or a designee:

AMENDMENT TO 1815, AS REPORTED

OFFERED BY MR. SALAZAR OF COLORADO

At the end of subtitle B of title XV (page 474, after line 9), insert the following new section:

SEC. 15xx. REPEAL OF DEPENDENCY AND INDEMNITY COMPENSATION OFFSET FROM SURVIVOR BENEFIT PLAN SURVIVING SPOUSE ANNUITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Dependency and Indemnity Compensation program under chapter 13 of title 38, United States Code, and the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, are separate and distinct programs, with—

(A) the Dependency and Indemnity Compensation program, administered by the Secretary of Veterans Affairs, providing financial support for the survivors of those dying on active duty or from a service-connected disability and available only to unmarried surviving spouses, minor children, and low-income parents; and

(B) the Survivor Benefit Plan, a contributory program administred by the Secretary of Defense, providing the surviving spouse of a military retiree and those killed in service a monthly annuity upon the death of the servicemember.

(2) By law, an amount paid to a beneficiary under the Dependency and Indemnity Compensation program for any month is deducted from a payment for that month to the same beneficiary under the Survivor Benefit Plan.

(3) The offset described in paragraph (2) is inequitable, and it is necessary that such inequity should be corrected, both as a matter of fairness and as an important tool for recruiting and retention of critical personnel in the Armed Forces.

(4) The inequity of the offset requirement described in paragraph (2) has quickly become a significant issue for surviving spouses and the families of those who have died in Operation Iraqi Freedom and Operation Enduring Freedom.

(5) The requirements of Operation Iraqi Freedom and Operation Enduring Freedom and the fatalities that continue to occur in those operations have created a compelling need to rectify issues that adversely affect retention of critical personnel in the Armed Forces.

(6) Congress and the leadership of the Department of Defense did not anticipate that the offset between Dependency and Indemnity Compensation benefits and Survivors Benefit Plan annuities would create financial hardships on surviving families of members of the uniformed services whose cause of death is service-connected.

(7) In light of the matters stated in paragraphs (1) through (6), there is an urgent and compelling need for Congress to immediately eliminate the offset of payments between the Dependency and Indemnity Compensation program and the Survivor Benefits Plan program.

(b) REPEAL OF DIC/SBP OFFSET.—Subsections (c), (e), and (k) of section 1450 of title 10, United States Code, and subsection (c)(2) of section 1451 of such title are repealed.

(c) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) shall take effect on September 11, 2001; and

(2) shall apply with respect to payment of annuities under subchapter II of chapter 73 of title 10, United States Code, for months beginning on or after that date.

(d) RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SPB RECIPIENTS.—(1) A surviving spouse who is in receipt of an SBP annuity that is in effect before the date specified in subsection (b) and that is adjusted by reason of the amendments made by subsection (a) and who had previously received an SBP retired pay refund shall repay an amount determined under paragraph (2). Any such repayment shall be made in the same manner as a repayment under subsection (k)(2) of section 1450 of title 10, United States Code, as in effect on the date of the enactment of this Act.

(2) The amount of a repayment under paragraph (1) shall be the amount that bears the same ratio to the amount of that refund as the surviving spouse's life expectancy (determined in accordance with standard actuarial practices) bears to the anticipated total duration of the annuity (determined as the sum of such life expectancy and the duration of the annuity already received).

(3) In this subsection:

(A) The term ''SBP annuity'' means an annuity under the program established under subchapter II of chapter 73 of title 10, United States Code.

(B) The term ''SBP retired pay refund'' means a refund under subsection (e) of section 1450 of title 10, United States Code, as in effect before the date specified in subsection (b).

(e) BUDGET TREATMENT.—All amounts paid pursuant to this section for fiscal year 2006 and prior years are designated as an emergency requirement pursuant to section 402(a)(2) of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006.

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(2) Amendment by Representative MARSHALL of Georgia or a designee:

AMENDMENT TO H.R. 1815, AS REPORTED

OFFERED BY MR. MARSHALL OF GEORGIA

[ENDING THE DISABLED VETERANS TAX]

At the end of subtitle D of title VI (page 243, after line 2), insert the following new sections:

SEC. 6XX. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN ADDITIONAL MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(b) REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.—Such section is further amended—

(1) in subsection (a), by striking the final sentence of paragraph (1);

(2) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(3) in subsection (d) (as so redesignated), by striking subparagraph (4).

(c) CLERICAL AMENDMENTS.—

(1) The heading for section 1414 of such title is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of January 1, 2006, and shall apply to payments for months beginning on or after that date.

SEC. 6XX. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) ELIGIBILITY FOR TERA RETIREES.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and all that follows and inserting ''who—

''(1) is entitled to retired pay, other than a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

''(2) has a combat-related disability''.

(b) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) CLERICAL AMENDMENT.—The heading for paragraph (3) of section 1413a(b) of such title is amended by striking ''RULES'' and inserting ''RULE''.

(2) SPECIFICATION OF QUALIFIED RETIREES FOR CONCURRENT RECEIPT PURPOSES.—Subsection (a) of section 1414 of such title, as amended by section 2(a), is amended—

(A) by striking ''a member or'' and all that follows through ''retiree')'' and inserting ''an individual who is a qualified retiree for any month'';

(B) by inserting ''retired pay and veterans' disability compensation'' after ''both''; and

(C) by adding at the end the following new paragraph:

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay, other than in the case of a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

''(B) is also entitled for that month to veterans' disability compensation.''.

(3) STANDARDIZATION WITH CRSC RULE FOR CHAPTER 61 RETIREES.—Subsection (b) of section 1414 of such title is amended—

(A) by striking ''SPECIAL RULES'' in the subsection heading and all that follows through ''is subject to'' in paragraph (1) and inserting ''SPECIAL RULE FOR CHAPTER 61 DISABILITY RETIREES.—In the case of a qualified retiree who is retired under chapter 61 of this title, the retired pay of the member is subject to''; and

(B) by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of January 1, 2006, and shall apply to payments for months beginning on or after that date.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 200, not voting 8, as follows:

[Roll No. 212]

YEAS—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Castle
Clay
Emerson
Gingrey
Hastings (WA)
Millender-McDonald
Murtha
Pickering

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1200

Mr. BRADY of Pennsylvania and Mr. HIGGINS changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 198, not voting 10, as follows:

[Roll No. 213]

AYES—225

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield

Wicker	Wilson (SC)	Young (AK)
Wilson (NM)	Wolf	Young (FL)

NOES—198

Abercrombie	Green, Al	Oberstar
Ackerman	Green, Gene	Obey
Allen	Grijalva	Olver
Baca	Gutierrez	Ortiz
Baird	Harman	Owens
Baldwin	Hastings (FL)	Pallone
Barrow	Herseth	Pascrell
Bean	Higgins	Pastor
Becerra	Hinchey	Payne
Berkley	Hinojosa	Pelosi
Berman	Holden	Peterson (MN)
Berry	Holt	Pomeroy
Bishop (GA)	Honda	Price (NC)
Bishop (NY)	Hooley	Rahall
Blumenauer	Hoyer	Rangel
Boren	Inslee	Reyes
Boswell	Israel	Ross
Boucher	Jackson-Lee (TX)	Rothman
Boyd	Jefferson	Roybal-Allard
Brady (PA)	Johnson, E. B.	Ruppersberger
Brown (OH)	Jones (OH)	Rush
Brown, Corrine	Kanjorski	Ryan (OH)
Butterfield	Kaptur	Sabo
Capps	Kennedy (RI)	Salazar
Capuano	Kildee	Sánchez, Linda T.
Cardin	Kilpatrick (MI)	Sanchez, Loretta
Cardoza	Kind	Sanders
Carnahan	Kucinich	Schakowsky
Carson	Langevin	Schiff
Case	Lantos	Schwartz (PA)
Chandler	Larsen (WA)	Scott (GA)
Cleaver	Larson (CT)	Scott (VA)
Clyburn	Lee	Serrano
Conyers	Levin	Sherman
Cooper	Lewis (GA)	Skelton
Costa	Lipinski	Slaughter
Costello	Lofgren, Zoe	Smith (WA)
Cramer	Lowey	Snyder
Crowley	Lynch	Solis
Cuellar	Maloney	Spratt
Cummings	Markey	Stark
Davis (AL)	Marshall	Strickland
Davis (CA)	Matheson	Stupak
Davis (FL)	Matsui	Tanner
Davis (IL)	McCarthy	Tauscher
Davis (TN)	McCollum (MN)	Taylor (MS)
DeFazio	McDermott	Thompson (CA)
DeGette	McGovern	Thompson (MS)
Delahunt	McIntyre	Tierney
DeLauro	McKinney	Towns
Dicks	McNulty	Udall (CO)
Dingell	Meehan	Udall (NM)
Doggett	Meek (FL)	Van Hollen
Doyle	Meeks (NY)	Velázquez
Edwards	Melancon	Visclosky
Emanuel	Menendez	Wasserman Schultz
Engel	Michaud	Waters
Eshoo	Miller (NC)	Watson
Etheridge	Miller, George	Watt
Evans	Mollohan	Waxman
Farr	Moore (KS)	Weiner
Fattah	Moore (WI)	Wexler
Filner	Moran (VA)	Woolsey
Ford	Nadler	Wu
Frank (MA)	Napolitano	Wynn
Gonzalez	Neal (MA)	
Gordon		

NOT VOTING—10

Clay	Issa	Murtha
Emerson	Jones (NC)	Musgrave
Gingrey	Millender-McDonald	Pickering
Hastings (WA)		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1208

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF OUT OF ORDER CONSIDERATION OF CERTAIN AMENDMENTS ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HUNTER. Mr. Speaker, pursuant to section 4 of House Resolution 293, I am providing the requisite notice and request that the following amendments as printed in House Report 109–96 be considered out of order: Goode No. 20, Jo Ann Davis of Virginia No. 24, Davis of California No. 12, Hunter No. 1, Stearns No. 6, Bradley of New Hampshire No. 29, Woolsey No. 26.

The SPEAKER pro tempore. The gentleman's notice has been received.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Pursuant to House Resolution 293 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1815.

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

□ 1212

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes, with Mr. BOOZMAN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

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

This year, the Committee on Armed Services has put together a bill that is a true example of bipartisan cooperation, providing the men and women of the armed services with the best equipment, best training, and a benefit package that is worthy of their service and their sacrifice.

The National Defense Authorization Act For Fiscal Year 2006 provides $441 billion for the Department of Defense and the Department of Energy. The bill was voted out of committee by a vote of 61 to 1 and contains significant improvements in areas of military personnel, acquisition reform, responsible defense procurement strategies, and addresses a need for continuity in funding for our ongoing efforts in the global war on terror.

But before I get into any details, Mr. Chairman, I would like to thank the gentleman from Missouri (Mr. SKELTON), who has been my partner on this committee, for all the great work that he has done. I would also like to praise our subcommittee chairmen and ranking members. This bill is a culmination of their many hearings and oversight reviews.

Almost every member of this full committee has been to the war fighting theaters in Iraq and Afghanistan and gathered firsthand important information that has ultimately been reflected in this bill that we have put together. I want to thank all the members of the committee and all our great leaders on both the Democrat and Republican side, the chairmen of the subcommittees and the ranking members, for their work.

This year, Mr. Chairman, we have made taking care of our troops, both now and in the future, one of our top priorities. We can do all of these things in developing great weapons systems and facilities, but the only thing that really is important, the element that drives the security apparatus of the United States, is people. It is the men and women in uniform. To recognize these sacrifices, the committee has included a number of very well-deserved changes in our MILPER system, and it starts with this 3.1 percent pay raise across the board.

Incidentally, that pulls down this difference in pay on the outside in the domestic world and military pay. There has always been a differential. If you were a military technician in a certain area, you have historically made less money than your counterpart in the private world.

□ 1215

But we have pulled down that differential now to a very low rate, which is now about 4.6 percent. We have increased, in fact, military pay 25 percent over the last 4 years, and that has been the result of the great work of members of our committee, Mr. Chairman.

We have also increased the death gratuity to $100,000, and understanding that there is no way we can repay those who have lost their loved ones, this helps to bridge those very difficult times when that man or woman does not come back from the warfighting theaters.

We also provide additional increases in end strength. With this bill we have completed our end strength increase plan of 30,000 more soldiers for the Army and 4,000 for the Marine Corps.

But we also realize that there are a lot of other things we need to do, especially in the warfighting theaters. We have increased by $572 million our inventory of Humvees, $183 million for counter-rocket and mortar systems. Those are the systems that can take down those mortars and rockets that

are coming into the fire bases in Iraq and Afghanistan, inflicting in some cases egregious wounds on our personnel.

And we have put in an additional $45 million for these jamming devices to jam improvised explosive devices that the insurgents are using in the warfighting theaters. That is a place where the insurgents can stand back 300 or 400 yards from a roadway, wait for that Marine or Army convoy to line up on a lamppost, and by using a low-power device like a garage door opener, detonate an improvised explosive device, which may be an artillery shell next to that road, hurting the Americans. Jamming that capability, defeating that capability, is an important thing, and we have put a lot of money into that, Mr. Chairman.

These are a couple of examples I wanted to go over.

But I wanted to go to another area that is very important for our Nation's future and the future of our defense apparatus. We are paying a ton of money now for single systems. The future combat system for the Army is now projected to cost almost twice what we originally projected. The cost of the new destroyer, the DD(X), is going to be, according to projections, well over $3 billion.

So we see these escalating prices threatening our ability to buy enough systems, enough trucks, tanks, ships, planes, to provide the coverage that we need in power projection around the world. We are putting some very important disciplines into the acquisition process to make it more difficult for the private sector to increase these prices dramatically and for this combination of our own bureaucracy and the private sector to inadvertently allow their program costs to rise. So we are working to instill some fiscal discipline, Mr. Chairman, and that is manifested in this particular mark.

Finally, Mr. Chairman, let me just say that we have extraordinary people in the warfighting theaters today. These young men and women went in initially thinking they would see poison gas on the battlefield. They did not see that poison gas, but they have come up against things like IEDs, new ways of attacking that we did not anticipate, and that will continue to evolve as the insurgents search for new ways to attack Americans. And we have to have the flexibility and the agility to provide new systems and new types of operations to counter what we are going to see not only in Iraq and Afghanistan, but around the world in this global war against terrorism.

So we have given the tools to our troops today, and this is just part of the process, but we have initiated, with this bill, giving to our troops the tools that they need to get the job done. It has been a bipartisan effort, and the gentleman from Missouri has been a real partner in putting this bill together.

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

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

First let me thank the gentleman from California (Mr. HUNTER), my friend and colleague, the chairman, for his leadership on this committee, for the by and large strong bipartisanship that we have had on this bill. I thank him and all the members on both sides of the aisle, the chairman, the subcommittee chairmen and ranking members. They have all worked so well and so hard.

This is a $440 billion bill, and it means so very much for the national security of our country.

So we again thank the gentleman from California (Mr. HUNTER) for his participation, for his friendship and for being a strong colleague in national defense.

I am pleased that this year's defense budget represents a real increase in defense spending over last year's level. The committee made good use of the money in recommending vital readiness, modernization, infrastructure improvements, which will keep our forces the best trained and best equipped in the world.

At this point, Mr. Chairman, I feel that I must say that I am so very proud of every man and every woman who wears the uniform of the United States. It is up to us, in the Constitution, to provide and maintain them, and, that is, from all of us who serve on this committee, it is a labor of love. Those young men and young women putting their hearts and souls, their bodies, their careers on the line for our country. So the least we can do at this moment is say a special thanks to them by passing an excellent bill which does help them in their duties.

I want to commend the gentleman from Arkansas (Mr. SNYDER), ranking member, and the gentleman from New York (Chairman Mr. MCHUGH) for increasing the Army and Marine Corps end-strength. I have been saying since 1995, Mr. Chairman, that we needed 40,000 more troops in the United States Army, and this year we are authorizing an additional 30,000 for the Army and an additional 4,000 for the United States Marines.

However, they are paid for out of the supplemental that we are authorizing. Nevertheless, it is happening. It should be paid for out of the base bill, but it is happening because they are stretched, they are strained.

I also want to commend the efforts to reform the purchase of Navy ships. If we are ever going to get to the point where we can afford to buy more than just a few ships a year, we are going to have to do things differently, and I think that buying the number of ships that we are doing, the additional three ships, is a major step in the right direction.

I do, however, want to raise two matters of concern. The bill authorizes almost $50 billion in fiscal year 2006 supplemental appropriations for the wars in Iraq and Afghanistan. These funds are separate and apart from the $440-plus billion we are authorizing. My concern is that the conflicts for which we are authorizing this additional money are mature enough that their costs are foreseeable and could and should be included in the base bill. In my view, budgeting in this fashion has adverse consequences.

Secondly, the ''emergency'' designation that goes along with supplemental appropriations hides the true extent of the Federal deficit. Although we may disagree on the practice of funding operations in the Iraq war and the Afghanistan conflict through supplemental appropriations, if we are going to go down this road, then we should not short-circuit the authorization process. And that is what we are doing. We are authorizing, as we should, rather than leave it up to the Committee on Appropriations; and I think that is a move in the right direction.

Finally, Mr. Chairman, let me say a word about the Hunter amendment. This deals with the women in uniform. At the outset I must say I am proud of every man and woman who wears the uniform and the duty that they perform.

In the Military Personnel Subcommittee, the amendment was adopted on a party-line vote, which had the effect of freezing out and causing to be closed some 21,950 positions. That was not a good move. That would be disruptive, not just to women; it would be disruptive to our national defense because so many of them are serving all over the globe in such superb fashion.

In the full committee, another amendment was adopted that was an attempt to codify Secretary Les Aspin's 1994 women issue language. It was not full and complete, and there were some serious problems with that, and the United States Army opposed that. That is the way the bill is at this moment.

I understand there is an amendment by the gentleman from California (Mr. HUNTER) that will wipe that out and that will call for a special way of counting notification to Congress and call for a study. Should that pass, it will wipe out the onerous language that is there that is causing a great deal of concern not just with women in the uniform, but those others who work with them and for them.

The process in this regard has been, I think, unfair to Democrats. So as a matter of fact, we have come out on the issue regarding women. If the new Hunter amendment is adopted, possibly those two amendments are behind us and we do not have to worry about their being concerned; and that is the major victory in this issue of personnel.

I feel constrained to mention that the committee adopted an amendment that would have extended TRICARE coverage to Reservists. Unfortunately, the provision was technically defective, and the Committee on Rules had the opportunity to right that wrong,

and they did not do so. So we look forward to discussing that at a later time. The gentleman from Mississippi (Mr. TAYLOR), I am sure, will address that situation.

By and large, this is a good bill. We have worked hard on it. The subcommittees have worked hard on it. And so often we have serious problems, as we have with the issue regarding the women in uniform, but I do not want those issues to detract from the fact that this is a solid piece of legislation that helps fight the war against terrorism and helps fight against the insurgency in Iraq and also funds the men and women in the performance of their duties all over this globe.

So I will say that we have a tremendous military that we should be very proud of.

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

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON), who is the vice chairman of the full committee and the chairman of the Tactical Air and Land Forces Subcommittee, and who has done a great job in putting his package together in terms of modernizing our forces.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I, first of all, want to thank my distinguished chairman and the ranking member for their work.

Let me say this at the outset. I cannot tell the Members how proud I am to serve on this committee. Every day that I serve in this institution, I am happy that we work so well together. But this committee, I think, sets the entire example for the entire Congress. Democrats and Republicans, we work together.

I think the best evidence of that is, we had a vote out of committee of 61 of the 62 members coming together, and where we had areas of disagreement, we have been able to work those out. What a real credit and testimony to this Congress and those 62 members who are on this committee and to our leader.

The chairman has done a fantastic job. He has done what many said was the impossible, and I applaud him for that, under extremely difficult circumstances.

The gentleman from Missouri (Mr. SKELTON) has been a tireless advocate for what is right for our military, and I applaud him for that. To the gentleman from Hawaii (Mr. ABERCROMBIE), my ranking member, I thank him. He is a great American and it is great to work with him.

And I want to add a special amount of praise to our new staff director, who is sitting here for the first time at the table. I look forward to what I know is going to be an extremely productive relationship with a real professional who is going help us in our job.

Mr. Chairman, in my part of the bill in the Tactical Air and Land Forces Subcommittee, we had some difficult decisions to make. I had $10 billion of requests for plus-ups that I could not meet, that the services wanted, that Members came to me for. It was impossible. We did the best that we could.

And again this committee did what we did last year. It was this committee that called for additional funding to up-armor our Humvees and take care of the troops that were in harm's way. It was this committee that led the White House last year in getting that first $25 billion supplemental.

This weekend, I will take a bipartisan delegation back to Iraq, and we will spend Memorial Day in theater with the troops seeing the visible examples that we have helped provide to allow our military to be so capable and so successful. And that was our primary focus in the defense bill this year, how best to support our military and civilian personnel in the war against terrorism.

The second thing that we did, and it was difficult, was accountability for DOD programs. And that is not easy. We have services each wanting their own individual platforms while accomplishing the same objective. We put language in this that says they cannot do that. We cannot afford to have the exact same helicopter for the Army that meets the exact same need of the Marine Corps. Why do we not come together with one platform for both? This committee took that action, and I am proud to say that is a part of our recommendation.

We also said that in the case of new technology and new programs, we want to see the technology before we buy it. What disappointed me was that some of the contractors and some of my good friends in this body tried to mischaracterize the language we put in the bill on the Presidential helicopter.

□ 1230

Our language on the Presidential helicopter was not to score a point against or for any contractor or any region of the country. I fully support the decision of the Navy and the Marine Corps and the down-select that they made. And it is not about ''Buy America'' or not buying America. It is about what is the best helicopter to meet the needs of our President. But I would say we have to have closer control over the dollar amount going into this program.

We also had to make a difficult decision, as my chairman outlined, on Future Combat Systems. We cut the program by $400 million; but it was the right decision to make financially, to make sure that we are protecting the taxpayers' interest as well as giving the warfighter the best technology. We made a number of other changes in terms of the overall purchasing of our major platforms. I will not go into them. I will submit them all for the RECORD.

In closing, I want to say again how proud I am to serve with a Democrat and Republican who truly understand how to lead, to work together, and in the end to do what is best for our warfighters. I thank my distinguished chairman and ranking member and the gentleman from Hawaii (Mr. ABERCROMBIE), as my own subcommittee ranking member, for their cooperation on this final product. It is deserving of a ''yes'' vote from every Member of this body.

Jurisdiction includes $67 billion in DOD procurement and research and development.

Bill increases the requested authorization for programs within the jurisdiction of the Tactical Air and Land Forces Subcommittee by $4.5 billion.

Focus: First, how best to support our military and civilian personnel serving in the global war on terrorism; and second, accountability in DOD programs.

Legislative initiatives that seek to redress several unfavorable trends in the Department of Defense:

Programs being called joint programs with only one service participating in the program. This results in large, single service and program research and development expenditures for service unique programs followed by short production runs and inefficient use of taxpayer dollars.

Each service would like its 100 percent solution to every requirement, but that simply cannot be afforded. We want to make sure valid needs of the services are met, but affordability and unique solutions to requirements have to be balanced. We cannot afford to continue to have individual, service solutions within our ground forces for helicopters, tactical wheeled vehicles, blue force tracking, body armor, armored vehicle upgrades, vehicle add-on armor kits, and unmanned aerial vehicle systems, as well as other programs.

Also, programs cannot continue to be allowed to enter pre-production R&D, with immature technologies and ill-defined or unrealistic requirements.

Further, the Office of the Secretary of Defense is there for a purpose, to exercise oversight and reconcile differing service requirements. OSD needs to start exercising its responsibility in programs like unmanned aerial vehicles and helicopter development.

We must stop the trend toward excessive research and development and procurement concurrency in acquisition programs, resulting in not "flying before buying," potential extensive post production modifications, and the associated increased acquisition costs. An example is in the action we have taken on the VXX—the presidential helicopter replacement program. The companies involved have tried to portray the action we have taken as a win for their particular marketing strategy when all that our legislation requires is flying the VXX before buying. It is not a Buy American provision. It is not trying to reverse the source selection. It is simply telling the Pentagon to test and fly the R&D aircraft before you buy production aircraft, so we don't have to go back and spend millions of dollars on already produced aircraft because the test results were not available in time to incorporate fixes into production aircraft. The Pentagon request to us would have us authorize procurement of 15 of the required 23 VXX aircraft before any testing has been done—likely resulting in expensive retrofits to production aircraft.

Other legislation includes:

Multiyear Procurement for UH–60 helicopters;

Multiyear Procurement for the Apache helicopter Target Acquisition/Pilot Night Vision Sensor;

Multiyear Procurement for Apache Helicopter Block II conversion;

A Requirement for an Acquisition Strategy for Tactical Wheeled Vehicle programs;

A Requirement for Full and Open competition for the Objective Individual Combat Weapon;

A Requirement for use of the Tactical Common Data Link by all services for tactical unmanned aerial vehicles;

A Requirement for the Office of the Secretary of Defense to approve all new UAV programs;

An annual Government Accountability Office review of the Future Combat Systems program;

A Requirement to maintain the lethality and survivability requirement of the Non Line of Sight Cannon as established in the operational requirements document;

A Requirement for an independent analysis of the FCS manned ground vehicle weight requirement; and

A Requirement for a single, joint heavy lift rotorcraft program.

In addition adjustments have been made to the following programs:

The C–130J multiyear procurement is reinstated to the levels projected in the fiscal year 2005 budget, resulting in an authorization for 9 C–130Js and 4 KC–130Js, with advance procurement for those same quantities included for fiscal year 2007. [This program has been poorly managed by the Pentagon, but we need the tactical airlift that these aircraft will provide and termination costs were estimated to exceed the one year procurement value of these aircraft.]

The Future Combat Systems' budget request is reduced by $400 million.

The Joint Strike Fighter program is reduced by $150 million, the amount requested for advance procurement—again to require flying test aircraft before procuring production aircraft.

The Heavy Lift Rotorcraft replacement program is restructured and combined with the Joint Heavy Lift rotorcraft program.

The Global Hawk unmanned aerial vehicle program is reduced by $30 million, as the requested amount is early to need.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. Mr. Chairman, I rise in support of this bill. I thank the gentleman from California (Chairman HUNTER); my ranking member, the gentleman from Missouri (Mr. SKELTON); and all the subcommittee chairmen and subcommittee members for their skill and leadership in addressing the military issues before us.

This bill provides for the needs of our troops and their families. While we are at war, we must always see that they are given the equipment and supplies that they need to do the mission that we ask them to perform.

Like many other things now, this bill is not perfect. In fact, there are a number of challenges still unaddressed by the bill, particularly relating to our retention and recruitment problems. The war in Iraq and the global war on Terror, coupled with the uncertainties of Base Realignment and Closure, the overseas base changing and the accompanying QDR, Quadrennial Defense Review, present many challenges to our readiness posture.

As the ranking member of the Subcommittee on Readiness, I remain deeply concerned about the shortfalls in our recruiting and retention across the board. For example, in March, the Army missed its recruiting goal by 27 percent. We do need soldiers for our all-volunteer Army.

Our Armed Forces have many, many pressing needs, including basic equipment, body armor, Humvee armor, other vehicles, tanks and more; and our troops are doing a great job. We need to continue to support them, to give what they need.

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities, and oversees those wonderful people in our Special Operations Command.

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

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

Mr. Chairman, I rise in strong support of H.R. 1815, the National Defense Authorization Act for the next fiscal year. Last week, the Committee on Armed Services approved this bill by an overwhelming vote, as was noted by the gentleman from Pennsylvania (Mr. WELDON), 61 to 1. This demonstrates once again the committee's long tradition of bipartisanship in addressing the defense needs of our Nation.

Mr. Chairman, I would like to commend the chairman and the ranking member for leading us through this process this year in a bipartisan basis.

Mr. Chairman, the war on terror requires the determination of this Nation. This bill demonstrates that determination.

The war on terror requires flexibility to be able to change to meet the threat. This bill demonstrates our ability to change to meet the threat.

The war on terror requires the use of new technology, information technology, robotics, detection equipment. This bill demonstrates our ability to do that.

The members of the Committee on Armed Services never forget that we are a Nation at war. Our young people in uniform face danger daily, while bringing peace and prosperity to benighted areas around the world. Moreover, they are taking the fight to the terrorists on their home ground, keeping the terrorists on the run and fearing for their very lives.

The highest responsibility of those of us privileged to serve on the Committee on Armed Services is to do whatever we can to help our troops. We make the point of visiting the troops in the theater to better appreciate the conditions they live and operate under and the needs they have.

My subcommittee and I have been diligent in that regard and have tried our best to include measures that help our soldiers. We have taken several actions in the bill that will provide the resources and direction to better protect our men and women who are selflessly serving in dangerous conditions overseas.

We have not forgotten our valiant warriors in the Special Operations Command in particular. We have authorized funds for several items in the SOCOM commander's unfunded requirements list and have authorized additional funding that would provide some necessary operational flexibility for special operations forces on the ground.

The bill provides increased funding to accelerate the development and fielding of advanced technologies that I mentioned earlier for emerging critical operational needs, including protection of our forces against improvised explosive devices and rocket and mortar attack and to provide real-time surveillance of suspected enemy activities.

The bill also provides increased funding for combating terrorism technology support to accelerate the development and fielding of advanced technologies in the war on terror. We continue our successful initiative to develop chemical and biological defense countermeasures and start a new initiative for medical defensive countermeasures.

The bill recommended by the committee recognizes that we remain a nation at war. The asymmetrical threat that I have warned of since the middle 1980s has indeed grown to be a worldwide menace. Our successes in meeting this new world threat are measured by our ability to evolve our warfighting strategies and tactics more quickly than the enemy. While we certainly have the initiative, we do not have a monopoly on all of the ideas. The enemy is clever, growing desperate and must be taken seriously by the people of our country. This bill will help our soldiers keep the enemy on the defensive.

In closing, Mr. Chairman, I want to express my appreciation again to you and to the ranking member, as well as to the ranking member on our subcommittee, the gentleman from Massachusetts (Mr. MEEHAN), with whom I have worked closely over the years and particularly this year. This is an excellent bill, and I urge all Members to support it.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. EVANS).

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

Mr. EVANS. Mr. Chairman, I rise in strong support of the fiscal year 2006

Defense authorization bill. I believe it is a fair bill. I am pleased it has been handled in a bipartisan manner. It is a rare practice in this House, and I commend the gentleman from California (Chairman HUNTER) for avoiding the politics of ''divide and conquer.''

I want to take this opportunity to express my great disappointment with the BRAC process. Rock Island Arsenal in my district was negatively affected by these recommendations. After further research, it seems that there are numerous errors in the Secretary's recommendations. For example, the report recommends a shift of 181 depot-level jobs in my district amounting to a savings of $13,000 over 20 years. That is $13,000 over the current expenditure.

BRAC also recommends the closing of DFAS and C–POC, which both are rated number one above their peers. This Secretary of Defense wants to close the number one C–POC and number one DFAS, knowing full well that only 20 percent of the civilian employees will follow such recommendation.

I am very disappointed at these recommendations and will work to hard fight them. I will be voting for amendments that would scrap or delay the BRAC process.

Furthermore, I am disappointed that the BRAC commissioners do not seem interested in meeting with community leaders during their visit to installations. This is completely unprecedented and I call upon my friend, Chairman Tony Principi, to request that commissioners meet with the local communities to discuss these recommendations.

Finally, I would like to express my disappointment at the Rules Committee for being grossly unfair in preventing important Democratic amendments. They should be ashamed for their sheer partisanship on an issue that should not be Democratic or Republican and that is the defense of our Nation.

Chairman HUNTER and Ranking Member SKELTON, I thank you and your staff for their hard work.

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY), who chairs the Subcommittee on Readiness and does a wonderful job making sure our men and women have the facilities that they need.

Mr. HEFLEY. Mr. Chairman, I thank the chairman for yielding me time. The gentleman and our ranking member have done a wonderful job in pulling all of these committees together to make this thing work.

The ranking member mentioned that this is a good bill. It is a good bill, and I will probably not belabor that point. But I am pleased to come to the floor today in support of H.R. 1815, the fiscal year 2006 National Defense Authorization Act.

The gentleman from Texas (Mr. ORTIZ) and the subcommittee and I worked very closely together to examine the Department's funding for military readiness, which includes $108 billion in operation and maintenance funds, as well as another $12 billion for military construction, family housing, and base realignment and closure.

The actions we took this year addressed the needs of our Armed Forces, both on the battlefield and on the home front. We looked at the readiness levels of our military units, the ability of the military services to maintain equipment in theater and to reset and reconstitute equipment that returns from war; and we confirmed what we already knew, war is expensive and funding is needed.

This is why the bill contains a ''bridge fund,'' which is intended to provide the resources necessary up front to allow our military to continue to fight the war against terrorism. I believe this to be the proper approach and eventually one way to move away from the annual supplemental appropriations bills.

On the home front, we examined funding for the upkeep and maintenance of military installations. While the readiness needs of our forward deployed military personnel are our top priority, we cannot forget the families at home, the servicemembers preparing for deployment, and the personnel just returning.

The committee is well aware of the Department's long-standing practice of utilizing infrastructure budgets as billpayers for operational requirements. Unfortunately, the consequences of taking this approach are reductions to basic services such as child care, dining hall operations, or facility management activities. H.R. 1815 will alleviate the Department's need to raid infrastructure budgets for operational needs and includes the tools we need to improve oversight of infrastructure accounts.

On a final note, we are well aware that the Secretary of Defense recently sent over a list of bases that he is recommending to be closed or realigned. For the past several years, I have fought for a delay in the base closure process. I do not think this is the right time to do it. But, unfortunately, we win that battle in the committee, in the subcommittee, on the House floor, and then we lose it over in the conference because the other body and the President did not go along with our thinking on that. Now I think it is not a fun time, BRAC is never a fun time; but I think it is probably a little too late to get that process reversed.

But we are going to get an opportunity to debate it today and get an opportunity to vote on it, and I would encourage all of us to not support that effort and to support the bill. It is a good bill.

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

Mr. SNYDER. Mr. Chairman, I want to thank the gentleman from Missouri (Mr. SKELTON), the gentleman from California (Chairman HUNTER), and the gentleman from New York (Mr. MCHUGH), my subcommittee chairman, for the work they have done on this bill.

I rise in support of this bill. There are a lot of good things in here, a 3.1 percent pay raise for the troops, which is ½ percent over the employment cost index. The bill continues the efforts to eliminate out-of-pocket housing costs for servicemembers and their families and eliminates the two-tier housing allowance, or BAH–2, for Reservists and National Guardsmen who are called to duty for more than 30 days and serve less than 140 days.

The bill also has some issues to address health and dental readiness, which Members heard was a problem during the Reserve mobilization.

I also want to thank the gentleman from New York (Mr. MCHUGH) for working with the gentlewoman from California (Ms. LORETTA SANCHEZ) and others to include provisions that will update the UCMJ with regard to sexual assault crimes. These proposed changes will send a clear signal from Congress that this type of behavior is unacceptable.

The bill also includes provisions that will speed up concurrent receipt payments for unemployables.

I want to say a word about the women-in-combat issue. I am pleased that the amendment to be proposed by the gentleman from California (Chairman HUNTER) here shortly today will eliminate the terrible language that is in the underlying bill, language that sends such a bad message to our women in uniform. But that language should never have been in the bill to begin with.

This last Saturday we had a big homecoming ceremony for a lot of our troops coming back from Iraq that are in the National Guard. These are some of the troops that I met with, amongst others, some women that had served in Iraq.

Some of the comments I heard from some of these women, they thought we were ''returning to the Stone Age,'' were one woman's words; ''an insult to the job that they had done in Iraq,'' was another woman's words. They alleged that we ''do not know what is going on in Iraq,'' was the words of another woman officer.

The original subcommittee language was terrible. It would have impacted on tens of thousands of women. The language at the full committee level eliminated the bad subcommittee language, but it also was terrible.

□ 1245

We now have thousands of women in the military confused by these 3 weeks of discussions, and I am pleased that the Hunter amendment today will eliminate it, but it should not have been in there to begin with.

I support the bill.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH), who does such an able job of presiding over the Subcommittee on Military Personnel and who takes care of all of our folks in uniform, men and women, active, Guard, and Reserve.

Mr. MCHUGH. Mr. Chairman, I thank the distinguished chairman, the gentleman from California, for yielding me

this time, and I give my compliments both to both him and the ranking member, the gentleman from Missouri (Mr. SKELTON) for always working together to bring us a good bill.

The gentleman from Arkansas (Mr. SNYDER), my distinguished ranking member, pretty much gave my speech, except for perhaps the closing comments that he made, and I am looking forward later, at the appropriate time, to making some comments about the path that we traveled to get to the issue of women in combat.

But without trying to be too redundant, Mr. Chairman, let me just say that the gentleman from Arkansas (Mr. SNYDER) indeed spoke about the 3.1 percent pay increase, and that reduces the gap in civilian and military pay from 5.1 to 4.6 percent. Importantly, this is the seventh year in a row that the subcommittee has recommended a pay raise that is larger than the level that is granted for private-sector pay raises.

We also very importantly recommend continued growth in the Army and the Marine Corps end strength. The House has long advocated those kinds of increases. We supported increases of 10,300 in fiscal year 2003, 6,200 in fiscal year 2004, and in fiscal year 2005, Congress authorized manpower increases of 20,000 in the Army and 3,000 in the Marine Corps.

Under the bill today, we propose additional growth of 10,000 in the Army and 1,000 in the Marine Corps, and that would bring Army end strength to 512,400 and the Marine Corps to 179,000. I think this is critical to alleviating the stress on the operations and personnel tempo that has been so negative upon our troops.

This bill also provides very important recruiting and retention and pay initiatives that increase the maximum amounts that may be paid for active duty enlistments from $20,000 to $30,000, and Reserve enlistments from $10,000 to $15,000, and active duty enlistments and reenlistments from $60,000 to $90,000.

As the gentleman from Arkansas (Mr. SNYDER) said, it would eliminate BAH II, which is an irritant within the Reserve component. With this mark, Reserve rates for the basic allowance for housing will be the same as active duty rates when Reservists are mobilized for more than 30 days, and on and on and on.

In essence, Mr. Chairman, this is a very, very good bill. It continues this House's very remarkable and, I think, very admirable record toward trying to respond to the efforts of those brave men and women, men and women who do such an amazingly incredible, fantastic job for us as they go about the hard work of defending freedom across this globe.

Let me say, Mr. Chairman, I would urge all of our Members to support this initiative, and I look forward to its passage.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

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

Mr. MEEHAN. Mr. Chairman, I rise today in support of the 2006 National Defense Authorization Act. The bill contains many provisions to protect our troops and give them the services that they need.

Although it is largely a product of the committee's bipartisan work, I am highly concerned by several aspects of the bill. I am extremely troubled by the new restriction against women serving in the military. While the committee-passed bill included far worse language, preventing women from serving in forward-deployed units, the current provision is also not worthy of the brave women who make up 15 percent of the active duty Army, 23 percent of the Army Reserve, and 13 percent of the Guard. And it dishonors the service of women soldiers who are fighting the global war on terror and hurts readiness at a time when our military is facing a recruitment and retention crisis.

I am also deeply concerned that the Committee on Rules did not allow a vote on my amendment stating that it is United States policy not to have a permanent presence in Iraq. My amendment simply codified what the administration has been saying all along, that U.S. troops will stay in Iraq as long as necessary, but not 1 day more. It would have made clear and unambiguous statements that the United States does not intend to maintain a permanent presence.

While this bill takes many small steps towards improving benefits for our Nation's servicemembers, it does not recognize the urgency in responding to the needs of a whole new generation of combat veterans.

I introduced two amendments in committee to improve transition assistance services and preseparation counseling to separating servicemembers. These programs are critical to providing servicemembers with the tools they need to succeed in civilian life. As we prepare to take on thousands of new veterans who have served in Iraq and Afghanistan, many of whom have been critically injured and will need long-term support, we must expand these programs. The committee did a disservice to our troops when it failed to adopt these amendments.

Finally, I am also troubled by the chairman's decision to ignore the views of his fellow committee members and strike bipartisan language. The committee recognized the need to extend TRICARE to nonactive-duty Reservists by adopting the Taylor amendment.

Our chairman later struck the provision, and the Rules Committee has denied Mr. TAYLOR the opportunity to bring an amendment to the floor.

I also want to extend a special word of thanks to Lauren Briggerman, my Military Legislative Aide, who is leaving my office in June to attend law school.

In the nearly 2 years Lauren has been with my office, she has proven to be tremendously talented and dedicated.

Lauren has contributed immeasurably to my work on the Armed Services Committee, particularly on Iraq exit strategies, repeal of the military's unjust "don't ask, don't tell" policy, transition assistance for returning veterans, weapons non-proliferation, and defense issues affecting Massachusetts.

I wish her the best.

I thank the ranking member for providing me time to speak on this bill.

Mr. HUNTER. Mr. Chairman, I yield an additional 2 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Chairman, let me just say with respect to what the gentleman from Arkansas (Mr. SNYDER) said, never has so much been written and said about one issue in such a short period that has been so wrong, and I wanted to clarify the record.

The amendment that was introduced, and the second amendment that the gentleman from Arkansas (Mr. SNYDER) described as terrible and that the manager's amendment will replace, has been described as antiwoman, has been described as disruptive to current operations, and has been described as confusing to commanders.

I just want to be clear, Mr. Chairman. The language that was inserted would not have resulted in one woman losing her job or risk being shut out from any position for which she was qualified or that was open to her, not one, not now, not at any time in the future, despite what some of the opponents have said.

That was the entire intent, to make it clear for the first time in law that the women who are doing a fantastic job on behalf of the military could not be excluded from any job for which they are operating and were qualified at that moment, not from forward support companies, not from any other position which they had, just because the traditional, linear battlefield had changed.

As to the confusion that some say occurred, let me just say to my friends in the military and to my friends who have questioned this amendment, and particularly my friends in the Army, does it not trouble you when you say that it would be confusing to your commanders when, for the first time ever, they are handed something that just embodies what you say is your policy? The policy that was developed and placed into that amendment, the military wrote and now you claim that you are following.

Congress did not make that up. Politicians did not define it; the military did. Now you say it is confusing. I would ask my friends in the military particularly, when did you plan on making it clear?

The amendment today will clarify matters even further. I fully support it. But I really think the characterizations that have been made against the text that is replacing it have been unfair and simply inaccurate as to what the position would be with respect to the honorable men and women in military uniform.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip.

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

Mr. Chairman, I rise in support of this Defense Authorization Act because I believe it provides the critical items necessary for our forces arrayed in Afghanistan and Iraq and around the world. I also support the recognition of the pay necessities that confront our people and gives them a raise.

In addition, it provides increases in enlistment bonuses obviously necessary, hazardous duty, and other special pay to improve recruiting and retention, and funding for a number of key modernization priorities that will ensure that our military remains the best-equipped fighting force in the world for decades to come.

I believe many Democrats will vote for this legislation because we are committed to providing our troops with every resource necessary to succeed in Iraq and Afghanistan and anywhere else the call to defend freedom takes our men and women in the military.

However, this measure is by no means perfect. First, I would say I was disturbed by the rule. I was particularly disturbed, Mr. Chairman, that the amendment offered by the gentleman from South Carolina (Mr. SPRATT), one of the most substantive amendments that was offered, was not allowed by the Committee on Rules. I think it is a shame that we did not have a full debate on the Spratt amendment dealing with proliferation. In fact, Mr. Chairman, it highlights the Republican Party's inability to move past the threats of the Cold War to the threats posed by global terrorism and have a full debate on the ramifications of that.

Specifically, this bill underfunds the Cooperative Threat Reduction program, which has helped to keep unsecured weapons of mass destruction in the former Soviet Union out of the hands of terrorists. This is the gravest threat that our Nation faces; yet, funding for the Cooperative Threat Reduction program barely keeps pace with inflation, even though the 9/11 Commission urged that it be expanded. At the very same time, this bill provides billions of dollars for a national missile system that moves forward the process of developing new nuclear weapons. Neither of these priorities helps to protect the American people from a future terrorist attack.

As I said, Mr. Chairman, I will vote for this bill, but it is a shame that we will not have a fuller, effective debate on the grave policies that this bill deals with or fails to deal with.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

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

Mr. Chairman, as the ranking member of the Subcommittee on Strategic Forces, I rise today in strong support of this bill. The Subcommittee on Strategic Forces has jurisdiction over several of the most complex and contentious programs, which include ballistic missile defense and nuclear weapons.

I want to recognize and I want to thank our subcommittee chairman, the gentleman from Alabama (Chairman EVERETT), my good friend, for his leadership and all the effort that he put into forging a bipartisan mark. I should tell my colleagues that we often do not see eye-to-eye on every single matter, but I am pleased to report that our subcommittee reached bipartisan accord on several major issues that are important to our Nation.

In the short time that I have here this morning, I want to highlight two areas of bipartisan agreement: satellite programs and the Department of Energy's Reliable Replacement Warhead program.

Mr. Chairman, H.R. 1815 restructures two high-profile satellite development programs, TSAT and Space Radar. Restructuring these programs was a bipartisan decision, an effort that I think will save both programs from experiencing cost overruns and schedule slips that have plagued them in the past.

Turning to the Department of Energy, I am also pleased that we were able to set a reasonable, bipartisan objective for the Reliable Replacement Warhead program. The RRW program has the potential to significantly lower the number of weapons in the U.S. nuclear arsenal and to ensure that our Nation never resumes nuclear testing.

Of course, as always, the devil is in the details. The mark contains a detailed reporting requirement on the RRW, and in truth, only when we receive the report will we likely know whether or not that program can live up to its full potential. Still, setting a bipartisan charter for this program and others in our subcommittee is a significant accomplishment of this mark.

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With that, Mr. Chairman, time does not permit me to go into the other areas that are of concern to our great Nation, only to say that I urge all Members to support this bill. It is important to our Nation. It is important to those that are in harm's way today keeping us free.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT), the gentleman who chairs the Projection Forces Subcommittee.

Mr. BARTLETT of Maryland. Mr. Chairman, before proceeding as chairman of the Subcommittee on Projection Forces, I believe it appropriate to underscore the magnificent service rendered the Nation by the men and women serving in our Armed Forces around the world who so steadfastly meet every challenge with true dedication and commitment. We thank each and every one of them for their service. And we thank all Americans, specifically the families of servicemembers, for their unwavering support of our servicemen and -women.

History has repeatedly taught us that peace is only achieved through strength. We have sought to apply the lessons learned from the ongoing global operations to the committee markup of the National Defense Authorization Act for Fiscal Year 2006 in order to strengthen our Armed Forces.

Oceans cover three-quarters of the Earth's surface. The vast majority of the world's population lives within a few miles of a sea coast. Seventy percent of our trade moves by sea. Thus, maintaining America's naval superiority is an imperative. I am pleased to report that the National Defense Authorization Act that we will consider initiates a program to infuse our shipyards with leading-edge manufacturing technology and management systems that reduce shipbuilding costs and to return our shipyards to global competitiveness.

We have also taken steps to confront excessive shipbuilding cost growth by capping costs on specific ship types, recognizing that both the Navy and industry must work together to design and build affordable ships with adequate capability.

Authorization for Department of Defense programs within the jurisdiction of the Projection Forces Subcommittee are increased by $2.3 billion above the budget request. $538 million of the additional authorization is for programs on the military service chiefs' unfunded requirements list.

Authorization is included for two additional Arleigh Burke-class guided missile destroyers, an additional T-AKE ship, and to accelerate fielding of the new amphibious assault ship. This is three more ships than the budget requested. Also included is a recommendation to authorize a multiyear procurement for the C–17.

We have also taken several initiatives to begin to address shortfalls in important requirements to the Department of Defense. These programs include:

$418 million to accelerate the development of the amphibious assault ship replacement;

$20 million to upgrade the fleet of B–2 bombers;

$60 million to complete development and evaluation of the Affordable Weapon System, a low-cost cruise missile, and increased authorization for several procurement, research and development programs of the services.

While there is much more to do, the National Defense Authorization Act of 2006 is an important step in making our country more secure. I urge all of my colleagues to support the bill.

I would like to thank the gentleman from Mississippi (Mr. TAYLOR), ranking member of our subcommittee, for his extraordinary partnership, dedication, and support. I would like to thank all my colleagues on the subcommittee for their diligence, commitment, and hard work.

I would like to also thank our chairman, the gentleman from California (Mr. HUNTER), for his leadership, and our ranking member, the gentleman from Missouri (Mr. SKELTON).

In conclusion, I would like to recognize the contributions and thank the many staff members for their invaluable assistance in preparing H.R. 1815.

Mr. HUNTER. Mr. Chairman, I want to thank the previous speaker.

Mr. Chairman, I yield to the gentleman from California (Mr. MCKEON) for a unanimous consent request.

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

Mr. MCKEON. Mr. Chairman, I rise in strong support of this legislation and commend the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for their leadership.

I rise today in strong support of H.R. 1815, the National Defense Authorization Act.

Mr. Chairman, our nation is entering its fifth year in the global war on terrorism. Since the tragic events of 9/11, thanks to the heroic efforts of our men and women of the armed services, the United States has had important victories around the world. Just in the past few months alone, we have witnessed democratically elected governments taking power in Iraq and Afghanistan, and we have captured some of al Qaeda's top leadership, including the third most senior member of that evil organization.

Mr. Chairman, these outstanding developments will only carry forward if we provide our men and women of uniform with the tools and resources they need to do their jobs.

This legislation includes the necessary funding to pay for our troops in Iraq and Afghanistan, whether it's for protective gear, clothing, fuel, parts, or maintenance of equipment. It also includes funding to take care of the families of our troops, who make so many sacrifices for our freedom.

Mr. Chairman, this legislation will undoubtedly strengthen and enhance our military, and help us root our terror around the world. I applaud Chairman DUNCAN HUNTER and ranking member IKE SKELTON for their bipartisan work on this important bill and urge all of my colleagues to vote ''yes.''

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

Mr. TAYLOR of Mississippi. Mr. Chairman, I first want to compliment my chairman, the gentleman from Maryland (Mr. BARTLETT). I want to wish him a happy 79th birthday. Many more to come. And I think the gentleman set the proper tone by saying that everything we do is to support the troops.

By and large, this is a very good bill. It could have been better if one amendment had stayed in. But by and large this is a very good bill. And I want to compliment the gentleman from Maryland (Mr. BARTLETT) on taking what was dealt in the beginning of the year, a pretty bad hand, just asking for four ships, and through his good work, through our chairman's good work, through our ranking member's good work, we were able to add, as he said, 2 DDG–51s.

And as far as the taxpayers are concerned, the last ships you get of any run are not only the best ships of that run, but also the most affordable because all of the learning that has gone into building the previous 50 ships go into these, and so these will be the most affordable, most technologically advanced of the DDG–51s.

The first of the LHARs, the replacement for the LHAs, is in this bill. Again, that is very good news for the United States Marine Corps. This is an aviation variant of an existing hull. Again, the savings that we have learned from the first seven hulls will go into this one and make it an outstanding addition to the fleet.

A T–AKE ammunition ship, in addition to the LCS, one *Virginia*-class submarine, one LPD–17 rounds out what started off to be a pretty bad Navy shipbuilding year and made it considerably better. So I do want to compliment our chairman on this.

Also, I want to compliment the Air Force. You recall at the beginning of the year the Air Force was talking about canceling the C–130J program. That was a very bad mistake on the part of the Air Force. With this committee's prodding, a number of Members, the Air Force has reversed that decision. That is an excellent platform that will continue to be built and is very much needed by our forces. So let me compliment the men and women who serve our Nation.

As I have said before, just today, four notices will be delivered in south Mississippi alone today on the lives of Guardsmen and Reservists who died just yesterday in Iraq. They deserve the very best. And I want to compliment this committee for bringing many of the platforms that they deserve to fruition.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman who just spoke.

Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. EVERETT), the chairman of the Strategic Forces Subcommittee.

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

Mr. EVERETT. Mr. Chairman, I thank the full committee chairman, the gentleman from California (Mr. HUNTER), and our ranking member, the gentleman from Missouri (Mr. SKELTON). And I would be remiss for not saying thank you to my ranking subcommittee chairman, the gentleman from Texas (Mr. REYES), for the kind remarks that he has made. And without question, we do have some of the most complex and controversial issues in the mark. And I appreciate the hard work of all the members in trying to reach agreement on this. We did not always agree, but we did reach a bipartisan mark; and I again thank all the members and the hard work done by the staff.

The subcommittee's portion of the bill makes some very hard decisions containing appropriate development of transformational capabilities while imposing reductions in certain areas where the technology is not yet mature.

In the Missile Defense Agency, the bill before you adds $150 million for additional testing of the ground-based midcourse defense system.

While we fund both the boost phase defense programs and the budget request, the bill does call for a cost-and-capability comparison between the Airborne Laser and Kinetic Energy Interceptor programs.

In the area of military space, the bill addresses concerns with space acquisition programs. In particular, we slow the pace and provide direction on two programs: Transformational Satellite Communications, or TSAT; and the space radar program. The bill also calls for development of a strategy for space situation awareness, and takes steps to move forward with operational responsive space.

Within Atomic Energy Defense Activities, the bill funds the Department of Energy programs at the budget request. The report includes minor reductions in direct stockpile work, while adding just under $50 million for badly needed infrastructure upgrades.

The bill includes a provision that establishes the objectives for the Reliable Replacement Warhead program, a critical step towards ensuring our nuclear arsenal remains reliable, safe, and secure. The bill includes funding for penetrator study to explore all options for holding Hard and Deeply Buried Targets at risk. The bill also adds $122 million for environmental cleanup activities at Hanford site in Washington State.

Mr. Chairman, the committee's work addresses the administration's objectives on funding military requirements and military member priorities. I certainly urge all Members to support this mark.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Missouri for this time. I made a request to the Rules Committee that we be able, on this House floor, to debate a very important issue, but permission was denied, even though this subject goes to the core of who we are as Americans.

The issue is a concept called ''extraordinary rendition.'' That is a situation where the United States has a prisoner in its possession. We have him. We control that prisoner. And, yet, because we receive diplomatic assurances from another country, a country that does not abide by the convention against torture, we send the prisoner to that country. Now, these are just not ordinary countries that we send these prisoners too. These are countries like Syria; these are countries like Uzbekistan.

The United States, in other words, has captured someone. We believe that they are a terrorist. We believe that they are a threat to our country. We have them in our own possession. By receiving these diplomatic assurances, we send these prisoners to other countries, knowing that there is a high likelihood that these people will be tortured. If Syria, for example, a country that Secretary Rice says we cannot trust, says that they will not torture someone who we have sent to them, can we really trust them?

Just this week, Syria broke off all relations with the United States military and the CIA. What does this mean for the diplomatic assurances that we received from Syria? Did we really need these additional lessons to know that they do not abide by the convention against torture?

Just this week in the New York Times there was a story about a case in which hooded operatives, in the middle of the night, took two Swedish prisoners to Egypt in a CIA-operated Gulfstream. Here is what the story said: one agent quickly slit their clothes with a pair of scissors. Another agent checked the suspects' hair, mouth and lips, while a third agent took photographs from behind. As prisoners stood there, naked and motionless, they were zipped into gray track suits and their heads were covered with hoods. The suspects were then marched in chains to the plane where they were strapped to mattresses on the floor of the cabin.

The two Egyptians later told lawyers, relatives, and Swedish diplomats that they were subjected to electric shocks and other forms of torture.

This is wrong. We should have had a vote here on the floor of Congress on this practice to prohibit it. And I regret that we will not. And I think it is a great deficiency in the debate we are having over the conduct of the war.

Mr. HUNTER. Mr. Chairman, how much time do we have?

The Acting CHAIRMAN (Mr. BOOZMAN). The gentleman from California has 1½ minutes.

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

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today to speak about our Nation's military space programs. But first I would like to offer my sincere thanks to the gentleman from California (Chairman HUNTER) and to the gentleman from Missouri (Mr. SKELTON), the ranking member, and particularly the gentleman from New York (Chairman McHugh) and the gentleman from Arkansas (Mr. SNYDER), ranking member of the HASC Military Personnel Subcommittee, for their hard work and support on another issue, that of revising the sexual assault statute in the Uniform Code of Military Justice, the UCMJ, language included in this bill adopting a modern complete sexual assault statute that protects victims, empowers commanders and prosecutors, and improves the good order and the discipline of the Armed Forces. It offers military prosecutors a clear definition of sexual assault and refined tools for effectively prosecuting sexual offenses. It also affords increased protection for victims by emphasizing acts of the perpetrator rather than the reaction of the victim during the assault.

As I said several months ago, we are at a critical juncture in dealing with sexual assault in the military. And I am thrilled to see that Congress is taking a major step to help with these problems in the military.

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Mr. Chairman, I would like to discuss our Nation's military space program. Last year, I offered an amendment in committee regarding the Near-Field Infrared Experiment, or what we know as NFIRE. NFIRE would have fired a kill vehicle from its host satellite at an incoming intercontinental-range ballistic missile. The Missile Defense Agency would have tried to narrowly avoid a collision only through split-second timing, but admitted there was a nontrivial chance of intercept.

I objected to the use of a kill vehicle flying from a host satellite because it basically would have been a de facto test of space interceptor technology. I felt strongly then, and I still do today, that we should have a coherent policy in place before we start conducting tests of weapons in space. Congress needs to be an active participant in the shaping of that policy.

I am pleased that the Missile Defense Agency decided against including a kill vehicle on the NFIRE satellite, and I appreciate their reconsideration of the NFIRE test.

I draw the NFIRE matter to the attention of this body because I think MDA's reconsideration was at least partly due to the recognition that this Nation needs to have a space policy in place prior to making decisions about testing or placing weapons in space.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

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

Mr. Chairman, where do I begin? I rise to oppose this bill for all that it represents about an America that has lost its way.

The snows are melting on Mount Kilimanjaro. Polar ice caps are contracting. In Africa, wars stoked by the United States contribute to the deaths of millions. Millions more die from hunger and disease. More Americans than ever do not have health insurance. Joblessness in some areas is at an all-time high. And this Congress is cutting Medicaid.

You might hear some talk up here about deficit spending, but there is precious little about the deficit so obvious as our values.

Dr. King told us that we all live in a world house, that we have the resources and the know-how to provide everyone everywhere with the basic necessities of life and that we must learn to live together as brothers or perish together as fools.

He reminded us that there is no deficit in human resources, but a deficit in human will. Nowhere is that more evident than in this half-trillion authorization for more fraud, waste, abuse and war.

At some point, Mr. Chairman, we ought to have a serious talk in this body about peace. The American people have been blunted with the horrors of hate and just like we rejected the outrageous behavior of Southern demagogues during the Civil Rights era, the American people reject the outrageous behavior at our detention centers like Abu Ghraib. But such is the collateral damage of war.

Today, courageous young men and women who joined the military to get a college education and not to go to war are taking a stand in their own way to reject war and hate. I urge my colleagues to find a new way and to do it today.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Mexico (Mrs. WILSON) who worked very hard on putting together the compromise amendment on women in combat.

Mrs. WILSON of New Mexico. Mr. Chairman, I appreciate the opportunity to speak.

We will have a manager's amendments later on this afternoon that will strike the language limiting the assignment of women in the military. I believe that those provisions were unnecessary and unhelpful, and I appreciate the willingness of the chairman to remove them from the bill.

I also wanted to thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arkansas (Mr. SNYDER) and the gentleman from Illinois (Mr. SHIMKUS), the leadership and the staffs of the various committees in their efforts to craft an alternative that I think is worthy of support.

It strikes all of the language with respect to the women on assignment in the military, and increases from 30 days to 60 days the amount of time that the Defense Department would have to give us notice that they are changing policy. That seems, to me, to be the appropriate thing to do.

In the history of this country, there has never been a law limiting the assignment of women in the Army, and we will not do so this year. Throughout the history of this country, 2 million women have served in the uniform of this country. Every single one of them has been a volunteer. We thank them for their service and we honor them today.

The Acting CHAIRMAN (Mr. BOOZMAN). The gentleman from California's (Mr. HUNTER) time has expired.

Mr. SKELTON. Mr. Chairman, I yield 30 seconds to the gentlewoman from Virginia (Mrs. DRAKE).

(Mrs. DRAKE asked and was given permission to revise and extend her remarks.)

Mrs. DRAKE. Mr. Chairman, I certainly would like to thank the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) for their leadership on this amendment.

I think the important issue before us today is that if women were to serve in direct ground combat positions, if that be the decision of the Congress, then I think the amendment before us today does that.

The important thing to remember is that this amendment, as was just explained, will provide a 60-day notice, time so Congress can act as necessary. It also provides for a report to Congress by the end of March of 2006. No women will lose their positions, nor would that be acceptable.

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

Mr. Chairman, in reference to the gentlewoman from New Mexico's (Mrs. WILSON) remarks, the women in the military issue is past. There were some trying moments, there were two amendments, one quite onerous and the other just onerous. I thank the gentlewoman.

I thank the gentleman from Arkansas (Mr. SNYDER), I thank the gentleman from Illinois (Mr. SHIMKUS), for their work, along with the chairman and the gentlewoman from Virginia (Mrs. DRAKE) for gluing together a piece of legislation that replaces the onerous language.

Mr. Chairman, we have a remarkable military. History will prove that we have the finest young men and young women who are in uniform ever. As it was pointed out a few moments ago, they are all volunteers. They are all dedicated. They understand duties. They understand service. They understand professionalism.

And today when we pass this bill, and I know the gentleman from California (Mr. HUNTER) joins me, we hope this will be a tribute to them and their hard work, their dedication and their patriotism. For without them, without the young men and women who wear the uniform of all the services today, our country would not be safe and secure.

Mr. Chairman, I admire and appreciate those who serve in our military today.

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

Mr. HUNTER. Mr. Chairman, I ask unanimous consent to yield for the purpose of making a unanimous consent request to the gentleman from South Carolina (Mr. WILSON).

The Acting CHAIRMAN (Mr. BASS). Is there objection to the request of the gentleman from California?

There was no objection.

(Mr. WILSON of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I support the National Defense Authorization Act.

Mr. Chairman, as our troops continue to risk their lives to defend our country, Congress is acting today to ensure that these brave men and women have the necessary training and equipment to win the war on terror.

As a father of three sons who are currently serving in the military, I am personally invested in the war on terror and the safety of our troops. In February, my son Alan returned after serving for one year in Iraq. I am proud of his Army National Guard service, and I am dedicated to ensuring a safe return for all of the brave soldiers who selflessly serve in the United States Armed Forces.

Today, I am honored to vote for the National Defense Authorization Act, legislation that will ensure American troops receive the best equipment, weapons systems, training, and support.

During my visits to both Iraq and Afghanistan, I have seen firsthand the challenges facing our soldiers. H.R. 1815 addresses these challenges by authorizing additional funding for force protection, including up-armored Humvees, tactical wheeled vehicle programs, night vision devices, and improvised explosive device jammers.

As our soldiers continue to sacrifice their lives for our freedom, they should be able to provide for their families. By including a 3.1% pay raise for members of the Armed Forces, and increasing the maximum amount of hardship pay, this legislation rewards the tremendous sacrifices of our soldiers.

Finally, H.R. 1815 contains several measures that will provide for military families who have lost ones in the war on terror. It permanently increases the death gratuity to $100,000, and also extends the amount of time dependents of deceased service members can stay in housing or receive housing allowances. Although we can never fully compensate for the sacrifices of our soldiers, these measures will help express our heartfelt appreciation to military families.

The terrorists fighting against us are a cowardly and brutal enemy, inspired by hatred and evil. Their agenda of evil will fail against the thousands of men and women of the United States Armed Forces who serve a greater cause of freedom.

I would like to thank Chairman HUNTER and other members of the House Armed Services Committee for their leadership and continued efforts to provide for the men and women of the United States Armed Forces.

In conclusion, God bless our troops and we will never forget September 11.

Ms. BORDALLO. Mr. Chairman, I rise in support of the Department of Defense Authorization Act for Fiscal Year 2006. This bill provides $441 billion in budget authority for the Department of Defense, as well as an additional $49 billion funding bridge for Fiscal Year 2006 costs associated with Operation Iraqi Freedom and Operation Enduring Freedom. Overall I am pleased with the funding authorization level and the major initiatives outlined in this bill, though I do harbor reservations over several more minor provisions which I believe should be more thoroughly reviewed in conference. However, after working diligently with my colleagues on the Armed Services Committee, I am confident that we have produced a Defense Authorization bill that will support the mission of our men and women in uniform who are currently deployed in Iraq and Afghanistan and provide adequate direction for our armed forces to meet future challenges.

One issue that I hope will be revisited in conference is that of allowing members of the National Guard and Reserves to access health benefits under the military's TRICARE program. Despite bi-partisan support for extending this benefit to National Guardsmen and Reservists, this provision was stripped from the Defense Authorization bill without the full consent of members of the Armed Services Committee due to a budget technicality. My colleague, Congressman GENE TAYLOR of Mississippi, had hoped to offer an amendment to the Defense Authorization bill to restore this provision. Unfortunately, however, the House Rules Committee did not make his amendment in order for consideration, therefore House members were deprived of the opportunity to vote to restore this important initiative.

It is important that we recognize the hardship encountered by National Guardsmen and Reservists when they are called up for duty. In addition to placing their lives in the line of fire and separating themselves from their families for extended periods of time, these individuals must bear additional personal financial costs. One way to recognize their courage and sacrifice and to mitigate against the economic hardships that they must endure is to allow these men and women to enroll in TRICARE. TRICARE offers high quality coverage at a reasonable cost to members of the armed forces and their families. Allowing National Guardsmen and Reservists to enroll in TRICARE would serve as an additional incentive and help strengthen morale.

At a time when the military is facing unprecedented difficulties insofar as personnel recruitment and retention, it is important that we do everything we can to demonstrate to our men and women of the National Guard and Reserves that we recognize their sacrifice and the hardship that they and their families endure. National Guardsmen and Reservists have played a vital and integral role as soldiers on the front lines of Operation Iraqi Freedom and Operation Enduring Freedom. National Guardsmen and Reservists have been required to extend their tours of duty in Iraq and Afghanistan to a point where their level of involvement in this conflict is virtually indistinguishable from that of active duty members of the armed services. It is also clear that their efforts will be required indefinitely.

We must take this opportunity to recognize the heroic efforts and the vital role played by our National Guardsmen and Reservists in securing freedom for the people of Iraq and Afghanistan. We must also recognize the evolving nature of the role of National Guardsmen and Reservists and how much our armed services now depend upon their service, a trend that one can only assume will continue in the future. These men and women have labored well beyond traditional tours of duty in order to help maintain security for the new democracies. They are soldiers and they deserve to be treated as such. I hope that conferees will revisit this bi-partisan proposal and that it will ultimately be included in the final version of the Defense Authorization Act.

Mr. HOLDEN. Mr. Chairman, I rise today in support of the Defense Authorization Act for Fiscal Year 2006. I am pleased Chairman HUNTER and Ranking Member SKELTON were agreeable in adding my legislation to create the Combat Medevac Badge in the bill. I would also like to thank Congressman GEOFF DAVIS for his support in offering my legislation as an amendment during mark-up.

Two years ago I was approached by the Vietnam Veterans of America Chapter 542 in Central Pennsylvania, who told me great stories of heroism performed by DUSTOFF pilots and crews during the Vietnam War. But despite their heroic acts, the Vietnam Veterans of America continued to struggle to establish a combat badge in honor of these brave pilots and medics.

Upon my meeting with the Vietnam Veterans of America Chapter 542, I introduced legislation to establish the Combat Medevac Badge to recognize these Medevac pilots and crews. Simply stated, my legislation would make any person who served in combat as a pilot or crewmember of a Medevac unit beginning June 25, 1950 eligible for the Combat Medevac Badge.

Current law provides for two honor recognitions, the Combat Medical Badge and the Combat Infantryman Badge. The basic eligibility standards for both of these awards were crafted during World War II, a time before helicopters entered the field of battle for rescue and medical evacuation purposes.

Non-Medevac pilots and co-pilots, who flew aircraft during the Korean War, and every war since then, have long been recognized with a Combat Badge. However, because of an omission in the statute, Medevac crews that operate rescue helicopters have never been eligible for the same recognition.

Last week, this omission was corrected during the Defense Authorization mark-up, when Congressman DAVIS offered an amendment to establish the Combat Medevac Badge, which was passed en bloc. I commend Congressman DAVIS for taking the lead in committee and bringing this long overdue award one step closer to fruition.

Mr. Chairman, I would again like to commend Chairman HUNTER, Ranking Member SKELTON, and Congressman DAVIS for their leadership in bringing forth this very good bill and including the establishment of the Combat Medevac Badge. I would also like to thank my colleague from Pennsylvania, JOE PITTS, for all of his assistance and hard work. Lastly, I would like to recognize John Travers and Mike McLaughlin of the Vietnam Veterans of America Chapter 542 for brining this to my attention and for all of their time and dedication to the effort.

Medevac pilots and crews have performed heroically during times of military conflict. This long overdue award will acknowledge their service to our country.

Mr. FARR. Mr. Chairman, I rise to express my support for two amendments to H.R. 1815, the Department of Defense Authorization Bill, which are critical to improving the health and welfare of our servicewomen at home and overseas. The Slaughter amendment would authorize funding for the DOD to provide better care to military victims of sexual assault. The Davis amendment would allow servicewomen overseas to use their own funds to obtain a safe abortion in military hospitals. I urge my colleagues to support both of these amendments.

Incidents of sexual assault in the military are unfortunately all too common and, despite this fact, DOD does not currently provide adequate training in evidence gathering and preservation for first responders to sexual assaults. In addition, many military healthcare providers are not familiar with the gathering and processing of rape kits and some facilities are not even equipped with rape kits. It is unacceptable that DOD has not provided more comprehensive resources for dealing with the problem of sexual assault in the military. The Slaughter amendment would authorize $25 million annually for training and resources for the DOD to improve the response to incidents of sexual assault. The amendment would also require the Secretary of Defense to develop a plan to enhance accessibility and availability of supplies, trained personnel, and transportation resources in response to sexual assaults occurring in deployed units.

In light of DOD's inability to protect servicewomen from sexual assault, and to provide comprehensive health care after a sexual assault, it is even more important that we support the Davis amendment to ensure that servicewomen stationed overseas could receive a safe abortion, paid for with their own private funds, in a military hospital. Currently, servicewomen and female military dependents are prohibited from using their own funds for abortions at overseas military hospitals. Military women should be able to depend on their base hospitals for all their health care services, but instead they are forced to compromise their medical privacy and wait for space on a military transport, or to seek an abortion in a foreign hospital. It is unacceptable to endanger the health of our servicewomen by denying them safe and timely medical care. This amendment would not require the government to pay for abortions, and it would not force medical providers to perform abortions, but it would allow military women and military dependents stationed overseas to exercise the reproductive rights they are entitled to as Americans.

American servicewomen dedicate themselves to defending our constitutional rights and civil liberties; they should not have to worry about receiving inadequate healthcare for sexual assault, or sacrificing their constitutional rights and civil liberties simply because they have chosen to serve their country. I urge my colleagues to support both the Slaughter amendment and the Davis amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I rise today in support of the Defense Authorization Bill. I want to specifically express my support for the ''Contractors on the Battlefield'' section of the bill, which takes a number of positive steps toward improving federal oversight of contractors providing security services in war zones.

Several major incidents last year brought to light the problems and dangers inherent in the federal government's use of security contractors, including the Abu Ghraib scandal and the brutal murder of four Blackwater contractors in Fallujah.

A year ago, more than 100 members of Congress joined me in writing to the GAO to request an investigation into the use of security contractors in combat zones. Last month, GAO confirmed many of our fears, releasing a report that found substantial confusion surrounding these contracts and how they fit into larger military operations.

I have been working with Congressmen SPRATT, WAXMAN, CRAMER, and SNYDER—and with the various security contractor groups—to develop legislation that would address these problems and help rationalize the security contracting system.

Last month, we introduced a bill based on those efforts, the Transparency and Accountability in Security Contracting Act, and we have been working with the Armed Services Committee to incorporate the major elements of our bill into the Defense Reauthorization legislation we are considering today. I am grateful for the support that Representatives HUNTER and SKELTON have provided in addressing these issues.

There were some items in our bill that I would have preferred be included in the measure now before us, but I understand there are some jurisdictional issues that would have complicated that. Nevertheless, the provisions that are part of the Defense Authorization bill are a solid first step, and I am pleased with this bipartisan accomplishment.

To date, the federal government has had no precise estimate of the number of armed contractors working in Iraq and, as a result, the Defense Department has had no systematic way to communicate with them, putting both contractors and troops at risk.

The Defense Authorization bill would address that problem by requiring DoD contractors to provide information on their personnel who carry weapons, including the exact location where they are working. They would also be required to certify that those personnel have received the necessary training to do their jobs safely and effectively.

The bill also would require combat commanders to establish protocols to improve communication between military personnel and contractor personnel. And it would require the Pentagon to establish guidelines for contractors as to the type of weapons they may use and the amount of training required to use them.

These provisions would help keep our troops and contractors safe, and they should improve the effectiveness of contractors in Iraq and other areas of conflict. And after two years of being in the dark, this bill would also provide us with the information we need to provide appropriate oversight of contractors in war zones. I urge my colleagues to support this bill.

Mr. CROWLEY. Mr. Chairman, I rise today to speak in support of the Defense Authorization bill. I would like to commend the distinguished Chairman of the Armed Services Committee DUNCAN HUNTER and his counterpart IKE SKELTON, a man who I greatly respect, for crafting a bipartisan bill.

While this is not a perfect bill, in today's environment on Capitol Hill it is a testament to both of these men and their staff that they are able to work so well together to put a bill forward that so many of us can support. I would also like to thank the Rules Committee for making my amendment in order for debate today.

My amendment is a Sense of Congress honoring the diversity of the men and women who have given their lives in defense of our country. Diversity is an essential part of the strength of the Armed Forces, in which members having different ethnic backgrounds and faiths share the same goal of defending the cause of freedom, democracy, and liberty. These brave men and women who come from such diverse backgrounds are one of the best foreign policy tools we have.

When we have a broad mosaic of the diversity of our country all working together, like African Americans, Arab Americans, Asian Americans, Hindu Americans, Jewish Americans, Latino Americans, Muslim Americans,

and Sikh Americans all working together fighting for the same cause, it says something to the rest of the world.

I know a lot about diversity because I have the privilege of representing one of the most diverse Congressional districts and I'm proud to say that my constituents are members of the Armed Forces and unfortunately, several have lost their lives fighting to defend the cause of freedom, democracy, and liberty.

As the former co-chair of the Caucus on India and Indian Americans, I read with interest about a young Sikh American, Specialist Uday Singh, who died fighting in Iraq. He was the first Sikh to die in combat operations during Operation Iraqi Freedom. As I read on, it told the story of how Specialist Singh joined the military—Singh joined because he believed in what the United States represents and felt the strong desire to fight for the freedoms we have here. I would like to commend the family of this young man for his sacrifice for our freedom.

I also represent a large Latino community and have had the privilege of meeting with the Latino members of the Armed Forces. They've told me stories about what made them join, whether it was to defend the cause of freedom, democracy, and liberty or to make a better life for themselves through the military, regardless of the reasons their actions are commendable.

A constituent of mine, Sergeant Christian Engeldrum was killed during service in Iraq. This patriot was a Firefighter in New York City and was one of the first people to raise an American flag over Ground Zero after September 11, 2001. The events he witnessed that horrible day spurred him to re-enlist into the Army to fight for our nation overseas and ensure our protection here at home. While he left his pregnant wife and two growing sons behind, he volunteered so they could live in a safer country, and a better world. Tragically, on November 30, he paid the ultimate price for his love of family and country when a roadside bomb exploded near his convoy outside of Baghdad.

Sergeant Engeldrum was the fIrst New York City firefighter to die in service to his nation in Iraq. My heart and sincerest condolences go out to his family and all the other families who have lost loved ones, but we also need to focus our attention on those who have lost their lives but also the ones who have come back with injuries and unexplained ailments.

I also have some veterans who are still struggling with the effects of serving in the military, both mentally and physically. One such veteran had gone undiagnosed and recently had a child born with birth defects. The military doesn't know why this happened but I believe it had to do with the large amount of depleted uranium found in his body. I would like to thank the committee for including language in the bill for the Department of Defense which addresses and acknowledges the widespread problem of exposure to depleted uranium by military personnel.

The language, which I authored, was in honor of my constituent Gerard Mathew and his family. This language will require the Department of Defense to rework its strategy regarding depleted uranium, require the Department of Defense to update their testing methodology to the most modern standards and provide testing to all who request it and provide better protections and coverage for members of the military.

This language is an important issue that all the members of our Armed Forces face and I want to thank the Committee for their willingness to address this concern. No piece of legislation is perfect but I would like to commend the chairman and the ranking member and their incredible staff for working hard to craft such a bipartisan bill that I hope many of the members of this House will support.

Mr. TIBERI. Mr. Chairman, I rise in support of the National Defense Authorization Act, and the inclusion of my language that extends hiring preferences for federal jobs to more veterans.

I want to thank armed services Chairman DUNCAN HUNTER for including this language in his manager's amendment. Chairman HUNTER's concern for our men and women in uniform is second to none.

Currently, only veterans who have spent 30 consecutive days in a combat area are eligible for federal hiring preference.

Thousands of regular military, reserve and national guard forces who have served in the war on terror, both in this country and abroad, don't qualify because they don't meet the 30 day standard.

That's wrong. They've sacrificed and faced the same hardships. They deserve the same benefits.

My language extends the hiring preference to any honorably discharged vet who has spent 180 days on active duty in the war on terror. This is very similar to language approved by Congress for veterans of the gulf war.

This problem was brought to my attention by reservists in my district. On their behalf, and on behalf of all our veterans, I want to thank Chairman HUNTER and my colleagues in the House for accepting my language.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this bill. It is deficient in many ways, but it includes critical provisions that I think are necessary. So I will vote for it.

As a new Member of the Armed Services Committee, I am grateful to Chairman HUNTER for working with me on a number of provisions in the bill that are important to me and my state of Colorado.

The bill incorporates an amendment I offered to reauthorize for one year the Welcome Home Warrior and Freedom Salute programs for the Army Reserve and Army and Air National Guard. Both programs are first and foremost recruiting and retention programs. They help reintroduce returning soldiers to civilian life and honor them with gifts of flags, lapel pins and other items honoring their service. Especially given the amount of strain our citizen soldiers are under, it's all the more important that we take the time to let them know how much their service and sacrifices mean to their communities and to the nation.

The bill also includes language directing the Secretary of the Army to evaluate the type of aircraft available in the Army's inventory that can replace aging equipment currently in use at High-Altitude Aviation Training Site (HAATS) in Eagle, CO. HAATS, which is operated by the Colorado Army National Guard, is the primary site for training military pilots on operations in hostile and high-altitude environments under all weather conditions. The training that is done at HAATS is essential to reduce the number of accidents our forces have recently experienced when operating in high mountainous areas, such as Afghanistan and Northern Iraq. But the training site currently uses aircraft that are being phased out this year, and no replacement aircraft have been programmed. So I'm glad that the Chairman has pledged to work with me to help HAATS continue to provide its important training.

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

I also want to call attention to language that would transfer program responsibility from the Under Secretary of Defense for Acquisition, Technology, and Logistics to the Secretary of the Army. I understand that objection to this transfer in the past was due to the preference of the Program Manager for Chemical Destruction under the Department of the Army for baseline incineration. Now that DoD is committed to the neutralization approach, and given the numerous GAO reports and testimony to Congress stating that effective management of the chemical demilitarization program has been hindered by the complexity of its management structure, it appears to make sense to pursue the transfer. Still, I've asked the Chairman to follow this move closely to ensure that this proposed change in oversight of the project doesn't change the path forward for the development of the neutralization technology.

Finally, I'm pleased that the bill includes $6.4 million for the Air National Guard Station at Greeley for the Space Warning Squadron Support Facility as well as $5.5 million for the Network Information and Space Security Center (NISSC) at the University of Colorado at Colorado Springs. These funds will enable Colorado's Air National Guard to replace its outdated facility and allow NISSC to expand its programs and services through a multidisciplinary homeland security lab environment.

There are also many broad provisions in the bill that benefit our troops. An important one increases the active duty Army and Marine Corp by 10,000 and 1,000 respectively, thereby helping to ease the strain on our troops. I'm also glad that the bill includes provisions to increase recruiting and retention incentives, increase the death gratuity to $100,000, and provide a 3.1 percent pay raise for members of the armed forces. The bill also provides better force protection for our troops, including nearly doubled funding for up-armored Humvees.

Also important—especially at this time of budget tightening—is the bill's focus on reining in costs of major procurement programs, particularly the Future Combat Systems and other programs that have relied on immature technology.

On a less positive note, I am concerned that the bill authorizes nearly $50 billion in a "bridge fund"—over and above the $440 billion in the regular bill—for FY06 supplemental

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

I'm also disappointed that the leadership and the Rules Committee did not provide for adequate debate on issues of importance to the nation and to the prosecution of the war in Iraq and Afghanistan.

Last week the Armed Services Committee voted for Representative TAYLOR's amendment to provide TRICARE to all Reservists on a permanent basis. But Chairman HUNTER took the language out due to budget constraints, and the Rules Committee refused to make Mr. TAYLOR's amendment in order. I agree with my colleague Representative TAYLOR that as long as our nation continues to use our reserve components in the same capacities as active duty troops, they deserve similar benefits for similar service. The needs of our Reservists will continue to grow as we continue to call them to service in the war in Iraq and Afghanistan. But the Republicans put off this decision on TRICARE to another day.

The Rules Committee also precluded debate on Representative SPRATT's amendment to increase spending on nonproliferation programs. As Mr. SPRATT pointed out, we are currently spending less on the cooperative threat reduction program than we did before September 11th. President Bush agreed with Senator KERRY in one of the presidential debates that the biggest danger we face is the threat of nuclear weapons and other weapons of mass destruction in the hands of terrorists. Yet this bill doesn't provide funding for our nonproliferation programs commensurate with this threat.

I am disappointed that debate was not allowed on Representative TAUSCHER's excellent amendment on sharing reports on detainee treatment with Congress or on an amendment I offered with my colleague Representative BEAUPREZ to help former nuclear weapons workers in Colorado who are suffering from cancer and other conditions related to their exposure to radiation and other hazards.

I'm very relieved that the majority saw fit to scale back for the second time language that was first proposed two weeks ago in the Personnel Subcommittee on which I serve. That language would have removed women from Army combat support and combat service support units in which they currently serve, a move that would have affected many thousands of women in Iraq and Afghanistan.

Last week's amendment watered down the initial language, codifying the status quo with regard to positions women currently hold in the military. Along with my colleagues in the Armed Services Committee, I objected to this revised language because it would take flexibility away from our commanders who need to make their own decisions about battlefield needs. So last week's amendment meant that if one of the services wanted to expand or change positions open to women, this could only be done through a change in the law. Ranking Member SKELTON said it best: ''By limiting women to only those jobs they perform today, it will be more difficult for commanders to adapt their forces to the changing needs of current operations around the world.''

Given the current difficulties our military is facing with recruitment and retention, it doesn't make sense to tie the hands of our commanders, discourage women from joining the armed forces, or create confusion among our troops. So I'm glad that Chairman HUNTER revised his language yet again in the manager's amendment today. This final provision requires the Defense Department to provide more detailed reporting if the services want to expand the role of women, and establishes a longer waiting period following notice to Congress before those changes can go into effect.

Finally, I want to discuss an amendment brought to the floor by our colleague from California, Ms. WOOLSEY.

This is an annual authorization bill, but its provisions will have lasting effects beyond the next fiscal year. So, I sympathized with those who supported the amendment calling for the Administration to tell us how they intend to complete the work we have undertaken to do in Iraq. But, after careful consideration, I decided that I could not support the Woolsey amendment.

That does not mean I am confident that the Administration has a clear blueprint—in fact, just the opposite. I opposed the resolution authorizing the use of force in Iraq because I thought other alternatives had not been exhausted. And events since then have made clear that while the Administration planned for invasion, they lacked a plan for what would follow.

But just as rushing into Iraq was a mistake, rushing to get out would also be a mistake. Ms. WOOLSEY's amendment may be helpful in sending an important signal to the Muslim world that America has no desire to stay in Iraq, but it fails to address the necessary linkage between an exit strategy and security. Moreover, I am persuaded that this is not the moment for Congress to cast what the insurgents predictably would describe as a vote of no confidence in our efforts to assist the new Iraqi government to draft a constitution and to develop the police and military forces needed to maintain order so that the Iraqi people can decide in free and fair elections whether to ratify that document.

Mr. Chairman, this is not a perfect bill. And the process under which it was debated was not all that it should have been. But, overall, the bill deserves to pass and I urge its approval.

Mr. BLUMENAUER. Mr. Chairman, I voted against this bill because, at its core, it gives too much money to the wrong people to do the wrong things, while missing out on important priorities for the safety and wellbeing of our troops and our nation. This budget provides $3.4 billion—$170 million more than the President's request—for an untested and unproven national missile defense system and continues to fund the unnecessary FA/22 Raptor and the C–130J cargo plane, which even Secretary of Defense Donald Rumsfeld has tried to kill. At a time when we are at war, the United States can hardly afford to waste billions of our defense dollars on programs that don't work or address the new threats we face.

I'm disappointed that an amendment I intended to offer was not allowed to be debated, which would have delayed the 2005 BRAC round until the Pentagon had a strategy, including expected funding, to cleanup the bases closed in the 1988 BRAC round. At the same time, in addition to missing the opportunity to deal with issues of unexploded ordnance and environmental cleanup at BRAC sites, this bill doesn't include TRICARE for our reservists or address the threat of nuclear proliferation by sufficiently funding the Nunn-Lugar Cooperative Threat Reduction program, as recommended by the 9/11 Commission.

A glaring omission is the lack of any meaningful provisions dealing with torture and prison abuse by our country. The failure to hold anyone up the chain of command responsible for documented gross violations of human rights is appalling. Placing the blame entirely on a few low-level enlisted personnel is shameful. It sends the wrong message to our fighting forces and to the rest of the world, with dangerous consequences for the United States.

I opposed the War in Iraq from the beginning because this administration had inadequate preparation for the war and never had a plan for winning the peace. Nothing in this bill solves this most pressing problem for our troops. We still lack a plan to win the peace in Iraq.

Mr. LANGEVIN. Mr. Chairman, I rise in support of H.R. 1815, and thank Chairman HUNTER and Ranking Member SKELTON for their hard work. This bill supports our men and women serving in the armed forces and makeinvestments to keep our military strong in the future.

H.R. 1815 is committed to a strong Navy through shipbuilding increases. With cost controls and investments in our industrial base, we can ensure that our future navy will be robust, innovative and effective. I am pleased that the bill directs the Navy to begin design work on a next-generation submarine that will incorporate emerging technologies. Currently our Navy has no plans for the submarine to follow the *Virginia*-class, which threatens to cause our design and engineering base to disappear. If we lose design capability, we will do irreparable harm to our shipbuilding industry. Given certain nations' investments in their navy and undersea capabilities, I appreciate the commitment in this bill to guaranteeing our nation's undersea dominance.

However, I am concerned by the recommended cuts to DD(X), the Navy's future destroyer that will serve as the model for our naval surface combatant transformation. DD(X) is the cornerstone of our future fleet, and I fear that the cuts in this bill could endanger the project. I look forward to working with my colleagues to address any existing concerns with DD(X) and to continue this program.

This bill also contains important language to ensure that civilian employees at the Department of Defense do not lose their jobs to private contractors without first having the opportunity to compete for the work. It closes loopholes that have permitted DOD to outsource work without proving that the private sector can do it more cost-effectively. Finally, it expresses the sense of Congress that civilian employees should have the same rights as private contractors during contract competitions. I thank the chairman of the Readiness Subcommittee, Mr. HEFLEY, for working with me to craft the language and Chairman Hunter for his commitment to defend our provisions.

Furthermore, the committee report encourages the President to update the National Security Strategy so that we incorporate all instruments of national power into a comprehensive approach to security. We need a vision of national security that complements our military might with enhanced soft power capabilities such as communications and diplomacy, economic cooperation and foreign aid, cultural exchanges, and investments in educational disciplines such as science, engineering and foreign language skills. Joseph Nye, the former dean of the Kennedy School of Government and Assistant Secretary of Defense for International Security Affairs, has written extensively about the need to supplement our military might with efforts to win the world's hearts and minds with our values and culture. As the 9/11 Commission so eloquently put it: ''If the U.S. does not act aggressively to define itself [. . .], the extremists will gladly do the job for us.'' I thank the committee leadership for addressing my concerns in this area.

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

Ms. BALDWIN. Mr. Chairman, I rise in opposition to H.R. 1815, the Defense Authorization Act for Fiscal Year 2006. This legislation reflects misplaced priorities, wrong choices, excessive spending, and a failure to make hard choices. This bill also fails to assert any meaningful Congressional oversight over the war in Iraq which has been mismanaged from the very beginning.

Passage of this bill today will set our annual defense spending in Fiscal Year 2006 at $490.7 billion, including additional funding for the war in Iraq. This will account for 55 percent of all discretionary spending. In real terms, it will be 20 percent higher than the average defense budget during the Cold War. We will spend just shy of a million dollars a minute, 24 hours a day, for all 365 days next year.

Mr. Chairman, in the past, I have supported many defense authorization and defense appropriations bills. As a Member of this House, I take extremely seriously my oath of office that obligates me to provide for the protection of the American people. Providing for our common defense is critical, but like other federal government programs, we are bound to ensure that each dollar that we spend is necessary and used wisely.

Not only will this be a record defense budget, it will also be nearly as large as every other country in the world combined. Let me repeat that, this defense budget will nearly equal all other military spending in the world, including nations that are our allies and nations that are potential adversaries. According to estimates by the Center for Arms Control and Nonproliferation, all nations except for the United States are spending a total of $527 billion. This includes our NATO allies like Britain at $49 billion and France at $40 billion, and Japan at $45 billion. Our spending dwarfs those of countries that are considered possible threats to our security: Iran at $3.5 billion, North Korea at $5.5 billion, Syria at $1.6 billion, and Sudan at $500 million.

We have already appropriated approximately $250 billion for the wars in Iraq and Afghanistan since 2003. The day after we passed our latest FY 2005 supplemental, the Administration signaled that we should expect another supplemental request in the $50 billion range. It is clear that the Administration has no idea what the costs of the Iraq operations will be or is withholding that information from the Congress and the American people.

In March 2003, before the war began, I wrote to the President with 22 of our colleagues to ask him to specifically define our objectives and to provide an exit strategy. We asked the President a number of questions including: ''Under what circumstances will our military occupation of (and financial commitment to) Iraq end? And how will we know when these circumstances are present.'' We, and the American people, never received an answer to these crucial questions. Even today, the Administration is unwilling or unable to answer. This is simply unacceptable.

Time and again, the President has requested money to fund the war in Iraq while refusing to answer our questions about this war and provide a comprehensive strategy for bringing our troops home. We must insist that the administration articulate the conditions necessary to bring our troops home, and push them to do that as soon as possible. The administration's refusal to address these is quite astounding to me and should be of great concern to all Americans who believe in principles of accountability and checks and balances.

It is absolutely essential that President Bush formulate an exit strategy. This strategy must specify our objectives clearly, benchmarks to measure our success, or lack of success, and a realistic time line for withdrawing our troops. I know that many argue that a timeline for withdrawal would encourage insurgents to ''run out the clock.'' I disagree. A timeline would establish deadlines for us and the Iraqis to achieve our objectives. It gives us deadlines with which to hold ourselves accountable. For example, we set a date for elections, and despite the violence, we were successful in holding them on time.

My colleague from California, LYNN WOOLSEY, offered an amendment today to ask the President to develop a plan for withdrawing U.S. forces from Iraq. This amendment did not set a date for withdrawal, nor did it require that any plan developed by the President have a fixed timeline for withdrawal. It simply said that the President should put together a plan and share it with Congress and the American people. Yet, the House leadership only allocated 30 minutes for this crucial debate.

This legislation fails to make tough choices about our military priorities. I support transformation of our armed forces into a more mobile, flexible force that can take on a wide variety of missions, from combat to peacekeeping, from hurricane relief to securing weapons of mass destruction. Our country cannot afford to maintain our current Cold War structure and legacy weapons systems while fully transforming into the modern force we need in this century. Yet this bill fails to make the tough choices and instead tries to fund both. And it fails to fully succeed at either.

I want to focus on some of the weapons systems we are funding in this bill.

Since 1983, we have spent $100 billion on missile defense. President Bush decided to move forward with deployment of a system that has been inadequately tested. As the Government Accountability Office (GAO) noted last year, the system is ''largely unproven.'' The GAO went on to state that tests so far have been ''repetitive and scripted'' and that ''decision makers in the Defense Department and Congress do not have a full understanding of the overall cost of developing and fielding the Ballistic Missile System and what the system's true capabilities will be.'' Each year we put more and more resources into this unproven technology that does not address the most likely threats from weapons of mass destruction. Is a nuclear weapon likely to arrive on an intercontinental ballistic missile? Homeland security experts don't believe so. Moving forward with another $7.9 billion this year and plans for at least $50 billion more in coming years does not make military or fiscal sense.

I am pleased that the committee report on this bill raises serious questions about the future of the Future Combat System (FCS) program. The GAO found in March 2005 that ''the FCS program faces significant challenges in setting requirements, developing systems, financing development, and managing the effort.'' Let me quote from the report:

> The FCS has demonstrated a level of knowledge far below that suggested by best practices or DOD policy. Nearly 2 years after program launch and about $4.6 billion invested to date, requirements are not firm and only 1 of over 50 technologies are mature—activities that should have been done before the start of system development and demonstration.
>
> If everything goes as planned, the program will attain the level of knowledge in 2008 that it should have had before it started in 2003. But things are not going as planned. Progress in critical areas, such as the network, software, and requirements has been slower than planned. Proceeding with such low levels of knowledge makes it likely that FCS will encounter problems late in development, when they are costly to correct. The relatively immature state of program knowledge at this point provides an insufficient basis for making a good cost estimate.

Despite the clear concern of the committee expressed in the committee report, FCS is funded at $3.4 billion, only $400 million less than the President's request.

The F/A–22 Raptor is the most expensive fighter ever built. Originally budgeted at $96 billion for 648 planes, it is now going to cost us $68 billion for 178 planes. Because of changing capabilities, the planes are now estimated to cost $258 million each, five times the cost of the F–15 and F–16 that they are replacing. This year, we are going to spend $3.8 billion for 24 planes while spending another $480 million for research and development. We have a plane that is way over budget and whose mission is unclear. The answer to this dilemma is to end the program, not spend more.

In December, the Defense Department proposed cutting the C–130J cargo plane, which would have saved $30 billion over the next five years. This made a lot of sense since the plane cannot complete its intended mission. Most of the planes have design flaws that prevent them from dropping paratroopers or heavy equipment. The chief weapons inspector at the Pentagon reported that it is ''neither operationally effective nor operationally suitable.'' Unfortunately, DOD has backed off cancellation and this bill will authorize more than $1 billion for procurement in FY 2006.

I do want to mention some positive features of this legislation. I am pleased that it contains a 3.1 percent increase in military pay. Our men and women in uniform deserve our admiration and respect for their dedication and

commitment. They have demonstrated again and again their professionalism when faced with incredibly difficult challenges. They truly are the best in the world. This legislation contains improvements to benefits and facilities that will help members of our armed forces and their families. It also increases hazardous duty pay, raises the caps on enlistment and reenlistment bonuses, and enhances the TRICARE Reserve Select Program (TRS). I support those provisions.

I was disappointed that expanded eligibility for TRICARE for our guard and reserve that the committee added to the bill was dropped by Chairman HUNTER. This bill should also have included full concurrent receipt and ended taxation of survivor benefits.

This bill fails to make the tough choices necessary to transform our military force for the 21st Century. This bill fails to account for the real costs of war in Iraq and fails to press the President to put together a realistic exit strategy. I therefore must vote against this legislation.

Mr. SALAZAR. Mr. Chairman, I rise today in support of H.R. 1815, the Defense Authorization Act for Fiscal Year 2006. I commend the Committee for their hard work in crafting this bill. I do wish to express my concern over a certain section of the bill that directly impacts a facility in my district.

Since 1997, the Assembled Chemical Weapons Alternatives (ACWA) program has overseen the development of new technologies for the destruction of chemical weapons at the Pueblo Chemical Depot in my congressional district and the Blue Grass Army Depot in Lexington, Kentucky. The ACWA program has been highly successful and construction activities are now set to commence in the very near future. Congress intentionally gave oversight authority to the Under Secretary of Defense for Acquisition, Technology, and Logistics in an effort to develop alternative destruction techniques from the incineration process that existed at the time. This year's Defense Authorization gives that authority to the Secretary of the Army.

In a letter dated May 2, 2005, my colleague Mr. CHANDLER of Kentucky, and I asked Under Secretary Mike Wynne to answer several questions about a change of authority of this nature. I still look forward to Under Secretary Wynne's response. The ACWA program's success has been due to the unique interaction between the Federal, State and local government representatives, regulators and the community; I encourage the Secretary of the Army to foster these relationships and ensure that a transparent and open decision making process remains intact. I also urge the Secretary of the Army to make this transition in a way that does not negatively affect the program timelines at either facility or increase the cost of completing this important work.

Mr. Chairman, we are already at risk of not meeting our treaty obligations laid forth in the Chemical Weapons Convention. I fear that if an inefficient and closed organizational structure is established for the two ACWA facilities, the progress we have already made will be lost. This Congress must expect and ensure efficiency in the effort to destroy our chemical weapons stockpiles.

Mrs. MALONEY. Mr. Chairman, I rise today in support of H.R. 1815, the ''National Defense Authorization Act for Fiscal Year 2006.'' I am pleased that the bill includes provisions to provide retirement credit to the members of the National guard serving on State duty who responded to the 9/11 attacks in New York and at the Pentagon. I along with my friend and colleague, Representative KING, and other members of the New York delegation, have introduced legislation, H.R. 2499, which would accomplish the same goal, and I am thankful that the Committee has worked with us to correct this inequity.

In the aftermath of 9/11, the National Guard responded to the call of duty heroically. While others were moving toward safety, the guard moved into unknown dangers around Ground Zero. They did not know if another attack was coming, but they did not hesitate to respond. All they did was their selfless duty.

They secured lower Manhattan, they protected against a possible second attack, and they stood up for our Nation, knowing their lives may be in danger. For almost a year after 9/11, these National Guard heroes streamlined the movement of rescue personnel during the critical first phases of the response and they endured the toxic air conditions of Ground Zero with thousands of responders.

What we face now is a question of fairness. Last year, I visited the units of the Manhattan based 69th National Guard Regiment—known as the Fighting 69th—just days before they were to leave for Iraq. I asked if there was anything I could do on their behalf. And the had only one request. It was to seek fair federal retirement credit for their 9/11 service to the country.

We, in Congress, now have a chance to express the Nation's gratitude to these soldiers, not just through words of praise but through action.

The problem is a simple one: The national Guard units that served in the disaster zones of New York after 9/11 are not receiving Federal retirement credit, while the National Guard units that protected Federal sites like West Point are receiving Federal retirement credit. We all agree that protecting Federal sites was an important duty after 9/11, and that soldiers who served in that capacity deserve Federal retirement credit. But those who risked their lives at Ground Zero, in the most dangerous conditions anywhere in the country, deserve the same fair treatment.

Right now, many of the same soldiers who protected New York after 9/11 from the Fighting 69th are serving courageously in Iraq. Sixteen members of the Manhattan-based 69th National Guard Regiment have died in the Iraq war—8 in the past year. In April, 6 members of the 69th were Awarded Purple Hearts after being wounded in Iraq from roadside bombs. We can honor the service of our National Guard, by providing them with fair Federal retirement credit for their 9/11 service.

I would like to thank Chairman HUNTER, Ranking Member SKELTON, Representative SNYDER, and especially Representative MCHUGH, who were so instrumental in this process, and I commend them for their commitment to the men and women serving this country all over the world. I also would like to acknowledge both the majority and minority staff of the committee for their assistance.

The terrorist attacks of September 11, 2001, were an unprecedented event in American history. The provisions included in this bill will show our gratitude to the brave men and women who responded on that day by giving them the retirement benefits to which they are entitled.

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

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1815

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2006''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Army as follows:

(1) For aircraft, $2,861,380,000.
(2) For missiles, $1,242,919,000.
(3) For weapons and tracked combat vehicles, $1,601,978,000.
(4) For ammunition, $1,750,772,000.
(5) For other procurement, $4,043,289,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Navy as follows:

(1) For aircraft, $10,042,526,000.
(2) For weapons, including missiles and torpedoes, $2,775,041,000.
(3) For ammunition, $869,770,000.
(4) For shipbuilding and conversion, $10,779,773,000.
(5) For other procurement, $5,634,318,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Marine Corps in the amount of $1,407,605,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Air Force as follows:

(1) For aircraft, $12,793,756,000.
(2) For ammunition, $1,031,207,000.
(3) For missiles, $5,490,287,000.
(4) For other procurement, $14,068,789,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2006 for Defense-wide procurement in the amount of $2,715,446,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR UH–60/MH–60 HELICOPTERS.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2007 program year, for procurement of up to 461 helicopters in the UH–60M configuration and, acting as executive agent for the Department of the Navy, in the MH–60S configuration.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR APACHE MODERNIZED TARGET ACQUISITION DESIGNATION SIGHT/PILOT NIGHT VISION SENSOR.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year and for four program years, for procurement of 612 Apache Modernized Target Acquisition Designation Sights/Pilot Night Vision Sensors.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR APACHE BLOCK II CONVERSION.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year and for four program years, for procurement of conversion of 96 Apache helicopters to the Block II configuration.

SEC. 114. ACQUISITION STRATEGY FOR TACTICAL WHEELED VEHICLE PROGRAMS.

(a) ARMY.—If, in carrying out a program for modernization and recapitalization of the fleet of tactical wheeled vehicles of the Army, the Secretary of the Army determines to award a contract for procurement of a new vehicle class for the next-generation tactical wheeled vehicle (other than a contract for modifications, upgrades, or product improvements to the existing fleet of vehicles), the Secretary shall award and execute the acquisition program under that contract as a joint service program with the Marine Corps.

(b) MARINE CORPS.—If, in carrying out a program for modernization and recapitalization of the fleet of tactical wheeled vehicles of the Marine Corps, the Secretary of the Navy determines to award a contract for procurement of a new vehicle class for the next-generation tactical wheeled vehicle (other than a contract for modifications, upgrades, or product improvements to the existing fleet of vehicles), the Secretary shall award and execute the acquisition program under that contract as a joint service program with the Army.

SEC. 115. LIMITATION ON ARMY MODULAR FORCE INITIATIVE.

(a) LIMITATION.—From funds available to the Army for fiscal year 2006, not more than $3,000,000,000 may be obligated or expended for acquisition programs for the Army Modular Force Initiative until the Secretary of the Army submits to the congressional defense committees a report described in subsection (b).

(b) REPORT.—A report under subsection (a) shall set forth the following:

(1) An outline of the full scope of acquisition programs that are considered part of the Modular Force Initiative and the acquisition objectives for each such program.

(2) An outline of the funding levels provided in the fiscal year 2007 Future Years Defense Program for each program specified under paragraph (1) and, for each such program, the adequacy of that funding for achieving the acquisition objectives referred to in paragraph (1).

(3) A detailed accounting of the use of funds provided for the Modular Force Initiative in title I of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terrorism, and Tsunami Relief Act, 2005.

SEC. 116. CONTRACT REQUIREMENT FOR OBJECTIVE INDIVIDUAL COMBAT WEAPON - INCREMENT 1.

In awarding a contract for procurement of the Objective Individual Combat Weapon - Increment 1, the Secretary of the Army shall ensure that the contractor is selected through a full and open competition process that allows potential offerors adequate time to prepare and submit qualifying proposals.

Subtitle C—Navy Programs

SEC. 121. VIRGINIA-CLASS SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the five Virginia-class submarines designated as SSN–779, SSN–780, SSN–781, SSN–782, and SSN–783 may not exceed the following amounts (such amounts being the estimated total procurement end cost of those vessels in the fiscal year 2006 budget):

(1) For the SSN–779 submarine, $2,143,700,000.
(2) For the SSN–780 submarine, $2,238,800,000.
(3) For the SSN–781 submarine, $2,402,000,000.
(4) For the SSN–782 submarine, $2,581,300,000.
(5) For the SSN–783 submarine, $2,690,000,000.

(b) ADJUSTMENT OF LIMITATION AMOUNTS.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for any Virginia-class submarine specified in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(c) NOTICE TO CONGRESS OF PROGRAM CHANGES.—The Secretary of the Navy shall annually submit to Congress, at the same time as the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in any of the amounts set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

SEC. 122. LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of each ship of the LHA Replacement (LHA(R)) amphibious assault ship program may not exceed $2,000,000,000.

(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for the program referred to in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(c) WRITTEN NOTICE OF CHANGE IN AMOUNT.—The Secretary of the Navy shall annually submit to Congress, at the same time as the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(d) LIMITATION ON PROCUREMENT FUNDS.—Funds available to the Navy for Shipbuilding and Conversion, Navy, may be obligated or expended for procurement for the LHA Replacement ship program only after the Secretary of Defense certifies in writing to the congressional defense committees that—

(1) the Joint Requirements Oversight Council has approved a detailed Operational Requirements Document for the program; and

(2) there exists a stable design for the LHA(R) class of vessels.

(e) STABLE DESIGN.—For purposes of this section, the design of a class of vessels shall be considered to be stable when no substantial change to the design is anticipated.

SEC. 123. FUTURE MAJOR SURFACE COMBATANT, DESTROYER TYPE.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of each ship for the future major surface combatant, destroyer type, may not exceed $1,700,000,000 (such amount being the estimated total procurement end cost of that ship in the fiscal year 2006 budget).

(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for the ship type referred to in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(c) WRITTEN NOTICE OF CHANGE IN AMOUNT.—The Secretary of the Navy shall annually submit to Congress, at the same time as the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amount provided in section 201(2) for Research and Development, Navy, for fiscal year 2006, $700,000,000 is available for technology development and demonstration for the ship referred to in subsection (a).

(e) ACQUISITION PLAN.—In developing the acquisition plan for the future major surface combatant, destroyer type, the Secretary shall ensure that the resulting acquisition program—

(1) uses technologies from the DD(X) and CG(X) programs, as well as any other technology the Secretary considers appropriate;

(2) has an overall capability not less than that of the Flight IIA version of the Arleigh Burke (DDG–51) class destroyer; and

(3) would be ready for lead-ship procurement not later than fiscal year 2011.

SEC. 124. LITTORAL COMBAT SHIP (LCS) PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of each ship for the Littoral Combat Ship (LCS) program, including amounts for mission modules, may not exceed $400,000,000 (such amount being the estimated total procurement end cost of that ship in the fiscal year 2006 budget).

(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for the ships referred to in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(c) WRITTEN NOTICE OF CHANGE IN AMOUNT.—The Secretary of the Navy shall annually submit to Congress, at the same time as the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(d) LIMITATION ON SHIPS AND MISSION MODULES.—No funds available to the Navy may be used for the acquisition of Littoral Combat Ships, or Littoral Combat Ship mission modules until the Secretary of Defense submits to the congressional defense committees—

(1) the results of an operational evaluation of the first four Littoral Combat Ships conducted by the Director of Operational Test and Evaluation Force of the Department of Defense; and

(2) the Secretary's certification in writing that there exists a stable design for the Littoral Combat Ship class of vessels.

(e) STABLE DESIGN.—For purposes of this section, the design of a class of vessels shall be considered to be stable when no substantial change to the design is anticipated.

SEC. 125. AUTHORIZATION OF TWO ADDITIONAL ARLEIGH BURKE CLASS DESTROYERS.

Of the amount provided in section 102(a)(4) for Shipbuilding and Conversion, Navy, for fiscal year 2006, the amount of $2,500,000,000 is available for construction of two additional Arleigh Burke class destroyers, to be constructed under a single contract which shall be competitively awarded.

SEC. 126. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. CARL VINSON.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount authorized to be appropriated by section 102(a)(4), for fiscal year 2006, $1,493,563,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70). The amount made available in the preceding sentence is the first increment in the incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract during fiscal year 2006 for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 127. REPORT ON PROPULSION SYSTEM ALTERNATIVES FOR SURFACE COMBATANTS.

(a) REPORT REQUIRED.—The Secretary of the Navy shall submit to the congressional defense committees a report on the results of the study directed by the Chief of Naval Operations and in progress in mid-2005 on alternative propulsion methods for surface combatant vessels of the Navy. The report shall be submitted not later than the date of the President's submission of the budget of the United States Government for fiscal year 2007.

(b) MATTERS TO BE INCLUDED.—The report of the Secretary of the Navy under subsection (a) shall include the following:

(1) The objectives and scope of the study referred to in subsection (a) and the timeframes for analysis under the study and the key assumptions used in carrying out the study.

(2) The methodology and analysis techniques used to conduct the study.

(3) A description of current and future technology relating to propulsion that has been incorporated in recently-designed surface combatants or is expected to be available within the next 10-to-20 years.

(4) The propulsion alternatives for surface combatants considered under the study and the analysis and evaluation under the study of each of those alternatives from an operational and cost-effectiveness standpoint.

(5) The conclusions and recommendations of the study, including those conclusions and recommendations that could impact the design of future ships or lead to modifications of existing ships.

(6) The Secretary's intended actions and timeframes for implementation, if any, of the findings and conclusions of the study.

SEC. 128. AIRCRAFT CARRIER FORCE STRUCTURE.

(a) REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT CARRIERS WITHIN THE NAVY.—Section 5062 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.''.

(b) U.S.S. JOHN F. KENNEDY.—

(1) FULLY MISSION CAPABLE STATUS.—The Secretary of Defense shall take all necessary actions to ensure that the U.S.S. John F. Kennedy (CVN–67) is maintained in a fully mission capable status.

(2) MAINTENANCE.—From the amounts provided under section 301 for operation and maintenance of the Navy for fiscal year 2006, $60,000,000 is authorized for the operation and routine maintenance of the U.S.S. John F. Kennedy.

SEC. 129. CONTINGENT TRANSFER OF ADDITIONAL FUNDS FOR CVN–21 CARRIER REPLACEMENT PROGRAM.

If the Director of Program Analysis and Evaluation of the Office of the Secretary of Defense

certifies to Congress that an additional amount of $86,700,000 for fiscal year 2006 for advance procurement for the CVN–21 Carrier Replacement Program would allow construction of the CVN–21 vessel to begin in fiscal year 2007, then upon such certification the amount of $86,700,000 shall be transferred from amounts available for fiscal year 2006 for Defense-wide Operation and Maintenance, to be derived from amounts for Defense-wide Advisory and Assistance Services, to amounts available for fiscal year 2006 for Shipbuilding and Conversion, Navy, to be available for advance procurement for the CVN–21 Carrier Replacement Program.

Subtitle D—Air Force Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C–17 AIRCRAFT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year, for procurement of up to 42 additional C–17 aircraft.

Subtitle E—Joint and Multiservice Matters

SEC. 141. REQUIREMENT THAT ALL TACTICAL UNMANNED AERIAL VEHICLES USE SPECIFIED STANDARD DATA LINK.

(a) REQUIREMENT.—The Secretary of Defense shall take such steps as necessary to ensure that all tactical unmanned aerial vehicles (UAVs) of the Army, Navy, Marine Corps, and Air Force are equipped and configured so that—

(1) the data link used by those vehicles is the Department of Defense standard tactical unmanned aerial vehicle data link known as the Tactical Common Data Link (TCDL), until such time as the Tactical Common Data Link standard is replaced by an updated standard for use by those vehicles; and

(2) those vehicles use data formats consistent with the architectural standard for tactical unmanned aerial vehicles known as STANAG 4586, developed to facilitate multinational interoperability among NATO member nations.

(b) FUNDING LIMITATION.—After December 1, 2006, no funds available to the Department of Defense may be used to equip a tactical unmanned aerial vehicle with data links other than as required by subsection (a)(1).

(c) REPORT.—Not later than February 1, 2006, the Secretary of each military department shall submit to Congress a report on the status of compliance by all tactical unmanned aerial vehicles under the jurisdiction of the Secretary with subsection (a).

SEC. 142. LIMITATION ON INITIATION OF NEW UNMANNED AERIAL VEHICLE SYSTEMS.

(a) LIMITATION.—Funds available to the Department of Defense may not be used to procure an unmanned aerial vehicle (UAV) system, including any air vehicle, data link, ground station, sensor, or other associated equipment for any such system, or to modify any such system to include any form of armament, unless such procurement or modification is authorized in writing in advance by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) EXCEPTION FOR EXISTING SYSTEMS.—The limitation in subsection (a) does not apply with respect to an unmanned aerial vehicle (UAV) system for which funds have been appropriated for procurement before the date of the enactment of this Act.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,777,372,000.

(2) For the Navy, $18,022,140,000.

(3) For the Air Force, $22,408,212,000.

(4) For Defense-wide activities, $19,261,263,000, of which $168,458,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2006.—Of the amounts authorized to be appropriated by section 201, $11,418,146,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program elements for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ANNUAL COMPTROLLER GENERAL REPORT ON FUTURE COMBAT SYSTEMS PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the Future Combat Systems program and shall, not later than March 15 of each year, submit to Congress a report on the results of the most recent review. With each such report, the Comptroller General shall submit a certification as to whether the Comptroller General has had access to sufficient information to enable the Comptroller General to make informed judgments on the matters covered by the report.

(b) MATTERS TO BE INCLUDED.—Each report on the Future Combat Systems program under subsection (a) shall include the following with respect to research and development under the program:

(1) The extent to which systems development and demonstration under the program is meeting established goals, including the goals established for performance, key performance parameters, technology readiness levels, cost, and schedule.

(2) The budget for the current fiscal year, and the projected budget for the next fiscal year, for all Department of Defense programs directly supporting the Future Combat Systems program and an evaluation of the contribution each such program makes to meeting the goals established for performance, key performance parameters, and technology readiness levels of the Future Combat Systems program.

(3) The plan for such systems development and demonstration (leading to production) for the fiscal year that begins in the year in which the report is submitted.

(4) The Comptroller General's conclusion regarding whether such systems development and demonstration (leading to production) is likely to be completed at a total cost not in excess of the amount specified (or to be specified) for such purpose in the Selected Acquisition report for the Future Combat Systems program under section 2432 of title 10, United States Code, for the first quarter of the fiscal year during which the report of the Comptroller General is submitted.

(c) TERMINATION.—No report is required under this section after systems development and demonstration under the Future Combat Systems program is completed.

SEC. 212. OBJECTIVE REQUIREMENTS FOR NON-LINE-OF-SIGHT CANNON SYSTEM NOT TO BE DIMINISHED TO MEET WEIGHT REQUIREMENTS.

In carrying out the program required by section 216 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2482) to provide the Army with a non-line-of-sight cannon capability, the Secretary of Defense shall ensure that the objective requirements set forth in Appendix C of the Operational Requirements Document for the Future Combat Systems, dated April 14, 2003, are not reduced or diminished in order to achieve the weight requirements in existence as of April 14, 2003.

SEC. 213. INDEPENDENT ANALYSIS OF FUTURE COMBAT SYSTEMS MANNED GROUND VEHICLE TRANSPORTABILITY REQUIREMENT.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall ensure that an independent analysis is carried out with respect to the transportability requirement for the manned ground vehicles under the Future Combat Systems program. The purpose of the analysis shall be to determine whether—

(1) the requirement can be supported by the projected extended planning period inter-theater and intra-theater airlift force structure;

(2) the requirement is justified by any likely deployment scenario envisioned by current operational plans;

(3) mature technologies have been demonstrated that allow the requirement to be met

while demonstrating at least equal lethality and survivability compared with the manned ground vehicles intended to be replaced by such manned ground vehicles; and

(4) the projected unit procurement cost warrants the investment required to deploy such manned ground vehicles.

(b) REPORT.—Not later than February 1, 2006, the Secretary shall submit to the congressional defense committees a report on the results of the analysis required by subsection (a).

SEC. 214. AMOUNTS FOR ARMORED SYSTEMS MODERNIZATION PROGRAM.

Of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201 for the Armored Systems Modernization program—

(1) $100,000,000 may be made available for manned ground vehicles in advanced component development and prototypes;

(2) $2,322,197,000 may be made available for future combat systems common operating environment in systems development and demonstration;

(3) $47,203,000 may be made available for reconnaissance platforms and sensors in advanced component development and prototypes;

(4) $58,130,000 may be made available for reconnaissance platforms and sensors in advanced technology development;

(5) $2,504,000 may be made available for unattended sensors in advanced component development and prototypes; and

(6) $86,445,000 may be made available for robotic ground systems in advanced component development and prototypes.

SEC. 215. LIMITATION ON SYSTEMS DEVELOPMENT AND DEMONSTRATION OF MANNED GROUND VEHICLES UNDER ARMORED SYSTEMS MODERNIZATION PROGRAM.

Of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201 for the Armored Systems Modernization program, no funds may be obligated for systems development and demonstration of manned ground vehicles until the objective requirements for those vehicles with respect to lethality and survivability have been met and demonstrated in a relevant environment to be at least equal to the lethality and survivability for the manned ground vehicles to be replaced by those vehicles.

SEC. 216. TESTING OF INTERNET PROTOCOL VERSION 6 BY NAVAL RESEARCH LABORATORY.

(a) IN GENERAL.—Section 331 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108—375; 118 Stat. 1850) is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following new subsection:

''(d) TESTING AND EVALUATION BY NAVAL RESEARCH LABORATORY.—In each of fiscal years 2006 through 2008, the Secretary of Defense shall carry out subsection (c) through the Naval Research Laboratory.''; and

(3) in subsection (e) (as so redesignated) by adding at the end the following new paragraph:

''(3) For each of fiscal years 2006 through 2008, the Secretary of Defense shall, not later than the end of that fiscal year, submit to the congressional defense committees a report on the testing and evaluation carried out pursuant to subsection (d).''.

(b) FUNDING.—Of the amount authorized to be appropriated by section 201(2), $10,000,000 shall be available in program element 63727D8Z only to carry out section 331 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

SEC. 217. PROGRAM TO DESIGN AND DEVELOP NEXT-GENERATION NUCLEAR SUBMARINE.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program to design and develop a class of nuclear submarines that will serve as a successor to the Virginia class of nuclear submarines.

(b) OBJECTIVE.—The objective of the program required by subsection (a) is to develop, for procurement beginning with fiscal year 2014, a nuclear submarine that meets or exceeds the warfighting capability of a submarine of the Virginia class at a cost dramatically lower than the cost of a submarine of the Virginia class.

(c) REPORT.—

(1) IN GENERAL.—The Secretary of the Navy shall include, with the defense budget justification materials submitted in support of the President's budget for fiscal year 2007 submitted to Congress under section 1105 of title 31, United States Code, a report on the program required by subsection (a).

(2) CONTENTS.—The report shall include—

(A) an outline of the management approach to be used in carrying out the program;

(B) the goals for the program; and

(C) a schedule for the program.

SEC. 218. EXTENSION OF REQUIREMENTS RELATING TO MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAMS.

Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317), as most recently amended by section 212 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2480), is amended—

(1) in subsection (a), by striking ''2008'' and inserting ''2011'';

(2) in subsection (b)(1) by inserting after ''Secretary of Defense'' the following: '', and the Secretary of Defense has forwarded to the congressional defense committees,'';

(3) in subsection (b)(2) by inserting before the semicolon at the end the following: ''and, in so certifying, shall ensure that the budget meets the requirements of section 2437 of title 10, United States Code''; and

(4) by striking subsection (c) and inserting the following new subsection (c):

''(c) NOTIFICATION OF CERTAIN PROPOSED CHANGES.—

''(1) IN GENERAL.—With respect to a fiscal year, the Secretary may not carry out any change to the naval mine countermeasures master plan or the budget resources for mine countermeasures with respect to that fiscal year until after the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a notification of the proposed change. Such notification shall describe the nature of the proposed change and the effect of the proposed change on the naval mine countermeasures program or related programs with respect to that fiscal year.

''(2) EXCEPTION.—Paragraph (1) does not apply to a change if both—

''(A) the amount of the change is below the applicable reprogramming threshold; and

''(B) the effect of the change does not affect the validity of the decision to certify.''.

SEC. 219. SINGLE JOINT REQUIREMENT FOR HEAVY LIFT ROTORCRAFT.

(a) JOINT REQUIREMENT.—The Secretary of the Army and the Secretary of the Navy shall develop a single joint requirement for a next-generation heavy lift rotorcraft for the Army and the Marine Corps.

(b) APPROVAL BY JROC REQUIRED.—The Secretary of Defense may not authorize a new program start for the next-generation heavy lift rotocraft until the single joint requirement required by subsection (a) has been approved by the Joint Requirements Oversight Council.

SEC. 220. REQUIREMENTS FOR DEVELOPMENT OF TACTICAL RADIO COMMUNICATIONS SYSTEMS.

(a) INTERIM TACTICAL RADIO COMMUNICATIONS.—The Secretary of Defense shall—

(1) assess the immediate requirements of the military departments for tactical radio communications systems; and

(2) ensure that the military departments rapidly acquire tactical radio communications systems utilizing existing technology or mature systems readily available in the commercial marketplace.

(b) JOINT TACTICAL RADIO SYSTEM.—

(1) MILESTONE B.—The Secretary of Defense shall apply Department of Defense Instruction 5000.2 to the Joint Tactical Radio System in a manner that does not permit the Milestone B entrance requirements to be waived.

(2) MANAGEMENT OF FUNDS.—The head of the single joint program office designated under section 213 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1416) shall manage and control all research and development funds for the entire Joint Tactical Radio System, including all waveform development.

(c) REPORT ON IMPLEMENTATION REQUIRED.—Not later than February 14, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this section.

SEC. 221. LIMITATION ON SYSTEMS DEVELOPMENT AND DEMONSTRATION OF PERSONNEL RECOVERY VEHICLE.

None of the amounts made available pursuant to the authorization of appropriations in section 201 for systems development and demonstration of the Personnel Recovery Vehicle may be obligated until 30 days after the Secretary of Defense submits to the congressional defense committees each of the following:

(1) The Secretary's certification that the requirements and schedule for the Personnel Recovery Vehicle have been validated by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) The Secretary's certification that all technologies required to meet the requirements (as validated under paragraph (1)) for the Personnel Recovery Vehicle are mature and demonstrated in a relevant environment.

(3) The Secretary's certification that no other aircraft, and no other modification of an aircraft, in the inventory of the Department of Defense can meet the requirements (as validated under paragraph (1)) for the Personnel Recovery Vehicle.

(4) A statement setting forth the independent cost estimate and manpower estimate (as required by section 2434 of title 10, United States Code) for the Personnel Recovery Vehicle.

SEC. 222. SEPARATE PROGRAM ELEMENT REQUIRED FOR EACH SIGNIFICANT RESEARCH, DEVELOPMENT, TEST, AND EVALUATION PROJECT.

(a) PROGRAM ELEMENTS SPECIFIED.—The Secretary of Defense shall ensure that a project is assigned a separate, dedicated program element if—

(1) the project is carried out or proposed to be carried out using amounts for research, development, test, and evaluation activities; and

(2) the estimated expenditures and proposed appropriations for that project in the future-years defense program are $100,000,000 or more.

(b) DISPLAY IN BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for research, development, test, and evaluation activities shall be set forth in a manner that complies with subsection (a).

(c) NOT APPLICABLE TO MISSILE DEFENSE.—This section does not apply to the Missile Defense Agency.

SEC. 223. SMALL BUSINESS INNOVATION RESEARCH PHASE III ACCELERATION PILOT PROGRAM.

(a) PILOT PROGRAM TO EXPAND ROLE OF SMALL BUSINESS CONCERNS IN DEFENSE ACQUISITION.—

(1) PILOT PROGRAM.—The Secretary of Defense shall designate the Secretary of a military department to carry out a pilot program, to be known as the ''Small Business Innovation Research Phase III Acceleration Pilot Program'' to expand the role of small business concerns in the defense acquisition process by designating certain Department of Defense research or research and development projects for accelerated transition under the Small Business Innovation Research Program (in this section referred to as the SBIR program), as defined in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)).

(2) ACCELERATED TRANSITION.—In this section, the term ''accelerated transition'' means the expeditious transfer under existing authority from the second phase of the SBIR program (as described in section 9(e)(4)(B) of the Small Business Act (15 U.S.C. 638(e)(4)(B))) to the third phase, in which applications of research or research and development projects are funded (as described in section 9(e)(4)(C)(i) of such Act).

(b) DESIGNATION OF PROJECTS FOR ACCELERATED TRANSITION.—For each of fiscal years 2006 through 2008, the Secretary designated under subsection (a)(1) shall designate for accelerated transition under the pilot program under this section at least 10 research or research and development projects for which funds have been provided by that Secretary through a second phase award under the SBIR program.

(c) REPORT.—Not later than September 30, 2008, the Secretary of Defense shall submit to the congressional defense committees a report which contains the following:

(1) The name of each research or research and development project designated for accelerated transition under subsection (b).

(2) The rationale behind the selection of each such project.

(3) A recommendation as to whether the pilot program under this section should be extended.

(d) DEFINITION.—In this section, the term ''research'' or ''research and development'' has the same meaning as in section 9(e)(5) of the Small Business Act (15 U.S.C. 638(e)(5)).

SEC. 224. REVISED REQUIREMENTS RELATING TO SUBMISSION OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

(a) BIENNIAL SUBMITTAL.—Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note) is amended—

(1) by striking ''annual'' in the section heading and inserting ''biennial'' ; and

(2) by striking ''(a) ANNUAL PLAN REQUIRED.—On March 1 of each year'' and inserting ''Not later than March 1 of each even-numbered year,''.

(b) REPEAL OF REQUIREMENT FOR INCLUSION OF TECHNOLOGY AREA REVIEW AND ASSESSMENT SUMMARIES.—Subsection (b) of such section is repealed.

SEC. 225. SHIPBUILDING INDUSTRIAL BASE IMPROVEMENT PROGRAM FOR DEVELOPMENT OF INNOVATIVE SHIPBUILDING TECHNOLOGIES, PROCESSES, AND FACILITIES.

(a) PROGRAM FOR UNITED STATES PRIVATE SHIPYARDS.—The Secretary of the Navy shall establish a program under which the Secretary shall provide funds, in such amounts as are made available to carry out this program—

(1) to qualified applicants to facilitate the development of innovative design and production technologies and processes for naval vessels and the development of modernized shipbuilding infrastructure; and

(2) to private shipyards to facilitate their acquisition of such technologies, processes, and infrastructure.

(b) PURPOSES OF PROGRAM.—The purposes of the program referred to in subsection (a) are—

(1) to improve the efficiency and cost-effectiveness of the construction of naval vessels for the United States;

(2) to enhance the quality of naval vessel construction; and

(3) to promote the international competitiveness of United States shipyards for the construction of commercial ships and naval ships intended for sale to foreign governments.

(c) APPLICATION FOR DEVELOPMENT FUNDING.—An entity requesting assistance under the program referred to in subsection (a) to develop new design or production technologies or processes for naval vessels or to improve shipbuilding infrastructure shall submit to the Secretary of the Navy an application that describes the proposal of the entity and provides evidence of its capability to develop one or more of the following:

(1) Numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology designed to improve shipbuilding and related industrial productivity.

(2) Novel techniques and processes designed to improve shipbuilding quality, productivity, and practice on a broad and sustained basis, including in such areas as engineering design, quality assurance, concurrent engineering, continuous process production technology, employee skills enhancement, and management of customers and suppliers.

(3) Technology, techniques, and processes appropriate to enhancing the productivity of shipyard infrastructure.

(d) SELECTION OF PARTICIPATING ENTITIES.—Using the applications submitted under subsection (c), the Secretary of the Navy shall select entities to receive funds under subsection (a)(1) based on their ability to research and develop innovative technologies, processes, and infrastructure to alleviate areas of shipyard construction inefficiencies discovered under the assessment described in subsection (f).

(e) SHIPYARD USE OF DEVELOPED TECHNOLOGIES, PROCESSES, AND INFRASTRUCTURE.—Upon making a determination that a technology, process, or infrastructure improvement developed using funds provided under subsection (a)(1) will improve the productivity and cost-effectiveness of naval vessel construction, the Secretary of the Navy may provide funds under subsection (a)(2) to a shipyard to facilitate the purchase of such technology, process, or infrastructure improvement.

(f) ASSESSMENTS OF NAVAL VESSEL CONSTRUCTION INEFFICIENCIES.—

(1) PERIODIC ASSESSMENTS REQUIRED.—The Secretary of the Navy shall conduct, in the third quarter of each fiscal year or as often as necessary, an assessment of the following aspects of naval vessel construction to determine where and to what extent inefficiencies exist and to what extent innovative design and production technologies, processes, and infrastructure can be developed to alleviate such inefficiencies:

(A) Program design, engineering, and production engineering.

(B) Organization and operating systems.

(C) Steelwork production.

(D) Ship construction and outfitting.

(2) RELATION TO INDEPENDENT NAVY SHIP CONSTRUCTION ASSESSMENT.—The assessments required by paragraph (1) shall occur subsequent to, and take into consideration the results of, the study of the cost effectiveness of the ship construction program of the Navy required by section 1014 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2041).

(g) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated pursuant to section 201(2) for research, development, test, and evaluation for the Navy, $100,000,000 shall be available to the Secretary of the Navy only to provide assistance under this section.

(h) DEFINITIONS.—In this section:

(1) The term ''shipyard'' means a private shipyard located in the United States whose business includes the construction, repair, and maintenance of United States naval vessels.

(2) The term ''vessel'' has the meaning given such term in title 1, United States Code.

SEC. 226. RENEWAL OF UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM FLEET.

(a) PROGRAM PLAN.—The Secretary of the Navy shall develop a plan for a program to renew the University National Oceanographic Laboratory System (UNOLS) fleet. The Secretary shall include in the plan provisions for the construction of up to four Ocean-class ships.

(b) FUNDING FOR PRELIMINARY DESIGN AND FEASIBILITY STUDIES.—Of the amount provided in section 201 for fiscal year 2006 for the Navy, $4,000,000 is available, through Program Element PE 63564N (Ship Preliminary Design and Feasibility Studies), to conduct feasibility assessments and initiate design of the first Ocean-class ship that would be constructed under the program referred to in subsection (a).

SEC. 227. LIMITATION ON VXX HELICOPTER PROGRAM.

No funds available to the Department of Defense for research, development, test, and evaluation, or for procurement, may be obligated for acquisition of pilot production helicopters for the VXX helicopter program until the Secretary of the Navy certifies to the congressional defense committees that the results of tests conducted by the fleet of test article helicopters for the VXX program demonstrate that VXX helicopters in the VXX mission configuration can be produced without significant further design modification.

Subtitle C—Missile Defense Programs

SEC. 231. REPORT ON CAPABILITIES AND COSTS FOR OPERATIONAL BOOST/ASCENT-PHASE MISSILE DEFENSE SYSTEMS.

(a) SECRETARY OF DEFENSE ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the United States missile defense programs that are designed to provide capability against threat ballistic missiles in the boost/ascent phase of flight.

(b) PURPOSE.—The purpose of the assessment shall be to compare and contrast—

(1) capabilities of those programs (if operational) to defeat, while in the boost/ascent phase of flight, ballistic missiles launched from North Korea or a location in the Middle East against the continental United States, Alaska, or Hawaii; and

(2) asset requirements and costs for those programs to become operational with the capabilities referred to in paragraph (1).

(c) REPORT.—Not later than October 1, 2006, the Secretary shall submit to Congress a report providing the results of the assessment.

SEC. 232. REQUIRED FLIGHT-INTERCEPT TEST OF BALLISTIC MISSILE DEFENSE GROUNDBASED MIDCOURSE SYSTEM.

Of the amount provided for the Missile Defense Agency in section 201(4) for defense-wide research, development, test, and evaluation, the amount of $100,000,000, in addition to amounts otherwise available for the Ballistic Missile Defense Midcourse Defense Segment, shall be provided to conduct one flight-intercept test of the Ballistic Missile Defense Groundbased Midcourse system in addition to the flight tests planned for that system as of the submission of the President's budget for fiscal year 2006. The interceptor for such additional flight-intercept test shall be launched from an operational silo, and the test shall be conducted as soon as practicable.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,383,873,000.
(2) For the Navy, $30,312,736,000.
(3) For the Marine Corps, $3,631,277,000.
(4) For the Air Force, $30,559,135,000.
(5) For Defense-wide activities, $18,375,781,000.
(6) For the Army Reserve, $1,998,282,000.
(7) For the Naval Reserve, $1,245,695,000.
(8) For the Marine Corps Reserve, $207,434,000.
(9) For the Air Force Reserve, $2,501,686,000.
(10) For the Army National Guard, $4,521,119,000.
(11) For the Air National Guard, $4,727,091,000.
(12) For the United States Court of Appeals for the Armed Forces, $11,236,000.
(13) For Environmental Restoration, Army, $407,865,000.
(14) For Environmental Restoration, Navy, $305,275,000.
(15) For Environmental Restoration, Air Force, $406,461,000.
(16) For Environmental Restoration, Defense-wide, $28,167,000.
(17) For Environmental Restoration, Formerly Used Defense Sites, $221,921,000.
(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $61,546,000.
(19) For Cooperative Threat Reduction programs, $415,549,000.
(20) For the Overseas Contingency Operations Transfer Fund, $20,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $316,340,000.
(2) For the National Defense Sealift Fund, $1,697,023,000.
(3) For the Defense Working Capital Fund, Defense Commissary, $1,155,000,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $19,756,194,000, of which—

(1) $19,204,219,000 is for Operation and Maintenance;
(2) $176,656,000 is for Research, Development, Test, and Evaluation; and
(3) $375,319,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,405,827,000, of which—

(A) $1,241,514,000 is for Operation and Maintenance;
(B) $116,527,000 is for Research, Development, Test, and Evaluation; and
(C) $47,786,000 is for Procurement.

(2) USE.—Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $895,741,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $174,487,000, of which—

(1) $173,487,000 is for Operation and Maintenance; and
(2) $1,000,000 is for Procurement; and

Subtitle B—Environmental Provisions

SEC. 311. REVISION OF REQUIRED CONTENT OF ENVIRONMENTAL QUALITY ANNUAL REPORT.

Section 2706(b)(2) of title 10, United States Code, is amended—

(1) by striking subparagraphs (D), (E), and (F); and
(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) A statement of the amounts expended, and anticipated to be expended, during the period covered by the report for any activities overseas related to the environment, including amounts for activities relating to environmental remediation, compliance, conservation, and pollution prevention.''.

SEC. 312. PILOT PROJECT ON COMPATIBLE USE BUFFERS ON REAL PROPERTY BORDERING FORT CARSON, COLORADO.

(a) PILOT PROJECT REQUIRED.—The Secretary of Defense shall carry out a pilot project at Fort Carson, Colorado, for purposes of evaluating the feasibility and effectiveness of utilizing conservation easements and leases granted by one or more willing eligible entity to limit development on real property in the vicinity of military installations in the United States.

(b) PHASES.—The Secretary shall carry out the pilot project in four phases, as specified in the Fort Carson Army Compatible Use Buffer Project.

(c) LEASE AND EASEMENT AGREEMENTS; PURPOSE.—Under the pilot project, the Secretary shall enter into agreements with one or more willing eligible entities to purchase from the entity or entities one or more conservation easements, or to lease from the entity or entities one or more conservation leases, on real property in the vicinity of Fort Carson for the purposes of limiting any development or use of the property that would be incompatible with the current and anticipated future missions of Fort Carson.

(d) ENCROACHMENTS AND OTHER CONSTRAINTS ON USE.—In entering into agreements under the pilot project, the Secretary may utilize, subject to this section, the authority for agreements under subsection (c) to limit encroachments and other constraints on military training, testing, and operations under section 2684a of title 10, United States Code.

(e) EXPIRATION.—The authority of the Secretary to enter into agreements under the pilot project shall expire on the earlier of—

(1) the date of the completion of phase IV of the Fort Carson Army Compatible Use Buffer Project; or
(2) the date that is five years after the date of the enactment of this Act.

(f) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' means any of the following:

(A) The State of Colorado or a political subdivision of the State.
(B) A private entity that has as its stated principal organizational purpose or goal the conservation, restoration, or preservation of land and natural resources, or a similar purpose or goal, as determined by the Secretary.

(2) The term ''Fort Carson Army Compatible Use Buffer Project'' means the plan developed for Fort Carson to use conservation easements and leases on property in the vicinity of Fort Carson to create a land buffer to accommodate current and future missions at Fort Carson, while also conserving sensitive natural resources.

SEC. 313. REPEAL OF AIR FORCE REPORT ON MILITARY INSTALLATION ENCROACHMENT ISSUES.

Section 315 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1843) is repealed.

SEC. 314. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS IN CONNECTION WITH DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) ACTIVITIES AT FORMER DEFENSE PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Section 2701(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''any owner of covenant property,'' after ''any Indian tribe,''; and

(B) by inserting ''owner,'' after '', Indian tribe,'';

(2) in paragraph (3), by adding at the end the following new sentence: ''An agreement under such paragraph with respect to a site also may not change the cleanup standards selected for the site pursuant to law.'';

(3) in paragraph (4), by adding at the end the following new subparagraph:

''(C) The term 'owner of covenant property' means an owner of property subject to a covenant provided by the United States in accordance with the requirements of paragraphs (3) and (4) of section 120(h) of CERCLA (42 U.S.C. 9620(h)), so long as the covenant property is the site at which the services procured under paragraph (1) are to be performed.''; and

(4) by adding at the end the following new paragraph:

''(5) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 120 of CERCLA (42 U.S.C. 6920) to the Department of Defense or the obligations and responsibilities of the Department of Defense under subsection (h) of such section.''.

(b) SOURCE OF FUNDS FOR FORMER BRAC PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Section 2703 of such title is amended—

(1) in subsection (g)(1), by striking ''The sole source'' and inserting ''Except as provided in subsection (h), the sole source''; and

(2) by adding at the end the following new subsection:

''(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL REMEDIATION AT CERTAIN BASE REALIGNMENT AND CLOSURE SITES.—In the case of property disposed of pursuant to a base closure law and subject to a covenant that was required to be provided by paragraphs (3) and (4) of section 120(h) of CERCLA (42 U.S.C. 9620(h)), the sole source of funds for services procured under subsection 2701(d)(1) of this title shall be the applicable Department of Defense base closure account.''.

Subtitle C—Workplace and Depot Issues

SEC. 321. PROCEEDS FROM COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

Section 4544 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) through (j) as subsections (i) through (k), respectively; and

(2) by inserting after subsection (g) the following new subsection:

''(h) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—Proceeds received from the sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund that incurs the cost of manufacturing the article or performing the service.''.

SEC. 322. PUBLIC-PRIVATE COMPETITION.

Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) A function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

''(i) formally compares the cost of civilian employee performance of the function with the costs of performance by a contractor;

''(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003;

''(iii) determines whether the submitted offers meet the needs of the Department of Defense with respect to factors other than cost, including quality and reliability; and

''(iv) requires continued performance of the function by civilian employees if the difference in the cost of performance of the function by a contractor compared to the civilian employees would, over all performance periods required by the solicitation, be less than—

''(I) 10 percent of the personnel-related costs for performance of that activity or function in the agency tender; or

''(II) $10,000,000.

''(B) An activity that is performed by the Department of Defense and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(C) In no case may a commercial or industrial type function being performed by Department of Defense personnel be modified, reorganized, divided, or in any way changed for the purpose of exempting from the requirements of subsection (a) the change of all or any part of such function to performance by a private contractor.

''(D) The Secretary of Defense may waive the competition requirement in specific instances if—

''(i) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

''(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a public-private competition.''.

SEC. 323. PUBLIC-PRIVATE COMPETITION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to examine the use of the public-private competition process of Office of Management and Budget Circular A–76, as defined by such Circular, and functions currently being performed by contractors that could be performed by civilian employees of the Department of Defense.

(b) PROCESS AND CRITERIA.—

(1) The process and criteria for competition under the pilot program established in subsection (a) shall be consistent with the criteria for conducting a similar competition for work performed by the public sector.

(2) The pilot program shall include not less than four competitions.

(c) REPORT.—The Secretary of Defense shall submit a report to Congress on the results of the competitions conducted under the pilot program and any potential benefit or detriment of expanding the pilot program.

(d) TERMINATION.—The pilot program established under this subsection shall terminate on the date that is three years after the date of the enactment of this Act.

SEC. 324. SENSE OF CONGRESS ON EQUITABLE LEGAL STANDING FOR CIVILIAN EMPLOYEES.

It is the sense of Congress that, in order to ensure that when public-private competitions are held, they are conducted as fairly, effectively, and efficiently as possible, competing parties, both Department of Defense civilian employees (or their representatives) and contractors (or their representatives), should receive comparable treatment throughout the competition regarding access to relevant information and legal standing to challenge the way a competition has been conducted at all appropriate forums.

Subtitle D—Extension of Program Authorities

SEC. 331. EXTENSION OF AUTHORITY TO PROVIDE LOGISTICS SUPPORT AND SERVICES FOR WEAPONS SYSTEMS CONTRACTORS.

Section 365(g)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2521; 10 U.S.C. 2302 note) is amended by striking ''2007'' and inserting ''2010''.

SEC. 332. EXTENSION AND REVISION OF TEMPORARY AUTHORITY FOR CONTRACTOR PERFORMANCE OF SECURITY GUARD FUNCTIONS.

Section 332(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2513) is amended—

(1) by striking ''2006'' each place it appears and inserting ''2008''; and

(2) by adding at the end the following new paragraphs:

''(3) No contract, subcontract, or task order for the performance of security-guard functions at a military installation or facility in the United States awarded before September 30, 2006, shall be extended beyond September 30, 2006.

''(4) A contract for the performance of security-guard functions at a military installation or facility in the United States awarded on or after September 30, 2006, shall be awarded using full and open competition, as authorized under section 2304 of title 10, United States Code. Section 602 of the Business Opportunity Development Reform Act of 1988 (Public Law 100–656; 15 U.S.C. 637 note) shall not apply to such a contract.''.

Subtitle E—Utah Test and Training Range

SEC. 341. DEFINITIONS.

In this subtitle:

(1) The term ''covered wilderness'' means the wilderness area designated by this subtitle and wilderness study areas located near lands withdrawn for military use and beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units designated by the Department of the Interior.

(2) The term ''Tribe'' means the Skull Valley Band of Goshute Indians.

(3) The term ''Utah Test and Training Range'' means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

(4) The term ''Wilderness Act'' means Public Law 88–577, approved September 3, 1964 (16 U.S.C. 1131 et seq.).

SEC. 342. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH TEST AND TRAINING RANGE.

(a) FINDINGS.—The Congress finds the following:

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range in the State of Utah is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) The Cedar Mountain Wilderness Area designated by section 344, as well as several wilderness study areas, are located near lands withdrawn for military use or are beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range.

(4) The Utah Test and Training Range and special use airspace withdrawn for military uses create unique management circumstances for the covered wilderness in this subtitle, and it is not the intent of Congress that passage of this subtitle shall be construed as establishing a precedent with respect to any future national conservation area or wilderness designation.

(5) Continued access to the special use airspace and lands that comprise the Utah Test and Training Range, under the terms and conditions described in this section, is a national

security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) OVERFLIGHTS.—Nothing in this subtitle or the Wilderness Act shall preclude low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the covered wilderness, including military overflights and operations that can be seen or heard within the covered wilderness.

(c) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this subtitle or the Wilderness Act shall preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over the covered wilderness.

(d) COMMUNICATIONS AND TRACKING SYSTEMS.—Nothing in this subtitle shall prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or infrastructure supporting such systems) or prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements in wilderness study areas located beneath special use airspace comprising the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units designated by the Department of Interior, so long as the Secretary of the Interior, after consultation with the Secretary of the Air Force, determines that the installation and maintenance of such systems, when considered both individually and collectively, comply with section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(e) EMERGENCY ACCESS AND RESPONSE.—Nothing in this subtitle or the Wilderness Act shall preclude the continuation of the memorandum of understanding in existence as of the date of enactment of this Act between the Department of the Interior and the Department of the Air Force with respect to emergency access and response.

(f) PROHIBITION ON GROUND MILITARY OPERATIONS.—Except as provided in subsections (d) and (e), nothing in this section shall be construed to permit a military operation to be conducted on the ground in covered wilderness in the Utah Test and Training Range unless such ground operation is otherwise permissible under Federal law and consistent with the Wilderness Act.

SEC. 343. PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.

(a) ANALYSIS OF MILITARY READINESS AND OPERATIONAL IMPACTS.—The Secretary of the Interior shall develop, maintain, and revise land use plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1712) for Federal lands located in the Utah Test and Training Range in consultation with the Secretary of Defense. As part of the required consultation in connection with a proposed revision of a land use plan, the Secretary of Defense shall prepare and transmit to the Secretary of the Interior an analysis of the military readiness and operational impacts of the proposed revision within six months of a request from the Secretary of Interior.

(b) LIMITATION ON RIGHTS-OF-WAYS.—The Secretary of the Interior shall not grant or issue any authorizations for rights-of-way under section 501(a)(6) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761(a)(6)) upon Federal lands identified as inventory units UTU–020–086, UTU–020–088, UTU–020–095, UTU–020–096, UTU–020–100, UTU–020–101, UTU–020–103, UTU–020–104, UTU–020–105, and UTU–020–110, as generally depicted on the map entitled ''Wilderness Inventory, State of Utah'' and dated August 1979, until the later of the following:

(1) The completion of a full revision of the Pony Express Area Resource Management Plan, dated January 12, 1990, by the Salt Lake Field Office of the Bureau of Land Management.

(2) January 1, 2015.

SEC. 344. DESIGNATION AND MANAGEMENT OF CEDAR MOUNTAIN WILDERNESS, UTAH.

(a) DESIGNATION.—Certain Federal lands in Tooele County, Utah, as generally depicted on the map entitled ''Cedar Mountain Wilderness'' and dated March 7, 2004, are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System to be known as the Cedar Mountain Wilderness Area.

(b) WITHDRAWAL.—Subject to valid existing rights, the Federal lands in the Cedar Mountain Wilderness Area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments to such laws.

(c) MAP AND DESCRIPTION.—

(1) TRANSMITTAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall transmit a map and legal description of the Cedar Mountain Wilderness Area to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) LEGAL EFFECT.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management and the office of the State Director of the Bureau of Land Management in the State of Utah.

(d) ADMINISTRATION.—Subject to valid existing rights and this subtitle, the Cedar Mountain Wilderness Area shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(e) LAND ACQUISITION.—Any lands or interest in lands within the boundaries of the Cedar Mountain Wilderness Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Cedar Mountain Wilderness Area.

(f) FISH AND WILDLIFE MANAGEMENT.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle shall be construed as affecting the jurisdiction of the State of Utah with respect to fish and wildlife on the Federal lands located in that State.

(g) GRAZING.—Within the Cedar Mountain Wilderness Area, the grazing of livestock, where established before the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, section 101(f) of Public Law 101–628 (104 Stat. 4473), and appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(h) BUFFER ZONES.—Congress does not intend for the designation of the Cedar Mountain Wilderness Area to lead to the creation of protective perimeters or buffer zones around the wilderness area. The fact that nonwilderness activities or uses can be seen or heard within the wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(i) RELEASE FROM WILDERNESS STUDY AREA STATUS.—The lands identified as the Browns Spring Cherrystem on the map entitled ''Proposed Browns Spring Cherrystem'' and dated May 11, 2004, are released from their status as a wilderness study area, and shall no longer be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of those areas for preservation of wilderness.

SEC. 345. IDENTIFICATION OF ADDITIONAL BUREAU OF LAND MANAGEMENT LAND IN UTAH AS TRUST LAND FOR SKULL VALLEY BAND OF GOSHUTES.

(a) IDENTIFICATION OF TRUST LAND.—The Secretary of the Interior shall identify approximately 640 additional acres of Bureau of Land Management land in the State of Utah to be administered in trust for the benefit of the Skull Valley Band of Goshutes.

(b) SPECIAL CONSIDERATIONS.—In identifying the land under subsection (a), the Secretary of the Interior shall—

(1) consult with leaders of the Tribe and the Governor of Utah; and

(2) ensure that the land has ready access to State or Federal highways and, in the judgment of the Secretary, provides the best opportunities for commercial economic development in closest proximity to other lands of the Tribe.

(c) PLACEMENT IN TRUST.—Not later than December 31, 2005, the Secretary of the Interior shall place the land identified pursuant to subsection (a) into trust for the purposes of economic development for the Tribe. At least 30 days before placing the land in trust for the Tribe, the Secretary shall publish in the Federal Register legal descriptions of the land to be placed in trust.

(d) MANAGEMENT OF TRUST LAND.—The land placed into trust for the Tribe under subsection (c) shall be administered in accordance with laws generally applicable to property held in trust by the United States for Indian Tribes, except that the land shall immediately revert to the administrative control of the Bureau of Land Management if the Tribe sells, or attempts to sell, any part of the land.

(e) EFFECT.—Nothing in this section—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of any person or entity (other than the United States) in or to the trust land that exists before the date on which the land is placed in trust for the Tribe under subsection (c);

(2) enlarges, impairs, or otherwise affects a right or claim of the Tribe to any land or interest in land based on Aboriginal or Indian title that exists before the date of the enactment of this Act;

(3) constitutes an express or implied reservation of water or water right for any purpose with respect to the trust land; or

(4) affects any water right of the Tribe that exists before the date of the enactment of this Act.

SEC. 346. RELATION TO OTHER LANDS AND LAWS.

(a) OTHER LANDS.—Nothing in this subtitle shall be construed to affect any Federal lands located outside of the covered wilderness or the management of such lands.

(b) CONFORMING REPEAL.—Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended by striking subsection (d).

Subtitle F—Other Matters

SEC. 351. CODIFICATION AND REVISION OF LIMITATION ON MODIFICATION OF MAJOR ITEMS OF EQUIPMENT SCHEDULED FOR RETIREMENT OR DISPOSAL.

(a) IN GENERAL.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2244 the following new section:

''§ 2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications

''(a) PROHIBITION.—Except as otherwise provided in this section, the Secretary of a military department may not carry out a significant modification of an aircraft, weapon, vessel, or other item of equipment that the Secretary plans to retire or otherwise dispose of within five years after the date on which the modification, if carried out, would be completed.

''(b) SIGNIFICANT MODIFICATION DEFINED.—In this section, a significant modification is any modification for which the cost is in an amount equal to or greater than $1,000,000.

''(c) EXCEPTION FOR SAFETY MODIFICATIONS.—The prohibition in subsection (a) does not apply to a safety modification.

''(d) WAIVER AUTHORITY.—The Secretary concerned may waive the prohibition in subsection (a) in the case of any modification otherwise subject to that subsection if the Secretary determines that carrying out the modification is in the national security interest of the United States. Whenever the Secretary issues such a waiver, the Secretary shall notify the congressional defense committees in writing.''.

(b) CLERICAL AMENDMENT.—The table of section at the beginning of such chapter is amended by inserting after the item relating to section 2244 the following new item:

''2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications.''.

(c) CONFORMING REPEAL.—Section 8053 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 10 U.S.C. 2241 note), is repealed.

SEC. 352. LIMITATION ON PURCHASE OF INVESTMENT ITEMS WITH OPERATION AND MAINTENANCE FUNDS.

(a) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2245 the following new section:

''§ 2245a. Use of operation and maintenance funds for purchase of investment items: limitation

''Funds appropriated to the Department of Defense for operation and maintenance may not be used to purchase any item (including any item to be acquired as a replacement for an item) that has an investment item unit cost that is greater than $250,000.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2245 the following new item:

''2245a. Use of operation and maintenance funds for purchase of investment items: limitation.''.

SEC. 353. PROVISION OF DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) A national or international paralympic sporting event (other than one covered by paragraph (3) or (4))—

''(A) which is—

''(i) held in the United States or any of its territories or commonwealths;

''(ii) governed by the International Paralympic Committee; and

''(iii) sanctioned by the United States Olympic Committee; and

''(B) for which participation exceeds 500 amateur athletes.''; and

(2) in subsection (d)—

(A) by inserting ''(1)'' before ''The Secretary''; and

(B) by adding at the end the following new paragraph:

''(2) No more than $1,000,000 may be expended in any fiscal year to provide support for events specified under paragraph (5) of subsection (c).''.

SEC. 354. DEVELOPMENT AND EXPLANATION OF BUDGET MODELS FOR BASE OPERATIONS SUPPORT, SUSTAINMENT, AND FACILITIES RECAPITALIZATION.

(a) REPORTS ON MODELS USED.—The Secretary of Defense shall include with the defense budget materials for fiscal years 2007 through 2011 a report describing the models used to prepare the budget requests for base operations support, sustainment, and facilities recapitalization.

(b) CONTENT OF REPORTS.—The report for a fiscal year under subsection (a) shall include the following:

(1) An explanation of the methodology used to develop each model and, if there have been any changes to the methodology since the previous report, an explanation of the changes and the reasons therefor.

(2) A description of the items contained in each model.

(3) An explanation of whether the models are being applied to each military department and Defense Agencies under common definitions of base operations support, sustainment, and facilities recapitalization and, if common definitions are not being used, an explanation of the differences and the reasons therefor.

(4) A description of the requested funding levels for base operations support, sustainment, and facilities recapitalization for the fiscal year covered by the defense budget materials and the funding goals established for base operations support, sustainment, and facilities recapitalization for at least the four succeeding fiscal years.

(5) If the requested funding levels for base operations support, sustainment, and facilities recapitalization for the fiscal year covered by the defense budget materials deviate from the goals for that fiscal year contained in the preceding report, or the funding goals established for succeeding fiscal years deviate from the goals for those fiscal years contained in the preceding report, a justification for the funding levels and goals and an explanation of the reasons for the changes from the preceding report.

(c) DEFENSE BUDGET MATERIALS DEFINED.—In this section, the term ''defense budget materials'' means the materials submitted to Congress by the Secretary of Defense in support of the budget for a fiscal year submitted to Congress by the President under section 1105(a) of title 31, United States Code.

SEC. 355. REPORT ON DEPARTMENT OF ARMY PROGRAMS FOR PREPOSITIONING OF EQUIPMENT AND OTHER MATERIEL.

(a) SECRETARY OF ARMY ASSESSMENT.—The Secretary of the Army shall conduct an assessment of the programs of the Department of Army for the prepositioning of equipment and other materiel stocks. The assessment shall focus on how those programs are configured to support the evolving goals of the Department of Army and shall include identification of the following:

(1) The key operational capabilities currently available in both the afloat and ashore prepositioned stocks of the Army, by geographic region, including inventory levels in brigade sets, operational projects, and sustainment programs.

(2) Any significant shortfalls that exist in those stocks, particularly in combat and support equipment, spare parts, and munitions, and how the Army would mitigate those shortfalls in the event of a new conflict.

(3) The maintenance condition of prepositioned equipment and supplies, especially the key ''pacing'' items in brigade sets, including the percentage currently maintained at the Technical Manual -10/20 standard required by the Army.

(4) The percentage of required cyclic maintenance performed on all stocks for each of fiscal years 2003, 2004, and 2005 and the quality control procedures used to ensure that such maintenance was completed according to Army standards.

(5) Whether the oversight mechanisms and internal management reports of the Army with respect to those stocks are adequate and ensure an accurate portrayal of the readiness of stocks covered by the report.

(6) The funding allocated and expended for prepositioning programs each fiscal year since fiscal year 2000, by region, and an assessment of whether that funding level has been adequate to maintain program readiness.

(7) The facilities used to store and maintain brigade sets and whether those facilities provide adequate (or excess) capacity, by region, for the current and future mission.

(8) The current funding for the war reserve, the sufficiency of the war reserve inventory, and the effect of the war reserve on the ability of the Army to conduct operations.

(b) REPORT.—The Secretary shall submit to Congress a report on the assessment under subsection (a) not later than January 1, 2006. The report shall include each of the matters specified in paragraphs (1) through (7) of that subsection.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the date of receipt of the report under subsection (b), the Comptroller General shall submit to Congress an independent review of the assessment conducted by the Secretary of the Army under subsection (a). The review under this subsection shall include the following:

(1) The Comptroller General's assessment of whether the assessment by the Secretary of the Army under subsection (a) comprehensively addresses each of the matters specified in paragraphs (1) through (7) of that subsection.

(2) The status of the Army in addressing any shortfalls or other issues reported by the Department of the Army or identified by the Government Accountability Office.

SEC. 356. REPORT REGARDING EFFECT ON MILITARY READINESS OF UNDOCUMENTED IMMIGRANTS TRESPASSING UPON OPERATIONAL RANGES.

(a) REPORT CONTAINING ASSESSMENT AND RESPONSE PLAN.—Not later than March 15, 2006, the Secretary of Defense and the Secretary of Homeland Security shall submit to Congress a report containing—

(1) an assessment, conducted jointly by the Secretaries, of the impact on military readiness caused by undocumented immigrants whose entry into the United States involves trespassing upon operational ranges of the Department of Defense; and

(2) a plan, prepared jointly by the Secretaries, for the implementation of measures to prevent such trespass.

(b) ELEMENTS OF ASSESSMENT.—The assessment required by subsection (a) shall include the following:

(1) A listing of the operational ranges adversely affected by the trespass of undocumented immigrants upon operational ranges.

(2) A description of the types of range activities affected by such trespass.

(3) A determination of the amount of time lost for range activities, and the increased costs incurred, as a result of such trespass.

(4) An evaluation of the nature and extent of such trespass and means of travel.

(5) An evaluation of the factors that contribute to the use by undocumented immigrants

of operational ranges as a means to enter the United States.

(6) A description of measures currently in place to prevent such trespass, including the use of barriers to vehicles and persons, military patrols, border patrols, and sensors.

(c) ELEMENTS OF PLAN.—The plan required by subsection (a) shall include the following:

(1) The types of measures to be implemented to better prevent the trespass of undocumented immigrants upon operational ranges, including the construction of barriers to vehicles and persons, the use of additional military or border patrols, and the installation of sensors.

(2) The costs of, and timeline for, implementation of the plan.

(d) IMPLEMENTATION REPORTS.—Not later than September 15, 2006, March 15, 2007, September 15, 2007, and March 15, 2008, the Secretary of Defense shall submit to Congress a report detailing the progress made by the Department of Defense, during the six-month period covered by the report, in implementing measures recommended in the plan required by subsection (a) to prevent undocumented immigrants from trespassing upon operational ranges. Each report shall include the number and types of mitigation measures implemented and the success of such measures in preventing such trespass.

(e) DEFINITIONS.—In this section, the terms ''operational range'' and ''range activities'' have the meaning given those terms in section 101(e) of title 10, United States Code.

SEC. 357. CONGRESSIONAL NOTIFICATION REQUIREMENTS REGARDING PLACEMENT OF LIQUEFIED NATURAL GAS FACILITIES, PIPELINES, AND RELATED STRUCTURES ON DEFENSE LANDS.

(a) NOTIFICATION REQUIRED.—Not less than 30 days before the Secretary of Defense or the Secretary of a military department issues a final approval or disapproval or a formal opinion regarding the placement of any liquefied natural gas facility, pipeline, or related structure on or in the vicinity of a military installation, range, or other lands under the jurisdiction of the Department of Defense, the Secretary shall submit to Congress a report detailing the justification for the approval, disapproval, or opinion.

(b) CONTENT OF REPORT.—A report under subsection (a) shall include consideration of the potential long-term effects of the liquefied natural gas facility, pipeline, or related structure that is the subject of the approval, disapproval, or opinion on military readiness, particularly the effects on the use of operational ranges.

(c) DEFINITIONS.—In this section:

(1) The term ''military installation'' has the meaning given that term in section 2687(e)(1) of title 10, United States Code.

(2) The terms ''range'' and ''operational range'' have the meanings given those terms in section 101(e) of such title.

SEC. 358. REPORT REGARDING ARMY AND AIR FORCE EXCHANGE SYSTEM MANAGEMENT OF ARMY LODGING.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report containing the results of a study evaluating the merits of allowing the Army and Air Force Exchange System to manage Army lodging. The study should consider at a minimum the following:

(1) Whether current lodging agreements with the Army and Air Force Exchange System to provide hospitality telecommunication services would be impacted by privatization and whether the proposed change will have an impact on funds contributed to morale, welfare, and recreation accounts.

(2) Whether allowing the Army and Air Force Exchange System to participate as a partner in the management of Army lodging would enhance the quality of lodging and improve access to such lodging as a nonprofit organization versus a partnership with a for-profit corporation.

(3) Whether privatization of Army lodging will result in significant cost increases to members of the Armed Forces or other eligible patrons or the loss of such lodging if it is determined that management of such lodging is not a profitable marketing venture.

(4) Whether there are certain benefits to having the Army and Air Force Exchange System become the partner with the Army that would not exist were the Army to partner with a private sector entity.

(b) LIMITATION PENDING SUBMISSION OF REPORT.—Until the Secretary of Defense submits the report required by subsection (a) to Congress, the Department of the Army may not solicit or consider any request for qualifications that would privatize Army lodging beyond the level of privatization identified for inclusion in Group A of the Privatization of Army Lodging Initiative.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2006, as follows:

(1) The Army, 482,400.
(2) The Navy, 352,700.
(3) The Marine Corps, 175,000.
(4) The Air Force, 357,400.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

(a) REVISION.—Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) For the Army, 482,400.
''(2) For the Navy, 352,700.
''(3) For the Marine Corps, 175,000.
''(4) For the Air Force, 357,400.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005, or the the date of the enactment of this Act, whichever is later.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2006, as follows:

(1) The Army National Guard of the United States, 350,000.
(2) The Army Reserve, 205,000.
(3) The Naval Reserve, 73,100.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,800.
(6) The Air Force Reserve, 74,000.
(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2006, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 27,345.
(2) The Army Reserve, 15,270.
(3) The Naval Reserve, 13,392.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 13,089.
(6) The Air Force Reserve, 2,290.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2006 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,649.
(2) For the Army National Guard of the United States, 25,563.
(3) For the Air Force Reserve, 9,853.
(4) For the Air National Guard of the United States, 22,971.

SEC. 414. FISCAL YEAR 2006 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2006, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2006, may not exceed 695.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2006, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2006, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

Subtitle A—Officer Personnel Policy

SEC. 501. TEMPORARY INCREASE IN PERCENTAGE LIMITS ON REDUCTION OF TIME-IN-GRADE REQUIREMENTS FOR RETIREMENT IN GRADE UPON VOLUNTARY RETIREMENT.

Section 1370(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) Notwithstanding subparagraph (E), during the period beginning on October 1, 2005, and ending on December 31, 2007, the number of lieutenant colonels and colonels of the Army, Marine Corps, and Air Force, and the number of commanders and captains of the Navy, for whom a reduction is made under this section during any fiscal year in the period of service-in-grade otherwise required under this paragraph may not exceed four percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade.''.

SEC. 502. TWO-YEAR RENEWAL OF AUTHORITY TO REDUCE MINIMUM COMMISSIONED SERVICE REQUIREMENT FOR VOLUNTARY RETIREMENT AS AN OFFICER.

Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are amended by striking ''during the period beginning on October 1, 1990, and ending on December 31, 2001'' and inserting ''during the period beginning on October 1, 2005, and ending on December 31, 2007''.

SEC. 503. SEPARATION AT AGE 64 FOR RESERVE COMPONENT SENIOR OFFICERS.

Section 14512(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Unless retired,'';

(2) by striking ''who is Chief'' and all that follows through ''of a State,'' and inserting ''who is specified in paragraph (2)''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) applies to a reserve officer of the Army or Air Force who is any of the following:

''(A) The Chief of the National Guard Bureau.

''(B) The Chief of the Army Reserve, Chief of the Air Force Reserve, Director of the Army National Guard, or Director of the Air National Guard.

''(C) An adjutant general.

''(D) If a reserve officer of the Army, the commanding general of the troops of a State.''.

SEC. 504. IMPROVED ADMINISTRATION OF TRANSITIONS INVOLVING OFFICERS IN SENIOR GENERAL AND FLAG OFFICER POSITIONS.

(a) EXCLUSION FROM GRADE DISTRIBUTION LIMITATIONS FOR SENIOR OFFICERS TRANSITIONING BETWEEN POSITIONS OR AWAITING RETIREMENT.—Section 525(d) of title 10, United States Code, is amended to read as follows:

''(d) An officer continuing to hold the grade of general, admiral, lieutenant general, or vice

admiral under paragraph (2) or (4) of section 601(b) of this title shall not be counted for purposes of this section.''.

(b) APPOINTMENTS TO POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 601 of such title is amended—

(1) in subsection (b)(2), by inserting before the semicolon at the end the following: '', but not for more than 30 days''; and

(2) by adding at the end the following new subsection:

''(e)(1) If a transition period for an officer under subsection (b)(2) or (b)(4) exceeds the maximum period specified in that subsection, the officer shall revert to the officer's permanent grade, effective on the day after the date on which that period is exceeded.

''(2) In each case in which the transition period for an officer under subsection (b)(2) exceeds 30 days, the Secretary of Defense shall promptly submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the matter. The report shall include the following:

''(A) The officer's name.

''(B) The date on which the transition period began and the date on which the 30-day limit was exceeded.

''(C) The former position of the officer and the position to which the officer has been ordered transferred.

''(D) The reason for extended transition to the position to which ordered transferred.

''(E) The date on which the officer reverted to the officer's permanent grade pursuant to paragraph (1). ''.

(c) PROHIBITION OF FROCKING TO GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Section 777(a) of such title is amended by inserting ''in a grade below the grade of major general or, in the case of the Navy, rear admiral,'' after ''An officer'' in the first sentence.

SEC. 505. CONSOLIDATION OF GRADE LIMITATIONS ON OFFICER ASSIGNMENT AND INSIGNIA PRACTICE KNOWN AS FROCKING.

Section 777(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''brigadier generals and Navy rear admirals (lower half)'' and inserting ''colonels, Navy captains, brigadier generals, and rear admirals (lower half)'';

(B) by striking ''the grade of'' and all that follows through ''30'' and inserting ''the next higher grade may not exceed 85'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 506. AUTHORITY FOR DESIGNATION OF A GENERAL/FLAG OFFICER POSITION ON THE JOINT STAFF TO BE HELD BY RESERVE COMPONENT GENERAL OR FLAG OFFICER ON ACTIVE DUTY.

Section 526(b)(2)(A) of title 10, United States Code, is amended by inserting '', and a general and flag officer position on the Joint Staff,'' after ''combatant commands''.

SEC. 507. AUTHORITY TO RETAIN PERMANENT PROFESSORS AT THE NAVAL ACADEMY BEYOND 30 YEARS OF ACTIVE COMMISSIONED SERVICE.

(a) WAIVER OF MANDATORY RETIREMENT FOR YEARS OF SERVICE.—

(1) LIEUTENANT COLONELS AND COMMANDERS.—Section 633 of title 10, United States Code, is amended—

(A) by striking ''Except an'' and all that follows through ''except as provided'' and inserting ''(a) 28 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided'';

(B) by adding at the end the following:

''(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

''(1) An officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 5596(e) or 6383 of this title applies.

''(2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy.''.

(2) COLONELS AND NAVY CAPTAINS.—Section 634 of title 10, United States Code, is amended—

(A) by striking ''Except an'' and all that follows through ''except as provided'' and inserting ''(a) 30 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided'';

(B) by adding at the end the following:

''(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

''(1) An officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies.

''(2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy.''.

(b) AUTHORITY FOR RETENTION OF PERMANENT PROFESSORS BEYOND 30 YEARS.—

(1) AUTHORITY.—Chapter 573 of such title is amended by inserting after section 6371 the following new section:

''§ 6372. Permanent professors of the United States Naval Academy: retirement for years of service; authority for deferral

''(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Except as provided in subsection (b), an officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is not on a list of officers recommended for promotion to the grade of captain or colonel, as the case may be, shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service.

''(2) Except as provided in subsection (b), an officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of captain or colonel who is not on a list of officers recommended for promotion to the grade of rear admiral (lower half) or brigadier general, as the case may be, shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 30 years of active commissioned service.

''(b) CONTINUATION ON ACTIVE DUTY.—(1) An officer subject to retirement under subsection (a) may have his retirement deferred and be continued on active duty by the Secretary of the Navy.

''(2) Subject to section 1252 of this title, the Secretary of the Navy shall determine the period of any continuation on active duty under this section.

''(c) ELIGIBILITY FOR PROMOTION.—A permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is continued on active duty as a permanent professor under subsection (b) remains eligible for consideration for promotion to the grade of captain or colonel, as the case may be.

''(d) RETIRED GRADE AND RETIRED PAY.—Each officer retired under this section—

''(1) unless otherwise entitled to a higher grade, shall be retired in the grade determined under section 1370 of this title; and

''(2) is entitled to retired pay computed under section 6333 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6371 the following new item:

''6372. Permanent professors of the United States Naval Academy: retirement for years of service; authority for deferral.''.

(c) MANDATORY RETIREMENT AT AGE 64.—

(1) REORGANIZATION AND STANDARDIZATION.—Chapter 63 of such title is amended by inserting after section 1251 the following new section:

''§ 1252. Age 64: permanent professors at academies

''(a) MANDATORY RETIREMENT FOR AGE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by subsection (b) shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

''(b) COVERED OFFICERS.—This section applies to the following officers:

''(1) An officer who is a permanent professor or the director of admissions of the United States Military Academy.

''(2) An officer who is a permanent professor at the United States Naval Academy.

''(3) An officer who is a permanent professor or the registrar of the United States Air Force Academy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1251 the following new item:

''1254. Age 64: permanent professors at academies.''.

(3) CONFORMING AMENDMENT.—Section 1251(a) of such title is amended by striking the second sentence.

(d) CONFORMING AMENDMENTS RELATING TO COMPUTATION OF RETIRED PAY.—

(1) AGE 64 RETIREMENT.—Chapter 71 of such title is amended—

(A) in the table in section 1401(a), by inserting at the bottom of the column under the heading ''For sections'', in the entry for Formula Number 5, the following: ''1252''; and

(B) in the table in section 1406(b)(1), by inserting at the bottom of the first column the following: ''1252'';

(2) YEARS-OF-SERVICE RETIREMENT.—Section 6333(a) of such title is amended—

(A) in the matter preceding the table, by inserting ''6372 or'' after ''section''; and

(B) in the table, by inserting ''6372'' immediately below ''6325(b)'' in the column under the heading ''For sections'', in the entry for Formula B.

SEC. 508. AUTHORITY FOR APPOINTMENT OF COAST GUARD FLAG OFFICER AS CHIEF OF STAFF TO THE PRESIDENT.

(a) AUTHORITY.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 54. Chief of Staff to President: appointment

''The President, by and with the advice and consent of the Senate, may appoint a flag officer of the Coast Guard as the Chief of Staff to the President.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''54. Chief of Staff to President: appointment.''.

SEC. 509. CLARIFICATION OF TIME FOR RECEIPT OF STATUTORY SELECTION BOARD COMMUNICATIONS.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 614(b) of title 10, United States Code, is amended in the first sentence by inserting ''11:59 p.m. on the day before'' after ''to arrive not later than''.

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—Section 14106 of such title is amended in the second sentence by inserting ''11:59 p.m. on the day before'' after ''so as to arrive not later than''.

SEC. 510. STANDARDIZATION OF GRADE OF SENIOR DENTAL OFFICER OF THE AIR FORCE WITH THAT OF SENIOR DENTAL OFFICER OF THE ARMY.

(a) AIR FORCE ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES.—Section 8081 of title 10, United States Code, is amended by striking ''brigadier general'' in the second sentence and inserting ''major general''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the occurrence of the next vacancy in the position of Assistant Surgeon General for Dental Services in the Air Force that occurs after the date of the enactment of this Act or, if earlier, on the date of the appointment to the grade of major general of the officer who is the incumbent in that position on the date of the enactment of the Act.

Subtitle B—Reserve Component Management

SEC. 511. USE OF RESERVE MONTGOMERY GI BILL BENEFITS AND BENEFITS FOR MOBILIZED MEMBERS OF THE SELECTED RESERVE AND NATIONAL GUARD FOR PAYMENTS FOR LICENSING OR CERTIFICATION TESTS.

(a) CHAPTER 1606.—Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of title 38 is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, but for paragraph (1), such individual would otherwise be paid under subsection (b).

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(b) CHAPTER 1607.—Section 16162 of such title is amended by adding at the end the following new subsection:

''(e) The provisions of section 16131(j) of this title shall apply to the provision of educational assistance under this chapter, except that, in applying such section under this chapter, the reference to subsection (b) in paragraph (2) of such section is deemed to be a reference to subsection (c) of this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tests administered on or after October 1, 2005.

SEC. 512. MODIFICATIONS TO NEW RESERVE EDUCATIONAL BENEFIT FOR CERTAIN ACTIVE SERVICE IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) ELIGIBILITY CRITERIA.—Subsection (a) of section 16163 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''On or after September 11, 2001, a member'' and inserting ''A member'';

(2) in paragraph (1), by striking ''served on active duty in support of a contingency operation'' and inserting ''was called or ordered to active duty on or after September 11, 2001, in support of a contingency operation and served on active duty in support of that contingency operation''; and

(3) in paragraph (2), by inserting ''on or after September 11, 2001,'' after ''Secretary of Defense''.

(b) ADMINISTRATION OF SPECIFIED BENEFITS ELECTION.—Subsection (e) of such section is amended by striking ''Secretary concerned'' and inserting ''Secretary of Veterans Affairs''.

(c) EXCEPTION TO IMMEDIATE TERMINATION OF ASSISTANCE.—Section 16165 of such title is amended—

(1) by striking ''Educational assistance'' and inserting ''(a) TERMINATION.—Except as provided in subsection (b), educational assistance''; and

(2) by adding at the end the following new subsection:

''(b) EXCEPTION FOR SELECTED RESERVE MEMBERS CONTINUING IN READY RESERVE.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this chapter to a member of the Selected Reserve when the member incurs a break in service in the Selected Reserve of not more than 90 days, if the member continues to serve in the Ready Reserve.''.

SEC. 513. MILITARY TECHNICIANS (DUAL STATUS) MANDATORY SEPARATION.

(a) DEFERRAL OF SEPARATION.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) DEFERRAL OF MANDATORY SEPARATION.—The Secretary of the Army shall implement personnel policies so as to allow a military technician (dual status) who continues to meet the requirements of this section for dual status to continue to serve beyond a mandatory removal date for officers, and any applicable maximum years of service limitation, until the military technician (dual status) reaches age 60 and attains eligibility for an unreduced annuity (as defined in section 10218(c) of this title).''.

(b) EFFECTIVE DATE.—The Secretary of the Army shall implement subsection (f) of section 10216 of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SEC. 514. MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE BY NATIONAL GUARD MEMBERS PERFORMED WHILE IN A STATE DUTY STATUS IMMEDIATELY AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) RETIREMENT CREDIT.—Service of a member of the Ready Reserve of the Army National Guard or Air National Guard described in subsection (b) shall be deemed to be service creditable under section 12732(a)(2)(A)(i) of title 10, United States Code.

(b) COVERED SERVICE.—Service referred to in subsection (a) is full-time State active duty service that a member of the National Guard performed on or after September 11, 2001, and before October 1, 2002, in any of the counties specified in subsection (c) to support a Federal declaration of emergency following the terrorist attacks on the United States of September 11, 2001.

(c) COVERED COUNTIES.—The counties referred to in subsection (b) are the following:

(1) In the State of New York: Bronx, Kings, New York (boroughs of Brooklyn and Manhattan), Queens, Richmond, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester

(2) In the State of Virginia: Arlington.

(d) APPLICABILITY.—Subsection (a) shall take effect as of September 11, 2001.

SEC. 515. USE OF NATIONAL GUARD TO PROVIDE MILITARY SUPPORT TO CIVILIAN LAW ENFORCEMENT AGENCIES FOR DOMESTIC COUNTER-TERRORISM ACTIVITIES.

(a) IN GENERAL.—Title 32, United States Code, is amended by adding the following new section:

''§ 116. Use of National Guard to provide military support to civilian law enforcement agencies for domestic counter-terrorism activities

''(a) PROVISION OF SUPPORT.—The Governor of a State may order the National Guard of such State to perform full-time National Guard duty under section 502(f) of this title for the purpose of providing, on a reimbursable basis, military support to a civilian law enforcement agency for domestic counter-terrorism activities. Members of the National Guard performing full-time National Guard duty in the Active Guard and Reserve Program may support or execute military support to civilian law enforcement agencies for domestic counter-terrorism activities performed by the National Guard under this section.

''(b) REIMBURSEMENT.—Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or the designee of the Chief in the State concerned, shall accept monetary reimbursements for the costs incurred by the National Guard to provide support under subsection (a). Such monetary reimbursements will be deposited into the appropriations used to fund activities under this title and may be used in the fiscal year in which received. The Secretary of Defense may waive the reimbursement requirement under this section.

''(c) CONDITION OF PROVISION OF SUPPORT.—Military support to civilian law enforcement agencies for domestic counter-terrorism activities may not be provided under subsection (a) if the provision of such support will affect adversely the military preparedness of the United States. To ensure that the use of units and personnel of the National Guard under such subsection does not degrade training and readiness, the following requirements shall apply in determining the activities that units and personnel of the National Guard of a State may perform:

''(1) The performance of the activities may not affect adversely the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

''(2) The performance of the activities will not degrade the military skills of the members of the National Guard performing those activities.

''(d) STATUTORY CONSTRUCTION.— Nothing in this section shall be construed as a limitation on the authority of any unit or member of the National Guard of a State, when not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned. Nothing in this section shall be construed as a limitation on the authority of any unit or member of the National Guard of a State, when not in Federal service, to provide military assistance or support to civil authority in the normal course of military training or operations on a non-reimbursable basis.

''(e) DEFINITIONS.—In this section:

''(1) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

''(2) The term 'domestic counter-terrorism' means measures taken to prevent, deter, and respond to terrorism within a State.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

''116. Use of National Guard to provide military support to civilian law enforcement agencies for domestic counter-terrorism activities.''.

(c) CONFORMING AMENDMENT TO TITLE 10.—Section 115(i) of title 10, United States Code, is amended by inserting ''or providing military support to civilian law enforcement agencies for domestic counter-terrorism activities under section 116 of such title'' after ''title 32''.

Subtitle C—Education and Training

SEC. 521. REPEAL OF LIMITATION ON AMOUNT OF FINANCIAL ASSISTANCE UNDER ROTC SCHOLARSHIP PROGRAMS.

(a) GENERAL ROTC PROGRAM.—Section 2107(c) of title 10, United States Code, is amended—

(1) by striking paragraph (4); and

(2) in paragraph (5)(B), by striking '', (3), or (4)'' and inserting ''or (3)''.

(b) ARMY RESERVE AND ARMY NATIONAL GUARD PROGRAM.—Section 2107a(c) of such title is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—Paragraph (4) of section 2107(c) of title 10, United States Code, and paragraph (3) of section 2107a(c) of such title, as in effect on the day before the date of the enactment of this Act, shall continue to apply in the case of any individual selected before the date of the enactment of this Act for appointment as a cadet or midshipman under section 2107 or 2107a of such title.

SEC. 522. INCREASED ENROLLMENT FOR ELIGIBLE DEFENSE INDUSTRY EMPLOYEES IN THE DEFENSE PRODUCT DEVELOPMENT PROGRAM AT NAVAL POSTGRADUATE SCHOOL.

Section 7049(a) of title 10, United States Code, is amended—

(1) by inserting ''and systems engineering'' after ''curriculum related to defense product development''; and

(2) by striking ''10'' and inserting ''25''.

SEC. 523. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2015. Payment of expenses to obtain professional credentials

''(a) AUTHORITY.—The Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy, may pay for—

''(1) expenses for members of the armed forces to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

''(2) examinations to obtain such credentials.

''(b) LIMITATION.—The authority under subsection (a) may not be used to pay the expenses of a member to obtain professional credentials that are a prerequisite for appointment in the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2015. Payment of expenses to obtain professional credentials.''.

SEC. 524. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

''§ 2163. National Defense University: master of science degrees

''(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

''(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

''(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

''(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

''(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

''(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2163. National Defense University: master of science degrees.''.

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

SEC. 525. ONE-YEAR EXTENSION OF AUTHORITY TO USE APPROPRIATED FUNDS TO PROVIDE RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION OF CERTAIN RESERVE COMPONENT PERSONNEL.

Section 18506(d) of title 10, United States Code, and section 717(e) of title 32, United States Code, are each amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 526. REPORT ON RATIONALE AND PLANS OF THE NAVY TO PROVIDE ENLISTED MEMBERS AN OPPORTUNITY TO OBTAIN GRADUATE DEGREES.

(a) REPORT.—The Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the plans, if any, of the Secretary, and the rationale for those plans, for a program to provide enlisted members of the Navy with opportunities to pursue graduate degree programs either through Navy schools or paid for by the Navy in return for an additional service obligation. The report shall include the following:

(1) The underlying philosophy and objectives supporting a decision to provide opportunities for graduate degrees to enlisted members of the Navy.

(2) An overall description of how the award of a graduate degree to an enlisted member would fit in an integrated, progressive, coordinated, and systematic way into the goals and requirements of the Navy for enlisted career development and for professional education, together with a discussion of a wider requirement, if any, for programs for the award of associate and baccalaureate degrees to enlisted members, particularly in the career fields under consideration for the pilot program referred to in subsection (b).

(3) A discussion of the scope and details of the plan to ensure that Navy enlisted members have the requisite academic baccalaureate degrees as a prerequisite for undertaking graduate-level work.

(4) Identification of the specific enlisted career fields for which the Secretary has determined that a graduate degree should be a requirement, as well as the rationale for that determination.

(5) A description of the concept of the Secretary of the Navy for the process and mechanism of providing graduate degrees to enlisted members, including, as a minimum, the Secretary's plan for whether the degree programs would be provided through civilian or military degree-granting institutions and whether through in-resident or distance learning or some combination thereof.

(6) A description of the plan to ensure proper and effective utilization of enlisted members following the award of a graduate degree.

(b) REPORT ON PILOT PROGRAM.—In addition to the report under subsection (a), the Secretary of the Navy may submit a plan for a pilot program to make available opportunities to pursue graduate degree programs to a limited number of Navy enlisted members in a specific, limited set of critical career fields. Such a plan shall include, as a minimum, the following:

(1) The specific objectives of the pilot program.

(2) An identification of the specific enlisted career fields from which candidates for the program would be drawn, the numbers and prerequisite qualifications of initial candidates, and the process for selecting the enlisted members who would initially participate.

(3) The process and mechanism for providing the degrees, described in the same manner as specified under subsection (a)(5), and a general description of course content.

(4) An analysis of the cost effectiveness of using Navy, other service, or civilian degree granting institutions in the pilot.

(5) The plan for post-graduation utilization of the enlisted members who obtain graduate degrees under the program.

(6) The criteria and plan for assessing whether the objectives of the pilot program are met.

SEC. 527. INCREASE IN ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND NATIONAL GUARD PROGRAM.

Section 2107a(h) of title 10, United States Code, is amended by striking ''208'' and inserting ''416''.

SEC. 528. CAPSTONE OVERSEAS FIELD STUDIES TRIPS TO PEOPLE'S REPUBLIC OF CHINA AND REPUBLIC OF CHINA ON TAIWAN.

Section 2153 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) OVERSEAS FIELD STUDIES TO CHINA AND TAIWAN.—The Secretary of Defense shall direct the National Defense University to ensure that visits to China and Taiwan are an integral part of the field study programs conducted by the university as part of the military education course carried out pursuant to subsection (a) and that such field study programs include annually at least one class field study trip to the People's Republic of China and at least one class field study trip to the Republic of China on Taiwan.''.

SEC. 529. SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF NATIONAL COLLEGE OF HOMELAND SECURITY.

It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of Homeland Security, should establish within the National Defense University an educational institution, to be known as the National College of Homeland Security, to have the mission of providing strategic-level homeland security and homeland defense education and related research to civilian and military leaders from all agencies of government in order to contribute to the development of a common understanding of core homeland security principles and of effective interagency and multijurisdictional homeland security strategies, policies, doctrines, and processes.

Subtitle D—General Service Requirements

SEC. 531. UNIFORM ENLISTMENT STANDARDS FOR THE ARMED FORCES.

(a) UNIFORM STANDARDS.—Section 504 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' at the beginning of the text; and

(2) by adding at the end the following new subsection:

''(b)(1) Except as provided under paragraph (2), a person may not be enlisted in any armed force unless that person is one of the following:

''(A) A national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

''(B) An alien who is lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

''(C) A person described in section 341 of one of the following:

''(i) The Compact of Free Association between the Federated States of Micronesia and the United States (section 201(a) of Public Law 108–188 (117 Stat. 2784; 48 U.S.C. 1921 note)).

''(ii) The Compact of Free Association between the Republic of the Marshall Islands and the United States (section 201(b) of Public Law 108–188 (117 Stat. 2823; 48 U.S.C. 1921 note)).

''(iii) The Compact of Free Association between Palau and the United States (section 201 of Public Law 99–658 (100 Stat. 3678; 48 U.S.C. 1931 note)).

''(2) The Secretary concerned may authorize the enlistment of persons not described in paragraph (1) when the Secretary determines that such enlistment is vital to the national interest.''.

(b) CONFORMING REPEAL OF SERVICE-SPECIFIC PROVISIONS.—

(1) REPEAL.—Sections 3253 and 8253 of such title are repealed.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 333 is amended by striking the item relating to section 3253. The table of sections at the beginning of chapter 833 is amended by striking the item relating to section 8253.

SEC. 532. INCREASE IN MAXIMUM TERM OF ORIGINAL ENLISTMENT IN REGULAR COMPONENT.

Section 505(c) of title 10, United States Code, is amended by striking ''six years'' and inserting ''eight years''.

SEC. 533. MEMBERS COMPLETING STATUTORY INITIAL MILITARY SERVICE OBLIGATION.

(a) NOTIFICATION TO INITIAL ENTRANTS.—Section 651(a) of title 10, United States Code, is

amended by adding at the end the following new subsection:

''(c) Each person covered by subsection (a), upon commencing that person's initial period of service as a member of the armed forces, shall be provided the date on which the initial military service obligation of that person under this section ends.''.

(b) NOTIFICATION TO INDIVIDUAL READY RESERVE MEMBERS.—Section 10144 of such title is amended by adding at the end the following new subsection:

''(c) In the case of a member of the armed forces who is serving in the Individual Ready Reserve to complete the initial military service obligation of that member under section 651 of this title, the Secretary concerned shall—

''(1) notify the member when the period of that service obligation is completed; and

''(2) before the date when that period is completed, provide to that member an opportunity, if the member is qualified, to—

''(A) continue voluntarily in the Ready Reserve; or

''(B) transfer voluntarily to an active component.''.

(c) PROHIBITION OF CERTAIN INVOLUNTARY PERSONNEL ACTIONS.—

(1) IN GENERAL.—Chapter 1215 of such title is amended by adding at the end the following new section:

''§ 12553. Members of Individual Ready Reserve completing initial military service obligation: prohibition of certain involuntary personnel actions

''(a) PROHIBITION.—In the case of a member of the armed forces who is serving in the Individual Ready Reserve to complete the initial military service obligation of that member under section 651 of this title, the Secretary concerned may not, after the end of the period of that service obligation, issue the member an order for an action specified in subsection (b) unless the member, before the end of that period, has entered into a service agreement that commits the member to military service beyond the end of that period.

''(b) COVERED ACTIONS.—Subsection (a) applies to an involuntary mobilization in accordance with section 12301(a), 12301(b), 12302, or 12304 of this title, or a recall to active duty, that commences after the date of the end of the period of the military service obligation or a transfer to the Selected Reserve. ''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12553. Members of Individual Ready Reserve completing initial military service obligation: prohibition of certain involuntary personnel actions.''.

(3) EFFECTIVE DATE.—Section 12533 of title 10, United States Code, as added by paragraph (1), shall apply with respect to orders issued by the Secretary concerned after the date of the enactment of this Act.

SEC. 534. EXTENSION OF QUALIFYING SERVICE FOR INITIAL MILITARY SERVICE UNDER NATIONAL CALL TO SERVICE PROGRAM.

Section 510(d) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and shall include military occupational specialties for enlistments for officer training and subsequent service as an officer, in cases in which the reason for the enlistment and entry into an agreement under subsection (b) is to enter an officer training program''.

Subtitle E—Matters Relating to Casualties

SEC. 541. REQUIREMENT FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE A PERSON TO BE AUTHORIZED TO DIRECT THE DISPOSITION OF THE MEMBER'S REMAINS.

(a) DESIGNATION REQUIRED.—Section 655 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person authorized to direct the disposition of the person's remains under section 1482 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.''.

(b) CHANGE IN DESIGNATION.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by inserting ''or (b)'' after ''subsection (a)''.

(c) PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS.—Section 1482(c) of such title is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

''(c) The person designated under section 655(b) of this title shall be considered for all purposes to be the person designated under this subsection to direct disposition of the remains of a decedent covered by this chapter. If the person so designated is not available, or if there was no such designation under that section, one of the following persons, in the order specified, shall be the person designated to direct the disposition of remains:''; and

(2) in paragraph (4), by striking ''clauses (1)–(3)'' and inserting ''paragraph (1), (2), or (3)''.

(d) EFFECTIVE DATE.—Subsection (b) of section 655 of title 10, United States Code, as added by subsection (a)(2), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall be applied to persons enlisted or appointed in the Armed Forces after the end of such period. In the case of persons who are members of the Armed Forces as of the end of such 30-day period, such subsection—

(1) shall be applied to any member who is deployed to a contingency operation after the end of such period; and

(2) in the case of any member not sooner covered under paragraph (1), shall be applied before the end of the 180-day period beginning on the date of the enactment of this Act.

(e) TREATMENT OF PRIOR DESIGNATIONS.—

(1) A qualifying designation by a decedent covered by section 1481 of title 10, United States Code, shall be treated for purposes of section 1482 of such title as having been made under section 655(b) of such title.

(2) QUALIFYING DESIGNATIONS.—For purposes of paragraph (1), a qualifying designation is a designation by a person of the person to be authorized to direct disposition of the remains of the person making the designation that was made before the date of the enactment of this Act and in accordance with regulations and procedures of the Department of Defense in effect at the time.

SEC. 542. ENHANCED PROGRAM OF CASUALTY ASSISTANCE OFFICERS AND SERIOUSLY INJURED/ILL ASSISTANCE OFFICERS.

(a) REQUIRED STANDARDS AND TRAINING.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1790. Casualty Assistance Officers; Seriously Injured/Ill Assistance Officers

''(a) ASSIGNMENT OF CAOs.—Whenever a member of the Army, Navy, Air Force, or Marine Corps dies while on active duty or otherwise under circumstances for which a death gratuity under section 1475 or 1476 of this title is to be paid, the Secretary of the military department concerned shall provide for the assignment of a Casualty Assistance Officer to assist the family members of the deceased member.

''(b) ASSIGNMENT OF SIAOs.—Whenever a member of the Army, Navy, Air Force, or Marine Corps is seriously injured or becomes seriously ill while on active duty or otherwise under circumstances for which, if the member died, a death gratuity under section 1475 or 1476 of this title would be paid, the Secretary of the military department concerned shall provide for the assignment of a Seriously Injured/Ill Assistance Officer to assist the member and the member's family members.

''(c) PERSONS WHO MAY BE ASSIGNED.—The Secretary concerned may only assign as a Casualty Assistance Officer or Seriously Injured/Ill Assistance Officer a member of the armed forces who is an officer or a noncommissioned officers in pay grade E–7 or above or a person who is a Federal civilian employee.

''(d) DUTIES AND FUNCTIONS .—The Secretary of Defense shall prescribe the duties and functions of Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers. Such functions shall include the following functions for family members:

''(1) Information source.

''(2) Counsellor.

''(3) Advisor on obtaining needed information and services.

''(4) Administrative assistant.

''(5) Advocate for family members with military authorities.

''(e) DURATION AND LOCATION OF ASSISTANCE.—Once a family is assigned a Casualty Assistance Officer or Seriously Injured/Ill Assistance Officer, the Secretary concerned shall ensure that such an officer is continuously assigned to that family, regardless of family location, until the Secretary determines that the family is no longer in need of assistance from such an officer.

''(f) TRAINING AND OVERSIGHT.—(1) The Secretary of Defense shall establish standards for performance of the duties of Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers, and shall monitor the training programs of the military departments for persons assigned to duty as such officers, in order to ensure that Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers are properly trained.

''(2) The Secretary of each military department shall—

''(A) ensure that Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers are properly trained; and

''(B) monitor the performance of persons assigned to duty as Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers.

''(g) CRITERIA FOR DETERMINATION OF SERIOUS INJURY OR ILLNESS.—The Secretary of Defense shall specify criteria for determination for purposes of this section of whether a member is seriously injured or seriously ill. ''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1790. Casualty Assistance Officers; Seriously Injured/Ill Assistance Officers.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall prescribe regulations for the implementation of section 1790 of title 10, United States Code, as added by subsection (a), not later than180 days after the date of the enactment of this Act.

SEC. 543. STANDARDS AND GUIDELINES FOR DEPARTMENT OF DEFENSE PROGRAMS TO ASSIST WOUNDED AND INJURED MEMBERS.

The Secretary of Defense shall examine the programs of the Army, Navy, Air Force, and Marine Corps that provide assistance to members of the Armed Forces who incur severe wounds or injuries in the line of duty, including the Army Disabled Soldier Support Program and the Marine for Life Injured Support Program, and (based on such examination) shall develop standards and guidelines as necessary to coordinate and standardize those programs with the

activities of the Severely Injured Joint Support Operations Center of the Department of Defense, established as of February 1, 2005. The Secretary shall publish regulations to implement the standards and guidelines developed pursuant to the preceding sentence not later than 180 days after the date of the enactment of this Act.

SEC. 544. AUTHORITY FOR MEMBERS ON ACTIVE DUTY WITH DISABILITIES TO PARTICIPATE IN PARALYMPIC GAMES.

Section 717(a) of title 10, United States Code, is amended by striking ''participate in—'' and all that follows through ''(2) any other'' and inserting ''participate in any of the following sports competitions:

''(1) The Pan-American Games and the Olympic Games, and qualifying events and preparatory competition for those games.

''(2) The Paralympic Games, if eligible to participate in those games, and qualifying events and preparatory competition for those games.

''(3) Any other''.

Subtitle F—Military Justice and Legal Assistance Matters

SEC. 551. CLARIFICATION OF AUTHORITY OF MILITARY LEGAL ASSISTANCE COUNSEL TO PROVIDE MILITARY LEGAL ASSISTANCE WITHOUT REGARD TO LICENSING REQUIREMENTS.

Section 1044 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Notwithstanding any law regarding the licensure of attorneys, a judge advocate or civilian attorney who is authorized to provide military legal assistance is authorized to provide that assistance in any jurisdiction, subject to such regulations as may be prescribed by the Secretary concerned.

''(2) In this subsection, the term 'military legal assistance' includes—

''(A) legal assistance provided under this section; and

''(B) legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of this title.''.

SEC. 552. USE OF TELECONFERENCING IN ADMINISTRATIVE SESSIONS OF COURTS-MARTIAL.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by designating the matter following paragraph (4) of subsection (a) as subsection (b); and

(3) in subsection (b), as so redesignated—

(A) by striking ''These proceedings shall be conducted'' and inserting ''Proceedings under subsection (a) shall be conducted''; and

(B) by adding at the end the following new sentence: ''If authorized by regulations of the Secretary concerned, and if the defense counsel is physically in the presence of the accused, the presence required by this subsection may otherwise be established by audiovisual technology (such as videoteleconferencing technology).''.

SEC. 553. EXTENSION OF STATUTE OF LIMITATIONS FOR MURDER, RAPE, AND CHILD ABUSE OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) NO LIMITATION FOR MURDER, RAPE, OR RAPE OF A CHILD.—Section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended in subsection (a) by inserting after ''in a time of war,'' the following: ''with murder, rape, or rape of a child,''.

(b) SPECIAL RULES FOR CHILD ABUSE OFFENSES.—Such section is further amended in subsection (b)(2)—

(1) in subparagraph (A), by striking ''before the child attains the age of 25 years'' and inserting ''during the life of the child or within five years after the date on which the offense was committed, whichever provides a longer period,'';

(2) In subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''sexual or physical'';

(B) in clause (i), by striking ''Rape or carnal knowledge'' and inserting ''Any offense''; and

(C) in clause (v), by striking ''Indecent assault,'' and inserting ''Kidnapping; indecent assault;''; and

(3) by adding at the end the following new subparagraph:

''(C) In subparagraph (A), the term 'child abuse offense' includes an act that involves abuse of a person who has not attained the age of 18 years and would constitute an offense under chapter 110 or 117, or under section 1591, of title 18.''.

SEC. 554. OFFENSE OF STALKING UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) IN GENERAL.—(1) Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 928 (article 128) the following new section:

''§ 928a. Art. 128a. Stalking

''Any person subject to this chapter who, on two or more occasions, engages in one or more threatening acts with respect to a specific person—

''(1) that the person knows or should know would place the specific person in emotional distress or in reasonable fear of death or bodily harm to the specific person or to an immediate family member or intimate partner of the specific person; and

''(2) that places the specific person in emotional distress or in reasonable fear of death or bodily harm to the specific person or to an immediate family member or intimate partner of the specific person;

is guilty of stalking and shall be punished as a court-martial may direct.''.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 928 the following new item:

''928a. Art. 128a. Stalking.''.

(b) APPLICABILITY.—Section 928a of title 10, United States Code (article 128a of the Uniform Code of Military Justice), as added by subsection (a), applies to offenses committed after the date that is six months after the date of the enactment of this Act.

SEC. 555. RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER UNIFORM CODE OF MILITARY JUSTICE.

(a) REVISION TO UCMJ.—

(1) IN GENERAL.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 920. Art. 120. Rape, sexual assault, and other sexual misconduct

''(a) RAPE.—Any person subject to this chapter who causes another person of any age to engage in a sexual act by—

''(1) using force against that other person;

''(2) causing grievous bodily harm to any person;

''(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;

''(4) rendering another person unconscious; or

''(5) administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby substantially impairs the ability of that other person to appraise or control conduct,

is guilty of rape and shall be punished as a court-martial may direct.

''(b) RAPE OF A CHILD.—Any person subject to this chapter who—

''(1) engages in a sexual act with a child who has not attained the age of twelve years; or

''(2) engages in a sexual act under the circumstances described in subsection (a) with a child who has attained the age of twelve years,

is guilty of rape of a child and shall be punished as a court-martial may direct.

''(c) AGGRAVATED SEXUAL ASSAULT.—Any person subject to this chapter who—

''(1) causes another person of any age to engage in a sexual act by—

''(A) threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping); or

''(B) causing bodily harm; or

''(2) engages in a sexual act with another person of any age if that other person is substantially incapacitated or substantially incapable of—

''(A) appraising the nature of the sexual act;

''(B) declining participation in the sexual act; or

''(C) communicating unwillingness to engage in the sexual act,

is guilty of aggravated sexual assault and shall be punished as a court-martial may direct.

''(d) AGGRAVATED SEXUAL ASSAULT OF A CHILD.—Any person subject to this chapter who engages in a sexual act with a child who has attained the age of twelve years is guilty of aggravated sexual assault of a child and shall be punished as a court-martial may direct.

''(e) AGGRAVATED SEXUAL CONTACT.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

''(f) AGGRAVATED SEXUAL ABUSE OF A CHILD.—Any person subject to this chapter who engages in a lewd act with a child is guilty of aggravated sexual abuse of a child and shall be punished as a court-martial may direct.

''(g) AGGRAVATED SEXUAL CONTACT WITH A CHILD.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (b) (rape of a child) had the sexual contact been a sexual act, is guilty of aggravated sexual contact with a child and shall be punished as a court-martial may direct.

''(h) ABUSIVE SEXUAL CONTACT.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (c) (aggravated sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

''(i) ABUSIVE SEXUAL CONTACT WITH A CHILD.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (d) (aggravated sexual assault of a child) had the sexual contact been a sexual act, is guilty of abusive sexual contact with a child and shall be punished as a court-martial may direct.

''(j) INDECENT LIBERTY WITH A CHILD.—Any person subject to this chapter who engages in indecent liberty in the physical presence of a child—

''(1) with the intent to arouse, appeal to, or gratify the sexual desire of any person; or

''(2) with the intent to abuse, humiliate, or degrade any person,

is guilty of indecent liberty with a child and shall be punished as a court-martial may direct.

''(k) INDECENT ACT.—Any person subject to this chapter who engages in indecent conduct is guilty of an indecent act and shall be punished as a court-martial may direct.

''(l) FORCIBLE PANDERING.—Any person subject to this chapter who compels another person to engage in an act of prostitution with another person to be directed to said person is guilty of forcible pandering and shall be punished as a court-martial may direct.

''(m) WRONGFUL SEXUAL CONTACT.—Any person subject to this chapter who, without legal

justification or lawful authorization, engages in sexual contact with another person without that other person's permission is guilty of wrongful sexual contact and shall be punished as a court-martial may direct.

''(n) INDECENT EXPOSURE.—Any person subject to this chapter who intentionally exposes, in an indecent manner, in any place where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall by punished as a court-martial may direct.

''(o) AGE OF CHILD.—

''(1) TWELVE YEARS.—In a prosecution under subsection (b) (rape of a child), (g) (aggravated sexual contact with a child), or (j) (indecent liberty with a child), it need not be proven that the accused knew that the other person engaging in the sexual act, contact, or liberty had not attained the age of twelve years. It is not an affirmative defense that the accused reasonably believed that the child had attained the age of twelve years.

''(2) SIXTEEN YEARS.—In a prosecution under subsection (d) (aggravated sexual assault of a child), (f) (aggravated sexual abuse of a child), (i) (abusive sexual contact with a child), or (j) (indecent liberty with a child), it need not be proven that the accused knew that the other person engaging in the sexual act, contact, or liberty had not attained the age of sixteen years. Unlike in paragraph (1), however, it is an affirmative defense that the accused reasonably believed that the child had attained the age of sixteen years.

''(p) PROOF OF THREAT.—In a prosecution under this section, in proving that the accused made a threat, it need not be proven that the accused actually intended to carry out the threat.

''(q) MARRIAGE.—

''(1) IN GENERAL.—In a prosecution under paragraph (2) of subsection (c) (aggravated sexual assault), or under subsection (d) (aggravated sexual assault of a child), (f) (aggravated sexual abuse of a child), (i) (abusive sexual contact with a child), (j) (indecent liberty with a child), (m) (wrongful sexual contact), or (n) (indecent exposure), it is an affirmative defense that the accused and the other person when they engaged in the sexual act, sexual contact, or sexual conduct are married to each other.

''(2) DEFINITION.—For purposes of this subsection, a marriage is a relationship, recognized by the laws of a competent state or foreign jurisdiction, between the accused and the other person as spouses. A marriage exists until it is dissolved in accordance with the laws of a competent state or foreign jurisdiction.

''(3) EXCEPTION.—Paragraph (1) shall not apply if the accused's intent at the time of the sexual conduct is to abuse, humiliate, or degrade any person, or if the child is under the age of fifteen years.

''(r) CONSENT AND MISTAKE OF FACT AS TO CONSENT.—Lack of permission is an element of the offense in subsection (m) (wrongful sexual contact). Consent and mistake of fact as to consent are not an issue, or an affirmative defense, in a prosecution under any other subsection, except they are an affirmative defense for the sexual conduct in issue in a prosecution under subsection (a) (rape), (c) (aggravated sexual assault), (e) (aggravated sexual contact), and (h) (abusive sexual contact).

''(s) OTHER AFFIRMATIVE DEFENSES NOT PRECLUDED.—The enumeration in this section of some affirmative defenses shall not be construed as excluding the existence of others.

''(t) NO PREEMPTION.—The prosecution or punishment of an accused for an offense under this section does not preclude the prosecution or punishment of that accused for any other offense.

''(u) DEFINITIONS.—In this section:

''(1) SEXUAL ACT.—The term 'sexual act' means—

''(A) contact between the penis and the vulva, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; or

''(B) the penetration, however slight, of the genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

''(2) SEXUAL CONTACT.—The term 'sexual contact' means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, or intentionally causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person or to arouse or gratify the sexual desire of any person.

''(3) GRIEVOUS BODILY HARM.—The term 'grievous bodily harm' means serious bodily injury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose. It is the same level of injury as in section 928 (article 128) of this chapter, and a lesser degree of injury than in section 2246(4) of title 18.

''(4) DANGEROUS WEAPON OR OBJECT.—The term 'dangerous weapon or object' means—

''(A) any firearm, loaded or not, and whether operable or not;

''(B) any other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used, or is intended to be used, is known to be capable of producing death or grievous bodily harm; or

''(C) any object fashioned or utilized in such a manner as to lead the victim under the circumstances to reasonably believe it to be capable of producing death or grievous bodily harm.

''(5) FORCE.—The term 'force' means action to compel submission of another or to overcome or prevent another's resistance by—

''(A) the use or display of a dangerous weapon or object;

''(B) the suggestion of possession of a dangerous weapon or object that is used in a manner to cause another to believe it is a dangerous weapon or object; or

''(C) physical violence, strength, power, or restraint applied to another person, sufficient that the other person could not avoid or escape the sexual conduct.

''(6) THREATENING OR PLACING THAT OTHER PERSON IN FEAR.—The term 'threatening or placing that other person in fear' under paragraph (3) of subsection (a) (rape), or under subsection (e) (aggravated sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that noncompliance will result in the victim or another person being subjected to death, grievous bodily harm, or kidnapping.

''(7) THREATENING OR PLACING THAT OTHER PERSON IN FEAR.—

''(A) IN GENERAL.—The term 'threatening or placing that other person in fear' under paragraph (1)(A) of subsection (c) (aggravated sexual assault), or under subsection (h) (abusive sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another being subjected to a lesser degree of harm than death, grievous bodily harm, or kidnapping.

''(B) INCLUSIONS.—Such lesser degree of harm includes—

''(i) physical injury to another person or to another person's property; or

''(ii) a threat—

''(I) to accuse any person of a crime;

''(II) to expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

''(III) through the use or abuse of military position, rank, or authority, to affect or threaten to affect, either positively or negatively, the military career of some person.

''(8) BODILY HARM.—The term 'bodily harm' means any offensive touching of another, however slight.

''(9) CHILD.—The term 'child' means any person who has not attained the age of sixteen years.

''(10) LEWD ACT.—The term 'lewd act' means—

''(A) the intentional touching, not through the clothing, of the genitalia of another person, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or

''(B) intentionally causing another person to touch, not through the clothing, the genitalia of any person with an intent to abuse, humiliate or degrade any person, or to arouse or gratify the sexual desire of any person.

''(11) INDECENT LIBERTY.—The term 'indecent liberty' means indecent conduct, but physical contact is not required. It includes one who with the requisite intent exposes one's genitalia, anus, buttocks, or female areola or nipple to a child. An indecent liberty may consist of communication of indecent language as long as the communication is made in the physical presence of the child. If words designed to excite sexual desire are spoken to a child, or a child is exposed to or involved in sexual conduct, it is an indecent liberty; the child's consent is not relevant.

''(12) INDECENT CONDUCT.—The term 'indecent conduct' means that form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations. Indecent conduct includes but is not limited to observing, or making a videotape, photograph, motion picture, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material, without another person's consent, and contrary to that other person's reasonable expectation of privacy, of—

''(A) that other person's genitalia, anus, or buttocks, or (if that other person is female) that person's areola or nipple; or

''(B) that other person while that other person is engaged in a sexual act, sodomy (under section 925 (article 125)), or sexual contact; and

''(13) ACT OF PROSTITUTION.—The term 'act of prostitution' means a sexual act, sexual contact, or lewd act for the purpose of receiving money or other compensation.

''(14) CONSENT.—The term 'consent' means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. A person cannot consent to sexual activity if—

''(A) under sixteen years of age; or

''(B) substantially incapable of—

''(i) appraising the nature of the sexual conduct at issue due to—

''(I) mental impairment or unconsciousness resulting from consumption of alcohol, drugs, a similar substance, or otherwise; or

''(II) mental disease or defect which renders the person unable to understand the nature of the sexual conduct at issue; or

''(ii) physically declining participation in the sexual conduct at issue; or

''(iii) physically communicating unwillingness to engage in the sexual conduct at issue.

''(15) MISTAKE OF FACT AS TO CONSENT.—The term 'mistake of fact as to consent' means the accused held, as a result of ignorance or mistake, an incorrect belief that the other person

engaging in the sexual conduct consented. The ignorance or mistake must have existed in the mind of the accused and must have been reasonable under all the circumstances. To be reasonable the ignorance or mistake must have been based on information, or lack of it, which would indicate to a reasonable person that the other person consented. Additionally, the ignorance or mistake cannot be based on the negligent failure to discover the true facts. Negligence is the absence of due care. Due care is what a reasonably careful person would do under the same or similar circumstances. The accused's state of intoxication, if any, at the time of the offense is not relevant to mistake of fact. A mistaken belief that the other person consented must be that which a reasonably careful, ordinary, prudent, sober adult would have had under the circumstances at the time of the offense.

''(16) AFFIRMATIVE DEFENSE.—The term 'affirmative defense' means any special defense which, although not denying that the accused committed the objective acts constituting the offense charged, denies, wholly, or partially, criminal responsibility for those acts. The accused has the burden of proving the affirmative defense by a preponderance of evidence. After the defense meets this burden, the prosecution shall have the burden of proving beyond a reasonable doubt that the affirmative defense did not exist.''.

(2) CLERICAL AMENDMENT.—The item relating to section 920 (article 120) in the table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

''920. Art. 120. Rape, sexual assault, and other sexual misconduct.''.

(b) INTERIM MAXIMUM PUNISHMENTS.—Until the President otherwise provides pursuant to section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), the punishment which a court-martial may direct for an offense under section 920 of such title (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), may not exceed the following limits:

(1) SUBSECTIONS (A) AND (B).—For an offense under subsection (a) (rape) or (b) (rape of a child), death or such other punishments as a court-martial may direct.

(2) SUBSECTION (C).—For an offense under subsection (c) (aggravated sexual assault), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 30 years.

(3) SUBSECTIONS (D) AND (E).—For an offense under subsection (d) (aggravated sexual assault of a child) or (e) (aggravated sexual contact), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

(4) SUBSECTIONS (F) AND (G).—For an offense under subsection (f) (aggravated sexual abuse of a child) or (g) (aggravated sexual contact with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 15 years.

(5) SUBSECTIONS (H) THROUGH (J).—For an offense under subsection (h) (abusive sexual contact), (i) (abusive sexual contact with a child), or (j) (indecent liberty with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 7 years.

(6) SUBSECTIONS (K) AND (L).—For an offense under subsection (k) (indecent act) or (l) (forcible pandering), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.

(7) SUBSECTIONS (M) AND (N).—For an offense under subsection (m) (wrongful sexual contact) or (n) (indecent exposure), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 1 year after the date of the enactment of this Act and section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to offenses committed on or after that effective date.

(d) CONFORMING AMENDMENT.—Section 918 of title 10, United States Code (article 118 of the Uniform Code of Military Justice), is amended in paragraph (4) by striking ''rape,'' and inserting ''rape, rape of a child, aggravated sexual assault, aggravated sexual assault of a child, aggravated sexual contact, aggravated sexual abuse of a child, aggravated sexual contact with a child,''.

Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education

SEC. 561. ENROLLMENT IN OVERSEAS SCHOOLS OF DEFENSE DEPENDENTS' EDUCATION SYSTEM OF CHILDREN OF CITIZENS OR NATIONALS OF THE UNITED STATES HIRED IN OVERSEAS AREAS AS FULL-TIME DEPARTMENT OF DEFENSE EMPLOYEES.

Paragraph (2) of section 1414 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 932) is amended to read as follows:

''(2) The term 'sponsor' means a person who is—

''(A) a member of the Armed Forces serving on active duty who—

''(i) is authorized to transport dependents to or from an overseas area at Government expense; and

''(ii) is provided an allowance for living quarters in that area;

''(B) a full-time civilian officer or employee of the Department of Defense who—

''(i) is a citizen or national of the United States;

''(ii) is authorized to transport dependents to or from an overseas area at Government expense; and

''(iii) is provided an allowance for living quarters in that area; or

''(C) a full-time civilian officer or employee of the Department of Defense who—

''(i) is a citizen or national of the United States;

''(ii) resided in an overseas area at the time of the person's employment; and

''(iii) is employed by the Department of Defense in that area.''.

SEC. 562. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—

(1) ASSISTANCE AUTHORIZED.—The Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, without such assistance, the local educational agency will be unable (as determined by the Secretary of Defense in consultation with the Secretary of Education) to provide the students in the schools of the local educational agency with a level of education that is equivalent to the minimum level of education available in the schools of the other local educational agencies in the same State.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under this subsection for a fiscal year if at least 20 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools of the local educational agency during the preceding school year were military dependent students counted under section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—

(1) ASSISTANCE AUTHORIZED.—To assist communities in making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, during the period between the end of the school year preceding the fiscal year for which the assistance is authorized and the beginning of the school year immediately preceding that school year, the local educational agency had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(A) not less than five percent in the average daily attendance of military dependent students in the schools of the local educational agency; or

(B) not less than 250 military dependent students in average daily attendance in the schools of the local educational agency.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under this subsection for a fiscal year if —

(A) the local educational agency is eligible for assistance under subsection (a) for the same fiscal year, or would have been eligible for such assistance if not for the reduction in military dependent students in schools of the local educational agency; and

(B) the overall increase or reduction in military dependent students in schools of the local educational agency is the result of the closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of force structure changes or movements of units or personnel between military installations.

(3) CALCULATION OF AMOUNT OF ASSISTANCE.—

(A) PRO RATA DISTRIBUTION.—The amount of the assistance provided under this subsection to a local educational agency that is eligible for such assistance for a fiscal year shall be equal to the product obtained by multiplying—

(i) the per-student rate determined under subparagraph (B) for that fiscal year; by

(ii) the net of the overall increases and reductions in the number of military dependent students in schools of the local educational agency, as determined under paragraph (1).

(B) PER-STUDENT RATE.—For purposes of subparagraph (A)(i), the per-student rate for a fiscal year shall be equal to the dollar amount obtained by dividing—

(i) the total amount of funds made available for that fiscal year to provide assistance under this subsection; by

(ii) the sum of the overall increases and reductions in the number of military dependent students in schools of all eligible local educational agencies for that fiscal year under this subsection.

(c) NOTIFICATION.—Not later than June 30, 2006, and June 30 of each fiscal year thereafter for which funds are made available to carry out this section, the Secretary of Defense shall notify each local educational agency that is eligible for assistance under this section for that fiscal year of—

(1) the eligibility of the local educational agency for the assistance, including whether the agency is eligible for assistance under either subsection (a) or (b) or both subsections; and

(2) the amount of the assistance for which the local educational agency is eligible.

(d) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse assistance made available under this section for a fiscal year not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (c) for that fiscal year.

(e) FINDING FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a); and

(2) $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b).

(f) DEFINITIONS.—In this section:

(1) The term ''base closure process'' means the 2005 base closure and realignment process authorized by Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or any base closure and realignment process conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term ''military dependent students'' refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

(4) The term ''State'' means each of the 50 States and the District of Columbia.

(g) REPEAL OF FORMER AUTHORITY.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is repealed. The repeal of such section shall not affect the distribution of assistance to local educational agencies under section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1917) for fiscal year 2005.

SEC. 563. CONTINUATION OF IMPACT AID ASSISTANCE ON BEHALF OF DEPENDENTS OF CERTAIN MEMBERS DESPITE CHANGE IN STATUS OF MEMBER.

(a) SPECIAL RULE.—For purposes of computing the amount of a payment for an eligible local educational agency under subsection (a) of section 8003 of the Elementary and Secondary Education Act (20 U.S.C. 7703) for school year 2005–2006, the Secretary of Education shall continue to count as a child enrolled in a school of such agency under such subsection any child who—

(1) would be counted under paragraph (1)(B) of such subsection to determine the number of children who were in average daily attendance in the school; but

(2) due to the deployment of both parents or legal guardians of the child, the deployment of a parent or legal guardian having sole custody of the child, or the death of a military parent or legal guardian while on active duty (so long as the child resides on Federal property (as defined in section 8013(5) of such Act (20 U.S.C. 7713(5))), is not eligible to be so counted.

(b) TERMINATION.—The special rule provided under subsection (a) applies only so long as the children covered by such subsection remain in average daily attendance at a school in the same local educational agency they attended before their change in eligibility status.

Subtitle H—Decorations and Awards

SEC. 565. COLD WAR VICTORY MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1134. Cold War Victory Medal

''(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War Victory Medal', to persons eligible to receive the medal under subsection (b). The Cold War Victory Medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

''(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War Victory Medal:

''(1) A person who—

''(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

''(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

''(2) A person who—

''(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

''(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

''(c) ONE AWARD AUTHORIZED.—Not more than one Cold War Victory Medal may be issued to any person.

''(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War Victory Medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

''(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War Victory Medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(f) APPLICATION FOR MEDAL.—The Cold War Victory Medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

''(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

''(h) DEFINITION.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1134. Cold War Victory Medal.''.

SEC. 566. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Combat Medevac Badge

''(a) The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Combat Medevac Badge.''.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6259. Combat Medevac Badge

''(a) The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6259. Combat Medevac Badge.''.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8757. Combat Medevac Badge

''(a) The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8757. Combat Medevac Badge.''.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

SEC. 567. ELIGIBILITY FOR OPERATION ENDURING FREEDOM CAMPAIGN MEDAL.

For purposes of eligibility for the campaign medal for Operation Enduring Freedom established pursuant to Public Law 108–234 (10 U.S.C. 1121 note), the beginning date of Operation Enduring Freedom is September 11, 2001.

Subtitle I—Other Matters

SEC. 571. EXTENSION OF WAIVER AUTHORITY OF SECRETARY OF EDUCATION WITH RESPECT TO STUDENT FINANCIAL ASSISTANCE DURING A WAR OR OTHER MILITARY OPERATION OR NATIONAL EMERGENCY.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

SEC. 572. ADOPTION LEAVE FOR MEMBERS OF THE ARMED FORCES ADOPTING CHILDREN.

(a) AUTHORITY.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces adopting a child in a qualifying child adoption is allowed up to 21 days of leave in a calendar year to be used in connection with the adoption.

''(2) For the purpose of this subsection, an adoption of a child by a member is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

''(3) In the event that two members of the armed forces who are spouses of each other adopt a child in a qualifying child adoption,

only one such member shall be allowed leave under this subsection. Those members shall elect which of them shall be allowed such leave.

''(4) Leave under paragraph (1) is in addition to other leave provided under other provisions of this section.''.

(b) EFFECTIVE DATE.—Subsection (i) of section 701 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2005.

SEC. 573. REPORT ON NEED FOR A PERSONNEL PLAN FOR LINGUISTS IN THE ARMED FORCES.

(a) NEED ASSESSMENT.—The Secretary of Defense shall review the career tracks of members of the Armed Forces who are linguists in an effort to improve the management of linguists (in enlisted grades or officer grades, or both) and to assist them in reaching their full linguistic and analytical potential over a 20-year career. As part of such review, the Secretary shall assess the need for a comprehensive plan to better manage the careers of military linguists (in enlisted grades or officer grades, or both) and to ensure that such linguists have an opportunity to progress in grade and are provided opportunities to enhance their language and cultural skills. As part of the review, the Secretary shall consider personnel management methods such as enhanced bonuses, immersion opportunities, specialized career fields, establishment of a dedicated career path for linguists, and career monitoring to ensure career progress for linguists serving in duty assignments that are not linguist related.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review and assessment conducted under subsection (a). The report shall include the findings, results, and conclusions of the Secretary's review and assessment of the careers of officer and enlisted linguists in the Armed Forces and the need for a comprehensive plan to ensure effective career management of linguists.

SEC. 574. GROUND COMBAT AND OTHER EXCLUSION POLICIES.

(a) IN GENERAL.—

(1) CODIFICATION.—Chapter 37 of title 10, United States Code, is amended by inserting after section 651 the following new section:

''§ 652. Assignment eligibility; direct ground combat and other exclusions applicable to female members

''(a) GENERAL RULE.—A member of the armed forces is eligible to be assigned to all positions for which qualified, except that female members of the armed forces shall be excluded from assignment to units below brigade level the primary mission of which is to engage in direct ground combat.

''(b) ADDITIONAL RESTRICTIONS.—In addition to the limitation under subsection (a), female members of the armed forces may be excluded from assignment to a unit, or a position, as follows:

''(1) Where the Secretary concerned determines that the costs of appropriate berthing and privacy arrangements would be prohibitive.

''(2) Where the unit, or the position, is doctrinally required to physically collocate and remain with a direct ground combat unit to which female members may not be assigned.

''(3) Where the unit is engaged in long-range reconnaissance operations or Special Operations Forces missions.

''(4) Where job-related physical requirements would necessarily exclude the vast majority of female members.

''(c) CLOSURE OF OCCUPATIONAL SPECIALTIES.—

''(1) Any military career designator related to military operations on the ground that is covered by paragraph (2) and that as of May 18, 2005, is closed (in whole or in part) to the assignment of female members shall remain closed (in the same manner) to the assignment of female members.

''(2) Paragraph (1) applies—

''(A) for enlisted members and warrant officers, to military occupational specialties, specialty codes, enlisted designators, additional skill identifiers, and special qualification identifiers; and

''(B) for officers (other than warrant officers), to officer areas of concentration, occupational specialties, specialty codes, designators, additional skill identifiers, and special qualification identifiers.

''(d) NOTICE TO CONGRESS OF PROPOSED CHANGES IN UNITS, ASSIGNMENTS, ETC. TO WHICH FEMALE MEMBERS MAY BE ASSIGNED.—

''(1) NOTICE.—Except in a case covered by section 6035 of this title, whenever the Secretary of Defense or the Secretary of a military department proposes to make a change to military personnel policies described in paragraph (2), the Secretary shall, not less than 30 days before such change is implemented, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice, in writing, of the proposed change.

''(2) COVERED PERSONNEL POLICY CHANGES.—Paragraph (1) applies to a proposed military personnel policy change that would make available to female members of the armed forces assignment to any of the following that, as of the date of the proposed change, is closed to such assignment:

''(A) Any type of existing or new unit, position, or other assignment (other than an assignment covered by the exclusions required by subsections (a) and (c)).

''(B) Any class of combat vessel.

''(C) Any type of combat platform.

''(e) DIRECT GROUND COMBAT DEFINED.—In this section, the term 'direct ground combat' means engaging an enemy on the ground with individual or crew-served weapons, while being exposed to hostile fire and to a high probability of direct physical contact with personnel of the hostile force, and when well forward on the battlefield while locating and closing with the enemy to defeat them by fire, maneuver, or shock effect.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 651 the following new item:

''652. Assignment eligibility; direct ground combat and other exclusions applicable to female members.''.

(b) REPORT ON POSITIONS OPENED TO FEMALE MEMBERS SINCE JULY 1994.—

(1) REPORT.—Not later than March 30, 2006, the Secretary of Defense shall submit to Congress a detailed report of all units, positions, military occupational specialties, career fields, and other assignments that—

(A) were reported to Congress on July 28, 1994, as being closed to the assignment of female members of the Armed Forces; and

(B) have since that date been opened to the assignment of female members.

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) A detailed description of, and justification for, each of the changes identified under that paragraph.

(B) For any unit or position that was reported closed to the assignment of female members as described in subparagraph (A) of paragraph (1) that no longer exists in the service inventory, identification of the successor unit performing the function and whether that successor unit is open or closed to the assignment of female members.

(c) LIST OF UNITS, POSITIONS, ETC., CLOSED TO FEMALE MEMBERS.—At the same time the report under subsection (b) is submitted to Congress, the Secretary of Defense shall submit to Congress a report providing—

(1) a list of the military career designators covered by paragraph (2) of section 652(c) of title 10, United States Code (as added by subsection (a)(1)), that were closed (in whole or in part) to the assignment of female members of the Armed Forces as of May 18, 2005, and that, pursuant to paragraph (1) of that section, are required to remain closed to the assignment of female members of the Armed Forces; and

(2) for each such military career designator—

(A) specification of whether that designator is closed to the assignment of female members in whole or in part; and

(B) the numbers of positions that are closed to the assignment of female members.

(d) CONFORMING REPEAL.—Section 542 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is repealed.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Subtitle B—Bonuses and Special and Incentive Pays

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2006.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2006 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2006, the rates of monthly basic pay for members of the uniformed services are increased by 3.1 percent.

SEC. 602. ADDITIONAL PAY FOR PERMANENT MILITARY PROFESSORS AT UNITED STATES NAVAL ACADEMY WITH OVER 36 YEARS OF SERVICE.

Section 203(b) of title 37, United States Code, is amended by inserting after ''Military Academy'' the following: '', the United States Naval Academy,''.

SEC. 603. BASIC PAY RATES FOR RESERVE COMPONENT MEMBERS SELECTED TO ATTEND MILITARY SERVICE ACADEMY PREPARATORY SCHOOLS.

(a) PAY EQUITY FOR RESERVES.—Section 203(e)(2) of title 37, United States Code, is amended—

(1) by striking ''on active duty for a period of more than 30 days shall continue to receive'' and inserting ''shall receive''; and

(2) by inserting before the period at the end the following: ''or at the rate provided for cadets and midshipmen under subsection (c), whichever is greater''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

SEC. 604. CLARIFICATION OF RESTRICTION ON COMPENSATION FOR CORRESPONDENCE COURSES.

Section 206(d)(1) of title 37, United States Code, is amended by inserting after ''reserve component'' the following: ''or by a member of the National Guard while not in Federal service''.

SEC. 605. PERMANENT AUTHORITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) REPEAL OF TERMINATION PROVISION.—Section 402a of title 37, United States Code, is amended by striking subsection (i).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (f) of such section is amended—

(1) in the first sentence, by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security, with respect to the Coast Guard''; and

(2) by striking the second sentence.

SEC. 606. BASIC ALLOWANCE FOR HOUSING FOR RESERVE MEMBERS.

(a) EQUAL TREATMENT OF RESERVE MEMBERS.—Subsection (g) of section 403 of title 37, United States Code, is amended——

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The rate of basic allowance for housing to be paid to the following members of a reserve component shall be equal to the rate in effect for similarly situated members of a regular component of the uniformed services:

''(A) A member who is called or ordered to active duty for a period of more than 30 days.

''(B) A member who is called or ordered to active duty for a period of 30 days or less in support of a contingency operation.''; and

(3) in paragraph (4), as so redesignated, by striking ''less than 140 days'' and inserting ''30 days or less''.

(b) CONFORMING AMENDMENT REGARDING MEMBERS WITHOUT DEPENDENTS.—Paragraph (1) of such subsection is amended by inserting ''or for a period of more than 30 days'' after ''in support of a contingency operation'' both places it appears.

SEC. 607. OVERSEAS COST OF LIVING ALLOWANCE.

(a) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—In the case of a member assigned to duty inside the continental United States whose dependents continue to reside outside of the continental United States, the Secretary concerned may pay the member a per diem under this section based on the location of the dependents and provide reimbursement under subsection (d) for an unusual or extraordinary expense incurred by the dependents if the Secretary determines that such payment or reimbursement is in the best interest of the member or the member's dependents and in the best interest of the United States.''.

(b) CLARIFICATION OF EXPENSES ELIGIBLE FOR LUMP-SUM REIMBURSEMENT.—Subsection (d) of such section, as added by section 605 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1945), is further amended—

(1) in the subsection heading, by striking ''NONRECURRING'' and inserting ''UNUSUAL OR EXTRAORDINARY'';

(2) by inserting ''or (e)'' after ''subsection (a)'' each place it appears; and

(3) in paragraph (1)—

(A) by striking ''a nonrecurring'' and inserting ''an unusual or extraordinary'' in the matter preceding subparagraph (A); and

(B) in subparagraph (A), by inserting ''or the location of the member's dependents'' before the semicolon.

SEC. 608. INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) IN GENERAL.—Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service

''(a) PAYMENT REQUIRED.—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces an amount equal to the monthly active-duty income differential of the member, as determined by the Secretary. The payments shall be made on a monthly basis.

''(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

''(1) completes 18 continuous months of service on active duty under such an order;

''(2) completes 24 months on active duty during the previous 60 months under such an order; or

''(3) is involuntarily mobilized for service on active duty six months or less following the member's separation from the member's previous period of active duty.

''(c) MINIMUM AND MAXIMUM PAYMENT AMOUNTS.—(1) A payment under this section shall be made to a member for a month only if the amount of the monthly active-duty income differential for the month is greater than $50.

''(2) Notwithstanding the amount determined under subsection (d) for a member for a month, the monthly payment to a member under this section may not exceed $3,000.

''(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

''(1) the average monthly civilian income of the member; and

''(2) the member's total monthly military compensation.

''(e) DEFINITIONS.—In this section:

''(1) The term 'average monthly civilian income', with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member's mobilization or the 12 months covered by the member's most recent Federal income tax filing, divided by 12.

''(2) The term 'total monthly military compensation' means the amount, computed on a monthly basis, of the sum of—

''(A) the amount of the regular military compensation (RMC) of the member; and

''(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service.''.

(c) EFFECTIVE DATE.—Section 910 of title 37, United States Code, as added by subsection (a), shall apply for months after December 2005.

(d) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 910 of title 37, United States Code, to provide income replacement payments to involuntarily mobilized members of a reserve component who are subject to extended and frequent active duty service may not exceed $60,000,000.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OR RESUMPTION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(h) of such title is amended by striking ''September 30, 1992'' and inserting ''December 31, 2006''.

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2006'' and inserting ''January 1, 2007''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f) of such title is amended by striking ''December 31, 2006'' and inserting ''December 31, 2007''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 615. EXPANSION OF ELIGIBILITY OF DENTAL OFFICERS FOR ADDITIONAL SPECIAL PAY.

(a) REPEAL OF INTERNSHIP AND RESIDENCY EXCEPTION.—Section 302b(a)(4) of title 37, United States Code, is amended by striking the first sentence and inserting the following new sentence: ''An officer who is entitled to variable special pay under paragraph (2) or (3) is also entitled to additional special pay for any 12-month period during which an agreement executed under subsection (b) is in effect with respect to the officer.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 616. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR HARDSHIP DUTY PAY.

(a) INCREASE.—Section 305(a) of title 37, United States Code, is amended by striking ''$300'' and inserting ''$750''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 617. FLEXIBLE PAYMENT OF ASSIGNMENT INCENTIVE PAY.

(a) AUTHORITY TO PROVIDE LUMP SUM OR INSTALLMENT PAYMENTS.—Section 307a of title 37, United States Code, is amended—

(1) in subsection (a), by striking ''monthly'';

(2) in subsection (b)—

(A) by inserting ''(1)'' before the first sentence;

(B) in the second sentence, by striking ''and, subject to subsection (c), the monthly rate of the incentive pay.'' and inserting '', the total or monthly amount to be paid under the agreement, and whether the incentive pay will be provided on a monthly basis, in a lump sum, or in installments other than monthly.''; and

(C) by adding at the end the following new paragraph:

''(2) The Secretary concerned and a member may agree to extend an existing agreement under this section to cover an additional period of service in a designated assignment.''; and

(3) in subsection (c), by adding at the end the following new sentences: ''The maximum amount of a lump sum payment under an agreement under this section may not exceed the product of the maximum monthly rate and the number of months covered by the agreement. Installment payments shall be calculated using the same formula for the months covered by the installment.''.

(b) REPAYMENT OF INCENTIVE PAY.—Such section is further amended—

(1) by redesignating subsection (f), as amended by section 614(b), as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) REPAYMENT.—A member who enters into an agreement under this section and receives incentive pay under the agreement in a lump sum or installments, but who fails to complete the period of service covered by the payment, whether voluntarily or because of misconduct, shall be subject to the repayment provisions of section 303a(e) of this title.''.

SEC. 618. ACTIVE-DUTY REENLISTMENT BONUS.

(a) ELIGIBILITY OF SENIOR ENLISTED MEMBERS.—Subsection (a) of section 308 of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''16 years of active duty'' and inserting ''20 years of active duty''; and

(2) in paragraph (3), by striking ''18 years'' and inserting ''24 years''.

(b) INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF BONUS.—Paragraph (2)(B) of such subsection is amended by striking ''$60,000'' and inserting ''$90,000''.

(c) REPEAL OF REFERENCE TO OBSOLETE SPECIAL PAY.—Paragraph (1) of such subsection is amended—

(1) by inserting ''and'' at the end of subparagraph (B);

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

(d) AUTHORITY TO WAIVE ELIGIBILITY REQUIREMENTS.—Such subsection is further amended by striking paragraph (5) and inserting the following new paragraph:

''(5) In time of war or national emergency, the Secretary concerned may waive all or a part of the eligibility requirements specified in paragraph (1) for the payment of a bonus under this section.''.

(e) REPEAL OF OBSOLETE SPECIAL PAY.—

(1) REPEAL.—Section 312a of title 37, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 312a.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 619. REENLISTMENT BONUS FOR MEMBERS OF SELECTED RESERVE.

(a) ELIGIBILITY OF SENIOR ENLISTED MEMBERS.—Subsection (a)(1) of section 308b of title 37, United States Code, is amended by striking ''16 years of total military service'' and inserting ''20 years of total military service''.

(b) COMPUTATION OF BONUS AMOUNT.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(3) Any portion of a term of reenlistment or extension of enlistment of a member that, when added to the total years of service of the member at the time of discharge or release, exceeds 24 years may not be used in computing the total bonus amount under paragraph (1).''.

(c) AUTHORITY TO WAIVE ELIGIBILITY REQUIREMENTS.—Subsection (c)(2) of such section is amended by striking ''In the case'' and all that follows through ''the Secretary'' and inserting ''In time of war or national emergency, the Secretary''.

SEC. 620. COMBINATION OF AFFILIATION AND ACCESSION BONUSES FOR SERVICE IN THE SELECTED RESERVE.

(a) BONUSES AUTHORIZED.—Section 308c of title 37, United States Code, is amended to read as follows:

''§ 308c. Special pay: bonus for affiliation or enlistment in the Select Reserve

''(a) AFFILIATION BONUS AUTHORIZED.—(1) The Secretary concerned may pay an affiliation bonus to an enlisted member of an armed force who—

''(A) has completed fewer than 20 total years of military service; and

''(B) executes a written agreement with the Secretary to serve in the Selected Reserve, after being discharged or released from active duty, for a period of not less than three years in a skill, unit, or pay grade designated under paragraph (2).

''(2) The Secretary concerned shall designate the critical skills, units, and pay grades for which an affiliation bonus is available under this subsection.

''(b) ACCESSION BONUS AUTHORIZED.—The Secretary concerned may pay an accession bonus to a person who—

''(1) has not previously served in the armed forces; and

''(2) executes a written agreement to serve as an enlisted member in the Selected Reserve for a period of not less than three years.

''(c) LIMITATION ON AMOUNT OF BONUS.—The amount of a bonus under subsection (a) or (b) may not exceed $15,000.

''(d) PAYMENT METHOD.—Upon acceptance of a written agreement by the Secretary concerned under subsection (a) or (b), the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus will be paid by the Secretary in a lump sum or in installments.

''(e) PAYMENT TO MOBILIZED MEMBERS.—A member of the Selected Reserve entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

''(f) REPAYMENT.—A person who enters into an agreement under subsection (a) or (b) and receives all or part of the bonus under the agreement, but who does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

''(g) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.

''(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any agreement under subsection (a) or (b) entered into after December 31, 2006.''.

(b) REPEAL OF SEPARATE RESERVE AFFILIATION BONUS.—Section 308e of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of such title is amended—

(1) by striking the item relating to section 308c and inserting the following new item:

''308c. Special pay: bonus for affiliation or enlistment the Select Reserve.''

(2) by striking the item relating to section 308e.

(d) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 308c of title 37, United States Code, to provide bonuses for affiliation or enlistment in the Select Reserve using the expanded authority provided by the amendment made by subsection (a) may not exceed $30,000,000. The bonus authority available under such section shall not be considered to be an expanded authority to the extent that the authority was available under section 308e of such title, before the repeal of such section by subsection (b).

SEC. 621. ELIGIBILITY REQUIREMENTS FOR PRIOR SERVICE ENLISTMENT BONUS.

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph:

''(A) The person has not more than 16 years of total military service and received an honorable discharge at the conclusion of all prior periods of service.''.

SEC. 622. INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF ENLISTMENT BONUS.

(a) INCREASE.—Section 309(a) of title 37, United States Code, is amended by striking ''$20,000'' and inserting ''$30,000''.

(b) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 309 of title 37, United States Code, to provide enlistment bonuses in the increased amounts authorized by the amendment made by subsection (a) may not exceed $30,000,000.

SEC. 623. DISCRETION OF SECRETARY OF DEFENSE TO AUTHORIZE RETROACTIVE HOSTILE FIRE AND IMMINENT DANGER PAY.

Section 310(c) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

''(1) In the case of an area described in subparagraph (B) or (D) of subsection (a)(2), the Secretary of Defense shall be responsible for designating the period during which duty in the area will qualify members for special pay under this section. The effective date designated for the commencement of such a period may be a date occurring before, on, or after the actual date on which the Secretary makes the designation. If the commencement date for such a period is a date occurring before the date on which the Secretary makes the designation, the payment of special pay under this section for the period between the commencement date and the date on which the Secretary made the designation shall be subject to the availability of appropriated funds for that purpose.''.

SEC. 624. INCREASE IN MAXIMUM BONUS AMOUNT FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

Section 312(a) of title 37, United States Code, is amended by striking ''$25,000'' and inserting ''$30,000''.

SEC. 625. INCREASE IN MAXIMUM AMOUNT OF NUCLEAR CAREER ANNUAL INCENTIVE BONUS FOR NUCLEAR-QUALIFIED OFFICERS TRAINED WHILE SERVING AS ENLISTED MEMBERS.

Section 312c(b)(1) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''14,000''.

SEC. 626. UNIFORM PAYMENT OF FOREIGN LANGUAGE PROFICIENCY PAY TO ELIGIBLE RESERVE COMPONENT MEMBERS AND REGULAR COMPONENT MEMBERS.

(a) AVAILABILITY OF BONUS IN LIEU OF MONTHLY SPECIAL PAY.—Subsection (a) of section 316 of title 37, United States Code, is amended—

(1) by striking ''monthly special pay'' and inserting ''a bonus''; and

(2) by striking ''is entitled to basic pay under section 204 of this title and who''.

(b) PAYMENT OF BONUS.—Such section is further amended—

(1) by striking subsections (b), (d), (e), and (g);

(2) by redesignating subsections (f) and (h) as subsections (d) and (f) respectively;

(3) by inserting after subsection (a) the following new subsection (b):

''(b) BONUS AMOUNT; TIME FOR PAYMENT.—A bonus under subsection (a) may not exceed $12,000 per one-year certification period. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period. The bonus is in addition to any other pay or allowance payable to a member under any other provision of law.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking ''special pay or'' both places it appears; and

(B) by striking ''or (b)'';

(2) in subsection (d), as redesignated by subsection (b)(2)—

(A) in paragraph (1)—

(i) by striking ''monthly special pay or'' in the matter preceding subparagraph (A); and

(ii) in subparagraph (C), by striking ''for receipt'' and all that follows through the period at the end and inserting ''under subsection (a)'';

(B) in paragraph (2), by striking ''For purposes'' and all that follows through ''the Secretary concerned'' and inserting ''The Secretary concerned'';

(C) in paragraph (3)—

(i) by striking ''special pay or'' both places it appears; and

(ii) by striking ''subsection (h)'' and inserting ''subsection (f)''; and

(D) in paragraph (4), by striking ''subsection (g)'' and inserting ''section 303a(e) of this title''; and

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

''(e) REPAYMENT.—A member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§316. Special pay: bonus for members with foreign language proficiency''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 316 and inserting the following new item:

''316: Special pay: bonus for members with foreign language proficiency.''.

SEC. 627. RETENTION BONUS FOR MEMBERS QUALIFIED IN CERTAIN CRITICAL SKILLS OR SATISFYING OTHER ELIGIBILITY CRITERIA.

(a) AVAILABILITY OF BONUS FOR RESERVE COMPONENT MEMBERS.—Section 323 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''who is serving on active duty and'' and inserting ''who is serving on active duty in a regular component or in an active status in a reserve component and who'';

(B) in paragraph (1), by inserting ''or to remain in an active status in a reserve component for at least one year'' before the semicolon; and

(C) in paragraph (3), by inserting ''or to remain in an active status in a reserve component for a period of at least one year'' before the period; and

(2) in subsection (e)(1), by inserting ''or service in an active status in a reserve component'' after ''active duty'' each place it appears.

(b) ADDITIONAL CRITERIA FOR BONUS.—Such section is further amended—

(1) in subsection (a), by striking ''designated critical military skill'' and inserting ''critical military skill designated under subsection (b) or satisfies such other eligibility criteria established under such subsection'';

(2) in subsection (b)—

(A) by striking ''DESIGNATION OF CRITICAL SKILLS.—'' and inserting ''ELIGIBILITY CRITERIA.—(1)''; and

(B) by adding at the end the following new paragraph:

''(2) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may establish such other criteria as the Secretary considers appropriate under which a retention bonus will be provided to a member of the armed forces under subsection (a).''; and

(3) in subsection (h)(1), by striking ''members qualified in the critical military skills for which the bonuses were offered'' and inserting ''members of the armed forces who were offered a bonus under this section''.

(c) EXTENDED ELIGIBILITY PERIOD FOR CERTAIN MEMBERS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) The limitations in paragraph (1) do not apply with respect to an officer who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties as a health care professional.

''(3) The limitations in paragraph (1) do not apply with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered—

''(A) is qualified in a skill designated as critical under subsection (b)(1) related to special operations forces; or

''(B) is qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.''.

(d) REPAYMENT REQUIREMENTS.—Subsection (g) of such section is amended to read as follows:

''(g) REPAYMENT.—A member paid a bonus under this section who fails, during the period of service covered by the member's agreement, reenlistment, or voluntary extension of enlistment under subsection (a), to remain qualified in the critical military skill or to satisfy the other eligibility criteria for which the bonus was paid shall be subject to the repayment provisions of section 303a(e) of this title.''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 323 of such title is amended to read as follows:

''§323. Special pay: retention incentives for members qualified in a critical military skill or who satisfy other eligibility criteria''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 323 and inserting the following new item:

''323. Special pay: retention incentives for members qualified in a critical military skill or who satisfy other eligibility criteria.''.

(f) EFFECTIVE DATE.—Section 323(a) of title 37, United States Code, as amended by this section, shall apply to agreements, reenlistments, and the voluntary extension of enlistments referred to in subsection (a) of such section entered into on or after October 1, 2005.

SEC. 628. AVAILABILITY OF CRITICAL-SKILLS ACCESSION BONUS FOR PERSONS ENROLLED IN SENIOR RESERVE OFFICERS' TRAINING CORPS WHO ARE OBTAINING NURSING DEGREES.

(a) AUTHORITY TO PROVIDE BONUS.—Section 324 of title 37, United States Code, as amended by section 614(f) of this Act, is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) NURSE CANDIDATES IN SENIOR RESERVE OFFICERS' TRAINING CORPS.—(1) A person enrolled in the Senior Reserve Officers' Training Corps program of the Army for advanced training under chapter 103 of title 10, including a person receiving financial assistance under section 2107 of such title, may receive an accession bonus under this section if the person—

''(A) has completed the second year of an accredited baccalaureate degree program in nursing; and

''(B) executes an agreement under this section to serve on active duty as a commissioned officer in the Army Nurse Corps.

''(2) Notwithstanding subsection (c), the amount of the accession bonus paid to a person described in paragraph (1) may not exceed $5,000. ''.

(b) RETROACTIVE APPLICATION TO EXISTING AGREEMENTS.—Subsection (f) of section 324 of title 37, United States Code, as added by subsection (a), shall apply with respect to agreements referred to in paragraph (1)(B) of such subsection executed on or after October 5, 2004.

Subtitle C—Travel and Transportation Allowances

SEC. 641. AUTHORIZED ABSENCES OF MEMBERS FOR WHICH LODGING EXPENSES AT TEMPORARY DUTY LOCATION MAY BE PAID.

(a) ABSENCES COVERED BY ALLOWANCE.—Section 404b of title 37, United States Code, is amended—

(1) in subsection (a), by striking ''while the member is in an authorized leave status'' and inserting ''during an authorized absence of the member from the temporary duty location'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''taking the authorized leave'' and inserting ''the authorized absence''; and

(B) in paragraph (3), by striking ''immediately after completing the authorized leave'' and inserting ''before the end of the authorized absence'';

(3) in subsection (c), by striking ''while the member was in an authorized leave status'' and inserting ''during the authorized absence of the member''; and

(4) by adding at the end the following new subsection:

''(d) AUTHORIZED ABSENCE DEFINED.—In this section, the term 'authorized absence', with respect to a member, means that the member is in an authorized leave status or that the absence of the member is otherwise authorized by the commander of the member.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 404b and inserting the following new item:

''404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.''.

SEC. 642. EXTENDED PERIOD FOR SELECTION OF HOME FOR TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF DECEASED MEMBER.

(a) DEATH OF MEMBER ENTITLED TO BASIC PAY.—Subsection (f) section 406 of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(f)'';

(2) by striking ''he'' and inserting ''the member''; and

(3) by adding at the end the following new paragraph:

''(2) The Secretary concerned shall give the dependents of a member described in paragraph (1) a period of not less than three years, beginning on the date of the death of the member, during which to select a home for the purposes of the travel and transportation allowances authorized by this section.''.

(b) CERTAIN OTHER DECEASED MEMBERS.—Subsection (g)(3) of such section is amended in the first sentence—

(1) by striking ''he exercises it'' and inserting ''the member exercises the right or entitlement'';

(2) by striking ''his baggage and household effects'' and inserting ''the baggage and household effects of the deceased member''; and

(3) by striking ''his surviving dependents or, if'' and inserting ''the surviving dependents at any time before the end of the three-year period beginning on the date on which the member accrued that right or benefit. If''.

SEC. 643. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO REPATRIATION OF MEMBERS HELD CAPTIVE.

(a) ALLOWANCES AUTHORIZED.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411i the following new section:

''§411j. Travel and transportation allowances: transportation of family members incident to repatriation of members held captive

''(a) ALLOWANCES AUTHORIZED.—(1) The Secretary concerned may provide the travel and transportation allowances described in subsection (c) to not more than three family members of a member of the uniformed services who—

''(A) is serving on active duty;

''(B) was officially carried or determined to be absent in a missing status (as defined in section 551 of this title); and

''(C) is repatriated to a site in or outside the United States.

''(2) In circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive the limitation on the number of family members of a member provided travel and transportation allowances under this section.

''(b) ELIGIBLE PERSONS.—(1) In this section, the term 'family member' has the meaning given that term in section 411h(b) of this title.

''(2) The Secretary concerned may also provide the travel and transportation allowances to an attendant who accompanies a family member if the Secretary determines that—

''(A) the family member is unable to travel unattended because of age, physical condition, or other justifiable reason; and

''(B) no other family member who is receiving the allowances under this section is able to serve as an attendant for the family member.

''(3) If no family member is able to travel to the repatriation site, the Secretary concerned may provide the travel and transportation allowances to not more than two persons who are related to the member (but who do not satisfy the definition of family member) and are selected by the member.

''(c) ALLOWANCES DESCRIBED.—(1) The transportation authorized by subsection (a) is round-trip transportation between—

''(A) the home of the family member (or the home of an attendant or other person provided transportation pursuant to paragraph (2) or (3) of subsection (b)); and

''(B) the location of the repatriation site or other location determined to be appropriate by the Secretary concerned.

''(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(d) PROVISION OF ALLOWANCES.—(1) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(2) An allowance payable under this subsection may be paid in advance.

''(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

''(e) REGULATIONS.—The Secretaries concerned shall prescribe uniform regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411i the following new item:

''411j. Travel and transportation allowances: transportation of family members incident to repatriation of members held captive.''.

SEC. 644. INCREASED WEIGHT ALLOWANCES FOR SHIPMENT OF HOUSEHOLD GOODS OF SENIOR NONCOMMISSIONED OFFICERS.

(a) INCREASE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–7 through E–9 and inserting the following new items:

''E–9	13,000	15,000
E–8	12,000	14,000
E–7	11,000	13,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2006, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 651. MONTHLY DISBURSEMENT TO STATES OF STATE INCOME TAX WITHHELD FROM RETIRED OR RETAINER PAY.

Section 1045(a) of title 10, United States Code, is amended in the third sentence—

(1) by striking ''quarter'' the first place it appears and inserting ''month''; and

(2) by striking ''during the month following that calendar quarter'' and inserting ''during the following calendar month''.

SEC. 652. REVISION TO ELIGIBILITY FOR NON-REGULAR SERVICE RETIREMENT AFTER ESTABLISHING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) REVISION TO ALLOW CONTINUATION IN ACTIVE STATUS.—Subsection (a) of section 12741 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''becoming entitled to'' and inserting ''having met the requirements for''; and

(2) in paragraph (3), by striking ''become entitled to'' and inserting ''met the requirements for''.

(b) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking ''entitlement to'' and inserting ''eligibility for''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 12741. Retirement from active reserve service performed after becoming eligible for regular retirement''.

(2) TABLE OF SECTIONS.—The item relating to section 12741 in the table of sections at the beginning of chapter 1223 of such title is amended to read as follows:

''12741. Retirement from active reserve service performed after becoming eligible for regular retirement.''.

SEC. 653. DENIAL OF MILITARY FUNERAL HONORS IN CERTAIN CASES.

(a) ADDITIONAL CIRCUMSTANCES FOR DENIAL OF FUNERAL HONORS.—Subsection (a) of section 985 of title 10, United States Code, is amended—

(1) by inserting ''(under section 1491 of this title or any other authority)'' after ''military honors''.

(2) by striking ''a person'' and all that follows and inserting ''any of the following persons:

''(1) A person who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.

''(2) A person not covered by paragraph (1) who is ineligible for interment in Arlington National Cemetery or a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38.

''(3) A person who is a veteran (as defined in section 1491(h) of this title) or who died while on active duty or a member of a reserve component, when the circumstances surrounding the person's death or other circumstances as specified by the Secretary of Defense are such that to provide military honors at the funeral or burial of the person would bring discredit upon the person's service (or former service).''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits''.

(2) TABLE OF SECTIONS.—The item relating to section 985 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

''985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits.''.

(c) CROSS-REFERENCE AMENDMENT.—Section 1491(a) of such title is amended by inserting before the period at the end the following: '', except when military honors are prohibited under section 985(a) of this title''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funerals and burials that occur on or after the date of the enactment of this Act.

SEC. 654. CHILD SUPPORT FOR CERTAIN MINOR CHILDREN OF RETIREMENT-ELIGIBLE MEMBERS CONVICTED OF DOMESTIC VIOLENCE RESULTING IN DEATH OF CHILD'S OTHER PARENT.

(a) AUTHORITY FOR COURT-ORDERED PAYMENTS.—Section 1408(h) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)''; and

(B) by adding at the end of such paragraph the following:

''(B) If, in the case of a member or former member of the armed forces referred to in paragraph (2)(A), a court order provides for the payment as child support of an amount from the disposable retired pay of that member or former member (as certified under paragraph (4)) to an eligible dependent child of the member or former member, the Secretary concerned, beginning upon effective service of such court order, shall pay that amount in accordance with this subsection to such dependent child.'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting '', or a dependent child,'' after ''former spouse'';

(B) in subparagraph (B)—

(i) by inserting ''in the case of eligibility of a spouse or former spouse under paragraph (1)(A),'' after ''(B)''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case of eligibility of a dependent child under paragraph (1)(B), the other parent of the child died as a result of the misconduct that resulted in the termination of retired pay.'';

(3) in paragraph (4), by inserting '', or an eligible dependent child,'' after ''former spouse'';

(4) in paragraph (5), by inserting '', or the dependent child,'' after ''former spouse''; and

(5) in paragraph (6), by inserting '', or to a dependent child,'' after ''former spouse''.

(b) EFFECTIVE DATE.—A court order authorized by the amendments made by this section may not provide for a payment attributable to any period before October 1, 2005, or the date of the court order, whichever is later.

SEC. 655. CONCURRENT RECEIPT OF VETERANS DISABILITY COMPENSATION AND MILITARY RETIRED PAY.

Section 1414(a) of title 10, United States Code, is amended by inserting before the period at the end the following: '', and in the case of a qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on September 30, 2009''.

SEC. 656. MILITARY SURVIVOR BENEFIT PLAN BENEFICIARIES UNDER INSURABLE INTEREST COVERAGE.

(a) AUTHORITY TO ELECT NEW BENEFICIARY.—Section 1448(b)(1) of title 10, United States Code, is amended—

(1) by inserting ''or under subparagraph (G) of this paragraph'' in the second sentence of subparagraph (E) before the period at the end; and

(2) by adding at the end the following new subparagraph:

''(G) ELECTION OF NEW BENEFICIARY UPON DEATH OF PREVIOUS BENEFICIARY.—

''(i) AUTHORITY FOR ELECTION.—If the reason for discontinuation in the Plan is the death of the beneficiary, the participant in the Plan may elect a new beneficiary. Any such beneficiary must be a natural person with an insurable interest in the participant. Such an election may be made only during the 180-day period beginning on the date of the death of the previous beneficiary.

''(ii) PROCEDURES.—Such an election shall be in writing, signed by the participant, and made in such form and manner as the Secretary concerned may prescribe. Such an election shall be effective the first day of the first month following the month in which the election is received by the Secretary.

''(iii) VITIATION OF ELECTION BY PARTICIPANT WHO DIES WITHIN TWO YEARS OF ELECTION.—If a person providing an annuity under a election under clause (i) dies before the end of the two-year period beginning on the effective date of the election—

''(I) the election is vitiated; and

''(II) the amount by which the person's retired pay was reduced under section 1452 of this title that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the vitiated election if the deceased person had died after the end of such two-year period.''.

(b) CHANGE IN PREMIUM FOR COVERAGE OF NEW BENEFICIARY.—Section 1452(c) of such title is amended by adding at the end the following new paragraph:

''(5) RULE FOR DESIGNATION OF NEW INSURABLE INTEREST BENEFICIARY FOLLOWING DEATH OF ORIGINAL BENEFICIARY.—The Secretary of Defense shall prescribe in regulations premiums which a participant making an election under section 1448(b)(1)(G) of this title shall be required to pay for participating in the Plan pursuant to that election. The total amount of the premiums to be paid by a participant under the regulations shall be equal to the sum of the following:

''(A) The total additional amount by which the retired pay of the participant would have been reduced before the effective date of the election if the original beneficiary (i) had not died and had been covered under the Plan through the date of the election, and (ii) had been the same number of years younger than the participant (if any) as the new beneficiary designated under the election.

''(B) Interest on the amounts by which the retired pay of the participant would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable.

''(C) Any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.''.

(c) TRANSITION.—

(1) TRANSITION PERIOD.—In the case of a participant in the Survivor Benefit Plan who made a covered insurable-interest election (as defined in paragraph (2)) and whose designated beneficiary under that election dies before the date of the enactment of this Act or during the 18-month period beginning on such date, the time period applicable for purposes of the limitation in the third sentence of subparagraph (G)(i) of section 1448(b)(1) of title 10, United States Code, as added by subsection (a), shall be the two-year period beginning on the date of the enactment of this Act (rather than the 180-day period specified in that sentence).

(2) COVERED INSURABLE-INTEREST ELECTIONS.—For purposes of paragraph (1), a covered insurable-interest election is an election under section 1448(b)(1) of title 10, United States Code, made before the date of the enactment of this Act, or during the 18-month period beginning on such date, by a participant in the Survivor Benefit Plan to provide an annuity under that plan to a natural person with an insurable interest in that person.

(3) SURVIVOR BENEFIT PLAN.—For purposes of this subsection, the term ''Survivor Benefit Plan'' means the program under subchapter II of chapter 73 of title 10, United States Code.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 661. INCREASE IN AUTHORIZED LEVEL OF SUPPLIES AND SERVICES PROCUREMENT FROM OVERSEAS EXCHANGE STORES.

Subsection 2424(b) of title 10, United States Code, is amended by striking ''$50,000'' and inserting ''$100,000''.

SEC. 662. REQUIREMENTS FOR PRIVATE OPERATION OF COMMISSARY STORE FUNCTIONS.

Section 2485(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Until December 31, 2010, the Defense Commissary Agency is not required to conduct any cost-comparison study under the policies and procedures of Office of Management and Budget Circular A–76 relating to the possible contracting out of commissary store functions.''.

SEC. 663. PROVISION OF INFORMATION TECHNOLOGY SERVICES FOR ACCOMMODATIONS PROVIDED BY NONAPPROPRIATED FUND INSTRUMENTALITIES FOR WOUNDED MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) AUTHORITY TO PROVIDE SERVICES.—Section 2494 of title 10, United States Code, is amended—

(1) by inserting ''(a) UTILITY SERVICES.—'' before ''Appropriations''; and

(2) by adding at the end the following new subsection:

''(b) INFORMATION TECHNOLOGY SERVICES.—Appropriations for the Department of Defense may be used to provide information technology services, including equipment and access to the internet, for—

''(1) Fisher Houses and Fisher Suites associated with health care facilities of a military department; and

''(2) other accommodations made available by a nonappropriated fund instrumentality of the Department of Defense to members of the Armed Forces recovering from a wound or injury or to dependents of such members.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2494. Nonappropriated fund instrumentalities: furnishing certain services for morale, welfare, and recreation purposes''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 147 of such title is amended by striking the item relating to section 2494 and inserting the following new item:

''2494. Nonappropriated fund instrumentalities: furnishing certain services for morale, welfare, and recreation purposes.''.

SEC. 664. PROVISION OF AND PAYMENT FOR OVERSEAS TRANSPORTATION SERVICES FOR COMMISSARY AND EXCHANGE SUPPLIES.

Section 2643 of title 10, United States Code, is amended—

(1) by inserting ''(a) TRANSPORTATION OPTIONS.—'' before ''The Secretary'';

(2) in the first sentence, by striking ''by sea without relying on the Military Sealift Command'' and inserting ''to destinations outside the continental United States without relying on the Air Mobility Command, the Military Sealift Command'';

(3) in the second sentence, by striking ''transportation contracts'' and inserting ''contracts for sea-borne transportation''; and

(4) by adding at the end the following new subsection:

''(b) PAYMENT OF TRANSPORTATION COSTS.—Section 2483(b)(5) of this title, regarding the use of appropriated funds to cover the expenses of operating commissary stores, shall apply to the transportation of commissary supplies. Appropriated funds for the Department of Defense shall also be used to cover the expenses of transporting exchange supplies to destinations outside the continental United States.''.

SEC. 665. COMPENSATORY TIME OFF FOR CERTAIN NONAPPROPRIATED FUND EMPLOYEES.

Section 5543 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The appropriate Secretary may, on request of an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c), grant such employee compensatory time off from duty instead of overtime pay for overtime work.

''(2) For purposes of this subsection, the term 'appropriate Secretary' means—

''(A) with respect to an employee of a nonappropriated fund instrumentality of the Department of Defense, the Secretary of Defense; and

''(B) with respect to an employee of a nonappropriated fund instrumentality of the Coast Guard, the Secretary of the Executive department in which it is operating.''.

Subtitle F—Other Matters

SEC. 671. INCLUSION OF SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AMONG SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) BASIC PAY RATE.—

(1) EQUAL TREATMENT.—The rate of basic pay for an enlisted member in the grade E–9 while serving as Senior Enlisted Advisor

for the Chairman of the Joint Chiefs of Staff shall be the same as the rate of basic pay for an enlisted member in that grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply beginning on the date on which an enlisted member of the Armed Forces is first appointed to serve as Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.

(b) PAY DURING TERMINAL LEAVE OR WHILE HOSPITALIZED.—Section 210(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6) The Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.''.

(c) PERSONAL MONEY ALLOWANCE.—Section 414(c) of such title is amended—

(1) by striking ''or'' after ''Sergeant Major of the Marine Corps,''; and

(2) by inserting before the period at the end the following: '', or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff''.

(d) RETIRED PAY BASE.—Section 1406(i)(3)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

''(vi) Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.''.

SEC. 672. SPECIAL AND INCENTIVE PAYS CONSIDERED FOR SAVED PAY UPON APPOINTMENT OF MEMBERS AS OFFICERS.

(a) INCLUSION AND EXCLUSION OF CERTAIN PAY TYPES.—Subsection (d) of section 907 of title 37, United States Code, is amended to read as follows:

''(d)(1) In determining the amount of the pay and allowances of a grade formerly held by an officer, the following special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade:

''(A) Incentive pay for hazardous duty under section 301 of this title.

''(B) Submarine duty incentive pay under section 301c of this title.

''(C) Special pay for diving duty under section 304 of this title.

''(D) Hardship duty pay under section 305 of this title.

''(E) Career sea pay under section 305a of this title.

''(F) Special pay for service as a member of a Weapons of Mass Destruction Civil Support Team under section 305b of this title.

''(G) Assignment incentive pay under section 307a of this title.

''(H) Special pay for duty subject to hostile fire or imminent danger under section 310 of this title.

''(I) Special pay or bonus for an extension of duty at a designated overseas location under section 314 of this title.

''(J) Foreign language proficiency pay under section 316 of this title.

''(K) Critical skill retention bonus under section 323 of this title.

''(2) The following special and incentive pays are dependent on a member being in an enlisted status and may not be considered in determining the amount of the pay and allowances of a grade formerly held by an officer:

''(A) Special duty assignment pay under section 307 of this title.

''(B) Reenlistment bonus under section 308 of this title.

''(C) Enlistment bonus under section 309 of this title.

''(D) Reenlistment bonus for nuclear-trained and qualified enlisted members under section 312a of this title.

''(E) Career enlisted flyer incentive pay under section 320 of this title.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsections (a) and (b)—

(A) by striking ''he'' each place it appears and inserting ''the officer''; and

(B) by striking ''his appointment'' each place it appears and inserting ''the appointment'';

(2) in subsection (c)(2), by striking ''he'' and inserting ''the officer''.

SEC. 673. REPAYMENT OF UNEARNED PORTION OF BONUSES, SPECIAL PAYS, AND EDUCATIONAL BENEFITS.

(a) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS.—

(1) UNIFORM REPAYMENT PROVISION.—Section 303a of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS WHEN CONDITIONS OF PAYMENT NOT MET.—(1) A member of the uniformed services who receives a bonus or similar benefit and whose receipt of the bonus or similar benefit is subject to the condition that the member continue to satisfy certain eligibility requirements shall repay to the United States an amount equal to the unearned portion of the bonus or similar benefit if the member fails to satisfy the requirements, except in certain circumstances authorized by the Secretary concerned.

''(2) The Secretary concerned may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted. The Secretary concerned may specify in the regulations the conditions under which an installment payment of a bonus or similar benefit to be paid to a member of the uniformed services will not be made if the member no longer satifies the eligibility requirements for the bonus or similar benefit. For the military departments, this subsection shall be administered under regulations prescribed by the Secretary of Defense.

''(3) An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

''(A) the date of the termination of the agreement or contract on which the debt is based; or

''(B) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

''(4) In this subsection:

''(A) The term 'bonus or similar benefit' means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this subsection.

''(B) The term 'service', as used in paragraph (3)(B), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus or similar benefit offered by the Secretary of Defense or the Secretary concerned—

''(i) to remain on active duty or in an active status in a reserve component;

''(ii) to perform duty in a specified skill, with or without a specified qualification or credential;

''(iii) to perform duty at a specified location; or

''(iv) to perform duty for a specified period of time.''.

(2) APPLICABILITY TO TITLE 11 CASES.—In the case of a provision of law amended by subsection (b), (c), or (d) of this section, paragraph (3) of subsection (a) of section 303a of title 37, United States Code, as added by this subsection, shall apply to any case commenced under title 11 after March 30, 2006.

(b) CONFORMING AMENDMENTS TO TITLE 37.—

(1) AVIATION CAREER OFFICER RETENTION BONUS.—Subsection (g) of section 301b of title 37, United States Code, is amended to read as follows:

''(g) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) MEDICAL OFFICER MULTIYEAR RETENTION BONUS.—Subsection (c) of section 301d of such title is amended to read as follows:

''(c) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(3) DENTAL OFFICER MULTIYEAR RETENTION BONUS.—Subsection (d) of section 301e of such title is amended to read as follows:

''(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(4) MEDICAL OFFICER SPECIAL PAY.—Section 302 of such title is amended—

(A) in subsection (c)(2), by striking the last sentence and inserting the following new sentence: ''If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.''; and

(B) by striking subsection (f) and inserting the following new subsection:

''(f) REPAYMENT.—An officer who does not complete the period for which the payment was made under subsection (a)(4) or subsection (b)(1) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(5) OPTOMETRIST RETENTION SPECIAL PAY.—Paragraph (4) of section 302a(b) of such title is amended to read as follows:

''(4) The Secretary concerned may terminate at any time the eligibility of an officer to receive retention special pay under paragraph (1). An officer who does not complete the period for which the payment was made under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(6) DENTAL OFFICER SPECIAL PAY.—Section 302b of such title is amended—

(A) in subsection (b)(2), by striking the second sentence;

(B) by striking subsection (e) and inserting the following new subsection:

''(e) REPAYMENT.—An officer who does not complete the period of active duty for which the payment was made under subsection (a)(4) shall be subject to the repayment provisions of section 303a(e) of this title.'';

(C) by striking subsection (f); and

(D) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(7) ACCESSION BONUS FOR REGISTERED NURSES.—Subsection (d) of section 302d of such title is amended to read as follows:

''(d) An officer who does not become and remain licensed as a registered nurse during the period for which the payment is made, or who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(8) NURSE ANESTHETIST SPECIAL PAY.—Section 302e of such title is amended—

(A) in subsection (c), by striking the last sentence; and

(B) by striking subsection (e) and inserting the following new subsection:

''(e) An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(9) RESERVE, RECALLED OR RETAINED HEALTH CARE OFFICERS SPECIAL PAY.—Subsection (c) of section 302f of such title is amended by striking ''refund'' and inserting ''repay.''.

(10) SELECTED RESERVE HEALTH CARE PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES SPECIAL PAY.—Section 302g of such title is amended—

(A) by striking subsections (d) and (e);

(B) by inserting after subsection (c) the following new subsection (d):

''(d) REPAYMENT.—An officer who does not complete the period of service in the Selected Reserve specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''; and

(C) by redesignating subsection (f) as subsection (e).

(11) ACCESSION BONUS FOR DENTAL OFFICERS.—Subsection (d) of section 302h of such title is amended to read as follows:

''(d) A person after signing a written agreement who thereafter is not commissioned as an officer of the armed forces, or does not become licensed as a dentist, or does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(12) ACCESSION BONUS FOR PHARMACY OFFICERS.—Subsection (e) of section 302j of such title is amended to read as follows:

''(e) A person after signing a written agreement who thereafter is not commissioned as an officer of the armed forces, or does not become and remain certified or licensed as a pharmacist, or does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(13) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Subsection (d) of section 308 of such title is amended to read as follows:

''(d) REPAYMENT.—A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(14) REENLISTMENT BONUS FOR SELECTED RESERVE.—Subsection (d) of section 308b of such title is amended to read as follows:

''(d) A member who does not complete the term of enlistment in the element of the Selected Reserve for which the bonus was paid to the member under this section shall be subject to the repayment provisions of section 303a(e) of this title.''.

(15) READY RESERVE ENLISTMENT BONUS.—Section 308g of such title is amended—

(A) by striking subsection (d) and inserting the following new subsection:

''(d) REPAYMENT.—A person who does not serve satisfactorily in the element of the Ready Reserve in the combat or combat support skill for the period for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.'';

(B) by striking subsections (e) and (f); and

(C) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(16) READY RESERVE REENLISTMENT, ENLISTMENT, AND VOLUNTARY EXTENSION OF ENLISTMENT BONUS.—Section 308h of such title is amended—

(A) by striking subsection (c) and inserting the following new subsection:

''(c) REPAYMENT.—A person who does not complete the period of enlistment or extension of enlistment for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.'';

(B) by striking subsections (d) and (e); and

(C) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(17) PRIOR SERVICE ENLISTMENT BONUS.—Subsection (d) of section 308i of such title is amended to read as follows:

''(d) A person who receives a bonus payment under this section and who, during the period for which the bonus was paid, does not serve satisfactorily in the element of the Selected Reserve with respect to which the bonus was paid shall be subject to the repayment provisions of section 303a(e) of this title.''.

(18) ENLISTMENT BONUS.—Subsection (b) of section 309 of such title is amended to read as follows:

''(b) A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(19) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING ACTIVE DUTY.—Subsection (b) of section 312 of such title is amended to read as follows:

''(b) REPAYMENT.—An officer who does not complete the period of active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants that the officer agreed to serve, and for which a payment was made under subsection (a)(3) or subsection (d)(1), shall be subject to the repayment provisions of section 303a(e) of this title.''.

(20) NUCLEAR CAREER ACCESSION BONUS.—Paragraph (2) of section 312b(a) of such title is amended to read as follows:

''(2) An officer who does not commence or complete satisfactorily the nuclear power training specified in the agreement under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(21) ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS.—Subsection (d) of section 314 of such title is amended to read as follows:

''(d) A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall be subject to the repayment provisions of section 303a(e) of this title.''.

(22) ENGINEERING AND SCIENTIFIC CAREER CONTINUATION PAY.—Subsection (c) of section 315 of such title is amended to read as follows:

''(c) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(23) CRITICAL ACQUISITION POSITIONS.—Subsection (f) of section 317 of such title is amended to read as follows:

''(c) An officer who, having entered into a written agreement under subsection (a) and having received all or part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(24) SPECIAL WARFARE OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.—Subsection (h) of section 318 of such title is amended to read as follows:

''(h) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty in special warfare service as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(25) SURFACE WARFARE OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.—Subsection (f) of section 319 of such title is amended to read as follows:

''(f) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as a department head on a surface vessel specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(26) JUDGE ADVOCATE CONTINUATION PAY.—Subsection (f) of section 321 of such title is amended to read as follows:

''(f) An officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement but who does not complete the total period of active duty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(27) 15-YEAR CAREER STATUS BONUS.—Subsection (f) of section 322 of such title is amended to read as follows:

''(f) If a person paid a bonus under this section does not complete a period of active duty beginning on the date on which the election of the person under paragraph (1) of subsection (a) is received and ending on the date on which the person completes 20 years of active duty service as described in paragraph (2) of such subsection, the person shall be subject to the repayment provisions of section 303a(e) of this title.''.

(28) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Subsection (g) of section 324 of such title, as redesignated by section 628(a)(1), is amended to read as follows:

''(g) REPAYMENT.—An individual who, having received all or part of the bonus under an agreement referred to in subsection (a), is not thereafter commissioned as an officer or does not commence or does not complete the total period of active duty service specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(29) SAVINGS PLAN FOR EDUCATION EXPENSES AND OTHER CONTINGENCIES.—Subsection (g) of section 325 of such title is amended to read as follows:

''(g) REPAYMENT.—If a person does not complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall be subject to the repayment provisions of section 303a(e) of this title.''.

(30) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY.—Subsection (e) of section 326 of such title is amended to read as follows:

''(e) REPAYMENT.—A member who does not convert to and complete the period of service in the military occupational specialty specified in the agreement executed under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(c) CONFORMING AMENDMENTS TO TITLE 10.—

(1) ENLISTMENT INCENTIVES FOR PURSUIT OF SKILLS TO FACILITATE NATIONAL SERVICE.—Subsection (i) of section 510 of title 10, United States Code, is amended to read as follows:

''(i) If a National Call to Service participant who has entered into an agreement under subsection (b) and received or benefitted from an incentive under paragraph (1) or (2) of subsection (e) fails to complete the total period of service specified in such agreement, the National Call to Service participant shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(2) ADVANCED EDUCATION ASSISTANCE.—Section 2005 of such title is amended—

(A) in subsection (a), by striking paragraph (3) and inserting the following new paragraph:

''(3) that if such person does not complete the period of active duty specified in the agreement, or does not fulfill any term or condition prescribed pursuant to paragraph (4), such person shall be subject to the repayment provisions of section 303a(e) of title 37.'';

(B) by striking subsections (c), (d), (f), (g) and (h);

(C) by redesignating subsection (e) as subsection (c); and

(D) by inserting after subsection (c), as so redesignated, the following new subsection:

''(d) As a condition of the Secretary concerned providing financial assistance under section 2107 or 2107a of this title to any person, the Secretary concerned shall require that the person enter into the agreement described in subsection (a). In addition to the requirements of paragraphs (1) through (4) of such subsections (a), the agreement shall specify that, if the person does not complete the education requirements specified in the agreement or does not fulfill any term or condition prescribed pursuant to paragraph (4) of such subsection, the person shall be subject to the repayment provisions of section 303a(e) of title 37 without the Secretary first ordering such person to active duty as provided for under subsection (a)(2) and sections 2107(f) and 2107a(f) of this title.''.

(3) TUITION FOR OFF-DUTY TRAINING OR EDUCATION.—Section 2007 of such title is amended by adding at the end the following new subsection:

''(f) REPAYMENT.—If such person does not complete the period of active duty specified in the agreement under subsection (b), the person shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(4) FAILURE TO COMPLETE ADVANCED TRAINING OR TO ACCEPT COMMISSION.—Section 2105 of such title is amended—

(A) by striking ''A member'' and inserting ''(a) A member''; and

(B) by adding at the end the following new subsection:

''(b) If such person does not complete the period of active duty specified under subsection (a), the person shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(5) FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS.—Section 2107 of such title is amended by adding at the end the following new subsection:

''(j) REPAYMENT.—A person who, after signing a written agreement under this section, is not commissioned as an officer or does not complete the period of service as specified in subsection (b), (f) or (h)(2) shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(6) HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE.—Subparagraph (C) of section 2123(e)(1) of such title is amended to read as follows:

''(C) If such person does not complete the period of active duty obligation specified under subsection (a), such person shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(7) FINANCIAL ASSISTANCE: NURSE OFFICER CANDIDATES.—Subsection (d) of section 2130a of such title is amended to read as follows:

''(d) REPAYMENT.—A person who does not complete a nursing degree program in which the person is enrolled in accordance with the agreement entered into under subsection (a), or having completed the nursing degree program, does not become an officer in the Nurse Corps of the Army or the Navy or an officer designated as a nurse officer of the Air Force or commissioned corps of the Public Health Service or does not complete the period of obligated active service required under the agreement, shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(8) EDUCATION LOAN REPAYMENT PROGRAM.—Subsection (g) of section 2173 of such title is amended—

(A) by inserting ''(1)'' after ''(g)''; and

(B) by adding at the end the following new paragraph:

''(2) An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a)(3), or the alternative obligation under paragraph (1), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(9) SCHOLARSHIP PROGRAM FOR DEGREE PROGRAM FOR DEGREE OR CERTIFICATION IN INFORMATION ASSURANCE.—Section 2200a of such title is amended—

(A) by striking subsection (e) and inserting the following new subsection:

''(e) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A member of an armed force who does not complete the period of active duty specified in the service agreement under section (b) shall be subject to the repayment provisions of section 303a(e) of title 37.

''(2)(A) A civilian employee of the Department of Defense who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title.

''(B) An obligation to reimburse the United States imposed under this paragraph is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.

''(C) The Secretary of Defense may waive, in whole or in part a refund required under this paragraph if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.''.

(B) by striking subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(10) ARMY CADET AGREEMENT TO SERVICE AS OFFICER.—Section 4348 of such title is amended by adding at the end the following new subsection:

''(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(11) MIDSHIPMEN AGREEMENT FOR LENGTH OF SERVICE.—Section 6959 of such title is amended by adding at the end the following new subsection:

''(f) A midshipman or former midshipman who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(12) AIR FORCE CADET AGREEMENT TO SERVICE AS OFFICER.—Section 9348 of such title is amended by adding at the end the following new subsection:

''(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(13) EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.—Section 16135 of such title is amended to read as follows:

''§ 16135. Failure to participate satisfactorily; penalties

''(a) PENALTIES.—At the option of the Secretary concerned, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this chapter, and during which the member has received such assistance, may—

''(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 16132 of this title, whichever is less; or

''(2) be subject to the repayment provisions under section 303a(e) of title 37.

''(b) EFFECT OF REPAYMENT.—Any repayment under section 303a(e) of title 37 shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.''.

(14) HEALTH PROFESSIONS STIPEND PROGRAM PENALTIES AND LIMITATIONS.—Subparagraph (B) of section 16203(a)(1) of such title is amended to read as follows:

''(B) shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(15) COLLEGE TUITION ASSISTANCE PROGRAM FOR MARINE CORPS PLATOON LEADERS CLASS.—Subsection (f) of section 16401 of such title is amended—

(A) in paragraph (1), by striking ''may be required to repay the full amount of financial assistance'' and inserting ''shall be subject to the repayment provisions of section 303a(e) of title 37''; and

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

''(2) Any requirement to repay any portion of financial assistance received under this section shall be administered under Secretary of Defense regulations issued under section 303a(e) of title 37. The Secretary of the Navy may waive the obligations referenced in paragraph (1) in the case of a person who—''.

(d) CONFORMING AMENDMENT TO TITLE 14.—Section 182 of title 14, United States Code, is amended by adding at the end the following new subsection:

''(g) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (b), or the alternative obligation under subsection (c), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 303a of title 37, United States Code, is amended to read as follows:

''§ 303a. Special pay: general provisions''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 303a and inserting the following new item:

''303a. Special pay: general provisions.''.

(f) CONTINUED APPLICATION OF CURRENT LAW TO EXISTING BONUSES.—In the case of any bonus, incentive pay, special pay, or similar payment, such as education assistance or a stipend, which the United States became obligated to pay before April 1, 2006, under a provision of law amended by subsection (b), (c), or (d) of this section, such provision of law, as in effect on the day before the date of the enactment of this Act, shall continue to apply to the payment, or any repayment, of the bonus, incentive pay, special pay, or similar payment under such provision of law.

SEC. 674. LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO DEPLOYABLE SHIPS OR MOBILE UNITS OR TO OTHER DESIGNATED DUTY.

Subparagraph (B) of section 701(f)(1) of title 10, United States Code, is amended to read as follows:

''(B) This subsection applies to any of the following:

''(i) A member who serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 310(a) of title 37.

''(ii) A member who is assigned to—

''(I) a deployable ship or mobile unit; or

''(II) other duty that is designated for the purpose of this subsection.''.

SEC. 675. ARMY RECRUITING PILOT PROGRAM TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT.

(a) REFERRAL BONUS AUTHORIZED.—The Secretary of the Army may pay a bonus under this section to a member of the Army who refers, to an Army recruiter, a person who has not previously served in an armed force and who, after

such referral, enlists in the Regular Army or the Army Reserve. The referral may occur when a member contacts a recruiter on behalf of an interested person or when the interested person contacts the recruiter and informs the recruiter of the member's role in initially recruiting the person.

(b) AMOUNT OF BONUS; TIME FOR PAYMENT.—A referral bonus under this section may not exceed $1,000 and may not be paid to the member making the referral unless and until the enlistee completes basic training and individual advanced training. The bonus shall be paid in a lump sum.

(c) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(d) CERTAIN MEMBERS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member may not receive a referral bonus under this section for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member serving in a recruiting or retention assignment or assigned to other duties regarding which eligibility for a referral bonus could be perceived as creating a conflict of interest may not receive a referral bonus.

(e) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which referral bonuses are offered under this section, the Secretary of the Army may not provide more than 1,000 referral bonuses.

(f) DURATION OF AUTHORITY.—A referral bonus may not be paid under this section with respect to any referral made after December 31, 2007.

SEC. 676. SPECIAL COMPENSATION FOR RESERVE COMPONENT MEMBERS WHO ARE ALSO TOBACCO FARMERS ADVERSELY AFFECTED BY TERMS OF TOBACCO QUOTA BUYOUT.

(a) FINDINGS.—Congress finds the following:

(1) The dispute resolution mechanism provided in section 624(b) of the Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C. 518c), which was intended to help tobacco producers in hardship circumstances, is not likely to provide relief to tobacco producers who are also members of the reserve components of the Armed Forces and were called or ordered to active duty for extended deployment.

(2) The special compensation provided under this section addresses a unique situation and does not set a precedent for other persons seeking exceptions to the eligibility requirements for payments under such Act.

(b) AVAILABILITY OF COMPENSATION.—Subject to subsection (c), the Secretary of Defense shall make a payment under this section to any member of a reserve component whose eligibility for a payment under section 623 of the Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C. 518b) as a producer of quota tobacco was adversely affected, or whose payment amount under such section was determined using a variable payment rate specified in subparagraph (B) or (C) of subsection (d)(3) of such section, because the member was serving on active duty under a call or order to active duty for a period of more than 30 days during any of the tobacco marketing years specified in subparagraph (A) of such subsection.

(c) RESTRICTION TO MEMBERS WHO ARE LONG-TIME TOBACCO GROWERS.—To be eligible for a payment under this section, a member described in subsection (b) must have been a producer of quota tobacco (as defined in section 621 of the Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C. 518a)) during at least two of the three tobacco marketing years before the 2002 marketing year.

(d) AMOUNT OF PAYMENT.—The amount of the payment required under this section for a member shall be equal to 70 percent of the difference between—

(1) the amount the member will receive under section 623 of the Fair and Equitable Tobacco Reform Act of 2004; and

(2) the amount that the member would have likely received under such section had the member remained a full-time producer of quota tobacco and not been called or ordered to active duty.

(e) CALCULATION OF PAYMENT AMOUNT.—The Secretary of Defense shall make the calculation required by subsection (c) in consultation with the Secretary of Agriculture.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Tricare Program Improvements

Subtitle B—Other Matters

Subtitle A—Tricare Program Improvements

SEC. 701. SERVICES OF MENTAL HEALTH COUNSELORS.

(a) REIMBURSEMENT OF MENTAL HEALTH COUNSELORS UNDER TRICARE.—

(1) REIMBURSEMENT UNDER TRICARE.—Section 1079(a)(8) of title 10, United States Code, is amended—

(A) by inserting ''or licensed or certified mental health counselors'' after ''certified marriage and family therapists'' both places it appears; and

(B) by inserting ''or licensed or certified mental health counselors'' after ''that the therapists.''

(2) AUTHORITY TO ASSESS MEDICAL OR PSYCHOLOGICAL NECESSITY OF SERVICE OR SUPPLY.—Section 1079(a)(13) of such title is amended by inserting '', licensed or certified mental health counselor, '' after ''certified marriage and family therapist''.

(b) SERVICES OF MENTAL HEALTH COUNSELORS.—

(1) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

(2) APPLICABILITY OF LICENSURE REQUIREMENT FOR HEALTH-CARE PROFESSIONALS.—Section 1094 (e)(2) of title 10, United States Code, is amended by inserting ''mental health counselor,'' after ''psychologist,''.

SEC. 702. ADDITIONAL INFORMATION REQUIRED BY SURVEYS ON TRICARE STANDARD.

Section 723(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended by adding at the end the following new paragraph:

''(4) Surveys required by paragraph (1) shall include questions seeking to determine from health care providers the following:

''(A) Whether the provider is aware of the TRICARE program.

''(B) What percentage of the provider's current patient population uses any form of TRICARE.

''(C) Whether the provider accepts patients for whom payment is made under the medicare program for health care services.

''(D) If the provider accepts patients referred to in subparagraph (C), whether the provider would accept additional such patients who are not in the provider's current patient population.''.

SEC. 703. ENHANCEMENT OF TRICARE COVERAGE FOR MEMBERS WHO COMMIT TO CONTINUED SERVICE IN THE SELECTED RESERVE.

(a) EXTENSION OF COVERAGE FOR MEMBERS RECALLED TO ACTIVE DUTY.—Section 1076d of title 10, United States Code, is amended—

(1) in subsection (b), by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of a member recalled to active duty before the period of coverage for which the member is eligible under subsection (a) terminates, the period of coverage of the member—

''(A) resumes after the member completes the subsequent active duty service (subject to any additional entitlement to care and benefits under section 1145(a) of this title that is based on the same subsequent active duty service); and

''(B) increases by any additional period of coverage for which the member is eligible under subsection (a) based on the subsequent active duty service.'';

(2) in subsection (b)(2), by striking ''Unless earlier terminated under paragraph (3)'' and inserting ''Subject to paragraph (3) and unless earlier terminated under paragraph (4)''; and

(3) in subsection (f), by adding at the end the following new paragraph:

''(3) The term 'member recalled to active duty' means, with respect to a member who is eligible for coverage under this section based on a period of active duty service, a member who is called or ordered to active duty for an additional period of active duty subsequent to the period of active duty on which that eligibility is based.''.

(b) EXTENSION OF COVERAGE FOR MEMBERS FACING INVOLUNTARY RETIREMENT.—Section 1076d of such title is amended in subsection (b)(4), as redesignated by subsection (a)(1)—

(1) by striking ''Eligibility'' and inserting ''(A) Except as provided in subparagraphs (B) and (C), eligibility''; and

(2) by adding at the end the following:

''(B) In the case of a member who is separated from the Selected Reserve during a period of coverage for which the member is eligible under subsection (a) and whose separation is a qualifying involuntary separation, that period of coverage shall not terminate on account of the separation. For purposes of the preceding sentence, a qualifying involuntary separation is involuntary retirement, involuntary transfer to the Retired Reserve, or discharge while qualified for transfer to the Retired Reserve when required by law or regulation to be either transferred to the Retired Reserve or discharged.''.

(c) CONTINUED ELIGIBILITY FOR MEMBERS IN THE INDIVIDUAL READY RESERVE.—Section 1076d

of such title is amended in subsection (b)(4), as redesignated by subsection (a)(1), by adding at the end the following:

''(C) Subparagraph (A) shall not apply in special circumstances prescribed by the Secretary, including continued service by a member in the Individual Ready Reserve.''.

(d) SPECIAL RULE FOR MOBILIZED MEMBERS OF INDIVIDUAL READY RESERVE FINDING NO POSITION IN SELECTED RESERVE.—Section 1076d of such title is amended by adding at the end of subsection (b) (as amended by this section) the following new paragraph:

''(5) In the case of a member of the Individual Ready Reserve who meets the requirements for eligibility for health benefits under TRICARE Standard under subsection (a) except for membership in the Selected Reserve, the period of coverage under this section may begin not later than one year after coverage would otherwise begin under this section had the member been a member of the Selected Reserve, if the member finds a position in the Selected Reserve during that one-year period.''.

(e) ELIGIBILITY OF FAMILY MEMBERS FOR 6 MONTHS FOLLOWING DEATH OF MEMBER.—Section 1076d(c) of such title is amended by adding at the end the following: ''If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage shall continue for six months beyond the date of death of the member.''

(f) OTHER AMENDMENTS.—Section 1076d of such title is amended—

(1) in subsection (a)(2), by striking ''on or before the date of the release'' and inserting ''not later than 120 days after release''; and

(2) by amending subsection (f)(2) to read as follows:

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

''(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.''.

SEC. 704. STUDY AND PLAN RELATING TO CHIROPRACTIC HEALTH CARE SERVICES.

(a) STUDY REQUIRED.—

(1) GROUPS COVERED.—The Secretary of Defense shall conduct a study of providing chiropractic health care services and benefits to the following groups:

(A) All members of the uniformed services on active duty and entitled to care under section 1074(a) of title 10, United States Code.

(B) All members described in subparagraph (A) and their eligible dependents, and all members of reserve components of the uniformed services and their eligible dependents.

(C) All members or former members of the uniformed services who are entitled to retired or retainer pay or equivalent pay and their eligible dependents.

(2) MATTERS EXAMINED.—For each group listed in subparagraphs (A), (B), and (C), the study shall examine the following with respect to chiropractic health care services and benefits:

(A) The cost of providing such services and benefits.

(B) The feasibility of providing such services and benefits.

(C) An assessment of the health care benefits of providing such services and benefits.

(D) An estimate of the potential cost savings of providing such services and benefits in lieu of other medical services.

(3) SPACE AVAILABLE COSTS.—The study shall also include a detailed analysis of the projected costs of providing chiropractic health care services on a space available basis in the military treatment facilities currently providing chiropractic care under section 702 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (as enacted by Public Law 106–398; 10 U.S.C. 1092 note).

(4) ELIGIBLE DEPENDENTS DEFINED.—In this section, the term ''eligible dependent'' has the meaning given that term in section 1076a(k) of title 10, United States Code.

(b) PLAN REQUIRED.—Not later than March 31, 2006, the Secretary of Defense shall revise the plan required under section 702 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (as enacted by Public Law 106–398; 10 U.S.C. 1092 note), including a detailed analysis of the projected costs, to provide chiropractic health care services and benefits as a permanent part of the Defense Health Program (including the TRICARE program) as required under that section.

(c) REPORT REQUIRED.—Not later than March 31, 2006, the Secretary of Defense shall submit a report on the study required under subsection (a), together with the plan required under subsection (b), to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 705. SURVIVING-DEPENDENT ELIGIBILITY UNDER TRICARE DENTAL PLAN FOR SURVIVING SPOUSES WHO WERE ON ACTIVE DUTY AT TIME OF DEATH OF MILITARY SPOUSE.

Section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(k) ELIGIBLE DEPENDENT DEFINED.—(1) In this section, the term 'eligible dependent' means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(2) Such term includes any such dependent of a member who dies while on active duty for a period of more than 30 days or a member of the Ready Reserve if, on the date of the death of the member, the dependent—

''(A) is enrolled in a dental benefits plan established under subsection (a); or

''(B) if not enrolled in such a plan on such date—

''(i) is not enrolled by reason of a discontinuance of a former enrollment under subsection (f); or

''(ii) is not qualified for such enrollment because—

''(I) the dependent is a child under the minimum age for such enrollment; or

''(II) the dependent is a spouse who is a member of the armed forces on active duty for a period of more than 30 days.

''(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death.''.

SEC. 706. EXCEPTIONAL ELIGIBILITY FOR TRICARE PRIME REMOTE.

Section 1079(p) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) The Secretary of Defense may provide for coverage of a dependent referred to in subsection (a) who is not described in paragraph (3) if the Secretary determines that exceptional circumstances warrant such coverage.''.

Subtitle B—Other Matters

SEC. 711. AUTHORITY TO RELOCATE PATIENT SAFETY CENTER; RENAMING MEDTEAMS PROGRAM.

(a) REPEAL OF REQUIREMENT TO LOCATE THE DEPARTMENT OF DEFENSE PATIENT SAFETY CENTER WITHIN THE ARMED FORCES INSTITUTE OF PATHOLOGY .—Subsection (c)(3) of section 754 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654–196) is amended by striking ''within the Armed Forces Institute of Pathology''.

(b) RENAMING MEDTEAMS PROGRAM.—Subsection (d) of such section is amended by striking ''MEDTEAMS'' in the heading and inserting '' MEDICAL TEAM TRAINING''.

SEC. 712. MODIFICATION OF HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT REPORTING REQUIREMENT.

Section 723(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 697) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) Measures of the quality of health care furnished.

''(2) Population health.

''(3) Patient safety.

''(4) Patient satisfaction.

''(5) The extent of use of evidence-based health care practices.

''(6) The effectiveness of biosurveillance in detecting an emerging epidemic.''.

SEC. 713. CORRECTION TO ELIGIBILITY OF CERTAIN RESERVE OFFICERS FOR MILITARY HEALTH CARE PENDING ACTIVE DUTY FOLLOWING COMMISSIONING.

(a) CORRECTION.—Clause (iii) of section 1074(a)(2)(B) of title 10, United States Code, is amended by inserting before the semicolon the following: ''or the orders have been issued but the member has not entered active duty''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of November 24, 2003, and as if included in the enactment of paragraph (2) of section 1074(a) of title 10, United States Code, by section 708 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1530).

SEC. 714. PROHIBITION ON CONVERSIONS OF MILITARY MEDICAL POSITIONS TO CIVILIAN MEDICAL POSITIONS UNTIL SUBMISSION OF CERTIFICATION.

(a) PROHIBITION ON CONVERSIONS.—A Secretary of a military department may not convert any military medical position to a civilian medical position until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a certification that the conversions within that department will not increase cost or decrease quality of care or access to care. Such a certification may not be submitted before April 1, 2006. A Secretary submitting such a certification shall include with the certification a report in writing setting forth the methodology used by the Secretary in making the determinations necessary for the certification, including the extent to which the Secretary took into consideration the findings of the Comptroller General in the report under subsection (d).

(b) REQUIREMENT FOR STUDY.—The Comptroller General shall conduct a study on the effect of conversions of military medical positions to civilian medical positions on the defense health program.

(c) MATTERS COVERED.—The study shall include the following:

(1) The number of military medical positions, by grade and specialty, planned for conversion to civilian medical positions.

(2) The number of military medical positions, by grade and specialty, converted to civilian medical positions since October 1, 2004.

(3) The ability of the military health care system to fill the civilian medical positions required, by specialty.

(4) The degree to which access to health care is affected in both the direct and purchased care system, including an assessment of the effects of any increased shifts in patient load from the direct care to the purchased care system, or any delays in receipt of care in either the direct or purchased care system because of lack of direct care providers.

(5) The degree to which changes in military manpower requirements affect recruiting and retention of uniformed medical personnel.

(6) The effect of the conversions of military medical positions to civilian medical positions on the defense health program, including costs associated with the conversions, with a comparison of the estimated costs versus the actual costs

incurred by the number of conversions since October 1, 2004.

(7) The effectiveness of the conversions in enhancing medical readiness, health care efficiency, productivity, quality, and customer satisfaction.

(d) REPORT.—Not later than March 1, 2006, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''military medical position'' means a position for the performance of health care functions within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

SEC. 715. CLARIFICATION OF INCLUSION OF DENTAL CARE IN MEDICAL READINESS TRACKING AND HEALTH SURVEILLANCE PROGRAM.

(a) INCLUSION OF DENTAL CARE.—Subtitle D of title VII of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 1074 note) is amended by adding at the end the following new section:

''SEC. 740. INCLUSION OF DENTAL CARE.

''For purposes of the plan, this title, and the amendments made by this title, references to medical readiness, health status, and health care shall be considered to include dental readiness, dental status, and dental care.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of title VII of such Act and in section 2(b) of such Act are each amended by inserting after the item relating to section 740 the following:

''Sec. 740. Inclusion of dental care.'' .

SEC. 716. COOPERATIVE OUTREACH TO MEMBERS AND FORMER MEMBERS OF THE NAVAL SERVICE EXPOSED TO ENVIRONMENTAL FACTORS RELATED TO SARCOIDOSIS.

(a) OUTREACH PROGRAM REQUIRED.—The Secretary of the Navy, in coordination with the Secretary of Veterans Affairs, shall conduct an outreach program to contact all members and former members of the naval service who, in connection with service aboard Navy ships may have been exposed to aerosolized particles resulting from the removal of nonskid coating used on those ships.

(b) PURPOSES OF OUTREACH PROGRAM.—The purposes of the outreach program are as follows:

(1) To develop additional data for use in subsequent studies aimed at determining a causative link between sarcoidosis and military service.

(2) To inform members and former members identified in subsection (a) of the findings of Navy studies identifying an association between service aboard certain naval ships and sarcoidosis.

(3) To assist members and former members identified in subsection (a) in getting medical evaluations to help clarify linkages between their disease and their service aboard Navy ships.

(4) To ensure the Department of Veterans Affairs has data and information for the effective evaluation of veterans who may seek care for sarcoidosis.

(c) IMPLEMENTATION.—The Secretary of the Navy shall begin the outreach program not later than six months after the date of the enactment of this act and provide to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the outreach programs not later than one year after beginning the program.

SEC. 717. EARLY IDENTIFICATION AND TREATMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.

(a) AUTHORITY.—The Secretary of Defense may carry out activities to foster the early identification and treatment of mental health and substance abuse problems experienced by members of the Armed Forces, with special emphasis on members who have served in a theater of combat operations within the preceding 12 months.

(b) ACTIVITIES.—The activities carried out by the Secretary under subsection (a) may include the conduct of a series of campaigns that uses internal mass media (including radio and television) communications and other education tools to change attitudes within the Armed Forces regarding mental health and substance abuse treatment, with the aim of lessening the stigma associated with mental health and substance abuse problems and the treatment of such problems, including the development of pertinent messaging targeted to—

(1) members of the Armed Forces who may be experiencing mental health or substance abuse problems and their family members;

(2) commanders and supervisory personnel; and

(3) peers of members of the Armed Forces who may be experiencing mental health or substance abuse problems or be at risk of such problems.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. REQUIREMENT FOR CERTIFICATION BY SECRETARY OF DEFENSE BEFORE MAJOR DEFENSE ACQUISITION PROGRAM MAY PROCEED TO MILESTONE B.

(a) CERTIFICATION REQUIREMENT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2366 the following new section:

''§ 2366a. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval

''(a) CERTIFICATION.—A major defense acquisition program may not receive Milestone B approval, or Key Decision Point B approval in the case of a space program, until the Secretary of Defense certifies that—

''(1) the technology in the program has been demonstrated in a relevant environment;

''(2) the program demonstrates a high likelihood of accomplishing its intended mission;

''(3) the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made;

''(4) the program is affordable when considering the ability of the Department of Defense to accomplish the program's mission using alternative systems;

''(5) the Joint Requirements Oversight Council has accomplished its duties with respect to the program pursuant to section 181(b) of this title, including an analysis of the operational requirements for the program; and

''(6) the program complies with all relevant policies, regulations, and directives of the Department of Defense.

''(b) SUBMISSION TO CONGRESS.—The certification required under subsection (a) with respect to a major defense acquisition program shall be submitted to the congressional defense committees at least 30 days before approval of Milestone B or Key Decision Point B.

''(c) WAIVER FOR NATIONAL SECURITY.—The Secretary may waive the applicability of the certification requirement under subsection (a) to a major defense acquisition program if the Secretary determines that, but for such a waiver, the Department would be unable to meet national security objectives. Whenever the Secretary makes such a determination and authorizes such a waiver, the Secretary shall submit notice of such waiver and of the Secretary's determination, and the reasons for the determination, in writing to the congressional defense committees within 30 days after authorizing the waiver.

''(d) NONDELEGATION.—The Secretary may not delegate the certification requirement under subsection (a) or the authority to waive such requirement under subsection (d).

''(e) DEFINITIONS.—In this section:

''(1) The term 'major defense acquisition program' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of this title.

''(2) The term 'Milestone B approval' has the meaning provided that term in section 2366(e)(7) of this title.

''(3) The term 'Key Decision Point B' means the official program initiation of a National Security Space program of the Department of Defense, which triggers a formal review to determine maturity of technology and the program's readiness to begin the preliminary system design.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2366 the following new item:

''2366a. Major defense acquisition programs: certification required before Milestone B approval or Key Decision Point B approval.''.

SEC. 802. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES TO MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANALYSIS OF ALTERNATIVES REQUIREMENT.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new section:

''§ 2433a. Analysis of alternatives

''(a) REQUIREMENT IF UNIT COSTS EXCEED 15 PERCENT.—If the percentage increase in the program acquisition unit cost or procurement unit cost of a major defense acquisition program (as determined by the Secretary concerned under section 2433(d)(3) of this title) exceeds 15 percent, then the Secretary concerned shall initiate an analysis of alternatives for the major defense acquisition program, in accordance with this section.

''(b) MATTERS COVERED IN ANALYSIS OF ALTERNATIVES.—An analysis of alternatives for a major defense acquisition program shall include, at a minimum, the following:

''(1) Projected cost to complete the program if current requirements are not modified.

''(2) Projected cost to complete the program based on potential modifications to the requirements.

''(3) Projected cost to complete the program based on design modifications, enhancements to the producibility of the program, and manufacturing efficiencies.

''(4) Projected cost and capabilities of the program that could be delivered within the originally authorized budget for the program, including any increase or decrease in capability.

''(5) Projected cost for an alternative system or capability.

''(c) COMPLETION AND SUBMISSION TO CONGRESS.—With respect to any analysis of alternatives initiated under this section, the Secretary—

''(1) shall complete the analysis not later than 1 year after the date of initiation; and

''(2) shall submit the analysis to the congressional defense committees not later than 30 days after the date of completion.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2433a. Analysis of alternatives.''.

SEC. 803. AUTHORITY FOR SECRETARY OF DEFENSE TO REVISE BASELINE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORITY.—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating clauses (i) through (iv) of subparagraph (A) as subclauses (I) through (IV), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii); and

(3) by inserting after ''the Secretary of Defense shall'' the following: ''either (A) return the program to Milestone B or to Key Decision Point B in the case of a space system, conduct a re-baseline for the program under section 2435(d), and notify the congressional defense committees of such return and revision, or (B)''.

(b) BASELINE DESCRIPTION.—Section 2435(a)(1) of such title is amended by adding at the end the following: ''The baseline shall be the baseline used for all purposes under this chapter.''.

(c) RE-BASELINE AUTHORIZED.—Section 2435 of such title is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) RE-BASELINING.—

''(1) RE-BASELINE AUTHORIZED.—For purposes of this chapter, a baseline for a major defense acquisition program may be re-baselined only if a percentage increase in program acquisition unit cost or procurement unit cost of the program exceeding 25 percent occurs (as determined by the Secretary under section 2433(d)).

''(2) NOTIFICATION TO CONGRESS OF RE-BASELINING.—The Secretary shall notify the congressional defense committees not later than 30 days after a re-baselining has been conducted for a major defense acquisition program.''.

Subtitle B—Acquisition Policy and Management

SEC. 811. APPLICABILITY OF STATUTORY EXECUTIVE COMPENSATION CAP MADE PROSPECTIVE.

(a) PROSPECTIVE APPLICABILITY OF EXECUTIVE COMPENSATION CAP.—Section 808(e)(2) of Public Law 105–85 (41 U.S.C. 435 note; 111 Stat. 1838) is amended by striking ''before, on,'' and inserting ''on''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in Public Law 105–85 as enacted.

SEC. 812. USE OF COMMERCIALLY AVAILABLE ONLINE SERVICES FOR FEDERAL PROCUREMENT OF COMMERCIAL ITEMS.

(a) AMENDMENT TO THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to include provisions that require the head of an executive agency, to the maximum extent practicable, to use commercially available online procurement services to purchase commercial items, including those procurement services that allow the agency to conduct reverse auctions.

(b) REPORT.—Not later than one year after the revisions to the Federal Acquisition Regulation are issued pursuant to subsection (a), the Administrator for Federal Procurement Policy shall submit to the Committees on Governmental Affairs and Homeland Security and on Armed Services of the Senate and the Committees on Government Reform and on Armed Services of the House of Representatives a report on the use of commercially available online procurement services. The report shall include—

(1) a list of the executive agencies that have used commercially available online procurement services, and the number of times each has so used such services;

(2) a list of the types of commercially available online procurement services used by each executive agency and the dollar value of the procurements conducted through each type of commercially available online procurement service; and

(3) the Administrator's recommendations for further encouraging the use of commercially available online procurement services, particularly those that afford the Federal Government the opportunity to conduct reverse auctions.

(c) DEFINITIONS.—In this section:

(1) The term ''commercially available online procurement services'', with respect to procurement by executive agencies, includes reverse auctions and other services accessible on the Internet that allow executive agencies to purchase commercial items from electronic catalogs and offerors to bid for delivery orders of such items.

(2) The term ''reverse auction'', with respect to procurement by executive agencies, means a method of soliciting offers on the Internet for commercial items, not including construction-related services, in which—

(A) firms compete against each other on the Internet in real time and in an open and interactive environment; and

(B) each firm's identity and pricing are safeguarded.

(3) The term ''Federal Acquisition Regulation'' means the single Government-wide procurement regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421).

(4) The terms ''executive agency'', ''commercial item'', and ''procurement'' have the meanings provided those terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.).

SEC. 813. CONTINGENCY CONTRACTING CORPS.

(a) REQUIREMENT TO ESTABLISH CONTINGENCY CONTRACTING CORPS.—

(1) REQUIREMENT.—The Secretary of Defense shall establish a contingency contracting corps, to be implemented, subject to the authority, direction, and control of the Secretary, through a joint policy developed by the Chairman of the Joint Chiefs of Staff, in accordance with this section.

(2) HEAD OF CORPS.—The policy shall provide that the corps shall be directed by a senior commissioned officer with appropriate acquisition experience and qualifications, who shall report directly to the commander of the combatant command in whose area of responsibility the corps is operating when deployed. In the case of more than one operation for which the corps is deployed, the head of the corps may delegate command authority, but any officer to whom the authority is delegated shall report directly to the commander of the combatant command concerned.

(3) OPERATION OF CORPS.—The policy shall provide that the contingency contracting corps shall conduct contingency contracting—

(A) during combat operations and use rapid acquisition authority to the maximum extent appropriate;

(B) during post-conflict operations to assist the commander of the combatant command in meeting urgent contracting requirements; and

(C) by using both deployed and non-deployed contingency contracting personnel for carrying out contingency contracting.

(4) TRAINING OF CORPS.—

(A) The policy developed under paragraph (1) shall provide for training all contingency contracting personnel in the use of law, regulations, policies, and directives related to contingency contracting operations, and shall ensure that the training is maintained for such personnel even when they are not deployed in a contingency operation.

(B) The policy shall require the training of contingency contracting personnel to include instruction from a program to be created by the Defense Acquisition University and inclusion of contingency contracting personnel in relevant wargaming and operational planning.

(C) The policy shall require contingency contracting personnel to remain proficient in contingency contracting operations during peacetime and shall allow such personnel to be used for other acquisition and contracting-related activities when not required in support of contingency contracting operations.

(D) The policy shall provide for the corps to use integrated contracting, financial, and other support systems.

(5) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. The regulations shall be developed in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretaries of the military departments, and the acquisition support agencies. The regulations shall be uniform to the maximum extent practicable among the military departments and shall address, at a minimum, applicable laws, regulations, policies, and directives related to contingency contracting.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on contingency contracting.

(2) MATTERS COVERED.—The report shall include discussions of the following:

(A) Progress in the implementation of the contingency contracting corps, in accordance with the requirements of subsection (a).

(B) The ability of the Armed Forces to support contingency contracting.

(C) The ability of commanders of combatant commands to request contingency contracting support and the ability of the military departments and the acquisition support agencies to respond to such requests and provide such support, including the availability of rapid acquisition personnel for such support.

(D) The ability of the current civilian and military acquisition workforce to deploy to combat theaters of operations and to conduct contracting activities during combat and during post-conflict, reconstruction, or other contingency operations.

(E) The effect of different periods of deployment on continuity in the acquisition process.

(c) DEFINITIONS.—In this section:

(1) CONTINGENCY CONTRACTING PERSONNEL.—The term ''contingency contracting personnel'' means members of the Armed Forces and civilian employees of the Department of Defense who are members of the defense acquisition workforce and, as part of their duties, are assigned to provide support to contingency operations (whether deployed or not).

(2) CONTINGENCY CONTRACTING.—The term ''contingency contracting'' means all stages of the process of acquiring property or services by the Department of Defense during a contingency operation.

(3) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning provided in section 101(13) of title 10, United States Code.

(4) ACQUISITION SUPPORT AGENCIES.—The term ''acquisition support agencies'' means Defense Agencies and Department of Defense Field Activities that carry out and provide support for acquisition-related activities.

SEC. 814. REQUIREMENT FOR CONTRACTING OPERATIONS TO BE INCLUDED IN INTERAGENCY PLANNING RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) INCLUSION OF CONTRACTING OPERATIONS IN INTERAGENCY PLANNING.—The Secretary of Defense shall include contracting operations in all relevant interagency planning operations of the Department of Defense related to stabilization and reconstruction operations.

(b) SECRETARY OF DEFENSE REQUIREMENTS.—If the President designates the Department of Defense as the executive agency with primary responsibility for contracting operations in post-conflict, stabilization, or reconstruction operations, the Secretary of Defense shall develop policy and procedures for the Department of Defense to serve as such executive agency.

(c) REPORT.—

(1) REQUIREMENT.—The Secretary of Defense and the Secretary of State shall jointly prepare a report on lessons learned from carrying out contracting operations during Operation Iraqi Freedom.

(2) MATTERS COVERED.—The report shall address the following with respect to such activities:

(A) Development of an appropriate acquisition planning strategy before obligation of funds, including the scope of planned contracting operations, project management, logistics, and financial considerations.

(B) Flow of appropriated funds.

(C) Ability to obtain military and civilian acquisition workforce personnel.

(D) Ability to obtain country clearances for such personnel.

(E) Ability to reprogram funds and to coordinate interagency activities.

(3) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the report shall be submitted to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives.

SEC. 815. STATEMENT OF POLICY AND REPORT RELATING TO CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) EXTENSIONS OF INAPPLICABILITY OF CERTAIN ACTS.—Section 853 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2021) is amended in subsections (a)(2) (A) and (b)(2)(A) by striking ''2005'' and inserting ''2006''.

(b) STATEMENT OF POLICY.—The Secretary of Defense and the Secretary of Education shall jointly issue a statement of policy related to the implementation of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) and the Javits-Wagner-O'Day Act (41 U.S.C. 48) within the Department of Defense and the Department of Education. The joint statement of policy shall specifically address the application of those Acts to both operation and management of all or any part of a military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces, and shall take into account and address, to the extent practicable, the positions acceptable to persons representing programs implemented under each Act.

(c) REPORT.—Not later than April 1, 2006, the Secretary of Defense and the Secretary of Education shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report describing the joint statement of policy issued under subsection (b), with such findings and recommendations as the Secretaries consider appropriate.

SEC. 816. STUDY ON DEPARTMENT OF DEFENSE CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on Department of Defense procurement contracts with small business concerns owned and controlled by service-disabled veterans.

(b) ELEMENTS OF STUDY.—The study required by subsection (a) shall include the following determinations:

(1) Any steps taken by the Department of Defense to meet the Government-wide goal of participation by small business concerns owned and controlled by service-disabled veterans in at least 3 percent of the total value of all prime contract and subcontract awards, as required under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) If the Department of Defense has failed to meet such goal, an explanation of the reasons for such failure.

(3) Any steps taken within the Department of Defense to make contracting officers aware of the 3 percent goal and to ensure that procurement officers are working actively to achieve such goal.

(4) The number of small business concerns owned and controlled by service-disabled veterans which submitted offers on contracts with the Department of Defense during the preceding fiscal year.

(5) Any outreach efforts made by the Department to enter into contracts with small business concerns owned and controlled by service-disabled veterans.

(6) Any such outreach efforts the Department could make but has not made.

(7) Whether, in awarding subcontracts, prime contractors are aware of the preference for small business concerns owned and controlled by service-disabled veterans under section 36 of the Small Business Act (15 U.S.C. 657f).

(8) Any plans of the Department of Defense to increase the percentage of Federal contracts it awards to small businesses owned and controlled by service-disabled veterans.

(c) REPORT.—Not later than the date that is six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the findings of the study conducted under this section.

(d) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—In this section, the term ''small business concern owned and controlled by service-disabled veterans'' has the meaning given that term in section 3(q) of the Small Business Act (15 U.S.C. 632(q)).

SEC. 817. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) PROHIBITION.—The Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the issue before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) JOINT VENTURES.—The prohibition under subsection (a) with respect to a foreign person also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(c) SUBCONTRACTS AND TASK ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and any task orders at any tier issued under the contract.

(d) DEFINITIONS.—In this section:

(1) The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term ''foreign person'' means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(3) The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(e) APPLICABILITY.—

(1) PROGRAMS WITH MILESTONE B APPROVAL NOT COVERED.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) DEFINITIONS.—In this subsection:

(A) The term ''major defense acquisition program'' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(B) The term ''Milestone B approval'' has the meaning provided that term in section 2366(e)(7) of such title.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 821. INCREASED FLEXIBILITY FOR DESIGNATION OF CRITICAL ACQUISITION POSITIONS IN DEFENSE ACQUISITION WORKFORCE.

Subparagraph (A) of section 1733(b)(1) of title 10, United States Code, is amended to read as follows:

''(A) Any acquisition position that is required to be filled by a senior civilian employee in the National Security Personnel System or a senior

commissioned officer of the Army, Navy, Air Force, or Marine Corps, as determined in accordance with guidelines prescribed by the Secretary.''.

SEC. 822. PARTICIPATION BY DEPARTMENT OF DEFENSE IN ACQUISITION WORKFORCE TRAINING FUND.

(a) REQUIRED CONTRIBUTIONS TO ACQUISITION WORKFORCE TRAINING FUND BY DEPARTMENT OF DEFENSE.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended—

(1) in subparagraph (B), by striking ''(other than the Department of Defense)''; and

(2) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively, and inserting after subparagraph (C) the following new subparagraph (D):

''(D) The Administrator of General Services shall transfer to the Secretary of Defense fees collected from the Department of Defense pursuant to subparagraph (B), to be used by the Defense Acquisition University for purposes of acquisition workforce training for the entire Federal acquisition workforce.''.

(b) CONFORMING AMENDMENTS.—

(1) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 37(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by striking ''This section'' and inserting ''Except as provided in subsection (h)(3), this section''.

(2) PUBLIC LAW 108–136.—Section 1412 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1664) is amended by striking subsection (c).

(c) DEFENSE ACQUISITION UNIVERSITY FUNDING.—Amounts transferred under section 37(h)(3)(D) of the Office of Federal Procurement Policy Act (as amended by subsection (a)) for use by the Defense Acquisition University shall be in addition to other amounts authorized for the University.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 823. INCREASE IN COST ACCOUNTING STANDARD THRESHOLD.

Section 26(f)(2)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(A)) is amended by striking ''$500,000'' and inserting ''$550,000''.

SEC. 824. AMENDMENTS TO DOMESTIC SOURCE REQUIREMENTS RELATING TO CLOTHING MATERIALS AND COMPONENTS COVERED.

(a) NOTICE.—Section 2533a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subparagraph (B), (C), (D), or (E) of subsection (b)(1), if the Secretary of Defense or of the military department concerned applies an exception set forth in subsection (c) or (e) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site). ''.

(b) CLOTHING MATERIALS AND COMPONENTS COVERED.—Subsection (b) of section 2533a of title 10, United States Code, is amended in paragraph (1)(B) by inserting before the semicolon the following: ''and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof)''.

SEC. 825. RAPID ACQUISITION AUTHORITY TO RESPOND TO DEFENSE INTELLIGENCE COMMUNITY EMERGENCIES.

(a) RAPID ACQUISITION AUTHORITY.—In the case of any critical intelligence capability that, as determined in writing by the Secretary of Defense, without delegation, is urgently needed to address a demonstrable, imminent, and urgent threat to national security that would likely result in combat fatalities or grave harm to the national security of the United States, the Secretary shall use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of the needed critical intelligence capabilities.

(b) DESIGNATION OF SENIOR OFFICIAL.—Whenever the Secretary makes a determination under subsection (a) that the rapid acquisition of critical intelligence capability is needed, the Secretary shall designate a senior official of the Department of Defense to ensure that the intelligence capability is acquired and deployed as quickly as possible, with a goal of awarding a contract for the acquisition of the intelligence capability within 15 days after the determination is made.

(c) WAIVER AUTHORITY.—Upon designation of a senior official under subsection (b), the Secretary shall authorize that official to waive any provision of law, policy, directive, or regulation described in subsection (f) that such official determines in writing would unnecessarily impede the rapid acquisition and deployment of the needed intelligence capability.

(d) FUNDING OF RAPID ACQUISITIONS.—The authority of this section may not be used to acquire intelligence capability in an amount aggregating more than $20,000,000 during any fiscal year. For acquisitions of intelligence capability under this subsection during the fiscal year in which the Secretary makes the determination described in subsection (a) with respect to such intelligence capability, the Secretary may use any funds available to the Department of Defense for that fiscal year.

(e) NOTICE TO CONGRESS.—The Secretary of Defense shall notify the congressional defense committees within 15 days after each determination made under subsection (a). Each such notice shall identify in either classified or unclassified format, as appropriate—

(1) the intelligence capability to be acquired;

(2) the amount anticipated to be expended for the acquisition; and

(3) the source of funds for the acquisition.

(f) WAIVER OF CERTAIN STATUTES AND REGULATIONS.—

(1) IN GENERAL.—Upon a determination described in subsection (a), the senior official designated in accordance with subsection (b) with respect to that designation is authorized to waive any provision of law, policy, directive or regulation addressing—

(A) the establishment of the requirement for the intelligence capability;

(B) the research, development, test, and evaluation of the intelligence capability; or

(C) the solicitation and selection of sources, and the award of the contract, for procurement of the intelligence capability.

(2) LIMITATION.—Nothing in this subsection authorizes the waiver of any provision of law imposing civil or criminal penalties.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. RESTORATION OF PARITY IN PAY LEVELS AMONG UNDER SECRETARY POSITIONS.

(a) POSITIONS OF UNDER SECRETARIES OF MILITARY DEPARTMENTS RAISED TO LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Intelligence'' the following:

''Under Secretary of the Air Force.

''Under Secretary of the Army.

''Under Secretary of the Navy.''.

(b) CONFORMING AMENDMENT.—Section 5315 of such title is amended by striking the following:

''Under Secretary of the Air Force.

''Under Secretary of the Army.

''Under Secretary of the Navy.''.

SEC. 902. ELIGIBILITY CRITERIA FOR DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(b) of title 10, United States Code, is amended to read as follows:

''(b) DIRECTOR.—At the head of the Center shall be a Director, who shall be appointed by the Secretary from among individuals who have substantial experience in the field of test and evaluation.''.

SEC. 903. CONSOLIDATION AND STANDARDIZATION OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) BASIC AUTHORITIES FOR REGIONAL CENTERS.—

(1) IN GENERAL.—Section 184 of title 10, United States Code, is amended to read as follows:

''§ 184. Regional Centers for Security Studies

''(a) IN GENERAL.—The Secretary of Defense shall administer the Department of Defense Regional Centers for Security Studies in accordance with this section as international venues for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

''(b) REGIONAL CENTERS SPECIFIED.—(1) A Department of Defense Regional Center for Security Studies is a Department of Defense institution that—

''(A) is operated, and designated as such, by the Secretary of Defense for the study of security issues relating to a specified geographic region of the world; and

''(B) serves as a forum for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

''(2) The Department of Defense Regional Centers for Security Studies are the following:

''(A) The George C. Marshall European Center for Security Studies, established in 1993 and located in Garmisch-Partenkirchen, Germany.

''(B) The Asia-Pacific Center for Security Studies, established in 1995 and located in Honolulu, Hawaii.

''(C) The Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.

''(D) The Africa Center for Strategic Studies, established in 1999 and located in Washington, D.C.

''(E) The Near East South Asia Center for Strategic Studies, established in 2000 and located in Washington, D.C.

''(3) No institution or element of the Department of Defense may be designated as a Department of Defense Regional Center for Security Studies for purposes of this section, other than the institutions specified in paragraph (2), except as specifically provided by law after the date of the enactment of this section.

''(c) REGULATIONS.—The administration of the Regional Centers under this section shall be carried out under regulations prescribed by the Secretary.

''(d) PARTICIPATION.—Participants in activities of the Regional Centers may include United States military and civilian personnel, governmental and nongovernmental personnel, and foreign military and civilian, governmental and nongovernmental personnel.

''(e) EMPLOYMENT AND COMPENSATION OF FACULTY.—At each Regional Center, the Secretary may, subject to appropriations—

''(1) employ a Director, a Deputy Director, and as many civilians as professors, instructors, and lecturers as the Secretary considers necessary; and

''(2) prescribe the compensation of such persons, in accordance with Federal guidelines.

''(f) PAYMENT OF COSTS.—(1) Participation in activities of a Regional Center shall be on a reimbursable basis (or by payment in advance), except in a case in which reimbursement is waived in accordance with paragraph (3).

''(2) For a foreign national participant, payment of costs may be made by the participant's own government, by a Department or agency of the United States other than the Department of Defense, or by a gift or donation on behalf of one or more Regional Centers accepted under section 2611 of this title on behalf of the participant's government.

''(3) The Secretary of Defense may waive reimbursement of the costs of activities of the Regional Centers for foreign military officers and foreign defense civilian officials from a developing country if the Secretary determines that attendance of such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available to the Regional Centers.

''(4) Funds accepted for the payment of costs shall be credited to the appropriation then currently available to the Department of Defense for the Regional Center that incurred the costs. Funds so credited shall be merged with the appropriation to which credited and shall be available to that Regional Center for the same purposes and same period as the appropriation with which merged.

''(5) Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.

''(g) SUPPORT TO OTHER AGENCIES.—The Director of a Regional Center may enter into agreements with the Secretaries of the military departments, the heads of the Defense Agencies, and, with the concurrence of the Secretary of Defense, the heads of other Federal departments and agencies for the provision of services by that Regional Center under this section. Any such participating department and agency shall transfer to the Regional Center funds to pay the full costs of the services received.

''(h) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operation of the Regional Centers for security studies during the preceding fiscal year. The annual report shall include, for each Regional Center, the following information:

''(1) The status and objectives of the center.

''(2) The budget of the center, including the costs of operating the center.

''(3) A description of the extent of the international participation in the programs of the center, including the costs incurred by the United States for the participation of each foreign nation.

''(4) A description of the foreign gifts and donations, if any, accepted under section 2611 of this title. ''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''184. Regional Centers for Security Studies.''.

(b) STANDARDIZATION OF AUTHORITY FOR ACCEPTANCE OF GIFTS AND DONATIONS.—

(1) IN GENERAL.—Section 2611 of title 10, United States Code, is amended to read as follows:

''§2611. Regional Centers for Security Studies: acceptance of gifts and donations

''(a) AUTHORITY TO ACCEPT GIFTS AND DONATIONS.—Subject to subsection (c), the Secretary of Defense may accept, on behalf of one or more of the Regional Centers for Security Studies, a gift or donation from any source in order to defray the costs of, or enhance the operation of, one or more of the Regional Centers.

''(b) REGIONAL CENTERS.—For purposes of this section, the Regional Centers for Security Studies are the Department of Defense institutions specified in section 184(b) of this title.

''(c) LIMITATION.—(1) The Secretary may not accept a gift or donation under subsection (a) if the acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, or any employee of the Department or member of the armed forces, to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department of Defense or any person involved in such a program.

''(2) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a gift or donation would have a result described in paragraph (1).

''(d) CREDITING OF FUNDS.—Funds accepted by the Secretary under subsection (a) shall be credited to appropriations available to the Department of Defense for the Regional Centers. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Regional Centers for the same purposes and the same period as the appropriations with which merged.

''(e) GIFTS AND DONATIONS DEFINED.—For purposes of this section—

''(1) a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country; and

''(2) the term 'gift' includes a devise of real property or a bequest of personal property and any gift of an interest in real property. ''.

(2) CLERICAL AMENDMENT.—The item relating to section 2611 in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

''2611. Regional Centers for Security Studies: acceptance of foreign gifts and donations.''.

(c) CONFORMING AMENDMENTS.—

(1) MARSHALL CENTER GENERAL AUTHORITY.—Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is repealed.

(2) MARSHALL CENTER GIFT AUTHORITY.—Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 113) is amended—

(A) by striking subsections (a) and (b);

(B) by redesignating subsection (c) as subsection (a); and

(C) by redesignating paragraph (3) of such subsection as subsection (b) and inserting ''CERTAIN NON-CITIZENS AUTHORIZED TO SERVE ON BOARD.—'' before ''Notwithstanding''.

(3) EMPLOYMENT AND COMPENSATION AUTHORITY FOR CIVILIAN FACULTY.—Section 1595 of title 10, United States Code, is amended—

(A) in subsection (c)—

(i) by striking paragraphs (3) and (5); and

(ii) by redesignating paragraphs (4) and (6) as paragraphs (3) and (4), respectively; and

(B) by striking subsection (e).

(4) STATUS OF CENTER FOR HEMISPHERIC DEFENSE STUDIES.—Section 2165 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking paragraph (6); and

(ii) by redesignating paragraph (7) as paragraph (6); and

(B) by striking subsection (c).

SEC. 904. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(1) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(c) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the

Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(d) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(e) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that office as redesignated by that subsection.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. SPACE SITUATIONAL AWARENESS STRATEGY.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Defense has the responsibility, within the executive branch, for developing the strategy and the systems of the United States for ensuring freedom to operate United States space assets affecting national security; and

(2) the foundation of any credible strategy for ensuring freedom to operate United States space assets is a comprehensive system for space situational awareness.

(b) SPACE SITUATIONAL AWARENESS STRATEGY.—

(1) REQUIREMENT.—The Secretary of Defense shall develop a strategy, to be known as the ''Space Situational Awareness Strategy'', for ensuring freedom to operate United States space assets affecting national security. The Secretary shall submit that strategy to Congress not later than April 15, 2006. The Secretary shall submit to Congress an updated, current version of the Space Situational Awareness Strategy not later than April 15 of every even-numbered year thereafter.

(2) TIME PERIOD.—The Space Situational Awareness Strategy shall cover the 20-year period from 2006 through 2025.

(3) MATTERS TO BE INCLUDED.—The Space Situational Awareness Strategy shall include the following (set forth for the 20-year period specified in paragraph (2) and separately for each successive five-year period beginning with 2006):

(A) A threat assessment describing the perceived threats to United States space assets affecting national security.

(B) Details for a coherent and comprehensive strategy for the United States for space situational awareness, together with a description of the systems architecture to implement that strategy in light of the threat assessment under subparagraph (A).

(C) A description of each of the individual program concepts that will make up the systems architecture described pursuant to subparagraph (B) and, for each such program concept, a description of the specific capabilities to be achieved and the threats to be abated.

(c) SPACE SITUATIONAL AWARENESS CAPABILITIES ROADMAP.—

(1) REQUIREMENT.—The Secretary of the Air Force shall develop a roadmap, to be known as the ''space situational awareness capabilities roadmap'', for the development of the systems architecture described pursuant to subsection (b)(3)(B).

(2) MATTERS TO BE INCLUDED.— The space situational awareness capabilities roadmap shall include—

(A) capabilities of all systems deployed as of mid-2005 or planned for modernization or acquisition from 2006 to 2015; and

(B) a description of recommended solutions for inadequacies in the architecture to address threats identified under subsection (b)(3)(A).

SEC. 912. MILITARY SATELLITE COMMUNICATIONS.

(a) FINDINGS.—Congress finds the following:

(1) Military requirements for satellite communications exceed the capability of on-orbit assets as of mid-2005.

(2) To meet future military requirements for satellite communications, the Secretary of the Air Force has initiated a highly complex and revolutionary program called the Transformational Satellite Communications System (TSAT).

(3) If the program referred to in paragraph (2) experiences setbacks that prolong the development and deployment of the capability to be provided by that program, the Secretary of the Air Force must be prepared to implement contingency programs to achieve interim improvements in the capabilities of satellite communications to meet military requirements through upgrades to current systems.

(b) DEVELOPMENT OF OPTIONS.—In order to prepare for the contingency referred to in subsection (a)(3), the Director of the National Security Space Office of the Department of Defense shall provide for an assessment, to be conducted by an entity outside the Department of Defense, to develop and compare options for individual acquisition, and block acquisition, of the Advanced Extremely High Frequency space vehicles numbered 4 and 5, in conjunction with modifications to the current Wideband Gapfiller System program, that will accomplish the following:

(1) Minimize nonrecurring costs.

(2) Improve communications-on-the-move capabilities.

(3) Increase net centricity for communications.

(4) Increase satellite throughput.

(5) Increase user connectivity.

(6) Improve airborne communications support.

(c) ANALYSIS OF ALTERNATIVES REPORT.—Not later than February 28, 2006, the Director of the National Security Space Office shall submit to Congress a report providing an analysis of alternatives with respect to the options developed pursuant to subsection (b). The analysis of alternatives shall be prepared taking into consideration the findings and recommendations of the independent assessment conducted under subsection (b).

SEC. 913. OPERATIONALLY RESPONSIVE SPACE.

(a) JOINT OPERATIONALLY RESPONSIVE SPACE PAYLOAD TECHNOLOGY ORGANIZATION.—

(1) IN GENERAL.—The Secretary of Defense shall establish or designate an organization in the Department of Defense to coordinate joint operationally responsive space payload technology.

(2) MASTER PLAN.—The organization established or designated under paragraph (1) shall produce an annual master plan for coordination of operationally responsive space payload technology and shall coordinate resources provided to stimulate technical development of small satellite payloads. The annual master plan shall describe focus areas for development of operationally responsive space payload technology, including—

(A) miniaturization technology for satellite payloads;

(B) increased sensor acuity;

(C) concept of operations exploration;

(D) increased processor capability; and

(E) such additional matters as the head of that organization determines appropriate.

(3) REQUESTS FOR PROPOSALS.—The Secretary of Defense, acting through the Director of the Office of Force Transformation, shall award contracts, from amounts available for that purpose for any fiscal year, for technology projects that support the focus areas set out in the master plan for development of operationally responsive space payload technology.

(4) ASSESSMENT FACTORS.—In assessing any proposal submitted for a contract under paragraph (3), the Secretary shall consider —

(A) how the proposal correlates to the goals articulated in the master plan under paragraph (2) and to the National Security Space Architecture; and

(B) the probability, for the project for which the proposal is submitted, of eventual transition either to a laboratory of one of the military departments for continued development or to a joint program office for operational deployment.

(b) REPORT ON JOINT PROGRAM OFFICE FOR TACSAT.—Not later than February 28, 2006, the Secretary of Defense shall submit to the congressional defense committees a report providing a plan for the creation of a joint program office for the Tactical Satellite program and for transition of that program out of the Office of Force Transformation and to the administration of the joint program office. The report shall be prepared in conjunction with the Department of Defense executive agent for space.

(c) JOINT REPORT ON CERTAIN SPACE AND MISSILE DEFENSE ACTIVITIES.—Not later than February 28, 2006, the Department of Defense executive agent for space and the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a joint report on the value of each of the following:

(1) Increased use of the Rocket Systems Launch Program for the respective missions of the Department of the Air Force and the Missile Defense Agency.

(2) An agreement between the Director of the Missile Defense Agency and the Secretary of the Air Force for eventual transition of operational control of small satellite demonstrations from the Missile Defense Agency to the Department of the Air Force.

(3) A partnership between the Missile Defense Agency and the Department of the Air Force in the development of common high-altitude and near-space assets for the respective missions of the Missile Defense Agency and the Department of the Air Force.

Subtitle C—Chemical Demilitarization Program

SEC. 921. TRANSFER TO SECRETARY OF THE ARMY OF RESPONSIBILITY FOR ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Effective January 1, 2006, the text of section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note) is amended to read as follows:

''(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Alternatives program shall report to the Secretary of the Army.

''(2) The Secretary of the Army shall provide for that program to be managed as part of the management organization within the Department of the Army specified in section 1412(e) of Public Law 99–145 (50 U.S.C. 1521(e)).

''(b) CONTINUED IMPLEMENTATION OF PREVIOUSLY SELECTED ALTERNATIVE TECHNOLOGIES.—(1) In carrying out the destruction of lethal chemical munitions at Pueblo Chemical Depot, Colorado, the Secretary of the Army shall continue to implement fully the alternative

technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on July 16, 2002.

''(2) In carrying out the destruction of lethal chemical munitions at Blue Grass Army Depot, Kentucky, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on February 3, 2003.''.

SEC. 922. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) AGREEMENTS WITH FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C 1521(c)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in the first sentence—

(A) by inserting ''and to tribal organizations of Indian tribes'' after ''to State and local governments''; and

(B) by inserting ''and organizations'' after ''assist those governments''

(3) by designating the text beginning ''Additionally, the Secretary '' as subparagraph (B);

(4) in the first sentence of subparagraph (B), as designated by paragraph (2), by inserting '', and with tribal organizations of Indian tribes,'' after ''with State and local governments''; and

(5) by adding at the end the following new subparagraph:

''(C) In this subparagraph, the terms 'tribal organization' and 'Indian tribes' have the meanings given those terms in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of December 5, 1991, and shall apply with respect to cooperative agreements entered into on or after that date.

Subtitle D—Intelligence-Related Matters

SEC. 931. DEPARTMENT OF DEFENSE STRATEGY FOR OPEN-SOURCE INTELLIGENCE.

(a) FINDINGS.—Congress makes the following findings:

(1) Open-source intelligence (OSINT) is intelligence that is produced from publicly available information collected, exploited, and disseminated in a timely manner to an appropriate audience for the purpose of addressing a specific intelligence requirement.

(2) With the Information Revolution, the amount, significance, and accessibility of open-source information has exploded, but the Intelligence Community has not expanded its exploitation efforts and systems to produce open-source intelligence.

(3) The production of open-source intelligence is a valuable intelligence discipline that must be integrated in the intelligence cycle to ensure that United States policymakers are fully and completely informed.

(4) The dissemination and use of validated open-source intelligence inherently enables information sharing as it is produced without the use of sensitive sources and methods. Open-source intelligence products can be shared with the American public and foreign allies because of its unclassified nature.

(5) The National Commission on Terrorist Attacks Upon the United States, in its Final Report released on July 22, 2004, identified shortfalls in the ability of the United States to employ all-source intelligence, a large component of which is open-source intelligence.

(6) The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) advocates for coordination of the collection, analysis, production, and dissemination of open-source intelligence.

(7) The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, in its report to the President released on March 31, 2005, found ''that the need for exploiting open-source material is greater now than ever before,'' but that ''the Intelligence Community's open source programs have not expanded commensurate with either the increase in available information or with the growing importance of open source data to today's problems''.

(b) STRATEGY FOR OPEN-SOURCE INTELLIGENCE.—

(1) DEVELOPMENT OF STRATEGY.—The Secretary of Defense shall develop a strategy, to be known as the ''Strategy for Open-Source Intelligence'', to be incorporated within the larger military intelligence strategy, for the purpose of integrating open-source intelligence into the military intelligence cycle.

(2) SUBMISSION.—The Secretary shall submit the Strategy for Open-Source Intelligence to Congress not later than January 31, 2006.

(3) MATTERS TO BE INCLUDED.—The Strategy for Open-Source Intelligence shall include the following:

(A) An investment strategy for the development of a robust open-source intelligence capability, with particular emphasis on exploitation and dissemination.

(B) A description of how management of open-source intelligence collection is currently performed at the Department level and how it can be improved in the future.

(C) A description of the tools, systems, centers, personnel, and procedures that will be used to perform open-source intelligence tasking, collection, exploitation, and dissemination.

(D) A description of proven tradecraft for effective open-source intelligence exploitation, to include consideration of operational security.

(E) A detailed description on how open-source intelligence will be fused with all other intelligence sources across the Department of Defense.

(F) A description of open-source intelligence training plan and guidance for Department of Defense and service intelligence personnel.

(G) A plan to incorporate the open-source intelligence oversight function into the Office of the Undersecretary of Defense for Intelligence and into service intelligence organizations.

(H) A plan to incorporate and identify an open-source intelligence specialty into Department and service personnel systems.

(I) A plan to use reserve component intelligence personnel to augment and support the open-source intelligence mission.

(J) A plan for the use of the Open-Source Information System for the purpose of exploitation and dissemination.

SEC. 932. COMPREHENSIVE INVENTORY OF DEPARTMENT OF DEFENSE INTELLIGENCE AND INTELLIGENCE-RELATED PROGRAMS AND PROJECTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees specified in subsection (b) a report providing a comprehensive inventory of Department of Defense intelligence and intelligence-related programs and projects. The Secretary shall prepare the inventory in consultation with the Director of National Intelligence, as appropriate.

(b) COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial matters

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2005.

Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I and chapter 2 of title IV of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

SEC. 1003. INCREASE IN FISCAL YEAR 2005 GENERAL TRANSFER AUTHORITY.

Section 1001(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2037) is amended by striking ''$3,500,000,000'' and inserting ''$6,185,000,000''.

SEC. 1004. REPORTS ON FEASIBILITY AND DESIRABILITY OF CAPITAL BUDGETING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CAPITAL BUDGETING DEFINED.—For the purposes of this section, the term ''capital budgeting'' means a budget process that—

(1) identifies large capital outlays that are expected to be made in future years, together with identification of the proposed means to finance those outlays and the expected benefits of those outlays;

(2) separately identifies revenues and outlays for capital assets from revenues and outlays for an operating budget;

(3) allows for the issue of long-term debt to finance capital investments; and

(4) provides the budget authority for acquiring a capital asset over several fiscal years (rather than in a single fiscal year at the beginning of such acquisition).

(b) REPORTS REQUIRED.—Not later than July 1, 2006, the Secretary of Defense and the Secretary of each military department shall each submit to Congress a report analyzing the feasibility and desirability of using a capital budgeting system for the financing of major defense acquisition programs. Each such report shall address the following matters:

(1) The potential long-term effect on the defense industrial base of the United States of continuing with the current full up-front funding system for major defense acquisition programs.

(2) Whether use of a capital budgeting system could create a more effective decisionmaking process for long-term investments in major defense acquisition programs.

(3) The manner in which a capital budgeting system for major defense acquisition programs would affect the budget planning and formulation process of the military departments.

(4) The types of financial mechanisms that would be needed to provide funds for such a capital budgeting system.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, SEATTLE, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to sell the yard floating drydock YFD–70, located in Seattle, Washington, to Todd Pacific Shipyards Corporation, that company being the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Todd Pacific Shipyards Corporation until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the drydock, as determined by the Secretary.

(d) TRANSFERS AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. CONVEYANCE, NAVY DRYDOCK, JACKSONVILLE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to sell the medium auxiliary floating drydock SUSTAIN (AFDM–7), located in Duval County, Florida, to Atlantic Marine Property Holding Company, that company being the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Atlantic Marine Property Holding Company until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the drydock, as determined by the Secretary.

(d) TRANSFERS AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1013. CONVEYANCE, NAVY DRYDOCK, PORT ARTHUR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey, without consideration, to the port authority of the city of Port Arthur, Texas, the inactive medium auxiliary floating drydock designated as AFDM–2, currently administered through the National Defense Reserve Fleet.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of the port authority named in subsection (a).

(c) TRANSFERS AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1014. TRANSFER OF U.S.S. IOWA.

(a) WAIVER OF REQUIREMENT FOR CONTINUED LISTING ON NAVAL VESSEL REGISTER.—The provisions of the following laws do not apply with respect to the U.S.S. IOWA (BB–61):

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421).

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2118).

(b) TRANSFER.—The Secretary of the Navy shall—

(1) strike the U.S.S. IOWA (BB–61) from the Naval Vessel Register; and

(2) subject to the submission of a donation application for that vessel that is satisfactory to the Secretary, transfer that vessel to the Port of Stockton, California, subject to subsections (b) and (c) of section 7306 of title 10, United States Code.

SEC. 1015. TRANSFER OF EX-U.S.S. FORREST SHERMAN.

(a) TRANSFER.—The Secretary of the Navy shall transfer the decommissioned destroyer ex-U.S.S. Forrest Sherman (DD–931) to the USS Forrest Sherman DD–931 Foundation, Inc., a nonprofit organization under the laws of the State of Maryland, subject to the submission of a donation application for that vessel that is satisfactory to the Secretary.

(b) APPLICABLE LAW.—The transfer under this section is subject to subsections (b) and (c) of section 7306 of title 10, United States Code. Subsection (d) of that section is hereby waived with respect to such transfer.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary considers appropriate.

(d) EXPIRATION OF AUTHORITY.—The authority granted by subsection (a) shall expire at the end of the five-year period beginning on the date of the enactment of this Act.

SEC. 1016. LIMITATION ON LEASING OF FOREIGN-BUILT VESSELS.

(a) IN GENERAL.—

(1) CONTRACTS FOR LEASES FOR MORE THAN 24 MONTHS.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2401a the following new section:

''§ 2401b. Limitation on lease of foreign-built vessels

''(a) LIMITATION.—The Secretary of a military department may not make a contract for a lease or charter of a vessel for a term of more than 24 months (including all options to renew or extend the contract) if the hull, or a component of the hull and superstructure of the vessel, is constructed in a foreign shipyard.

''(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the limitation in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

''(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.''.(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401a the following new item:

''2401b. Limitation on lease of foreign-built vessels.''.

(b) EFFECTIVE DATE.—Section 2401b of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO SUPPORT COUNTER-DRUG ACTIVITIES.

Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1212), is amended by striking ''2006'' and inserting ''2011''.

SEC. 1022. RESUMPTION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

(a) ADDITIONAL REPORT REQUIRED.—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1215), is further amended by striking ''January 1, 2001, and April 15, 2002,'' and inserting ''April 15, 2006,''.

(b) ADDITIONAL INFORMATION REQUIRED.—Such section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) A description of each base of operation or training facility established, constructed, or operated using the assistance, including any minor construction projects carried out using such assistance, and the amount of assistance expended on base of operations and training facilities.''.

SEC. 1023. CLARIFICATION OF AUTHORITY FOR JOINT TASK FORCES TO SUPPORT LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1594) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) AVAILABILITY OF FUNDS.—Funds available to a joint task force to support counter-drug activities may also be used to provide the counter-terrorism support authorized by subsection (a).''.

Subtitle D—Matters Related to Homeland Security

SEC. 1031. RESPONSIBILITIES OF ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE RELATING TO NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

Subsection (a) of section 1413 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2313) is amended to read as follows:

''(a) DEPARTMENT OF DEFENSE.—The Assistant Secretary of Defense for Homeland Defense is responsible for the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving nuclear, radiological, biological, chemical weapons, or high-yield explosives or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear, radiological, biological, chemical weapons, and high-yield explosives and related materials and technologies.''.

SEC. 1032. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, BIOLOGICAL, AND HIGH-YIELD EXPLOSIVES WEAPONS.

(a) SECRETARY OF HOMELAND SECURITY FUNCTIONS.—Subsection (a) of section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2315) is amended—

(1) in the subsection heading, by striking ''CHEMICAL OR'' and inserting ''NUCLEAR, RADIOLOGICAL, CHEMICAL, OR'';

(2) in paragraph (1)—

(A) by striking ''Secretary of Defense'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''biological weapons and related materials and emergencies involving '' and inserting ''nuclear, radiological, biological, and'';

(3) in paragraph (2), by striking ''during each of fiscal years 1997 through 2013'' and inserting ''in accordance with sections 102(c) and 430(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 112(c), 238(c)(1))''; and

(4) in paragraph (3)—

(A) by inserting ''the Secretary of Defense,'' before ''the Director of the Federal Bureau of Investigation''; and

(B) by striking ''the Director of the Federal Emergency Management Agency,''.

(b) REPEAL OF SECRETARY OF ENERGY FUNCTIONS.—Such section is further amended by striking subsection (b).

(c) CONFORMING AMENDMENTS.—Subsection (c) of such section—

(1) is redesignated as subsection (b); and

(2) is amended—

(A) in the first sentence, by striking ''The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program'' and inserting ''The Secretary of Homeland Security shall revise the program developed under subsection (a)''; and

(B) in the second sentence, by striking ''the official'' and inserting ''the Secretary''.

(d) REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended by striking subsections (d) and (e).

SEC. 1033. DEPARTMENT OF DEFENSE CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES RESPONSE TEAMS.

Section 1414 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2314) is amended as follows:

(1) The heading of such section is amended to read as follows:

''SEC. 1414. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES RESPONSE TEAM.''.

(2) Subsection (a) of such section is amended by striking ''or related materials'' and inserting ''radiological, nuclear, and high-yield explosives''.

(3) Subsection (b) of such section is amended—

(A) in the subsection heading, by striking ''PLAN'' and inserting ''PLANS'';

(B) in the first sentence, by striking ''Not later than'' and all that follows through ''response plans and'' and inserting ''The Secretary of Homeland Security shall incorporate into the National Response Plan prepared pursuant to section 502(6) of the Homeland Security Act of 2002 (6 U.S.C. 312(6)), other existing Federal emergency response plans, and''; and

(C) in the second sentence—

(i) by striking ''Director'' and inserting ''Secretary of Homeland Security''; and

(ii) by striking ''consultation''and inserting ''coordination''.

SEC. 1034. REPEAL OF DEPARTMENT OF DEFENSE EMERGENCY RESPONSE ASSISTANCE PROGRAM.

Section 1412 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2312) is repealed.

Subtitle E—Other Matters

SEC. 1041. COMMISSION ON THE LONG-TERM IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on the Long-Term Implementation of the New Strategic Posture of the United States''. The Secretary of Defense shall enter into a contract with a federally funded research and development center to provide for the organization, management, and support of the Commission. Such contract shall be entered into in consultation with the Secretary of Energy. The selection of the federally funded research and development center shall be subject to the approval of the chairman of the Commission.

(2) COMPOSITION.—(A) The Commission shall be composed of 12 members who shall be appointed by the Secretary of Defense. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairman and ranking minority member of the Committee on Armed Services of the Senate and the chairman and ranking minority member of the Committee on Armed Services of the House of Representatives.

(B) Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political, military, operational, and technical aspects of nuclear strategy.

(3) CHAIRMAN OF THE COMMISSION.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(b) DUTIES OF COMMISSION.—

(1) REVIEW OF LONG-TERM IMPLEMENTATION OF THE NUCLEAR POSTURE REVIEW.—The Commission shall examine long-term programmatic requirements to achieve the goals set forth in the report of the Secretary of Defense submitted to Congress on December 31, 2001, providing the results of the Nuclear Posture Review conducted pursuant to section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654, 1654A–262) and results of periodic assessments of the Nuclear Posture Review. Matters examined by the Commission shall include the following:

(A) The process of establishing requirements for strategic forces and how that process accommodates employment of nonnuclear strike platforms and munitions in a strategic role.

(B) How strategic intelligence, reconnaissance, and surveillance requirements differ from nuclear intelligence, reconnaissance, and surveillance requirements.

(C) The ability of a limited number of strategic platforms to carry out a growing range of nonnuclear strategic strike missions.

(D) The limits of tactical systems to perform nonnuclear global strategic missions in a prompt manner.

(E) An assessment of the ability of the current nuclear stockpile to address the evolving strategic threat environment through 2025.

(2) RECOMMENDATIONS.—The Commission shall include in its report recommendations with respect to the following:

(A) Changes to the requirements process to employ nonnuclear strike platforms and munitions in a strategic role.

(B) Changes to the nuclear stockpile and infrastructure required to preserve a nuclear capability commensurate with the changes to the strategic threat environment through 2025.

(C) Actions the Secretary of Defense and the Secretary of Energy can take to preserve flexibility of the defense nuclear complex while reducing the cost of a Cold War strategic infrastructure.

(D) Identify shortfalls in the strategic modernization programs of the United States that would undermine the ability of the United States to develop new nonnuclear strategic strike capabilities.

(3) COOPERATION FROM GOVERNMENT OFFICIALS.—(A) In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(B) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy

and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(c) REPORTS.—

(1) COMMISSION REPORT.—The Commission shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives a report on the Commission's findings and conclusions. Such report shall be submitted not later that 28 months after the date of the first meeting of the Commission.

(2) SECRETARY OF DEFENSE RESPONSE.—Not later than one year after the date on which the Commission submits its report under paragraph (1), the Secretary of Defense shall submit to Congress a report—

(A) commenting on the Commission's findings and conclusions; and

(B) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and, with respect to each such recommendation, the Secretary's reasons for implementing, or not implementing, the recommendation.

(d) HEARINGS AND PROCEDURES.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out the purposes of this section, hold hearings and take testimony.

(2) PROCEDURES.—The federally funded research and development center with which a contract is entered into under subsection (a)(1) shall be responsible for establishing appropriate procedures for the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense.

(f) TERMINATION OF COMMISSION.—The Commission shall terminate 60 days after the date of the submission of its report under subsection (c)(1).

(g) IMPLEMENTATION.—

(1) FFRDC CONTRACT.—The Secretary of Defense shall enter into the contract required under subsection (a)(1) not later that 60 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 1042. REESTABLISHMENT OF EMP COMMISSION.

(a) REESTABLISHMENT.—The commission established pursuant to title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345), known as the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, is hereby reestablished.

(b) MEMBERSHIP.—The Commission as reestablished shall have the same membership as the Commission had as of the date of the submission of the report of the Commission pursuant to section 1403(a) of such Act, as in effect before the date of the enactment of this Act. Service on the Commission is voluntary, and Commissioners may elect to terminate their service on the Commission.

(c) COMMISSION CHARTER DEFINED.—In this section, the term ''Commission charter'' means title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345 et seq.).

(d) ESTABLISHMENT AND PURPOSE.—Section 1401 of the Commission charter (114 Stat. 1654A–345) is amended—

(1) by striking subsections (e) and (g);

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

''(b) PURPOSE.—The purpose of the Commission is to monitor, investigate, make recommendations, and report to Congress on the evolving threat to the United States from electromagnetic pulse (hereinafter in this title referred to as 'EMP') attack resulting from the detonation of a nuclear weapon or weapons at high altitude.'';

(4) in subsection (c), as redesignated by paragraph (2), by striking the second and third sentences and inserting ''In the event of a vacancy in the membership of the Commission, the Secretary of Defense shall appoint a new member.''; and

(5) in subsection (d), as redesignated by paragraph (2), by striking ''pulse (hereafter'' and all that follows and inserting ''pulse effects referred to in subsection (b).''.

(e) DUTIES OF COMMISSION.—Section 1402 of the Commission charter (114 Stat. 1654A–346) is amended to read as follows:

''SEC. 1402. DUTIES OF COMMISSION.

''The Commission shall on an ongoing basis assess the following:

''(1) The nature and magnitude of potential EMP threats to the United States from terrorists and all other potentially hostile actors.

''(2) The proliferation of technology relevant to the EMP threat.

''(3) The vulnerability of electric-dependent military systems and other electric-dependent systems in the United States to an EMP attack, giving special attention to the progress, or lack of progress, by the Department of Defense, other Government departments and agencies of the United States, and entities of the private sector in taking steps to protect such systems from such an attack.''.

(f) REPORT.—Section 1403 of the Commission charter (114 Stat. 1654A–345) is amended to read as follows:

''SEC. 1403. REPORTS.

''(a) ANNUAL REPORT.—Not later than March 1 each year (beginning in 2007 and ending three years later), the Commission shall submit to Congress an annual report providing the Commission's current assessment of the matters specified in section 1402.

''(b) ADDITIONAL REPORTS.—The Commission may submit to Congress additional reports at such other times as the Commission considers appropriate.

''(c) CONTENT OF REPORTS.—Each annual report under subsection (a) shall include recommendations for any steps the Commission believes should be taken by the United States to better protect systems referred to in section 1402(3) from an EMP attack.''.

(g) CLERICAL AMENDMENT.—The heading for subsection (c) of section 1405 of the Commission charter (114 Stat. 1654A–347) is amended by striking ''Commission'' and inserting ''Panels''.

(h) COMMISSION PERSONNEL MATTERS.—Section 1406(c)(2) of the Commission charter (114 Stat. 1654A–347) is amended by striking ''for grade GS–15 of the General Schedule'' and inserting ''for senior level and scientific or professional positions''.

(i) FUNDING.—Section 1408 of the Commission charter (114 Stat. 1654A–348) is amended—

(1) by inserting ''for any fiscal year'' after ''activities of the Commission''; and

(2) by striking ''for fiscal year 2001'' and inserting ''for that fiscal year''.

(j) TERMINATION OF COMMISSION.—Section 1409 of the Commission charter (114 Stat. 1654A–348) is amended by striking ''60 days'' and all that follows through ''section 1403(a)'' and inserting ''on May 1, 2010''.

SEC. 1043. MODERNIZATION OF AUTHORITY RELATING TO SECURITY OF DEFENSE PROPERTY AND FACILITIES.

Section 21 of the Internal Security Act of 1950 (50 U.S.C. 797) is amended to read as follows:

''PENALTY FOR VIOLATION OF SECURITY REGULATIONS AND ORDERS

''SEC. 21. (a) MISDEMEANOR VIOLATION OF DEFENSE PROPERTY SECURITY REGULATIONS.—

''(1) MISDEMEANOR.—Whoever willfully violates any defense property security regulation shall be fined under title 18, United States Code, or imprisoned not more than one year, or both.

''(2) DEFENSE PROPERTY SECURITY REGULATION DESCRIBED.—For purposes of paragraph (1), a defense property security regulation is a property security regulation that, pursuant to lawful authority—

''(A) shall be or has been promulgated or approved by the Secretary of Defense (or by a military commander designated by the Secretary of Defense or by a military officer, or a civilian officer or employee of the Department of Defense, holding a senior Department of Defense director position designated by the Secretary of Defense) for the protection or security of Department of Defense property; or

''(B) shall be or has been promulgated or approved by the Administrator of the National Aeronautics and Space Administration for the protection or security of NASA property.

''(3) PROPERTY SECURITY REGULATION DESCRIBED.—For purposes of paragraph (2), a property security regulation, with respect to any property, is a regulation—

''(A) relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory conditions on such property, or the ingress thereto or egress or removal of persons therefrom; or

''(B) otherwise providing for safeguarding such property against destruction, loss, or injury by accident or by enemy action, sabotage, or other subversive actions.

''(4) DEFINITIONS.—In this subsection:

''(A) DEPARTMENT OF DEFENSE PROPERTY.—The term 'Department of Defense property' means covered property subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which that Department consists, or any officer or employee of that Department or agency.

''(B) NASA PROPERTY.—The term 'NASA property' means covered property subject to the jurisdiction, administration, or in the custody of the National Aeronautics and Space Administration or any officer or employee thereof.

''(C) COVERED PROPERTY.—The term 'covered property' means aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places.

''(D) REGULATION AS INCLUDING ORDER.—The term 'regulation' includes an order.

''(b) POSTING.—Any regulation or order covered by subsection (a) shall be posted in conspicuous and appropriate places.''.

SEC. 1044. REVISION OF DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) IN GENERAL.—Section 1564a of title 10, United States Code, is amended to read as follows:

''§ 1564a. Counterintelligence polygraph program

''(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may carry out a program for the administration of counterintelligence polygraph examinations to persons described in subsection (b). The program shall be conducted in accordance with the standards specified in subsection (e).

''(b) PERSONS COVERED.—Except as provided in subsection (d), the following persons, if their duties are described in subsection (c), are subject to this section:

''(1) Military and civilian personnel of the Department of Defense.

''(2) Personnel of defense contractors.

''(3) A person assigned or detailed to the Department of Defense.

''(4) An applicant for a position in the Department of Defense.

''(c) COVERED TYPES OF DUTIES.—The Secretary of Defense may provide, under standards

established by the Secretary, that a person described in subsection (b) is subject to this section if that person's duties involve—

''(1) access to information that—

''(A) has been classified at the level of top secret; or

''(B) is designated as being within a special access program under section 4.4(a) of Executive Order 12958 (or a successor Executive order); or

''(2) assistance in an intelligence or military mission in a case in which the unauthorized disclosure or manipulation of information, as determined under standards established by the Secretary of Defense, could reasonably be expected to—

''(A) jeopardize human life or safety;

''(B) result in the loss of unique or uniquely productive intelligence sources or methods vital to United States security; or

''(C) compromise technologies, operational plans, or security procedures vital to the strategic advantage of the United States and its allies.

''(d) EXCEPTIONS FROM COVERAGE FOR CERTAIN INTELLIGENCE AGENCIES AND FUNCTIONS.—This section does not apply to the following persons:

''(1) A person assigned or detailed to the Central Intelligence Agency or to an expert or consultant under a contract with the Central Intelligence Agency.

''(2) A person who is—

''(A) employed by or assigned or detailed to the National Security Agency;

''(B) an expert or consultant under contract to the National Security Agency;

''(C) an employee of a contractor of the National Security Agency; or

''(D) a person applying for a position in the National Security Agency.

''(3) A person assigned to a space where sensitive cryptographic information is produced, processed, or stored.

''(4) A person employed by, or assigned or detailed to, an office within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs or a contractor of such an office.

''(e) STANDARDS.—(1) Polygraph examinations conducted under this section shall comply with all applicable laws and regulations.

''(2) Such examinations may be authorized for any of the following purposes:

''(A) To assist in determining the initial eligibility for duties described in subsection (c) of, and aperiodically thereafter, on a random basis, to assist in determining the continued eligibility of, persons described in subsections (b) and (c).

''(B) With the consent of, or upon the request of, the examinee, to—

''(i) resolve serious credible derogatory information developed in connection with a personnel security investigation; or

''(ii) exculpate him- or herself of allegations or evidence arising in the course of a counterintelligence or personnel security investigation.

''(C) To assist, in a limited number of cases when operational exigencies require the immediate use of a person's services before the completion of a personnel security investigation, in determining the interim eligibility for duties described in subsection (c) of the person.

''(3) Polygraph examinations conducted under this section shall provide adequate safeguards, prescribed by the Secretary of Defense, for the protection of the rights and privacy of persons subject to this section under subsection (b) who are considered for or administered polygraph examinations under this section. Such safeguards shall include the following:

''(A) The examinee shall receive timely notification of the examination and its intended purpose and may only be given the examination with the consent of the examinee.

''(B) The examinee shall be advised of the examinee's right to consult with legal counsel.

''(C) All questions asked concerning the matter at issue, other than technical questions necessary to the polygraph technique, must have a relevance to the subject of the inquiry.

''(f) OVERSIGHT.—(1) The Secretary shall establish a process to monitor responsible and effective application of polygraph examinations within the Department of Defense.

''(2) The Secretary shall make information on the use of polygraphs within the Department of Defense available to the congressional defense committees.

''(g) POLYGRAPH RESEARCH PROGRAM.—The Secretary shall carry out a continuing research program to support the polygraph examination activities of the Department of Defense. The program shall include the following:

''(1) An on-going evaluation of the validity of polygraph techniques used by the Department.

''(2) Research on polygraph countermeasures and anti- countermeasures.

''(3) Developmental research on polygraph techniques, instrumentation, and analytic methods.''.

(b) EFFECTIVE DATE; IMPLEMENTATION.—The amendment made by subsection (a) shall apply with respect to polygraph examinations administered beginning on the date of the enactment of this Act.

SEC. 1045. REPEAL OF REQUIREMENT FOR REPORT TO CONGRESS REGARDING GLOBAL STRIKE CAPABILITY.

(a) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO PLAN FOR GLOBAL STRIKE CAPABILITY.— Subsection (a) of section 1032 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1605; 10 U.S.C. 113 note) is amended by striking the second sentence.

(b) REPEAL OF 2006 REPORT REQUIREMENT.—Subsection (b)(1) of such section is amended by striking '', 2005, and 2006'' and inserting ''and 2005''.

SEC. 1046. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS RELATING TO DEFINITION OF CONGRESSIONAL DEFENSE COMMITTEES.—

(1) Chapter 169 of title 10, United States Code, is amended as follows:

(A) Paragraph (4) of section 2801(c) is amended to read as follows:

''(4) The term 'congressional defense committees' includes, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense—

''(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(B) the Select Committee on Intelligence of the Senate.''.

(B) The following sections are amended by striking ''appropriate committees of Congress'' each place it appears and inserting ''congressional defense committees'': sections 2803(b), 2804(b), 2805(b)(2), 2806(c)(2), 2807(b), 2807(c), 2808(b), 2809(f)(1), 2811(d), 2812(c)(1)(A), 2813(c), 2814(a)(2)(A), 2814(g)(1), 2825(b)(1), 2827(b), 2828(f), 2837(c)(2), 2853(c)(2), 2854(b), 2854a(c)(1), 2865(e)(2), 2866(c)(2), 2875(e), 2881a(d)(2), 2881a(e), 2883(f), and 2884(a).

(C) Section 2835 is amended by adding at the end the following new subsection:

''(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the congressional defense committees and, with respect to the Coast Guard, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

(D) Section 2836 is amended by adding at the end the following new subsection:

''(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the congressional defense committees and, with respect to the Coast Guard, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

(2) Section 2694a of such title is amended—

(A) in subsection (e), by striking ''appropriate committees of Congress'' and inserting ''congressional defense committees''; and

(B) in subsection (i), by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(b) AMENDMENTS RELATING TO DEFINITION OF BASE CLOSURE LAWS.—

(1) Section 2694a(i) of title 10, United States Code, is amended by striking paragraph (2).

(2) Paragraph (1) of section 1333(i) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended to read as follows:

''(1) BASE CLOSURE LAW.—The term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(3) Subsection (b) of section 2814 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 10 U.S.C. 2687 note) is amended to read as follows:

''(b) BASE CLOSURE LAW DEFINED.—In this section, the term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(4) Subsection (c) of section 3341 of title 5, United States Code, is amended to read as follows:

''(c) For purposes of this section, the term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10.''.

(5) Chapter 5 of title 40, United States Code, is amended—

(A) in section 554(a)(1), by striking ''means'' and all that follows and inserting ''has the meaning given that term in section 101(a)(17) of title 10.''; and

(B) in section 572(b)(1)(B), by striking ''section 2667(h)(2)'' and inserting ''section 101(a)(17) of title 10''.

(6) The Act of November 13, 2000, entitled ''An Act to Amend the Organic Act of Guam, and for other purposes'' (Public Law 106–504, 114 Stat. 2309) is amended by striking paragraph (2) of section 1(c) and inserting the following new paragraph (2):

''(2) The term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(c) DEFINITION OF STATE FOR PURPOSES OF SECTION 2694A.—Subsection (i) of section 2694a of title 10, United States Code, as amended by subsections (a)(2)(B) and (b)(1), is further amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(2) in paragraph (2), as so redesignated, by striking ''and the territories and possessions of the United States'' and inserting '', Guam, the Virgin Islands, and American Samoa''.

(d) OTHER MISCELLANEOUS CORRECTIONS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 101(e)(4)(B)(ii) is amended by striking the comma after ''bulk explosives''.

(2) Section 127b(d)(1) is amended by striking ''polices'' in the second sentence and inserting ''policies''.

(3) Section 1732 is amended—

(A) in subsection (c)—

(i) by striking ''(b)(2)(A) and (b)(2)(B)'' in paragraphs (1) and (2) and inserting ''(b)(1)(A) and (b)(1)(B)''; and

(ii) by striking paragraph (3); and

(B) in subsection (d)(2), by striking ''(b)(2)(A)(ii)'' and inserting ''(b)(1)(A)(ii)''.

(4) Section 2410n(b) is amended by striking ''compeititon'' in the second sentence and inserting ''competition''.

(5) Section 2507(d) is amended by striking ''section (a)'' and inserting ''subsection (a)''.

(6) Section 2665(a) is amended by striking ''under section 2664 of this title''.

(7) Section 2703(b) is amended by striking ''The terms 'unexploded ordnance', 'discarded military munitions', and'' and inserting ''In this subsection, the terms 'discarded military munitions' and''.

(8) Section 2773a(a) is amended by inserting ''by'' after ''incorrect payment made'' in the first sentence.

(9) Section 2801(d) is amended by striking ''sections 2830 and 2835'' and inserting ''sections 2830, 2835, and 2836 of this chapter''.

(10) Section 2881a(f) is amended by striking ''Notwithstanding section 2885 of this title, the'' and inserting ''The''.

(11) Section 3084 is amended by striking the semicolon in the section heading and inserting a colon.

(e) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 108–375) is amended as follows:

(1) Section 513(c)(2)(C) (118 Stat. 1881) is amended by striking ''404(a)(4)'' and inserting ''416(a)(4)''.

(2) Section 1105(h) (118 Stat. 2075) is amended by striking ''(21 U.S.C.'' and inserting ''(20 U.S.C.''.

(f) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended as follows:

(1) Section 314 (116 Stat. 2508) is amended—

(A) in subsection (d), by striking ''(40 U.S.C.'' and inserting ''(42 U.S.C. ''; and

(B) in subsection (e)(2), by striking ''(40 U.S.C.'' and inserting ''(42 U.S.C.)''.

(2) Section 635(a) (116 Stat. 2574) is amended by inserting ''the first place it appears'' after ''by striking 'a claim' ''.

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1605(a)(4) of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking ''Logisitics'' in the first sentence and inserting ''Logistics''.

(h) TITLE 38, UNITED STATES CODE.—Section 8111(b)(1) of title 38, United States Code, is amended by inserting ''of 1993'' after ''the Government Performance and Results Act''.

SEC. 1047. DELETION OF OBSOLETE DEFINITIONS IN TITLES 10 AND 32, UNITED STATES CODE.

(a) DELETING OBSOLETE DEFINITION OF ''TERRITORY'' IN TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 101(a) is amended by striking paragraph (2).

(2) The following sections are amended by striking the terms ''Territory or'', ''or Territory'', ''a Territorial Department,'', ''or a Territory'', ''Territory and'', ''its Territories,'', and ''and Territories'' each place they appear: sections 101(a)(3), 332, 822, 1072, 1103, 2671, 3037, 5148, 8037, 8074, 12204, and 12642.

(3) The following sections are amended by striking the terms ''Territory,'' and ''Territories,'' each place they appear: sections 849, 858, 888, 2668, 2669, 7545, and 9773.

(4) Section 808 is amended by striking ''Territory, Commonwealth, or possession,'' and inserting ''Commonwealth, possession,''.

(5) The following sections are amended are by striking ''Territories, Commonwealths, or possessions'' each place it appears and inserting ''Commonwealths or possessions'': sections 846, 847, 2734, 3062, 3074, 4747, 4778, 5986, 7652, 7653, 8062, 9778, and 12406.

(6) The following sections are amended by striking ''Territories, Commonwealths, and possessions'' each place it appears and inserting ''Commonwealths and possessions'': sections 3062, 3074, 4747, 4778, 8062, and 9778.

(7) Section 312 is amended by striking ''States and Territories, and Puerto Rico'' and inserting ''States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands''.

(8) Section 335 is amended by striking ''the unincorporated territories of''.

(9) Sections 4301 and 9301 are amended by striking ''State or Territory, Puerto Rico, or the District of Columbia'' each place it appears and inserting ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands''.

(10) Sections 4685 and 9685 are amended by striking ''State or Territory concerned'' each place it appears and inserting ''State concerned or Guam or the Virgin Islands'' and by striking ''State and Territorial'' each place it appears and inserting ''State, Guam, and the Virgin Islands''.

(11) Section 7851 is amended by striking ''States, the Territories, and the District of Columbia'' and inserting ''States, the District of Columbia, Guam, and the Virgin Islands''.

(12) Section 7854 is amended by striking ''any State, any Territory, or the District of Columbia'' and inserting ''any State, the District of Columbia, Guam, or the Virgin Islands''.

(b) DELETING OBSOLETE DEFINITION OF ''TERRITORY'' IN TITLE 32.—Title 32, United States Code, is amended as follows:

(1) Paragraph (1) of section 101 is amended to read as follows:

''(1) For purposes of other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, the term 'Territory' includes Guam and the Virgin Islands.''.

(2) Sections 103, 104(c), 314, 315, 708(d), and 711 are amended by striking ''State and Territory, Puerto Rico and the District of Columbia'' and ''State or Territory, Puerto Rico, and the District of Columbia'' each place they appear and inserting ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands''.

(3) Sections 104(d), 107, 109, 503, 703, 704, 710, and 712 are amended by striking ''State or Territory, Puerto Rico or the District of Columbia'' and ''State or Territory, Puerto Rico, the Virgin Islands or the District of Columbia'' each place they appear and inserting ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands''.

(4) Sections 104(a), 505, 702(a), and 708(a) are amended by striking ''State or Territory and Puerto Rico'' and ''State or Territory, Puerto Rico'' each place they appear and inserting ''State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands''.

(5) Section 324 is amended by striking ''State or Territory of whose National Guard he is a member, or by the laws of Puerto Rico, or the District of Columbia, if he is a member of its National Guard'' and inserting ''State of whose National Guard he is a member, or by the laws of the Commonwealth of Puerto Rico, or the District of Columbia, Guam, or the Virgin Islands, whose National Guard he is a member''.

(6) Section 325 is amended by striking ''State or Territory, or of Puerto Rico'' and ''State or Territory or Puerto Rico'' each place they appear and inserting ''State, or of the Commonwealth of Puerto Rico, Guam, or the Virgin Islands''.

(7) Sections 326, 327, and 501 are amended by striking ''States and Territories, Puerto Rico, and the District of Columbia'' each place it appears and inserting ''States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. EXTENSION OF ELIGIBILITY TO CONTINUE FEDERAL EMPLOYEE HEALTH BENEFITS.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''October 1, 2006'' and inserting ''October 1, 2010''; and

(2) in clause (ii)—

(A) by striking ''February 1, 2007'' and inserting ''February 1, 2011''; and

(B) by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

SEC. 1102. EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

SEC. 1103. EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERENCE PAYMENTS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

SEC. 1104. AUTHORITY FOR HEADS OF AGENCIES TO ALLOW SHORTER LENGTH OF REQUIRED SERVICE BY FEDERAL EMPLOYEES AFTER COMPLETION OF TRAINING.

Section 4108 of title 5, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d);

(2) by striking ''subsection (b)'' in subsection (d) (as so redesignated) and inserting ''subsection (c)''; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) The head of an agency that authorized training for an employee may require a period of service for the employee that is shorter than the period required under subsection (a)(1) if the head of the agency determines it is in the best interests of the agency to require a shorter period. ''.

SEC. 1105. AUTHORITY TO WAIVE ANNUAL LIMITATION ON TOTAL COMPENSATION PAID TO FEDERAL CIVILIAN EMPLOYEES.

(a) WAIVER AUTHORITY.—During 2006 and notwithstanding section 5547 of title 5, United States Code, the head of an executive agency may waive, subject to subsection (b), the limitation established in that section for total compensation (including limitations on the aggregate of basic pay and premium pay payable in a calendar year) of an employee who performs work while in an overseas location that is in the area of responsibility of the commander of the United States Central Command, in direct support of or directly related to a military operation (including a contingency operation as defined in section 101(13) of title 10, United States Code).

(b) $200,000 MAXIMUM TOTAL COMPENSATION.—The total compensation of an employee whose pay is covered by a waiver under subsection (a) may not exceed $200,000 in a calendar year.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay—

(1) shall not be considered to be basic pay for any purpose; and

(2) shall not be used in computing a lump sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

SEC. 1106. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO REPATRIATION OF FEDERAL EMPLOYEES HELD CAPTIVE.

(a) ALLOWANCES AUTHORIZED.—Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5760. Travel and transportation allowances: transportation of family members incident to repatriation of employees held captive

''(a) ALLOWANCES AUTHORIZED.—(1) The head of an agency may provide the travel and transportation allowances described in subsection (c) to not more than three family members of an employee as defined in section 2105 of this title who—

''(A) was held captive, as determined by the head of the agency, and

''(B) is repatriated to a site in or outside the United States.

''(2) In circumstances determined to be appropriate by the head of the agency concerned, the head of the agency may waive the limitation on the number of family members provided travel and transportation allowances under this section.

''(b) ELIGIBLE PERSONS.—(1) In this section, the term 'family member' has the meaning given that term in section 411h(b) of title 37.

''(2) The head of an agency may also provide such travel and transportation allowances to an attendant who accompanies a family member if the head of the agency determines that—

''(A) the family member is unable to travel unattended because of age, physical condition, or other justifiable reason; and

''(B) no other family member who is receiving the allowances under this section is able to serve as an attendant for the family member.

''(3) If no family member is able to travel to the repatriation site, the head of the agency concerned may provide the travel and transportation allowances to not more than two persons who are related to the member (but who do not satisfy the definition of family member) and are selected by the member.

''(c) ALLOWANCES DESCRIBED.—(1) The transportation authorized by subsection (a) is round-trip transportation between—

''(A) the home of the family member (or the home of an attendant or other person provided transportation pursuant to paragraph (2) or (3) of subsection (b)); and

''(B) the location of the repatriation site or other location determined to be appropriate by the head of the agency concerned.

''(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of title 37.

''(d) PROVISION OF ALLOWANCES.—(1) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the heads of the agencies concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(2) An allowance payable under this subsection may be paid in advance.

''(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

''(e) REGULATIONS.—The heads of the agencies concerned shall prescribe uniform regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by adding at the end the following new item:

''5760. Travel and transportation allowances: transportation of family members incident to repatriation of employees held captive.''.

SEC. 1107. PERMANENT EXTENSION OF SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) PERMANENT EXTENSION.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

(1) by striking ''pilot'' each place it appears in the section and subsection headings and the text;

(2) in subsection (a)—

(A) by striking ''(1)''; and

(B) by striking paragraph (2); and

(3) in subsection (b)—

(A) in paragraph (1)(B), by striking ''undergraduate'' and inserting ''associates degree, undergraduate degree,''; and

(B) by adding at the end the following new paragraph:

''(3) Financial assistance provided under a scholarship awarded under this section may be paid directly to the recipient of such scholarship or to an administering entity for disbursement of the funds.''.

(b) CODIFICATION.—

(1) AMENDMENT TO TITLE 10.—Chapter 111 of title 10, United States Code, is amended—

(A) by inserting after section 2192 the following:

***''§ 2192a. Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program''**; and*

(B) by transferring and inserting the text of section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note), as amended by subsection (a), so as to appear below the section heading for section 2192a, as added by subparagraph (A).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2192 the following new item:

''2192a. Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program.''.

(c) CONFORMING AMENDMENT.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended by striking subsections (a), (b), (c), (d), (e), (f), and (h).

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Subtitle B—Nonproliferation Matters and Countries of Concern

Subtitle C—Other Matters

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED TO HOST NATIONS IN CONJUNCTION WITH MILITARY OPERATIONS.

(a) LIMITATION ON AMOUNT OF ASSISTANCE FOR CLEARANCE OF LANDMINES, ETC.—Subsection (c)(3) of section 401 of title 10, United States Code is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(b) EXTENSION AND CLARIFICATION OF TYPES OF HEALTH CARE AUTHORIZED.—Subsection (e)(1) of such section is amended—

(1) by inserting ''surgical,'' before ''dental,'' both places it appears; and

(2) by inserting '', including education, training, and technical assistance related to the care provided'' before the period at the end.

SEC. 1202. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

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

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

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

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

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

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

SEC. 1203. MILITARY EDUCATIONAL EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.

(a) DEFENSE EXCHANGES.—The Secretary of Defense shall undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

(b) EXCHANGES DESCRIBED.—For the purposes of this section, the term ''exchange'' means an activity, exercise, event, or observation opportunity between Armed Forces personnel or Department of Defense officials of the United States and armed forces personnel and officials of Taiwan.

(c) FOCUS OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include exchanges focused on the following, especially as they relate to defending Taiwan against potential submarine attack and potential missile attack:

(1) Threat analysis.

(2) Military doctrine.

(3) Force planning.

(4) Logistical support.

(5) Intelligence collection and analysis.

(6) Operational tactics, techniques, and procedures.

(d) CIVIL-MILITARY AFFAIRS.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(e) LOCATION OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall be conducted in both the United States and Taiwan.

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

(1) The term ''senior military officer'' means a general or flag officer of the Armed Forces on active duty.

(2) The term ''senior official'' means a civilian official of the Department of Defense at the level of Deputy Assistant Secretary of Defense or above.

SEC. 1204. MODIFICATION OF GEOGRAPHIC RESTRICTION UNDER BILATERAL AND REGIONAL COOPERATION PROGRAMS FOR PAYMENT OF CERTAIN EXPENSES OF DEFENSE PERSONNEL OF DEVELOPING COUNTRIES.

Section 1051(b)(1) of title 10, United States Code, is amended—

(1) by inserting ''to and'' after ''in connection with travel''; and

(2) by striking ''in which the developing country is located'' and inserting ''in which the meeting for which expenses are authorized is located''.

SEC. 1205. AUTHORITY FOR DEPARTMENT OF DEFENSE TO ENTER INTO ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS NOT A MEMBER.

Subchapter I of chapter 138 of title 10, United States Code, is amended by striking ''of which the United States is a member'' in sections 2341(1), 2342(a)(1)(C), and 2344(b)(4).

SEC. 1206. TWO-YEAR EXTENSION OF AUTHORITY FOR PAYMENT OF CERTAIN ADMINISTRATIVE SERVICES AND SUPPORT FOR COALITION LIAISON OFFICERS.

Section 1051a(e) of title 10, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

Subtitle B—Nonproliferation Matters and Countries of Concern

SEC. 1211. REPORT ON ACQUISITION BY IRAN OF NUCLEAR WEAPONS.

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

(1) the Iran Nonproliferation Act of 2000 (Public Law 106–178) has been a critical tool in preventing the spread of weapons of mass destruction and their associated delivery systems to Iran;

(2) the prevention of the development by Iran of weapons of mass destruction and their associated delivery systems remains the paramount policy goal of the United States with respect to matters associated with Iran; and

(3) the Iran Nonproliferation Act of 2000 should not be weakened by creating exceptions to requirements of such Act that are intended to serve lesser policy priorities.

(b) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense and Chairman of the Joint Chiefs of Staff shall submit to Congress a report that examines the strategic and military implications of the acquisition by Iran of nuclear weapons during the five-year period beginning on the date of the enactment of this Act. The report shall include the following:

(1) An assessment of the acquisition by Iran of nuclear weapons on the balance of power among states within the area of responsibility of the United States Central Command.

(2) A description of the active and passive defense systems of the United States that may be able to counter such nuclear weapons based on the future-years defense program under section 221 of title 10, United States Code, extant at the time of the fiscal year 2005 defense budget request.

(3) A description of the military capabilities that the United States possesses that would enable it to deal with the potential acquisition and use of nuclear weapons by Iran within the area of responsibility of the United States Central Command.

(4) An assessment of Iran's ability to deliver and detonate nuclear weapons outside of the area of responsibility of the United States Central Command.

(5) A summary of the entities that have provided technology, knowledge, or assistance useful in the efforts of Iran to develop weapons of mass destruction or their associated delivery systems during the ten-year period ending on the date of the enactment of this Act.

(c) FORM.—The report described in subsection (b) shall be submitted in unclassified form as appropriate, with a classified annex as necessary.

SEC. 1212. PROCUREMENT SANCTIONS AGAINST FOREIGN PERSONS THAT TRANSFER CERTAIN DEFENSE ARTICLES AND SERVICES TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States to deny the People's Republic of China such defense goods and defense technology that could be used to threaten the United States or undermine the security of Taiwan or the stability of the Western Pacific region.

(b) PROCUREMENT SANCTION.—(1) The Secretary of Defense may not procure, by contract or otherwise, any goods or services from—

(A) any foreign person the Secretary of Defense determines has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to governmental or nongovernmental entities of the People's Republic of China any item or class of items on the United States Munitions List (or any item or class of items that are identical, substantially identical, or directly competitive to an item or class of items on the United States Munitions List); or

(B) any foreign person the Secretary of Defense determines—

(i) is a successor entity to a person referred to in paragraph (1);

(ii) is a parent or subsidiary of a person referred to in paragraph (1); or

(iii) is an affiliate of a person referred to in paragraph (1) if that affiliate is controlled in fact by such person.

(2) The prohibition under paragraph (1) with respect to a foreign person shall last for a period of five years after a determination is made by the Secretary of Defense with respect to that person under paragraph (1)(A).

(c) PUBLIC AVAILABILITY OF LIST OF SANCTIONED PERSONS.—(1) The Secretary of Defense shall annually publish in the Federal Register a current list of any foreign persons sanctioned under subsection (b). The removal of foreign persons from, and the addition of foreign persons to, the list shall also be so published.

(2) The Secretary shall maintain the list published under paragraph (1) on the Internet website of the Department of Defense.

(d) REMOVAL FROM LIST OF SANCTIONED PERSONS.—The Secretary of Defense may remove a person from the list of sanctioned persons referred to in subsection (c) only after the five-year prohibition period imposed under subsection (b) with respect to the person has expired.

(e) EXCEPTIONS.—(1) Subsection (b) shall not apply—

(A) to contracts, or subcontracts under such contracts, in existence on the date of the enactment of this Act, including options under such contracts;

(B) if the Secretary of Defense determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the goods or services being procured, that the goods or services are essential, and that alternative sources are not readily or reasonably available;

(C) in the case of a contract for routine servicing and maintenance, if the Secretary of Defense determines in writing alternative sources for performing the contract are not readily or reasonably available; or

(D) if the Secretary of Defense determines in writing that goods or services proposed to be procured under the contract are essential to the national security of the United States.

(2) Determinations under paragraph (1) shall be published in the Federal Register.

(f) DEFINITIONS.—In this section:

(1) The term ''foreign person'' has the meaning given the term in section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note).

(2) The term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1213. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) PROHIBITION.—The Secretary of Defense may not procure goods or services, through a contract or any subcontract (at any tier) under a contract, from any Communist Chinese military company.

(b) DEFINITION.—In this section, the term ''Communist Chinese military company'' has the meaning provided that term by section 1237(b)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note).

Subtitle C—Other Matters

SEC. 1221. PURCHASE OF WEAPONS OVERSEAS FOR FORCE PROTECTION PURPOSES.

(a) PURCHASES IN COUNTRIES IN WHICH COMBAT OPERATIONS ARE ONGOING.—

(1) FORCE PROTECTION PURCHASES.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127b the following new section:

''§ 127c. Purchase of weapons overseas: force protection

''(a) AUTHORITY.—When elements of the armed forces are engaged in ongoing military operations in a country, the Secretary of Defense may, for the purpose of protecting United States forces in that country, purchase weapons from any foreign person, foreign government, international organization, or other entity located in that country.

''(b) LIMITATION.—The total amount expended during any fiscal year for purchases under this section may not exceed $15,000,000.

''(c) ANNUAL CONGRESSIONAL REPORT.—Not later than 30 days after the end of each fiscal year during which the authority under subsection (a) is used, the Secretary of Defense shall submit to the congressional defense committees a report on the use of that authority during that fiscal year. Each such report shall include the following:

''(1) The number and type of weapons purchased during that fiscal year under subsection (a), together with the amount spent for those weapons and the Secretary's estimate of the fair market value of those weapons.

''(2) A description of the dispositions (if any) during that fiscal year of weapons purchased under subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127b the following new item:

''127c. Purchase of weapons overseas: force protection.''.

(b) EFFECTIVE DATE.—Section 127c of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

SEC. 1222. REQUIREMENT FOR ESTABLISHMENT OF CERTAIN CRITERIA APPLICABLE TO ON-GOING GLOBAL POSTURE REVIEW.

(a) CRITERIA.—As part of the on-going review of overseas basing plans being conducted within the Department of Defense that is referred to as the ''Global Posture Review'', the Secretary of Defense shall develop criteria for assessing, with respect to each type of facility specified in subsection (c), the following factors in deciding whether to seek agreement with a foreign country to establish or maintain such a facility in that country:

(1) The effect on strategic mobility of units deployed to overseas locations in areas in which United States Armed Forces have not traditionally been deployed.

(2) The cost of deploying units to areas referred to in paragraph (1) on a rotational basis (rather than on a permanent basing basis).

(3) The strategic benefit of rotational deployments through countries with which the United States is developing a close or new security relationship.

(4) The relative speed and complexity of conducting negotiations with a particular country.

(5) The appropriate and available funding mechanisms for changes to specific Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

(6) The effect on military quality of life of establishing or maintaining any of such types of facilities.

(7) Other criteria as Secretary of Defense determines appropriate.

(b) ANALYSIS OF ALTERNATIVES TO BASING OR OPERATING LOCATIONS.—The Secretary of Defense shall develop a mechanism for analyzing alternatives to any particular overseas basing or operating location. Such a mechanism shall incorporate the factors specified in paragraphs (1) through (4) of subsection (a).

(c) MINIMAL INFRASTRUCTURE REQUIREMENTS FOR OVERSEAS INSTALLATIONS.—The Secretary of Defense shall develop a template of minimal infrastructure requirements for each of the following types of facilities:

(1) Facilities categorized as Main Operating Bases.

(2) Facilities categorized as Forward Operating Bases.

(3) Facilities categorized as Cooperative Security Locations.

(d) CONSULTATION WITH SENIOR MILITARY OFFICERS.—The Secretary of Defense shall carry out subsections (a), (b), and (c) in consultation with the Chairman of the Joint Chiefs of Staff and the commanders of the regional combatant commands.

(e) ANNUAL BUDGET ELEMENT.—The Secretary of Defense shall provide to Congress, as an element of the annual budget request of the Secretary, information regarding the funding sources for changes to individual Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

(f) REPORT.—Not later than March 30, 2006, the Secretary of Defense shall submit to Congress a report on the matters specified in subsections (a) through (c).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2006 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2006 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $415,549,000 authorized to be appropriated to the Department of Defense for fiscal year 2006 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $78,900,000.

(2) For nuclear weapons storage security in Russia, $74,100,000.

(3) For nuclear weapons transportation security in Russia, $30,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $40,600,000.

(5) For chemical weapons destruction in Russia, $108,500,000.

(6) For biological weapons proliferation prevention in the former Soviet Union, $60,849,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $14,600,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2006 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (5) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. AUTHORITY TO OBLIGATE WEAPONS OF MASS DESTRUCTION PROLIFERATION PREVENTION FUNDS FOR NUCLEAR WEAPONS STORAGE SECURITY.

(a) IN GENERAL.—Subject to subsection (b), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for the purpose listed in subsection (c)(4) of section 1302 for the purpose listed in subsection (c)(2) of that section.

(b) LIMITATION.—The authority provided in subsection (a) may be used only after—

(1) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(2) 15 days have elapsed following the date of the notification.

SEC. 1304. EXTENSION OF LIMITED WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION.

Section 1306 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (22 U.S.C. 5952 note) is amended by adding at the end the following new subsection:

''(f) COVERAGE OF CALENDAR YEARS.—The authority under subsection (a) applies with respect to calendar years 2005, 2006, and 2007 in the same manner as it applies to fiscal years. The authority under this subsection shall expire on December 31, 2007.''.

SEC. 1305. REPORT ON ELIMINATION OF IMPEDIMENTS TO NUCLEAR THREAT-REDUCTION AND NONPROLIFERATION PROGRAMS IN THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress finds that—

(1) despite the importance of programs and activities to assist in securing nuclear weapons and fissile materials in the states of the former Soviet Union, the effective conduct of some programs and activities in the Russian Federation is impeded by numerous legal and administrative disagreements regarding a variety of issues, including issues relating to access to sites, liability, and taxation; and

(2) it has been possible to resolve disagreements of that nature in other republics of the former Soviet Union through committed and high-level discussions between the United States and those republics.

(b) REPORT.—Not later than November 1, 2006, the President shall submit to Congress a report on impediments in the states of the former Soviet Union to the effective conduct of programs and activities of the United States relating to securing nuclear weapons and fissile materials in those states. The report shall—

(1) identify the impediments to the rapid, efficient, and effective conduct of programs and activities of the Department of Defense, the Department of State, and the Department of Energy to assist in securing such materials in those states, including issues relating to access to sites, liability, and taxation; and

(2) describe the plans of the United States to overcome or ameliorate such impediments, including an identification and discussion of new models and approaches that might be used to develop new relationships with entities in Russia capable of assisting in removing or ameliorating those impediments, and any congressional action that may be necessary for that purpose.

TITLE XIV—CONTRACT DISPUTE ENHANCEMENT

Subtitle A—General Provisions

SEC. 1411. DEFINITIONS.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

''TITLE II—DISPUTE RESOLUTION

''Subtitle A—General Provisions

''SEC. 201. DEFINITIONS.

''In this title:

''(1) The term 'Defense Board' means the Department of Defense Board of Contract Appeals established pursuant to section 8(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607).

''(2) The term 'Civilian Board' means the Civilian Board of Contract Appeals established pursuant to section 8(b)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607).

''(3) The term 'Board judge' means a member of the Defense Board or the Civilian Board, as the case may be.

''(4) The term 'Chairman' means the Chairman of the Defense Board or the Civilian Board, as the case may be.

''(5) The term 'Board concerned' means—

''(A) the Defense Board with respect to matters within its jurisdiction; and

''(B) the Civilian Board with respect to matters within its jurisdiction.

''(6) The term 'executive agency'—

''(A) with respect to contract disputes under the jurisdiction of the Defense Board, means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, or the National Aeronautics and Space Administration; and

''(B) with respect to contract disputes under the jurisdiction of the Civilian Board, has the meaning given by section 4(1) of this Act except that the term does not include the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, and the Tennessee Valley Authority.''.

(b) CONFORMING AMENDMENTS.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is further amended—

(1) by inserting the following before section 1:

''TITLE I—FEDERAL PROCUREMENT POLICY GENERALLY'';

and

(2) in section 4, by striking out ''As used in this Act:'' and inserting in lieu thereof ''Except as otherwise specifically provided, as used in this Act:''.

Subtitle B—Establishment of Civilian and Defense Boards of Contract Appeals

SEC. 1421. ESTABLISHMENT.

(a) DEFENSE BOARD.—Subsection (a)(1) of section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is amended to read as follows:

''(a)(1) There is established in the Department of Defense a board of contract appeals to be known as the Department of Defense Board of Contract Appeals.''.

(b) CIVILIAN BOARD.—Subsection (b)(1) of section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is amended to read as follows:

''(b)(1) There is established in the General Services Administration a board of contract appeals to be known as the Civilian Board of Contract Appeals.''.

SEC. 1422. MEMBERSHIP.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1411, is further amended by adding at the end the following:

''SEC. 202. MEMBERSHIP.

''(a) APPOINTMENT.—(1)(A) The Defense Board shall consist of judges appointed by the Secretary of Defense from a register of applicants maintained by the Defense Board, in accordance with rules issued by the Defense Board for establishing and maintaining a register of eligible applicants and selecting Defense Board judges. The Secretary shall appoint a judge without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Defense Board judge.

''(B) The Civilian Board shall consist of judges appointed by the Administrator for Federal Procurement Policy from a register of applicants maintained by the Administrator, in accordance with rules issued by the Administrator for establishing and maintaining a register of eligible applicants and selecting Civilian Board judges. The Administrator shall appoint a judge without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Civilian Board judge.

''(2) The members of the Defense Board and the Civilian Board shall be selected and appointed to serve in the same manner as administrative law judges appointed pursuant to section 3105 of title 5, United States Code, with an additional requirement that such members shall have had not fewer than five years of experience in public contract law.

''(3) Notwithstanding paragraph (2) and subject to subsection (b), the following persons shall serve as Board judges:

''(A) For the Defense Board, any full-time member of the Armed Services Board of Contract Appeals serving as such on the day before the effective date of this title.

''(B) For the Civilian Board, any full-time member of any agency board of contract appeals other than the Armed Services Board of Contract Appeals, the Postal Service Board of Contract Appeals, and the board of contract appeals of the Tennessee Valley Authority serving as such on the day before the effective date of this title.

''(b) REMOVAL.—Members of the Defense Board and the Civilian Board shall be subject to removal in the same manner as administrative law judges, as provided in section 7521 of title 5, United States Code.

''(c) COMPENSATION.—Compensation for the Chairman of the Defense Board and the Chairman of the Civilian Board and all other members of each Board shall be determined under section 5372a of title 5, United States Code.''.

SEC. 1423. CHAIRMEN.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1422, is further amended by adding at the end the following:

''SEC. 203. CHAIRMEN.

''(a) DESIGNATION.—(1)(A) The Chairman of the Defense Board shall be designated by the Secretary of Defense to serve for a term of five years. The Secretary shall select the Chairman from among sitting judges each of whom has had at least five years of service as a member of the Armed Services Board of Contract Appeals.

''(B) The Chairman of the Civilian Board shall be designated by the Administrator for Federal Procurement Policy to serve for a term of five years. The Administrator shall select the Chairman from among sitting judges each of whom has had at least five years of service as a member of an agency board of contract appeals other than the Armed Services Board of Contract Appeals.

''(2) A Chairman of a Board may continue to serve after the expiration of the Chairman's term until a successor has taken office. A Chairman may be reappointed any number of times.

''(b) RESPONSIBILITIES.—The Chairman of the Defense Board or the Civilian Board, as the case may be, shall be responsible on behalf of the Board for the executive and administrative operation of the Board, including functions of the Board with respect to the following:

''(1) The selection, appointment, and fixing of the compensation of such personnel, pursuant to part III of title 5, United States Code, as the Chairman considers necessary or appropriate, including a Clerk of the Board, a General Counsel, and clerical and legal assistance for Board judges.

''(2) The supervision of personnel employed by or assigned to the Board, and the distribution of work among such personnel.

''(3) The operation of an Office of the Clerk of the Board, including the receipt of all filings made with the Board, the assignment of cases, and the maintenance of all records of the Board.

''(4) The prescription of such rules and regulations as the Chairman considers necessary or appropriate for the administration and management of the Board.

''(c) VICE CHAIRMEN.—The Chairman of the Defense Board or the Civilian Board, as the case may be, may designate up to two other Board judges as Vice Chairmen. The Vice Chairmen, in the order designated by the Chairman, shall act in the place and stead of the Chairman during the absence of the Chairman.''.

SEC. 1424. RULEMAKING AUTHORITY.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1423, is further amended by adding at the end the following:

''SEC. 204. RULEMAKING AUTHORITY.

''Except as provided by section 1452 of the National Defense Authorization Act for Fiscal Year 2006, the Chairman of the Defense Board and the Chairman of the Civilian Board, in consultation with the Administrator for Federal Procurement Policy, shall jointly issue and maintain—

''(1) such procedural rules and regulations as are necessary to the exercise of the functions of the Boards under section 211; and

''(2) statements of policy of general applicability with respect to such functions.''.

SEC. 1425. AUTHORIZATION OF APPROPRIATIONS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1424, is further amended by adding at the end the following:

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for fiscal year 2006 and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title. Funds for the activities of each Board shall be separately appropriated for such purpose. Funds appropriate pursuant to this section shall remain available until expended.''.

Subtitle C—Functions of Defense and Civilian Boards of Contract Appeals

SEC. 1431. CONTRACT DISPUTES.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1425, is further amended by adding at the end the following:

"Subtitle B—Functions of the Defense and Civilian Boards of Contract Appeals

"SEC. 211. CONTRACT DISPUTES.

''The Defense Board shall have jurisdiction as provided by section 8(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(a)). The Civilian Board shall have jurisdiction as provided by section 8(b)(1) of such Act (41 U.S.C. 607(b)).''.

SEC. 1432. ENHANCED ACCESS FOR SMALL BUSINESS.

Section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608) is amended by striking out the period at the end of the first sentence and inserting the following: ''or, in the case of a small business concern (as defined in the Small Business Act and regulations under that Act), $150,000 or less.''.

SEC. 1433. APPLICABILITY TO CERTAIN CONTRACTS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1431, is further amended by adding at the end the following:

"SEC. 212. APPLICABILITY TO CERTAIN CONTRACTS.

''(a) CONTRACTS AT OR BELOW THE SIMPLIFIED ACQUISITION THRESHOLD.—Notwithstanding section 33 of this Act, the authority conferred on the Defense Board and the Civilian Board by this title is applicable to contracts in amounts not greater than the simplified acquisition threshold.

''(b) CONTRACTS FOR COMMERCIAL ITEMS.—Notwithstanding section 34 of this Act, the authority conferred on the Defense Board and the Civilian Board by this title is applicable to contracts for the procurement of commercial items.''.

Subtitle D—Transfers and Transition, Savings, and Conforming Provisions

SEC. 1441. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) TRANSFERS.—

(1) ARMED SERVICES BOARD OF CONTRACT APPEALS.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions vested by law in the Armed Services Board of Contract Appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date described in section 1451), shall be transferred to the Department of Defense Board of Contract Appeals for appropriate allocation by the Chairman of that Board.

(2) OTHER BOARDS OF CONTRACTS APPEALS.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions vested by law in the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date described in section 1451) other than the Armed Services Board of Contract Appeals, the board of contract appeals of the Tennessee Valley Authority, and the Postal Service Board of Contract Appeals shall be transferred to the Civilian Board of Contract Appeals for appropriate allocation by the Chairman of that Board.

(b) EFFECT ON PERSONNEL.—Personnel transferred pursuant to this subtitle shall not be separated or reduced in compensation for one year after such transfer, except for cause.

(c) REGULATIONS.—(1) The Department of Defense Board of Contract Appeals and the Civilian Board of Contract Appeals shall each prescribe regulations for the release of competing employees in a reduction in force that gives due effect to—

(A) efficiency or performance ratings;

(B) military preference; and

(C) tenure of employment.

(2) In prescribing the regulations, the Board concerned shall provide for military preference in the same manner as set forth in subchapter I of chapter 35 of title 5, United States Code.

SEC. 1442. TERMINATIONS AND SAVINGS PROVISIONS.

(a) TERMINATION OF BOARDS OF CONTRACT APPEALS.—Effective on the effective date described in section 1451, the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before such effective date), other than the board of contract appeals of the Tennessee Valley Authority and the Postal Service Board of Contract Appeals, shall terminate.

(b) SAVINGS PROVISION FOR CONTRACT DISPUTE MATTERS PENDING BEFORE BOARDS.—(1) This title and the amendments made by this title shall not affect any proceedings pending on the effective date described in section 1451 before any board of contract appeals terminated by subsection (a).

(2) In the case of any such proceedings pending before the Armed Services Board of Contract Appeals, the proceedings shall be continued by the Department of Defense Board of Contract Appeals, and orders which were issued in any such proceeding by the Armed Services Board of Contract Appeals shall continue in effect until modified, terminated, superseded, or revoked by the Department of Defense Board of Contract Appeals, by a court of competent jurisdiction, or by operation of law.

(3) In the case of any such proceedings pending before an agency board of contract appeals other than the Armed Services Board of Contract Appeals or the board of contract appeals of the Tennessee Valley Authority, the proceedings shall be continued by the Civilian Board of Contract Appeals, and orders which were issued in any such proceeding by the agency board shall continue in effect until modified, terminated, superseded, or revoked by the Civilian Board of Contract Appeals, by a court of competent jurisdiction, or by operation of law.

SEC. 1443. CONTRACT DISPUTES AUTHORITY OF BOARDS.

(a) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended—

(1) in paragraph (2), by striking out '', the United States Postal Service, and the Postal Rate Commission'';

(2) by redesignating paragraph (7) as paragraph (9);

(3) by amending paragraph (6) to read as follows:

''(6) the terms 'agency board' or 'agency board of contract appeals' mean—

''(1) the Department of Defense Board of Contract Appeals established under section 8(a)(1) of this Act;

''(2) the Civilian Board of Contract Appeals established under section 8(b)(1) of this Act;

''(3) the board of contract appeals of the Tennessee Valley Authority; or

''(4) the Postal Service Board of Contract Appeals established under section 8(h) of this Act;''; and

(4) by inserting after paragraph (6) the following new paragraphs:

''(7) the term 'Defense Board' means the Department of Defense Board of Contract Appeals established under section 8(a)(1) of this Act;

''(8) the term 'Civilian Board' means the Civilian Board of Contract Appeals established under section 8(b)(1) of this Act; and''.

(b) Section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607), as amended by section 1421, is further amended—

(1) by striking out subsection (c);

(2) in subsection (d)—

(A) by striking out the first sentence and inserting in lieu thereof the following: ''The Defense Board shall have jurisdiction to decide any appeal from a decision of a contracting officer of the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, or the National Aeronautics and Space Administration relative to a contract made by that department or agency. The Civilian Board shall have jurisdiction to decide any appeal from a decision of a contracting officer of any executive agency (other than the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, the United States Postal Service, the Postal Rate Commission, or the Tennessee Valley Authority) relative to a contract made by that agency. Each other agency board shall have jurisdiction to decide any appeal from a decision of a contracting officer relative to a contract made by its agency.''; and

(B) in the second sentence, by striking out ''Claims Court'' and inserting in lieu thereof ''Court of Federal Claims'';

(3) by striking out subsection (h) and inserting in lieu thereof the following:

''(h) There is established an agency board of contract appeals to be known as the 'Postal Service Board of Contract Appeals'. Such board shall have jurisdiction to decide any appeal from a decision of a contracting officer of the United States Postal Service or the Postal Rate Commission relative to a contract made by either agency. Such board shall consist of judges appointed by the Postmaster General who shall meet the qualifications of and serve in the same manner as judges of the Civilian Board of Contract Appeals. This Act and title II of the Office of Federal Procurement Policy Act shall apply to contract disputes before the Postal Service Board of Contract Appeals in the same manner as they apply to contract disputes before the Civilian Board.''; and

(4) by striking out subsection (i).

SEC. 1444. REFERENCES TO AGENCY BOARDS OF CONTRACT APPEALS.

(a) DEFENSE BOARD.—Any reference to the Armed Services Board of Contract Appeals in any provision of law or in any rule, regulation, or other paper of the United States shall be treated as referring to the Department of Defense Board of Contract Appeals.

(b) CIVILIAN BOARD.—Any reference to an agency board of contract appeals other than the Armed Services Board of Contract Appeals, the board of contract appeals of the Tennessee Valley Authority, or the Postal Service Board of Contract Appeals in any provision of law or in any rule, regulation, or other paper of the United States shall be treated as referring to the Civilian Board of Contract Appeals.

SEC. 1445. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 5372a(a)(1) of title 5, United States Code, is amended by inserting after ''of 1978'' the following: ''or a member of the Department of Defense Board of Contract Appeals or the Civilian Board of Contract Appeals appointed under section 202 of the Office of Federal Procurement Policy Act''.

(b) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by inserting the following before the item relating to section 1:

''TITLE I—FEDERAL PROCUREMENT POLICY GENERALLY''.

(2) The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by adding at the end the following:

''TITLE II—DISPUTE RESOLUTION

''Subtitle A—General provisions

''201. Definitions.
''202. Membership.
''203. Chairmen.
''204. Rulemaking authority.
''205. Authorization of appropriations.

''Subtitle B—Functions of the defense and civilian Boards of contract appeals

''211. Contract disputes.
''212. Applicability to certain contracts.''.

Subtitle E—Effective Date; Regulations and Appointment of Chairmen

SEC. 1451. EFFECTIVE DATE.

Title II of the Office of Federal Procurement Policy Act, as added by this title, and the amendments and repeals made by this title shall take effect 1 year after the date of the enactment of this Act.

SEC. 1452. REGULATIONS.

(a) REGULATIONS REGARDING CLAIMS.—Not later than 1 year after the date of the enactment of this Act, the Chairman of the Armed Services Board of Contract Appeals and the Chairman of the General Services Board of Contract Appeals, in consultation with the Administrator for Federal Procurement Policy, shall jointly issue—

(1) such procedural rules and regulations as are necessary to the exercise of the functions of the Department of Defense Board of Contract Appeals and the Civilian Board of Contract Appeals under sections 211 of the Office of Federal Procurement Policy Act (as added by this title); and

(2) statements of policy of general applicability with respect to such functions.

(b) REGULATIONS REGARDING APPOINTMENT OF JUDGES.—Not later than 1 year after the date of the enactment of this Act—

(1) the Chairman of the Armed Services Board of Contract Appeals shall issue rules governing the establishment and maintenance of a register of eligible applicants and the selection of judges for the Department of Defense Board of Contract Appeals; and

(2) the Administrator for Federal Procurement Policy shall issue rules governing the establishment and maintenance of a register of eligible applicants and the selection of judges for the Civilian Board of Contract Appeals.

SEC. 1453. APPOINTMENT OF CHAIRMEN OF DEFENSE BOARD AND CIVILIAN BOARD.

Notwithstanding section 1451, not later than 1 year after the date of the enactment of this Act—

(1) the Secretary of Defense shall appoint the Chairman of the Department of Defense Board of Contract Appeals; and

(2) the Administrator for Federal Procurement Policy shall appoint the Chairman of the Civilian Board of Contract Appeals.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—General Increases

1501. Purpose.
1502. Army procurement.
1503. Navy and Marine Corps procurement.
1504. Defense-wide activities procurement.
1505. Research, development, test, and evaluation, defense-wide activities.
1506. Operation and maintenance.
1507. Defense working capital funds.
1508. Defense Health Program.
1509. Military personnel.
1510. Iraq Freedom Fund.
1511. Classified programs.
1512. Treatment as additional authorizations.
1513. Transfer authority.
1514. Availability of funds.

Subtitle B—Personnel Provisions

1521. Increase in active Army and Marine Corps strength levels.
1522. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2007 through 2009.
1523. Military death gratuity enhancement.
1524. Permanent prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.
1525. Permanent authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone.
1526. Permanent increase in length of time dependents of certain deceased members may continue to occupy military family housing or receive basic allowance for housing.
1527. Availability of special pay for members during rehabilitation from combat-related injuries.
1528. Allowance to cover monthly deduction from basic pay for Servicemembers' Group Life Insurance coverage for members serving in Operation Enduring Freedom or Operation Iraqi Freedom.

Subtitle C—Matters Involving Support Provided by Foreign Nations

1531. Reimbursement of certain coalition nations for support provided to United States military operations.

Subtitle A—General Increases

SEC. 1501. PURPOSE.

The purpose of this title is to authorize emergency appropriations for the Department of Defense for fiscal year 2006 to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom. Funds authorized for appropriation in this title are available upon the enactment of this Act.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement accounts of the Army in amounts as follows:

(1) For weapons and tracked combat vehicles, $574,627,000.

(2) For ammunition, $105,700,000.

(3) For other procurement, $1,945,350,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement accounts for the Navy in amounts as follows:

(1) For weapons procurement, $36,800,000.

(2) For other procurement, $15,300,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Marine Corps in the amount of $445,400,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement of ammunition for the Navy and the Marine Corps in the amount of $144,721,000.

SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for Defense-wide procurement in the amount of $103,900,000.

SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the Department of Defense for research, development, test and evaluation, Defense-wide, in the amount of $75,000,000.

SEC. 1506. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $20,305,001,000.

(2) For the Navy, $1,838,000,000.

(3) For the Marine Corps, $1,791,800,000.

(4) For the Air Force, $3,195,352,000.

(5) For Defense-wide, $2,870,333,000.

(6) For the Army National Guard, $159,500,000.

(7) For the Army Reserve, $26,400,000.

SEC. 1507. DEFENSE WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the Defense Working Capital Fund in the amount of $1,700,000,000.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $846,000,000, for Operation and Maintenance.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2006 a total of $9,390,010,000.

SEC. 1510. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are herby authorized to be appropriated for fiscal year 2006 for the account of the Iraq Freedom Fund in amount of $1,000,000,000, to remain available for transfer to other accounts in this title until April 30, 2006. Amounts of authorization so transferred shall be merged with, and be made available for, the same purposes as the authorization to which transferred.

(b) NOTICE TO CONGRESS.—A transfer may be made from the Iraq Freedom Fund only after the Secretary of Defense notifies the congressional defense subcommittees with respect to the proposed transfer in writing not less than five days before the transfer is made.

SEC. 1511. CLASSIFIED PROGRAMS.

There is hereby authorized to be appropriated for fiscal year 2006 for classified programs the amount of $2,500,000,000.

SEC. 1512. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1513. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

SEC. 1514. AVAILABILITY OF FUNDS.

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2006.

Subtitle B—Personnel Provisions

SEC. 1521. INCREASE IN ACTIVE ARMY AND MARINE CORPS STRENGTH LEVELS.

(a) AUTHORIZED END STRENGTHS.—The end strength level authorized for fiscal year 2006 under section 401—

(1) for the Army is hereby increased by 30,000; and

(2) for the Marine Corps is hereby increased by 4,000.

(b) STATUTORY MINIMUM ACTIVE STRENGTH LEVELS.—

(1) ARMY.—The minimum strength for the Army under section 691(b) of title 10, United States Code (notwithstanding the number specified in paragraph (1) of that section) for the period beginning on October 1, 2005, and ending on September 30, 2006, shall be the number specified in section 401(1) of this Act, increased by 30,000.

(2) MARINE CORPS.—The minimum strength for the Marine Corps under section 691(b) of title 10, United States Code (notwithstanding the number specified in paragraph (3) of that section) for the period beginning on October 1, 2005, and ending on September 30, 2006, shall be the number specified in section 401(3) of this Act, increased by 4,000.

(c) LIMITATION.—The authorized strengths for the Army and Marine Corps provided in subsection (a) for active duty personnel for fiscal year 2006 are subject to the condition that costs of active-duty personnel of the Army and the Marine Corps for that fiscal year in excess of 482,400 and 175,000, respectively, shall be paid out of funds appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation.

SEC. 1522. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2007 THROUGH 2009.

Effective October 1, 2006, the text of section 403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1863) is amended to read as follows:

''(a) AUTHORITY.—

''(1) ARMY.—For each of fiscal years 2007, 2008, and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2006 baseline plus 20,000.

''(2) MARINE CORPS.—For each of fiscal years 2007, 2008, and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Marine Corps at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2006 baseline plus 5,000.

''(3) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army and Marine Corps active duty end strengths under paragraphs (1) and (2) are—

''(A) to support operational missions; and

''(B) to achieve transformational reorganization objectives, including objectives for increased numbers of combat brigades and battalions, increased unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces.

''(4) FISCAL-YEAR 2006 BASELINE.—In this subsection, the term 'fiscal-year 2006 baseline', with respect to the Army and Marine Corps, means the active-duty end strength authorized for those services in section 1521 of the National Defense Authorization Act for Fiscal Year 2006.

''(5) ACTIVE-DUTY END STRENGTH.—In this subsection, the term 'active-duty end strength' means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

''(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

''(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

''(d) BUDGET TREATMENT.—

''(1) FISCAL YEAR 2007 BUDGET.—The budget for the Department of Defense for fiscal year 2007 as submitted to Congress shall comply, with respect to funding, with subsections (c) and (d) of section 691 of title 10, United States Code.

''(2) OTHER INCREASES.—If the Secretary of Defense plans to increase the Army or Marine Corps active duty end strength for a fiscal year under subsection (a), then the budget for the Department of Defense for that fiscal year as submitted to Congress shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2006 active duty end strength authorized for that service under section 401 of the National Defense Authorization Act for Fiscal Year 2006.''.

SEC. 1523. MILITARY DEATH GRATUITY ENHANCEMENT.

(a) INCREASE IN AMOUNT.—Section 1478 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (e), respectively;

(2) by designating the second sentence of subsection (a) as subsection (b) and by striking therein ''this purpose'' and inserting ''the purpose of subsection (a)'';

(3) in subsection (a), by striking ''title shall be $12,000 (as adjusted under subsection (c)).'' and inserting the following: ''title—

''(1) except as provided in paragraph (2), shall be $12,000 (as adjusted under subsection (e)); and

''(2) in the case of a death described in subsection (d), shall be $100,000.'';

(4) by inserting after subsection (c), as redesignated by paragraph (1), the following new subsection:

''(d) A death referred to in subsection (a)(2) is a death resulting from wounds, injuries, or illnesses that are—

''(1) incurred as described in section 1413a(e)(2) of this title; or

''(2) incurred in an operation designated by the Secretary of Defense as a combat operation or in an area designated by the Secretary as a combat zone.''; and

(5) in subsection (e), as redesignated by paragraph (1), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005, immediately after the provisions of the second sentence of section 1013(e)(2) of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

SEC. 1524. PERMANENT PROHIBITION AGAINST REQUIRING CERTAIN INJURED MEMBERS TO PAY FOR MEALS PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) PROHIBITION.—Section 402 of title 37, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

''(h) NO PAYMENT FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES.—(1) A member of the armed forces who is undergoing medical recuperation or therapy, or is otherwise in the status of continuous care, including outpatient care, at a military treatment facility for an injury, illness, or disease described in paragraph (2) shall not be required to pay, during any month in which the member is entitled to a basic allowance for subsistence under this section, any charge for meals provided to the member by the military treatment facility.

''(2) Paragraph (1) applies with respect to an injury, illness, or disease incurred or aggravated by a member while the member was serving on active duty—

''(A) in support of Operation Iraqi Freedom or Operation Enduring Freedom; or

''(B) in any other operation designated by the Secretary of Defense as a combat operation or in an area designated by the Secretary as a combat zone.''.

(b) REPEAL OF TEMPORARY AUTHORITY.—Section 1023 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the following:

(1) The date of the enactment of this Act.

(2) September 30, 2005.

SEC. 1525. PERMANENT AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS TO VISIT HOSPITALIZED MEMBERS INJURED IN COMBAT OPERATION OR COMBAT ZONE.

(a) AUTHORITY TO CONTINUE ALLOWANCE.—Effective as of September 30, 2005, section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking subsections (d) and (e).

(b) CODIFICATION OF REPORTING REQUIREMENT.—Section 411h of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) If the amount of travel and transportation allowances provided in a fiscal year under clause (ii) of subsection (a)(2)(B) exceeds $20,000,000, the Secretary of Defense shall submit to Congress a report specifying the total amount of travel and transportation allowances provided under such clause in such fiscal year.''.

(c) CONFORMING AMENDMENT.—Subsection (a)(2)(B)(ii) of such section, as added by section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking ''under section 1967(c)(1)(A) of title 38''.

SEC. 1526. PERMANENT INCREASE IN LENGTH OF TIME DEPENDENTS OF CERTAIN DECEASED MEMBERS MAY CONTINUE TO OCCUPY MILITARY FAMILY HOUSING OR RECEIVE BASIC ALLOWANCE FOR HOUSING.

Effective as of September 30, 2005, section 1022 of division A of the Emergency Supplemental

Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended—

(1) by striking ''(a)''; and

(2) by striking subsection (b).

SEC. 1527. AVAILABILITY OF SPECIAL PAY FOR MEMBERS DURING REHABILITATION FROM COMBAT-RELATED INJURIES.

(a) SPECIAL PAY AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 327. Combat-related injury rehabilitation pay

''(a) SPECIAL PAY AUTHORIZED.—The Secretary concerned may pay monthly special pay under this section to a member of the armed forces who incurs a combat-related injury in a combat operation or combat zone designated by the Secretary of Defense and is evacuated from the theater of the combat operation or from the combat zone for medical treatment.

''(b) COMMENCEMENT OF PAYMENT.—Subject to subsection (c), the special pay authorized by subsection (a) may be paid to a member described in such subsection for any month beginning after the date on which the member was evacuated from the theater of the combat operation or the combat zone in which the member incurred the combat-related injury.

''(c) TERMINATION OF PAYMENTS.—The payment of special pay to a member under subsection (a) shall terminate at the end of the first month during which any of the following occurs:

''(1) The member is paid a benefit under the traumatic injury protection rider of the Servicemembers' Group Life Insurance Program issued under section 1980A of title 38.

''(2) The member is no longer hospitalized in a military treatment facility or a facility under the auspices of the military health care system.

''(d) AMOUNT OF SPECIAL PAY.—The monthly amount of special pay paid to a member under this section shall be equal to $430.

''(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled or authorized to receive.

''(f) COMBAT-RELATED DISABILITY.—In this section, the term 'combat-related injury', with respect to a member, means a wound, injury, or illness that is incurred (as determined using the criteria prescribed by the Secretary of Defense under section 1413a(e)(2) of title 10) by the member—

''(1) as a direct result of armed conflict;

''(2) while engaged in hazardous service;

''(3) in the performance of duty under conditions simulating war; or

''(4) through an instrumentality of war.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''327. Combat-related injury rehabilitation pay.''.

(c) EFFECTIVE DATE.—The Secretary of a military department may provide special pay under section 327 of title 37, United States Code, as added by subsection (a), for months beginning on or after the date of the enactment of this Act. A member of the Armed Forces who incurred a combat-related injury, as defined in subsection (f) of such section, before the date of the enactment of this Act may receive such pay for months beginning on or after that date so long as the member continues to satisfy the eligibility criteria specified in such section.

SEC. 1528. ALLOWANCE TO COVER MONTHLY DEDUCTION FROM BASIC PAY FOR SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR MEMBERS SERVING IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) ALLOWANCE TO COVER SGLI DEDUCTIONS.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom

''(a) REIMBURSEMENT FOR PREMIUM DEDUCTION.—In the case of a member of the armed forces who has obtained insurance coverage for the member under the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38 and who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom at any time during a month, the Secretary concerned shall pay the member an allowance under this section for that month in an amount equal to the lesser of the following:

''(1) The amount of the deduction actually made for that month from the basic pay of the member for the amount of Servicemembers' Group Life Insurance coverage obtained by the member under section 1967 of title 38.

''(2) The amount of the deduction otherwise made under subsection (a)(1) of section 1969 of title 38 for members who have in effect for themselves the maximum amount of coverage under section 1967(a) of title 38.

''(b) NOTICE OF AVAILABILITY OF ALLOWANCE.—To the maximum extent practicable, in advance of the deployment of a member to a theater of operations referred to in subsection (a), the Secretary concerned shall give the member information regarding the following:

''(1) The availability of the allowance under this section for members insured under the Servicemembers' Group Life Insurance program.

''(2) The ability of members who elected not to be insured under Servicemembers' Group Life Insurance, or elected less than the authorized maximum coverage, to obtain insurance, or to obtain additional coverage, as the case may be, under the authority provided in section 1967(c) of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by adding at the end the following new item:

''437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom.''.

(c) EFFECTIVE DATE; NOTIFICATION.—Section 437 of title 37, United States Code, as added by subsection (a), shall apply with respect to service by members of the Armed Forces in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom for months beginning on or after October 1, 2005. In the case of members who are serving in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom as of the date of the enactment of this Act, the Secretary of Defense shall provide such members, as soon as practicable, the information specified in subsection (b) of that section.

(d) FUNDING SOURCE.—Amounts appropriated pursuant to the authorization of appropriations in section 1509 for emergency appropriations for military personnel accounts for the Department of Defense for fiscal year 2006 shall be available to the Secretary of a military department to provide the allowance established by section 437 of title 37, United States Code, as added by subsection (a).

Subtitle C—Matters Involving Support Provided by Foreign Nations

SEC. 1531. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by this title for Defense-Wide Operations and Maintenance, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Iraq, Afghanistan, and the global war on terrorism.

(b) DETERMINATIONS.—Payments authorized under subsection (a) 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 the Secretary's discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided. Any such determination by the Secretary of Defense shall be final and conclusive upon the accounting officers of the United States. To the maximum extent practicable, the Secretary shall develop standards for determining the kinds of logistical and military support to the United States that shall be considered reimbursable under this section.

(c) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total amount of payments made under the authority of this section during fiscal year 2006 may not exceed $1,500,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary may not enter into any contractual obligation to make a payment under the authority of this section.

(d) CONGRESSIONAL NOTIFICATIONS.—The Secretary of Defense—

(1) shall notify the congressional defense committees not less than 15 days before making any payment under the authority of this section; and

(2) shall submit to those committees quarterly reports on the use of the authority under this section.

TITLE XVI—CONTRACTORS ON THE BATTLEFIELD

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Contractors on the Battlefield Regulatory Act''.

SEC. 1602. FINDINGS.

Congress finds the following:

(1) Contract personnel have provided invaluable services in support of combat, humanitarian, peacekeeping, and reconstruction operations worldwide, and they should be recognized for their contributions, including in some instances the loss of their lives, in support of such operations.

(2) Contract personnel are appropriately prohibited from performing inherently governmental functions.

(3) Contract personnel will be present on and supporting the battlefield of tomorrow providing crucial goods and services for military, humanitarian, peacekeeping, and reconstruction operations.

SEC. 1603. DEFINITIONS.

In this title:

(1) CONTRACTOR ACCOMPANYING THE FORCE.—

(A) IN GENERAL.—The term ''contractor accompanying the force'' means a contractor for a contract with the Department of Defense, a subcontract at any tier under such a contract, or a task order at any tier issued under such a contract, if the contract, subcontract, or task order—

(i) is paid for using funds appropriated to or for the use of the Department; and

(ii) is for the performance of work that directly supports United States military operations overseas or deployed United States Armed Forces.

(B) EMPLOYEES INCLUDED.—The term includes employees of any contractor described in subparagraph (A).

(2) CONTRACTOR NOT ACCOMPANYING THE FORCE.—

(A) IN GENERAL.—The term ''contractor not accompanying the force'' means a contractor for a contract with the Federal Government, a subcontract at any tier under such a contract, or a task order at any tier issued under such a contract, if the contract, subcontract, or task order is for the performance of work related to private security, reconstruction, humanitarian assistance, peacekeeping, or other activities in an area of responsibility of a commander of a combatant command.

(B) EMPLOYEES INCLUDED.—The term includes employees of any contractor described in subparagraph (A).

(3) COMBATANT COMMAND.—The term ''combatant command'' has the meaning provided in section 161(c) of title 10, United States Code.

SEC. 1604. REQUIREMENTS FOR COMMANDERS OF COMBATANT COMMANDS RELATING TO CONTRACTORS ACCOMPANYING AND NOT ACCOMPANYING THE FORCE.

(a) PROTECTION OF CONTRACTORS BY ARMED FORCES.—

(1) CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to make a determination regarding the appropriate level of security protection by the Armed Forces of contractors accompanying the force in the commander's area of responsibility, and to include in the operational plans of the commander the results of the determination.

(2) CONTRACTORS NOT ACCOMPANYING FORCE.—Any requirements for security protection of contractors accompanying the force included in operational plans under paragraph (1) may also be applied by the commander to contractors not accompanying the force.

(b) COMMUNICATIONS PLAN.—

(1) CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to include in the operational plans of the commander a communications plan for contractors accompanying the force in the commander's area of responsibility.

(2) CONTRACTORS NOT ACCOMPANYING FORCE.—Such communications plan may be applied by the commander to contractors not accompanying the force in such area.

(3) PROVISION OF PLAN TO CONTRACTORS.—Any communications plan included in operational plans under this subsection shall be provided by the commander concerned to the affected contractors.

(c) SHARING INTELLIGENCE.—

(1) CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to share with contractors accompanying the force open-source intelligence, threat assessments, and information related to contractor movement to avoid hostile or friendly fire incidents and to further the missions of both the Department of Defense and the contractors.

(2) CONTRACTORS NOT ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to share, to the extent practicable, the intelligence, assessments, and information referred to in paragraph (1) with contractors not accompanying the force.

(3) WAIVER.—The commander of a combatant command may waive the requirements of this subsection if required to ensure operational security in the commander's area of responsibility.

SEC. 1605. REQUIREMENTS FOR CONTRACTORS RELATING TO POSSESSION OF WEAPONS.

(a) REQUIREMENT FOR REGULATIONS REGARDING CARRYING WEAPONS FOR CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall prescribe regulations describing the type of weapons and circumstances under which contractors accompanying the force may carry a weapon for self defense or in order to perform work required under the contract, and information required to be provided by such contractors relating to such weapons. The regulations shall include the following:

(1) A requirement that a contractor accompanying the force request in writing approval, from the commander of the combatant command for the area in which the contractor is performing work under a contract, for the contractor to carry weapons.

(2) Subject to subsection (b), a requirement that the commander of a combatant command determine whether it is appropriate for a contractor accompanying the force to carry a weapon for self defense or in order to perform work required under the contract, taking into account the duties required to be performed under the contract and the security situation in the area of operations, and, if determined appropriate, to approve a request referred to in paragraph (1).

(3) A requirement that any contractor accompanying the force that is carrying a weapon for self defense use only a firearm that meets United States military specifications for self defense and ammunition that meets United States military specifications.

(4) A requirement that a contractor accompanying the force must have proof of appropriate training for using any firearm for self defense, as determined by the Secretary of Defense.

(b) DEEMED APPROVAL FOR CARRYING WEAPON.—The regulations shall provide that, for purposes of the requirements of paragraphs (1) and (2) of subsection (a), a requirement in a contract awarded by the Department that a contractor carry a weapon to perform work under the contract shall be deemed to be approved by the commander for the contractor to carry such a weapon. The regulations shall require that the contracting officer for such a contract shall notify the appropriate commander of any such requirement.

SEC. 1606. BATTLEFIELD ACCOUNTABILITY.

(a) QUARTERLY LIST OF CONTRACTOR PERSONNEL IN COMMANDER'S AREA.—The Secretary of Defense shall require each commander of a combatant command to obtain quarterly from contractors accompanying the force a list of all contractor personnel who are present in the commander's area of responsibility, with the following information for each individual on the list:

(1) Whether the individual carries a weapon.

(2) Proof of appropriate training with respect to any weapon carried by the individual.

(3) Proof of citizenship.

(b) MEETINGS WITH CONTRACTORS.—The Secretary of Defense shall require each commander of a combatant command to meet regularly with representatives of contractors both accompanying and not accompanying the force who are present in the commander's area of responsibility, in order to provide information about the requirements of the commander with respect to the contractors and recommendations to the contractors regarding security for the protection of the contractors.

(c) DATABASE.—The Secretary of Defense shall require each commander of a combatant command to maintain a central database of the information provided under subsection (a) with respect to all contractors accompanying the force in the commander's area of responsibility and shall allow the commander to maintain such a database with respect to contractors not accompanying the force. The Secretary shall prescribe a design for the information to be collected for the database required under this subsection, which shall be uniform for all combatant commands. To the extent practicable, the Secretary shall rely on existing sources in the Department of Defense for the information to be included in the database and make such existing information available to each commander.

(d) CONTRACTOR REQUIREMENT.—Any contractor accompanying the force, and, upon determination of the commander of a combatant command concerned, any contractor not accompanying the force, shall provide information sought by a commander of a combatant command for purposes of subsection (a), upon request from the commander.

Division B—Military Construction Authorizations

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2006''.

TITLE I—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$3,150,000
	Fort Rucker	$9,700,000
	Redstone Arsenal	$4,700,000
Alaska	Fort Wainwright	$33,560,000
Arizona	Ft. Huachuca	$5,100,000
California	Concord	$11,850,000
	Fort Irwin	$21,250,000
Colorado	Fort Carson	$70,622,000
Georgia	Fort Benning	$30,261,000
	Fort Gillem	$3,900,000
	Fort Stewart/Hunter Army Air Field	$57,980,000
Hawaii	Pohakuloa Training Area	$43,300,000

***Army: Inside the United States**—Continued*

State	Installation or Location	Amount
	Schofield Barracks	*$53,900,000*
Illinois	*Rock Island Arsenal*	*$7,400,000*
Indiana	*Crane Army Ammunition Activity*	*$5,700,000*
Kansas	*Fort Riley*	*$23,000,000*
Kentucky	*Fort Campbell*	*$108,175,000*
Louisiana	*Fort Polk*	*$28,887,000*
Missouri	*Fort Leonard Wood*	*$8,100,000*
New Jersey	*Picatinny Arsenal*	*$4,450,000*
New York	*Fort Drum*	*$73,350,000*
	United States Military Academy, West Point	*$4,000,000*
North Carolina	*Fort Bragg*	*$301,250,000*
Ohio	*Joint Systems Manufacturing Center, Lima*	*$11,600,000*
Oklahoma	*Fort Sill*	*$5,850,000*
	McAlester	*$6,500,000*
Pennsylvania	*Letterkenny Depot*	*$6,300,000*
South Carolina	*Fort Jackson*	*$1,600,000*
Texas	*Fort Bliss*	*$5,000,000*
	Fort Hood	*$57,888,000*
Utah	*Dugway Proving Ground*	*$25,000,000*
Virginia	*Fort A.P. Hill*	*$2,700,000*
	Fort Belvoir	*$18,000,000*
	Fort Lee	*$3,900,000*
	Fort Myer	*$15,200,000*
Washington	*Fort Lewis*	*$99,949,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	*Grafenwoehr*	*$84,081,000*
Italy	*Pisa*	*$5,254,000*
Korea	*Camp Humphreys*	*$114,162,000*
	Yongpyong	*$1,450,000*

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Units	Amount
Alaska	*Fort Richardson*	*117*	*$49,000,000*
	Fort Wainwright	*180*	*$91,000,000*
Arizona	*Fort Huachuca*	*131*	*$31,000,000*
	Yuma Proving Ground	*35*	*$11,200,000*
Oklahoma	*Fort Sill*	*129*	*$24,000,000*
Virginia	*Fort Lee*	*96*	*$19,500,000*
	Fort Monroe	*21*	*$6,000,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $17,536,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $300,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,955,400,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $985,172,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $204,947,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $168,023,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $549,636,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $803,993,000.

(6) For the construction of phase 3 of the Lewis & Clark instructional facility at Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $42,642,000.

(7) For the construction of phase 2 of a barracks complex at Vilseck, Germany, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), as amended by section 2105 of this Act, $13,600,000.

(8) For the construction of phase 2 of the Drum Road upgrade at Helemano Military Reservation, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $41,000,000.

(9) For the construction of phase 2 a vehicle maintenance facility at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $24,656,000.

(10) For the construction of phase 2 of a barracks complex, at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $24,650,000.

(11) For the construction of phase 2 of trainee barracks, Basic Training Complex 1 at Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act

of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $21,000,000.

(12) For the construction of phase 2 of a library and learning center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $25,470,000.

(13) For the construction of phase 2 of a barracks complex renewal project at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $30,611,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $16,500,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for Fort Drum, New York).

(3) $31,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 2nd Brigade at Fort Bragg, North Carolina).

(4) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 3nd Brigade at Fort Bragg, North Carolina).

(5) $77,400,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for divisional artillery at Fort Bragg, North Carolina).

(6) $13,000,000 (the balance of the amount authorized under section 2101(a) for construction of a defense access road for Fort Belvoir, Virginia.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION OF OUTSIDE THE UNITED STATES PROJECT.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1698) is amended—

(1) in the item relating to Vilseck, Germany, by striking ''$31,000,000'' in the amount column and inserting ''$26,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$226,900,000''.

(b) CONFORMING AMENDMENT.—Section 2104(b)(6) of that Act (117 Stat. 1700) is amended by striking ''$18,900,000'' and inserting ''$13,900,000''.

TITLE II—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$3,637,000
California	Air-Ground Combat Center, Twentynine Palms	$24,000,000
	Marine Corps Air Station, Camp Pendelton	$1,400,000
	Marine Corps Air Station, Miramar	$5,070,000
	Marine Corps Base, Camp Pendleton	$90,437,000
	Naval Air Station, Lemoore	$8,480,000
	Naval Air Station, North Island	$13,700,000
	Naval Air Warfare Center, China Lake	$19,158,000
	Naval Postgraduate School	$6,500,000
Florida	Diving&Salvage Training Center, Panama City	$9,678,000
	Naval Air Station, Jacksonville	$88,603,000
	Naval Air Station, Pensacola	$8,710,000
	Naval Station, Mayport	$15,220,000
Georgia	Naval Submarine Base, Kings Bay	$6,890,000
	Marine Corps Logistics Base, Albany	$5,840,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	$5,700,000
	Naval Base, Pearl Harbor	$29,700,000
Illinois	Recruit Training Command, Great Lakes	$167,750,000
Maryland	Naval Air Warfare Center, Patuxent River	$5,800,000
	Naval Surface Warfare Center, Indian Head	$13,460,000
	United States Naval Academy, Annapolis	$51,720,000
New Hampshire	Portsmouth Naval Shipyard	$8,100,000
North Carolina	Marine Corps Air Station, Cherry Point	$29,147,000
	Marine Corps Air Station, New River	$6,840,000
	Marine Corps Base, Camp Lejeune	$44,590,000
Pennsylvania	Naval Station Weapons Center, Philadelphia	$4,780,000
Rhode Island	Naval Station, Newport	$4,870,000
Texas	Naval Air Station, Kingsville	$16,040,000
Virginia	Marine Corps Air Field, Quantico	$19,698,000
	Marine Corps Base, Quantico	$4,270,000
	Naval Air Station, Oceana	$11,680,000
	Naval Amphibious Base, Little Creek	$36,034,000
	Naval Station, Norfolk	$111,033,000
Washington	Naval Station, Everett	$70,950,000
	Naval Submarine Base, Bangor	$60,160,000
	Naval Air Station, Whidbey Island	$4,010,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation outside the United States, and in the amount, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Guam	Naval Station, Guam.	$55,473,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Guam	Commander Naval Region, Marianas	126	$43,495,000

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $178,644,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,916,779,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $802,311,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $25,584,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $36,029,000.

(4) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $218,942,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $588,660,000.

(5) For the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), as amended by section 2205 of this Act, $54,432,000.

(6) For the construction of increment 3 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $40,200,000.

(7) For the construction of increment 2 of the apron and hangar at Naval Air Facility, El Centro, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), $18,666,000.

(8) For the construction of increment 2 of the White Side complex, Marine Corps Air Facility, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), $34,730,000.

(9) For the construction of increment 2 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of this Act, $47,095,000.

(10) For the construction of increment 2 of the lab consolidation at Strategic Weapons Facility Pacific, Bangor, Washington authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of this Act, $9,430,000.

(11) For the construction of increment 2 of the presidential helicopter programs support facility at Naval Air Station, Patuxent River, Maryland, authorized by section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of this Act, $40,700,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $37,721,000 (the balance of the amount authorized under section 2201(a) for a reclamation and conveyance project for Camp Pendleton, California).

(3) $43,424,000 (the balance of the amount authorized under section 2201(a) for a helicopter hangar replacement at Naval Air Station, Jacksonville, Florida).

(4) $45,850,000 (the balance of the amount authorized under section 2201(a) for infrastructure upgrades to Recruit Training Command, Great Lakes, Illinois).

(5) $26,790,000 (the balance of the amount authorized under section 2201(a) for construction of a field house at United States Naval Academy, Annapolis, Maryland).

(6) $31,059,000 (the balance of the amount authorized under section 2201(a) for replacement of Ship Repair Pier 3 at Norfolk Naval Shipyard, Virginia).

(7) $21,000,000 (the balance of the amount authorized under section 2201(a) for construction of bachelor quarters for Naval Station, Everett, Washington).

(8) $29,889,000 (the balance of the amount authorized under section 2201(b) for wharf upgrades at Naval Station, Guam).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1703) is amended—

(1) in the item relating to Naval Weapons Station, Earle, New Jersey, by striking ''$123,720,000'' in the amount column and inserting ''$140,372,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,352,524,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of that Act (117 Stat. 1706) is amended by striking ''$96,980,000'' and inserting ''$113,632,000''.

SEC. 2206. MODIFICATIONS OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105) is amended—

(1) in the item relating to Marine Corps Air Facility, Quantico, Virginia, by striking ''$73,838,000'' in the amount column and inserting ''$74,462,000'';

(2) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$138,060,000'' in the amount column and inserting ''$147,760,000''; and

(3) by striking the amount identified as the total in the amount column and inserting ''$962,379,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of that Act (118 Stat. 2107) is amended—

(1) in paragraph (4), by striking ''$34,098,000'' and inserting ''$34,722,000'';

(2) by redesignating paragraph (7) as paragraph (8) and, in such paragraph—

(A) by striking ''$65,982,000'' and inserting ''$66,614,000''; and

(B) by striking ''at an unspecified location'' and inserting ''at Naval Air Station, Patuxent River, Maryland''; and

(3) by inserting after paragraph (6) the following new paragraph (7):

''(7) $9,700,000 (the balance of the amount authorized under section 2201(a) for naval laboratory consolidation, Strategic Weapons Facility Pacific, Bangor, Washington).''.

TITLE III—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$14,900,000
Alaska	Clear Air Force Base	$20,000,000
	Elmendorf Air Force Base	$84,820,000
Arizona	Davis-Monthan Air Force Base	$8,600,000
	Luke Air Force Base	$13,000,000
Arkansas	Little Rock Air Force Base	$8,900,000

***Air Force: Inside the United States**—Continued*

State	Installation or Location	Amount
California	Beale Air Force Base	$14,200,000
	Edwards Air Force Base	$103,000,000
	Travis Air Force Base	$31,600,000
	Vandenberg Air Force Base	$16,845,000
Colorado	Buckley Air Force Base	$20,100,000
	Peterson Air Force Base	$25,500,000
	United States Air Force Academy	$13,000,000
Delaware	Dover Air Force Base	$19,000,000
District of Columbia	Bolling Air Force Base	$14,900,000
Florida	Hurlburt Field	$2,540,000
	MacDill Air Force Base	$107,200,000
	Tyndall Air Force Base	$21,500,000
Georgia	Robins Air Force Base	$7,600,000
Hawaii	Hickam Air Force Base	$13,378,000
Idaho	Mountain Home Air Force Base	$9,835,000
Massachusetts	Hanscom Air Force Base	$10,000,000
Mississippi	Keesler Air Force Base	$47,500,000
Missouri	Whiteman Air Force Base	$5,721,000
Nebraska	Offutt Air Force Base	$50,280,000
Nevada	Indian Springs Auxiliary Field	$60,724,000
	Nellis Air Force Base	$23,311,000
New Jersey	McGuire Air Force Base	$13,185,000
New Mexico	Kirtland Air Force Base	$6,600,000
North Dakota	Minot Air Force Base	$8,700,000
Ohio	Wright Patterson Air Force Base	$32,620,000
Oklahoma	Tinker Air Force Base	$31,960,000
South Carolina	Charleston Air Force Base	$2,583,000
	Shaw Air Force Base	$16,030,000
Texas	Goodfellow Air Force Base	$4,300,000
	Laughlin Air Force Base	$7,900,000
	Sheppard Air Force Base	$36,000,000
Utah	Hill Air Force Base	$24,100,000
Virginia	Langley Air Force Base	$44,365,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$11,650,000
	Spangdahlem Air Base	$12,474,000
Guam	Andersen Air Base	$18,500,000
Italy	Aviano Air Base	$22,660,000
Korea	Kunsan Air Base	$50,900,000
	Osan Air Base	$40,719,000
Portugal	Lajes Field, Azores	$12,000,000
Turkey	Incirlik Air Base	$5,780,000
United Kingdom	Royal Air Force Lakenheath	$5,125,000
	Royal Air Force Mildenhall	$13,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Alaska	Eielson Air Force Base	392	$55,794,000
California	Edwards Air Force Base	226	$59,699,000
District of Columbia	Bolling Air Force Base	157	$48,223,000
Florida	MacDill Air Force Base	109	$40,982,000
Idaho	Mountain Home Air Force Base	194	$56,467,000
Missouri	Whiteman Air Force Base	111	$26,917,000
Montana	Malmstrom Air Force Base	296	$68,971,000
North Carolina	Seymour Johnson Air Force Base	255	$48,868,000
North Dakota	Grand Forks Air Force Base	300	$86,706,000
	Minot Air Force Base	223	$44,548,000
South Carolina	Charleston Air Force Base	10	$15,935,000
South Dakota	Ellsworth Air Force Base	60	$14,383,000
Texas	Dyess Air Force Base	190	$43,016,000
Germany	Ramstein Air Base	101	$62,952,000
	Spangdahlem Air Base	79	$45,385,000
Turkey	Incirlik Air Base	100	$22,730,000
United Kingdom	Royal Air Force Lakenheath	107	$48,437,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $37,104,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $409,103,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $3,162,877,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $871,297,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $193,308,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $91,733,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $1,236,220,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $755,319,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a):

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $30,000,000 (the balance of the amount authorized under section 2301(a) for construction of a C–17 maintenance complex at Elmendorf Air Force Base, Alaska).

(3) $66,000,000 (the balance of the amount authorized under section 2301(a) for construction of a main base runway at Edwards Air Force Base, California).

(4) $29,000,000 (the balance of the amount authorized under section 2301(a) for construction of a joint intelligence center at MacDill Air Force Base, Florida.)

TITLE IV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Stewart/Hunter Army Air Field	$16,629,000
North Carolina	Fort Bragg	$18,075,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia	Bolling Air Force Base	$7,900,000

Defense Logistics Agency

State	Installation or Location	Amount
Arizona	Yuma Proving Ground	$7,300,000
California	Defense Distribution Depot, Tracy	$33,635,000
	Miramar	$23,000,000
Kansas	McConnell Air Force Base	$15,800,000
New Mexico	Cannon Air Force Base	$13,200,000
North Carolina	Seymour Johnson Air Force Base	$18,500,000
Pennsylvania	Defense Distribution Depot, New Cumberland	$6,500,000
Virginia	Fort Belvoir	$4,500,000
	Naval Station, Norfolk	$6,700,000

National Security Agency

State	Installation or Location	Amount
Georgia	Augusta	$61,466,000
Maryland	Fort Meade	$28,049,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Surface Warfare Center, Coronado	$28,350,000
Florida	Hurlburt Field	$6,500,000
	Eglin Air Force Base	$12,800,000
Georgia	Fort Stewart/Hunter Army Air Field	$10,000,000
Kentucky	Fort Campbell	$37,800,000
North Carolina	Fort Bragg	$14,769,000
Washington	Fort Lewis	$53,300,000

TRICARE Management Activity

State	Installation or Location	Amount
California	Beale Air Force Base	$18,000,000
	Naval Hospital, San Diego	$15,000,000
Colorado	Peterson Air Force Base	$1,820,000
Maryland	Fort Detrick	$55,200,000

***TRICARE Management Activity**—Continued*

State	Installation or Location	Amount
	Uniformed Services University, Bethesda	*$10,350,000*
Mississippi	*Keesler Air Force Base*	*$14,000,000*
Nevada	*Nellis Air Force Base*	*$1,700,000*
South Carolina	*Charleston*	*$35,000,000*
Texas	*Lackland Air Force Base*	*$11,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Location	Installation or City	Amount
Germany	*Landstuhl*	*$6,543,000*
	Vilseck	*$2,323,000*
Guam	*Agana*	*$40,578,000*
Korea	*Taegu*	*$8,231,000*
Spain	*Naval Station, Rota*	*$7,963,000*

Defense Logistics Agency

Location	Installation or City	Amount
Greece	*Souda Bay*	*$7,089,000*

Missile Defense Agency

Location	Installation or City	Amount
Kwajalein	*Kwajalein Atoll*	*$4,901,000*

National Security Agency

Location	Installation or City	Amount
United Kingdom	*Menwith Hill*	*$44,997,000*

TRICARE Management Activity

Location	Installation or City	Amount
Bahrain		*$4,750,000*

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $50,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $2,973,848,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $586,843,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $126,404,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $15,736,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $135,681,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $50,000,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, $377,827,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, $1,570,466,000.

(9) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $46,391,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of increment 2 of the hospital replacement at Fort Belvoir, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2112), $57,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $206,858,000.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $410,624,000; and

(B) for the Army Reserve, $138,425,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $45,226,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $225,727,000; and

(B) for the Air Force Reserve, $110,847,000.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2009 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2700), authorizations set forth in the tables in subsection (b), as provided in section 2301, 2302, or 2401 of that Act, shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2003 Project Authorizations

Installation or Location	Project	Amount
Aviano Air Base, Italy	Area consolidation	$5,000,000
Eglin Air Force Base, Florida	Family housing (134 units)	$15,906,000
	Family housing office	$597,000
Keesler Air Force Base, Mississippi	Family housing (117 units)	$16,505,000
Randolph Air Force Base, Texas	Family housing (112 units)	$14,311,000
	Housing maintenance facility	$447,000

Defense Wide: Extension of 2003 Project Authorization

Installation or Location	Project	Amount
Stennis Space Center, Mississippi	SOF Training Range	$5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1301), authorizations set forth in the tables in subsection (b), as provided in section 2101 or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
Pohakuloa Training Area, Hawaii	Land acquisition	$1,500,000

Air Force: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
Barksdale Air Force Base, Louisiana	Family housing (56 units)	$7,300,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2005; or

(2) the date of the enactment of this Act.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF CONGRESSIONAL NOTIFICATION REQUIREMENTS FOR CERTAIN MILITARY CONSTRUCTION ACTIVITIES.

(a) CONTINGENCY CONSTRUCTION.—Section 2804(b) of title 10, United States Code, is amended—

(1) by striking ''21-day period'' and inserting ''14-day period''; and

(2) by striking ''14-day period'' and inserting ''seven-day period''.

(b) ACQUISITION IN LIEU OF CONSTRUCTION.—Section 2813(c) of such title is amended—

(1) by striking ''30-day period'' and inserting ''21-day period''; and

(2) by striking ''21-day period'' and inserting ''14-day period''.

SEC. 2802. IMPROVE AVAILABILITY AND TIMELINESS OF DEPARTMENT OF DEFENSE INFORMATION REGARDING MILITARY CONSTRUCTION AND FAMILY HOUSING ACCOUNTS AND ACTIVITIES.

(a) MAINTENANCE OF INFORMATION ON INTERNET.—Section 2851 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) MAINTENANCE OF MILITARY CONSTRUCTION INFORMATION ON INTERNET; ACCESS.—(1) The Secretary of Defense shall maintain, as part of the Internet site of the Department of Defense, a link that, when activated by a person authorized under paragraph (3), will permit the person to access and view on a separate page of the Internet site a document or other file containing information regarding—

''(A) a specific military construction project or military family housing project, including the information required by paragraph (2); and

''(B) the accounts that are used to fund the project or support the operation and maintenance of military family housing.

''(2) The information required to be maintained under this subsection shall include the following:

''(A) The solicitation date and award date (or anticipated dates) for each contract entered into (or to be entered into) by the United States in connection with a military construction project or a military family housing project.

''(B) The contract recipient, contract award amount, and current working estimate of the cost of the project.

''(C) The latest form 1391 for the project and the status of design and construction for the project.

''(D) The date (or anticipated date) for completion of the project.

''(E) If funds appropriated for the project exceed (or are likely to exceed) the amount required to complete the project, the amount of the excess and the purpose for which the excess funds will be used.

''(F) If funds appropriated for the project are insufficient (or are likely to be insufficient) to complete the project, the additional amount necessary to complete the project and the source of the additional funds.

''(G) For accounts such as planning and design, unspecified minor construction, and family housing operation and maintenance, detailed information regarding expenditures and anticipated expenditures under these accounts and the purposes for which the expenditures are made.

''(3) Access to the Internet page referred to in paragraph (1) shall be restricted to the following persons:

''(A) Members of the congressional defense committees and their staff.

''(B) Staff of the congressional defense committees.

''(4) The Secretary shall update the information required to be maintained under this subsection as promptly as practicable to ensure that the information is available to persons referred to in paragraph (3) in a timely manner.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''SUPERVISION OF MILITARY DEPARTMENT PROJECTS.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''SUPERVISION OF DEFENSE AGENCY PROJECTS.—'' after ''(b)''.

SEC. 2803. EXPANSION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION.

(a) INCLUSION OF ALL MILITARY INSTALLATIONS.—Subsection (a) of section 2869 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' before ''The Secretary concerned'';

(3) by striking ''located on a military installation that is closed or realigned under a base closure law'' and inserting ''described in paragraph (2)''; and

(4) by adding at the end the following new paragraph:

''(2) Paragraph (1) applies with respect to real property under the jurisdiction of the Secretary concerned that—

''(A) is located on a military installation that is closed or realigned under a base closure law; or

''(B) is determined to be surplus to the needs of the Federal Government.''.

(b) ADVANCE NOTICE OF USE OF AUTHORITY; CONTENT OF NOTICE.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''closed or realigned under the base closure laws is to be conveyed'' and inserting ''is proposed for conveyance'';

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

''(2) The Secretary concerned may not enter into an agreement under subsection (a) for the conveyance of real property until—

''(A) the Secretary submits to Congress notice of the conveyance, including—

''(i) the military construction activities, military family housing, or military unaccompanied housing to be obtained in exchange for the conveyance of the property; and

''(ii) the amount of any payment to be made under subsection (b) by the recipient of the property to equalize the fair market values of the property to be conveyed and the military construction activities, military family housing, or military unaccompanied housing to be obtained in exchange for the property; and

''(B) a period of 21 days has elapsed from the date of receipt of the notice or, if over sooner, a period of 14 days has elapsed from the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title''.

(c) DEPOSIT AND USE OF FUNDS.—Subsection (e) of such section is amended to read as follows:

''(e) DEPOSIT AND USE OF FUNDS.—(1) The Secretary concerned shall deposit funds received under subsection (b) in the appropriation 'Foreign Currency Fluctuations, Construction, Defense'.

''(2) The funds deposited under paragraph (1) shall be available, in such amounts as provided in appropriation Acts, for the purpose of paying increased costs of overseas military construction and family housing construction or improvement associated with unfavorable fluctuations in currency exchange rates. The use of such funds for this purpose does not relieve the Secretary concerned from the duty to provide advance notice to Congress under section 2853(c) of this title whenever the Secretary approves an increase in the cost of an overseas project under such section.''.

(d) ANNUAL REPORTS; EFFECT OF FAILURE TO SUBMIT.—Subsection (f) of such section is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by inserting before the period at the end the following: ''and of surplus real property at military installations'';

(3) by striking ''(f)'' and all that follows through ''the following:'' and inserting the following:

''(f) ANNUAL REPORTS; EFFECT OF FAILURE TO SUBMIT.—(1) Not later than March 15 of each year, the Secretary of Defense shall submit to Congress a report detailing the following:''; and

(4) by adding at the end the following new paragraph:

''(2) If the report for a year is not submitted to Congress by the date specified in paragraph (1), the Secretary concerned may not enter into an agreement under subsection (a) after that date for the conveyance of real property until the date on which the report is finally submitted.''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for such section is amended to read as follows:

''§ 2869. Conveyance of property at military installations to support military construction''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

''2689. Conveyance of property at military installations to support military construction.''.

(f) CONFORMING AMENDMENTS TO OTHER LAWS.—Section 2883(c) of such title is amended—

(1) in paragraph (1), by striking subparagraph (F); and

(2) in paragraph (2), by striking subparagraph (F).

SEC. 2804. EFFECT OF FAILURE TO SUBMIT REQUIRED REPORT ON NEED FOR GENERAL AND FLAG OFFICERS QUARTERS IN NATIONAL CAPITAL REGION.

Section 2802(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2120) is amended—

(1) by inserting ''(1)'' before ''Not later than March 30, 2005,''; and

(2) by adding at the end the following new paragraph:

''(2) Until the report required by this subsection is submitted to the congressional defense committees, amounts appropriated for the Department of Defense for fiscal year 2006 may not be used for the operation, maintenance, or repair of housing units for general officers and flag officers in the National Capital Region.''.

SEC. 2805. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) CONDITIONAL EXTENSION.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), is further amended—

(1) in subsection (a), by striking ''fiscal year 2005'' and inserting ''fiscal years 2005 and 2006''; and

(2) in subsection (d)(2)—

(A) by striking ''during fiscal year 2005'' and inserting ''during a fiscal year'';

(B) by inserting ''for that fiscal year'' after ''commence''; and

(C) by striking ''for fiscal year 2004'' and inserting ''for the preceding fiscal year''.

(b) ADVANCE NOTICE OF PROPOSED OBLIGATION OF FUNDS.—Subsection (b) of such section 2808 is amended—

(1) in the first sentence—

(A) by striking ''Within seven days after'' and all that follows through ''are first'' and inserting ''Not later than seven days before the date on which appropriated funds available for operation and maintenance will be first''; and

(B) by striking ''the obligation'' and inserting ''the proposed obligation'';

(2) in paragraph (2), by striking ''are being obligated'' and inserting ''will be obligated''; and

(3) in paragraph (4), by striking ''obligated'' and inserting ''to be obligated''.

(c) QUARTERLY REPORTS; EFFECT OF FAILURE TO SUBMIT.—Subsection (d) of such section 2808 is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) Not later than 30 days after the end of each fiscal-year quarter during which appropriated funds available for operation and maintenance are obligated or expended to carry out construction projects outside the United States, the Secretary of Defense shall submit to the congressional committees specified in subsection (f) a report on the worldwide obligation and expenditure during that quarter of such appropriated funds for such construction projects. If the report for a fiscal-year quarter is not submitted to such committees by the required date, appropriated funds available for operation and maintenance may not be obligated or expended after that date under the authority of this section to carry out construction projects outside the United States until the date on which the report is finally submitted.''.

SEC. 2806. CLARIFICATION OF MORATORIUM ON CERTAIN IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

(a) EXCEPTIONS TO MORATORIUM.—Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–355) is amended—

(1) in subsection (a), by striking ''conversion, rehabilitation, extension, or improvement'' and inserting ''or extension'';

(2) in subsection (b)(1), by inserting '', repair, or convert'' after ''maintain''; and

(3) in subsection (c), by striking ''conversion, rehabilitation, extension, or improvement'' and inserting ''or extension''.

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) do not trigger the termination of the moratorium on certain improvements at Fort Buchanan, Puerto Rico, as provided by subsection (c) of section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CONSOLIDATION OF DEPARTMENT OF DEFENSE LAND ACQUISITION AUTHORITIES AND LIMITATIONS ON USE OF SUCH AUTHORITIES.

(a) LAND ACQUISITION AUTHORITY.—Chapter 159 of title 10, United States Code, is amended—

(1) in section 2663—

(A) by striking the section heading and inserting the following new section heading:

''§2663. Land acquisition authorities'';

(B) in subsection (a)—

(i) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(ii) in subparagraph (C), as so redesignated, by striking ''clause (2)'' and inserting ''subparagraph (B)''; and

(iii) by inserting ''ACQUISITION OF LAND BY CONDEMNATION FOR CERTAIN MILITARY PURPOSES.—(1)'' before ''The Secretary'' ;

(C) by redesignating subsection (b) as paragraph (2) and, in such paragraph, by striking ''subsection (a)'' and inserting ''paragraph (1)'';

(D) by redesignating subsection (c) as subsection (b) and, in such subsection, by inserting ''ACQUISITION BY PURCHASE IN LIEU OF CONDEMNATION.—'' before ''The Secretary''; and

(E) by striking subsection (d);

(2) by transferring subsections (a), (b), and (d) of section 2672 to section 2663 and inserting such subsections in that order after subsection (b), as redesignated by paragraph (1)(D);

(3) in subsection (a), as transferred by paragraph (2), by striking ''(a) ACQUISITION AUTHORITY'' and inserting ''(c) ACQUISITION OF LOW-COST INTERESTS IN LAND'';

(4) in subsection (b), as transferred by paragraph (2)—

(A) by striking ''(b) ACQUISITION OF MULTIPLE PARCELS.—This section'' and inserting ''(3) This subsection'';

(B) by striking ''subsection (a)(1)'' and inserting ''paragraph (1)''; and

(C) by striking ''subsection (a)(2)'' and inserting ''paragraph (2)'';

(5) in subsection (d), as transferred by paragraph (2)—

(A) by striking ''(d) AVAILABILITY OF FUNDS.—Appropriations'' and inserting ''(4) Appropriations''; and

(B) by striking ''this section'' and inserting ''this subsection'';

(6) by transferring subsections (a), (c), and (b) of section 2672a to section 2663 and inserting such subsections in that order after subsection (c), as redesignated and amended by paragraphs (3), (4), and (5);

(7) in subsection (a), as transferred by paragraph (6)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking ''(a) The Secretary'' and inserting ''(d) ACQUISITION OF INTERESTS IN LAND WHEN NEED IS URGENT.—(1) The Secretary'';

(8) in subsection (c), as transferred by paragraph (6)—

(A) by striking ''(c)'' and inserting ''(2)''; and

(B) by striking ''this section'' and inserting ''this subsection'';

(9) in subsection (b), as transferred by paragraph (6)—

(A) by striking ''(b)'' and inserting ''(3)'';

(B) by striking ''this section'' in the first sentence and inserting ''this subsection''; and

(C) by striking the second sentence;

(10) by transferring subsection (b) of section 2676 to section 2663 and inserting such subsection after subsection (d), as redesignated and amended by paragraphs (7), (8), and (9); and

(11) in subsection (b), as transferred by paragraph (10), by striking ''(b) Authority'' and inserting ''(e) SURVEY AUTHORITY; ACQUISITION METHODS.—Authority''.

(b) LIMITATIONS ON ACQUISITION AUTHORITY.—Section 2676 of such title, as amended by subsection (a)(10), is further amended—

(1) in subsection (a)—

(A) by inserting ''AUTHORIZATION FOR ACQUISITION REQUIRED.—'' before ''No military department''; and

(B) by striking '', as amended'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''COST LIMITATIONS.—'' before ''(1)'';

(B) in paragraph (2)—

(i) by striking ''A land'' and inserting ''Until subsection (d) is complied with, a land''; and

(ii) by striking ''lesser,'' and all that follows through the period at the end and inserting ''lesser.'';

(3) in subsection (d), by inserting ''CONGRESSIONAL NOTIFICATION.—'' before ''The limitations''; and

(4) in subsection (e), by inserting ''PAYMENT OF JUDGEMENTS AND SETTLEMENTS.—'' before ''The Secretary''.

(c) TRANSFER AND REDESIGNATION OF REVISED LIMITATION SECTION.—Section 2676 of such title, as amended by subsections (a)(10) and (b)—

(1) is inserted after section 2663 of such title, as amended by subsection (a); and

(2) is amended by striking the section heading and inserting the following new section heading:

''§2664. Limitations on real property acquisition''.

(d) INCLUSION OF LIMITATION ON LAND ACQUISITION COMMISSIONS.—Subsection (c) of section 2661 of such title is transferred to section 2664 of such title, as redesignated by subsection (c)(2), is inserted after subsection (a) of such redesignated section, and is redesignated as subsection (b).

(e) CONFORMING REPEALS.—Sections 2672 and 2672a of such title are repealed.

(f) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 159 of such title is amended—

(1) by striking the items relating to sections 2663, 2672, 2672a, and 2676; and

(2) by inserting after the item relating to section 2662 the following new items:

''2663. Land acquisition authorities.

''2664. Limitations on real property acquisition.''.

SEC. 2812. REPORT ON USE OF UTILITY SYSTEM CONVEYANCE AUTHORITY AND TEMPORARY SUSPENSION OF AUTHORITY PENDING REPORT.

(a) REPORT ON USE OF AUTHORITY.—Subsection (e) of section 2688 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''QUARTERLY REPORT.—'' and inserting ''REPORTING REQUIREMENTS.—(1)''; and

(3) by adding at the end the following new paragraph:

''(2) Not later than March 15, 2006, the Secretary of Defense shall submit to Congress a report containing—

''(A) a discussion of the methodology by which a military department conducts the economic analyses of proposed utility system conveyances under this section, including the economic analysis referred to in this subsection,

and any guidance issued by the Department of Defense related to conducting such economic analyses;

''(B) a list of the steps taken to ensure the reliability of completed economic analyses, including post-conveyance reviews of actual costs and savings to the United States versus the costs and savings anticipated in the economic analyses;

''(C) a review of the costs and savings to the United States resulting from each utility system conveyance carried out under this section;

''(D) a discussion of the requirement for consideration equal to the fair market value of a conveyed utility system, as specified in subsection (c), and any guidance issued by the Department of Defense related to implementing that requirement, and the effect of that requirement and guidance on the costs and savings to the United States resulting from procuring by contract the utility services provided by the utility system;

''(E) a discussion of the effects that permanent conveyance of ownership in a utility system may have on the ability of the Secretary concerned to renegotiate contracts for utility services provided by the utility system or to procure such services from another source;

''(F) a discussion of the efforts and direction within the Department of Defense to oversee the implementation and use of the utility system conveyance authority under this section and to ensure the adequacy of utilities services for a military installation after conveyance of a utility system; and

''(G) a discussion of the effect of utility system conveyances on the operating budgets of military installations at which the conveyances were made.''.

(b) SUSPENSION OF AUTHORITY.—Such section is further amended by adding at the end the following new subsection:

''(j) TEMPORARY SUSPENSION OF CONVEYANCE AUTHORITY.—The Secretary concerned may not convey a utility system, including any part of a utility system, under subsection (a) or make a contribution under subsection (g) toward the cost of construction, repair, or replacement of a utility system by another entity until the later of the following dates:

''(1) The date of the enactment of an Act authorizing funds for military construction for fiscal year 2007.

''(2) The date that is one year after the date of the submission of the report required by subsection (e)(2).''.

SEC. 2813. AUTHORIZED MILITARY USES OF PAPAGO PARK MILITARY RESERVATION, PHOENIX, ARIZONA.

The Act of April 7, 1930 (Chapter 107; 46 Stat. 142), is amended in the first designated paragraph, relating to the Papago Park Military Reservation, by striking ''as a rifle range''.

Subtitle C—Base Closure and Realignment

SEC. 2821. ADDITIONAL REPORTING REQUIREMENTS REGARDING BASE CLOSURE PROCESS AND USE OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNTS.

(a) INFORMATION ON FUTURE RECEIPTS AND EXPENDITURES.—

(1) 1990 ACCOUNT.—Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (A)—

(i) by striking ''committees of the amount'' and inserting ''committees of—

''(i) the amount'';

(ii) by striking ''such fiscal year and of the amount'' and inserting ''such fiscal year;

''(ii) the amount''; and

(iii) by striking ''such fiscal year.'' and inserting ''such fiscal year;

''(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

''(iv) the amount and nature of anticipated expenditures to be made made pursuant to section 2905(a) during the first fiscal year commencing after the submission of the report.''; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting ''and installation'' after ''subaccount''; and

(ii) by adding at the end the following new clause:

''(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations the date of approval of closure or realignment of which is before January 1, 2005.''.

(2) 2005 ACCOUNT.—Section 2906A(c)(1) of such Act is amended—

(A) in subparagraph (A)—

(i) by striking ''committees of the amount'' and inserting ''committees of—

''(i) the amount'';

(ii) by striking ''such fiscal year and of the amount'' and inserting ''such fiscal year;

''(ii) the amount''; and

(iii) by striking ''such fiscal year.'' and inserting ''such fiscal year;

''(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

''(iv) the amount and nature of anticipated expenditures to be made made pursuant to section 2905(a) during the first fiscal year commencing after the submission of the report.''; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting ''and installation'' after ''subaccount''; and

(ii) by adding at the end the following new clause:

''(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations the date of approval of closure or realignment of which is after January 1, 2005.''.

(b) INFORMATION ON BRAC PROCESS.—Section 2907 of such Act is amended—

(1) by striking ''fiscal year 1993'' and inserting ''fiscal year 2007'';

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(3) a description of the closure or realignment actions already carried out at each military installation since the date of the installation's approval for closure or realignment under this part and the current status of the closure or realignment of the installation, including whether—

''(A) a redevelopment authority has been recognized by the Secretary for the installation;

''(B) the screening of property at the installation for other Federal use has been completed; and

''(C) a redevelopment plan has been agreed to by the redevelopment authority for the installation;

''(4) a description of redevelopment plans for military installations approved for closure or realignment under this part, the quantity of property remaining to be disposed of at each installation as part of its closure or realignment, and the quantity of property already disposed of at each installation;

''(5) a list of the Federal agencies that have requested property during the screening process for each military installation approved for closure or realignment under this part, including the date of transfer or anticipated transfer of the property to such agencies, the acreage involved in such transfers, and an explanation for any delays in such transfers;

''(6) a list of known environmental remediation issues at each military installation approved for closure or realignment under this part, including the acreage affected by these issues, an estimate of the cost to complete such environmental remediation, and the plans (and timelines) to address such environmental remediation; and

''(7) an estimate of the date for the completion of all closure or realignment actions at each military installation approved for closure or realignment under this part.''.

SEC. 2822. TERMINATION OF PROJECT AUTHORIZATIONS FOR MILITARY INSTALLATIONS APPROVED FOR CLOSURE IN 2005 ROUND OF BASE REALIGNMENTS AND CLOSURES.

(a) PROJECT TERMINATION.—If a military installation is approved for closure in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), any authorization for a military construction project, land acquisition, or family housing project that is related to that installation and contained in title XXI, XXII, XXIII, or XXIV of this Act or in an Act authorizing funds for a prior fiscal year for military construction projects, land acquisition, and family housing projects (and authorizations of appropriations therefor) shall terminate and no longer constitute authority under section 2676, 2802, 2821, or 2822 of title 10, United States Code, to carry out the military construction project, land acquisition, or family housing project.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, or family housing projects (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the date of approval of the military installation for closure under the Defense Base Closure and Realignment Act of 1990. In this subsection, the term ''date of approval'' has the meaning given that term in section 2910(8) of such Act.

SEC. 2823. EXPANDED AVAILABILITY OF ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY MISSION REALIGNMENTS IN BASE CLOSURE PROCESS.

(a) ELIGIBILITY REQUIREMENTS.—Subsection (b)(3) of section 2391 of title 10, United States Code, is amended—

(1) by striking ''significantly reduced operations of a defense facility'' and inserting ''realignment of a military installation'';

(2) by striking ''cancellation,'' and inserting ''closure or realignment, cancellation or''; and

(3) by striking ''community'' and all that follows through the period at the end and inserting ''community or its residents.''.

(b) ADDITION OF DEFINITION OF REALIGNMENT.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(4) The term 'realignment' has the meaning given that term in section 2910(5) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

SEC. 2824. SENSE OF CONGRESS REGARDING CONSIDERATION OF NATIONAL DEFENSE INDUSTRIAL BASE INTERESTS DURING BASE CLOSURE AND REALIGNMENT COMMISSION REVIEW OF DEPARTMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.

It is the sense of Congress that national defense industrial base interests, including the relationships between military installations and proximate commercial facilities and the maintenance of, and accessibility to, skills and knowledge critical to military installations and their operation, are an integral part of military value, and should be given full consideration by the Base Closure and Realignment Commission when it conducts its review and analysis of the

recommendations made by the Secretary of Defense regarding the closure or realignment of military installations.

Subtitle D—Land Conveyances

PART 1—ARMY CONVEYANCES

SEC. 2831. MODIFICATION OF LAND CONVEYANCE, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONSIDERATION.—Subsection (b)(4) of section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314) is amended by striking '', jointly determined'' and all that follows through ''Ground'' and inserting ''equal to $3,880,000''.

(b) REPLACEMENT OF FIRE STATION.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''Building 5089'' and inserting ''Building 191''; and

(B) by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)'';

(2) in paragraph (2), by striking ''Building 5089'' and inserting ''Building 191''; and

(3) by striking paragraph (3).

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, BOTHELL, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Army may convey to the Snohomish County Fire Protection District #10 (in this section referred to as the ''Fire District'') all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre at the Army Reserve Center in Bothell, Washington, and currently occupied, in part, by the Queensborough Firehouse for the purpose of supporting the provision of fire and emergency medical aid services.

(b) IN-KIND CONSIDERATION.—As consideration for the conveyance under subsection (a), the Fire District shall provide in-kind consideration acceptable to the Secretary with a total value equal to not less than the fair market value of the conveyed real property, as determined by the Secretary.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Fire District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Fire District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Fire District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART 2—NAVY CONVEYANCES

SEC. 2841. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Navy may convey to the County of San Diego, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 230 acres along the eastern boundary of Marine Corps Air Station, Miramar, California, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the property as public open space and reopen the tract known as the Stowe Trail to public use.

(b) CONSIDERATION.—

(1) IN-KIND CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall provide in-kind consideration with a total value equal to not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) TYPES OF CONSIDERATION.—The in-kind consideration provided by the County shall be in a form and quantity that is acceptable to the Secretary, and may include the following forms of in-kind consideration:

(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Secretary.

(B) Construction of new facilities for the Secretary.

(C) Provision of facilities for use by the Secretary.

(D) Facilities operation support for the Secretary.

(E) Provision of such other services as the Secretary considers appropriate.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United states Code, shall not apply to any new facilities whose construction is accepted as in-kind consideration under this subsection.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under subsection (c) if—

(1) Marine Corps Air Station, Miramar, is no longer being used for Department of Defense activities; or

(2) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under subsection (b), including appraisal costs, survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration.

(2) TREATMENT OF AMOUNTS RECEIVED.—Section 2695(c) of title 10, United States Code, shall apply to any amounts received by the Secretary under paragraph (1). If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed by the Secretary under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) EXEMPTIONS.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a), and the authority to make the conveyance shall not be considered to render the property excess or underutilized.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

PART 3—AIR FORCE CONVEYANCES

SEC. 2851. PURCHASE OF BUILD-TO-LEASE FAMILY HOUSING, EIELSON AIR FORCE BASE, ALASKA.

(a) AUTHORITY TO PURCHASE.—After the expiration of the contract for the lease of a 300-unit military family housing project at Eielson Air Force Base, Alaska, that was entered into by the Secretary under the authority of former subsection (g) of section 2828 of title 10, United States Code (now section 2835 of such title), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat. 782), the Secretary of the Air Force may purchase the entire interest of the developer in the military family housing project if the Secretary determines that the purchase of the project is in the best economic interests of the Air Force.

(b) CONSIDERATION.—The consideration paid by the Secretary to purchase the interest of the developer in the military family housing project under subsection (a) may not exceed the fair market value of the military family housing project, as determined by the Secretary.

(c) CONGRESSIONAL NOTIFICATION.—If a decision is made to purchase the interest of the developer in the military family housing project under subsection (a), the Secretary shall submit a report to the congressional defense committees on that decision. The report shall include—

(1) the economic analyses used by the Secretary to determine that purchase of the military family housing project is in the best economic interests of the Air Force, as required by subsection (a); and

(2) a schedule for, and an estimate of the costs and nature of, any renovations or repairs that will be necessary to ensure that all units in the military family housing project meet current housing standards.

(d) PURCHASE DELAY.—A contract to effectuate the purchase authorized by subsection (a) may be entered into by the Secretary only after the end of the 30-day period beginning on the date the report required by subsection (c) is received by the congressional defense committees or, if earlier, the end of the 21-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

SEC. 2852. LAND CONVEYANCE, AIR FORCE PROPERTY, JACKSONVILLE, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the City of Jacksonville, Arkansas (in this section referred to as the ''City''), all right, title, and interest of the United States in and to real property consisting of approximately 45.024 acres around an existing short line railroad in Pulaski County, Arkansas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as established by the assessment of the property conducted under contract for the Corps of Engineers and dated 15 September 2003.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the lease agreement dated October 29, 1982, as amended, between the Secretary and the Missouri Pacific Railroad Company (and its successors and assigns) and any other easement, lease, condition, or restriction of record, including streets, roads, highways, railroads, pipelines, and public utilities, insofar as the easement, lease, condition, or restriction is in existence on the date of the enactment of this Act and lawfully affects the conveyed property.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2861. LEASE AUTHORITY, ARMY HERITAGE AND EDUCATION CENTER, CARLISLE, PENNSYLVANIA.

Section 2866 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1333) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) LEASE OF FACILITY.—(1) Under such terms and conditions as the Secretary considers appropriate, the Secretary may lease portions of the facility to the Military Heritage Foundation to be used by the Foundation, consistent with the agreement referred to in subsection (a), for—

''(A) generating revenue for activities of the facility through rental use by the public, commercial and nonprofit entities, State and local governments, and other Federal agencies; and

''(B) such administrative purposes as may be necessary for the support of the facility.

''(2) The annual amount of consideration paid to the Secretary by the Military Heritage Foundation for a lease under paragraph (1) may not exceed an amount equal to the actual cost, as determined by the Secretary, of the annual operations and maintenance of the facility.

''(3) Amounts paid under paragraph (2) may be used by the Secretary, in such amounts as provided in advance in appropriation Acts, to cover the costs of operation of the facility.''.

SEC. 2862. REDESIGNATION OF MCENTIRE AIR NATIONAL GUARD STATION, SOUTH CAROLINA, AS MCENTIRE JOINT NATIONAL GUARD BASE.

McEntire Air National Guard Station in Eastover, South Carolina, shall be known and designated as ''McEntire Joint National Guard Base'' in recognition of the use of the installation to house both Air National Guard and Army National Guard assets. Any reference to McEntire Air National Guard Station in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to McEntire Joint National Guard Base.

SEC. 2863. ASSESSMENT OF WATER NEEDS FOR PRESIDIO OF MONTEREY AND ORD MILITARY COMMUNITY.

Not later than April 7, 2006, the Secretary of Defense shall submit to Congress an interim assessment of the current and reasonable future needs of the Department of the Defense for water for the Presidio of Monterey and the Ord Military Community.

Division C—Department of Energy National Security Authorizations and Other Authorizations

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Subtitle B—Program Authorizations, Restrictions, and Limitations

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,100,852,000, to be allocated as follows:

(1) For weapons activities, $6,455,744,000.

(2) For defense nuclear nonproliferation activities, $1,515,239,000.

(3) For naval reactors, $786,000,000.

(4) For the Office of the Administrator for Nuclear Security, $343,869,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for weapons activities, the following new plant projects:

Project 06–D–140, project engineering and design, various locations, $14,113,000.

Project 06–D–160, Facilities and Infrastructure Recapitalization Program, project engineering and design, various locations, $5,811,000.

Project 06–D–180, Defense Nuclear Nonproliferation Program project engineering and design, National Security Laboratory, Pacific Northwest National Laboratory, $5,000,000.

Project 06–D–401, Central Office Building 2, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $7,000,000.

Project 06–D–402, replace fire stations no. 1 and no. 2, Nevada Test Site, $8,284,000.

Project 06–D–403, Tritium Facility Modernization, Lawrence Livermore National Laboratory, $2,600,000.

Project 06–D–404, Building B–3 remediation, restoration, and upgrade, Nevada Test Site $16,000,000.

Project 06–D–601, electrical distribution system upgrade, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 06–D–602, gas main and distribution system upgrade, Pantex Plant, Amarillo Texas, $3,700,000.

Project 06–D–603, steam plant life extension project, Y–12 national security complex, Oak Ridge, Tennessee, $729,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for environmental management activities in carrying out programs necessary for national security in the amount of $6,311,433,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,480,102,000.

(2) For defense environmental services, $831,331,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for other defense activities in carrying out programs necessary for national security in the amount of $635,998,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $351,447,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) IN GENERAL.—Subtitle A (50 U.S.C. 2521 et seq.) of title XLVII of the Atomic Energy Defense Act is amended by adding at the end the following new section:

''SEC. 4214. RELIABLE REPLACEMENT WARHEAD PROGRAM.

''(a) PROGRAM REQUIRED.—The Secretary of Energy, in consultation with the Secretary of Defense, shall carry out a program, to be known as the Reliable Replacement Warhead program, to develop reliable replacement components that are producible and certifiable for the existing nuclear weapons stockpile.

''(b) OBJECTIVES.—The objectives of the Reliable Replacement Warhead program shall be—

''(1) to increase the reliability, safety, and security of the United States nuclear weapons stockpile;

''(2) to further reduce the likelihood of the resumption of nuclear testing;

''(3) to remain consistent with basic design parameters by using, to the extent practicable, components that are well understood or are certifiable without the need to resume underground nuclear testing;

''(4) to ensure that the United States develops a nuclear weapons infrastructure that can respond to unforeseen problems, to include the ability to produce replacement warheads that are safer to manufacture, more cost-effective to produce, and less costly to maintain than existing warheads;

''(5) to achieve reductions in the future size of the nuclear weapons stockpile based on increased reliability of the reliable replacement warheads;

''(6) to use the design, certification, and production expertise resident in the nuclear complex to develop reliable replacement components to fulfill current mission requirements of the existing stockpile; and

''(7) to serve as a complement to, and potentially a more cost-effective and reliable long-term replacement for, the current Stockpile Life Extension Programs.''.

(b) REPORT.—Not later than March 1, 2007, the Nuclear Weapons Council shall submit to the congressional defense committees a report on the feasibility and implementation of the Reliable Replacement Warhead program required by section 4214 of the Atomic Energy Defense Act (as added by subsection (a)). The report shall—

(1) identify existing warheads recommended for replacement by 2035 with an assessment of the weapon performance and safety characteristics of the replacement warheads;

(2) discuss the relationship of the Reliable Replacement Warhead program within the Stockpile Stewardship Program and its impact on the current Stockpile Life Extension Programs;

(3) provide an assessment of the extent to which a successful Reliable Replacement Warhead program could lead to reductions in the nuclear weapons stockpile;

(4) discuss the criteria by which replacement warheads under the Reliable Replacement Warhead program will be designed to maximize the likelihood of not requiring nuclear testing, as well as the circumstances that could lead to a resumption of testing;

(5) provide a description of the infrastructure, including pit production capabilities, required to support the Reliable Replacement Warhead program; and

(6) provide a detailed summary of how the funds made available pursuant to the authorizations of appropriations in this Act, and any funds made available in prior years, will be used.

(c) INTERIM REPORT.—Not later than March 1, 2006, the Nuclear Weapons Council shall submit to the congressional defense committees an interim report on the matters required to be covered by the report under subsection (b).

SEC. 3112. REPORT ON ASSISTANCE FOR A COMPREHENSIVE INVENTORY OF RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) there is an insufficient accounting for, and insufficient security of, the nonstrategic nuclear weapons of the Russian Federation; and

(2) because of the dangers posed by that insufficient accounting and security, it is in the national security interest of the United States to assist the Russian Federation in the conduct of a comprehensive inventory of its nonstrategic nuclear weapons.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than November 1, 2005, the Secretary of Energy shall submit to Congress a report containing—

(A) the Secretary's evaluation of past and current efforts by the United States to encourage or facilitate a proper accounting for and securing of the nonstrategic nuclear weapons of the Russian Federation; and

(B) the Secretary's recommendations regarding the actions by the United States that are most likely to lead to progress in improving the accounting for, and securing of, those weapons.

(2) CONSULTATION WITH SECRETARY OF DEFENSE.—The report under paragraph (1) shall be prepared in consultation with the Secretary of Defense.

(3) CLASSIFICATION OF REPORT.—The report under paragraph (1) shall be in unclassified form, but may be accompanied by a classified annex.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2006, $22,032,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2006, the National Defense Stockpile Manager may obligate up to $52,132,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. REVISION OF FISCAL YEAR 1999 AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

(a) REQUIRED RECEIPTS FROM DISPOSALS.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2193), is amended by striking paragraph (5) and inserting the following new paragraph:

''(5) $1,000,000,000 by the end of fiscal year 2011.''.

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) will result in the continued disposal of certain materials in the National Defense Stockpile after September 30, 2005, pursuant to the disposal authority provided by section 3303 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, and allow the National Defense Stockpile Manager to take advantage of favorable market conditions for the sales of several of the materials authorized for disposal, such as tungsten ferro, tungsten metal power, and tungsten ores and concentrates.

SEC. 3303. REVISION OF FISCAL YEAR 2000 AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as amended by section 3302 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1788), is amended by striking paragraph (4) and inserting the following new paragraph:

''(4) $550,000,000 by the end of fiscal year 2011.''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $18,500,000 for fiscal year 2006 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

Funds are hereby authorized to be appropriated for fiscal year 2006, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $113,650,000, of which $10,000,000 shall be available only for paying reimbursement under section 3517 of the National Defense Authorization Act for Fiscal Year 2004, as amended by section 3503 of this Act.

(2) For administrative expenses related to loan guarantee commitments under the program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $3,526,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $21,000,000.

SEC. 3502. PAYMENTS FOR STATE AND REGIONAL MARITIME ACADEMIES.

(a) ANNUAL PAYMENT.—Section 1304(d)(1)(C)(ii) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)(1)(C)(ii)) is amended by striking ''$200,000'' and inserting ''$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter''.

(b) SCHOOL SHIP FUEL PAYMENT.—Section 1304(c)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(c)(2)) is amended—

(1) by striking ''The Secretary may pay to any State maritime academy'' and inserting ''(A) The Secretary shall, subject to the availability of appropriations, pay to each State maritime academy''; and

(2) by adding at the end the following:

''(B) The amount of the payment to a State maritime academy under this paragraph shall not exceed—

''(i) $100,000 for fiscal year 2006;

''(ii) $200,000 for fiscal year 2007; and

''(iii) $300,000 for fiscal year 2008 and each fiscal year thereafter.''.

SEC. 3503. MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM.

Section 3517 of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended—

(1) in subsection (a)(1) by striking ''may'' each place it appears and inserting ''shall'';

(2) in subsection (a)(2) by striking ''LIMITATION.—The Secretary may not'' and inserting ''REQUIREMENT OF AGREEMENT.—The Secretary shall, subject to the availability of appropriations,'';

(3) in subsection (d)(2) by striking ''80 percent of''; and

(4) by amending subsection (g) to read as follows:

''(g) ANNUAL REPORT.—The Secretary shall submit a report to the Congress each year on the program under this section. The report shall include a listing of future inspection schedules for all vessels included in the Maritime Security Fleet established by chapter 531 of title 46, United States Code.''.

SEC. 3504. TANK VESSEL CONSTRUCTION ASSISTANCE.

(a) REQUIREMENT TO ENTER CONTRACTS.—Section 3543(a) of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by striking ''may'' and inserting ''shall, to the extent of the availability of appropriations,''.

(b) AMOUNT OF ASSISTANCE.—Section 3543(b) of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by striking ''up to 75 percent of''.

SEC. 3505. IMPROVEMENTS TO THE MARITIME ADMINISTRATION VESSEL DISPOSAL PROGRAM.

(a) COMPREHENSIVE MANAGEMENT PLAN.—

(1) REQUIREMENT TO DEVELOP PLAN.—The Secretary of Transportation shall prepare, publish, and submit to the Congress by not later than 120 days after the date of the enactment of this Act a comprehensive plan for management of the vessel disposal program of the Maritime Administration in accordance with the recommendations made in the Government Accountability Office in report number GAO–05–264, dated March 2005.

(2) CONTENTS OF PLAN.—The plan shall—

(A) include a strategy and implementation plan for disposal of obsolete Maritime Administration vessels (including vessels added to the fleet after the enactment of this Act) in a timely manner, maximizing the use of all available disposal methods, including dismantling, use for artificial reefs, donation, and Navy training exercises;

(B) identify and describe the funding and other resources necessary to implement the plan, and specific milestones for disposal of vessels under the plan;

(C) establish performance measures to track progress toward achieving the goals of the program, including the expeditious disposal of ships commencing upon the date of the enactmemt of this Act;

(D) develop a formal decisionmaking framework for the program; and

(E) identify external factors that could impede successful implementation of the plan, and describe steps to be taken to mitigate the effects of such factors.

(b) IMPLEMENTATION OF MANAGEMENT PLAN.—

(1) REQUIREMENT TO IMPLEMENT.—The Secretary shall implement the vessel disposal program of the Maritime Administration in accordance with—

(A) the management plan submitted under subsection (a); and

(B) the requirements set forth in paragraph (2).

(2) UTILIZATION OF DOMESTIC SOURCES.—In the procurement of services under the vessel disposal program of the Maritime Administration, the Secretary shall—

(A) use full and open competition; and

(B) utilize domestic sources to the maximum extent practicable.

(c) FAILURE TO SUBMIT PLAN.—

(1) PRIVATE MANAGEMENT CONTRACT FOR DISPOSAL OF MARITIME ADMINISTRATION VESSELS.—The Secretary of Transportation, subject to the availability of appropriations, shall promptly award a contract using full and open competition to expeditiously implement all aspects of disposal of obsolete vessels of the Maritime Administration.

(2) APPLICATION.—This subsection shall apply beginning 120 days after the date of the enactment of this Act, unless the Secretary of Transportation has submitted to the Congress the comprehensive plan required under subsection (a)

(d) TEMPORARY AUTHORITY TO TRANSFER OBSOLETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.—The Secretary of Transportation shall, subject to the availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as the Economy Act, transfer to the Secretary of the Navy during fiscal year 2006 for disposal by the Navy, no fewer than 4 combatant vessels in the nonretention fleet of the Maritime Administration that are acceptable to the Secretary of the Navy.

The Acting CHAIRMAN. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 109–96 and amendments en bloc described in section 3 of House Resolution 293.

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

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered read, shall be debatable for 40 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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

The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of Armed Services or a designee announces from the floor a request to that effect.

It is now in order to consider amendment No. 20 printed in House Reports 109–96.

AMENDMENT NO. 20 OFFERED BY MR. GOODE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. GOODE:

At the end of subtitle D of title X (page 372, after line 8), add the following new section:

SEC. 1035. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST BUREAU OF BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.

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

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

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Bureau of Border Security of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

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

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

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

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

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

''(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

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

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

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

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

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

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

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

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by

subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

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

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

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from Virginia (Mr. GOODE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODE).

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

Mr. Chairman, this amendment would permit military personnel to secure America's borders. It authorizes, but does not require the Secretary of Defense to utilize members of the Army, Navy, Air Force, Marine Corps and Reserves under certain circumstances and subject to certain conditions to assist the Department of Homeland Security upon the request of the Department of Homeland Security in the performance of its border functions.

This amendment has passed in the two previous Congresses, and prior to my offering this amendment in the past two Congresses, it was offered by other Members and it has passed the House, but has not survived conference. I hope this year it will pass the House and then survive a conference.

I want to emphasize, this is an authorization measure so that the Department of Homeland Security and the Department of Defense would not be subject to posse comitatus charges if they utilize this in a nonemergency situation.

This simply makes it clear that if the Secretary of Homeland Security requests of the Secretary of Defense the utilization of forces to assist the border patrol in combating illegal drugs, combating illegal immigration or to reduce the threat of terrorism, that authority exists and it would not require the declaring of a national emergency by the executive branch.

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

Mr. REYES. Mr. Chairman, I claim time in opposition to the amendment.

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

Mr. Chairman, I rise today to express strong opposition to my good friend, the gentleman from Virginia (Mr. GOODE's) amendment.

I understand his concern. There has been a lot of talk both on the floor of Congress, throughout the country about border control. I understand the need to increase enforcement along our borders to protect against terrorism and drug trafficking.

Mr. Chairman, as a former Border Patrol agent with 26½ years' experience along our Nation's border, I know firsthand the difficulties that we have protecting our borders. But I also know that what we need are more trained law enforcement professionals, not military forces and, most certainly, not untrained civilians and vigilantes.

I know how difficult it is to secure our Nation's borders and the need for additional resources; however, this amendment is the wrong solution to our current problem along the border. The military has been more than willing to provide assistance to law enforcement already, but, Mr. Chairman, let me just for the record state that the Department of Defense opposes this amendment.

The Department of Homeland Security needs more border patrol agents, not troops on the border. The President already has the constitutional authority to deploy troops, as necessary, during a national emergency. There is no reason for this amendment.

□ 1330

We have recently authorized an additional 1,500 border agents and have funded those 1,500 border agents.

Last August, we passed the intelligence reform legislation that has a provision for 2,000 border patrol agents per year for the next 5 years. That is the solution, in my opinion, that we need: professional trained Spanish-speaking border patrol agents that know and understand the challenge they face.

Our military today is already stressed. Just last month, the U.S. Army told us that their recruitment was down some 42 percent. We do not have the forces, we do not have the Reserves, and we do not have the National Guard because of the commitments overseas.

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

Mr. GOODE. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I rise today in strong support of the Goode amendment. The terrorist attacks on our homeland highlighted the potential disastrous effects of porous borders and the need to bolster border security. While we continue to fight the war on terror overseas, we cannot neglect our homeland and must increase our efforts at fighting terrorism at home by controlling immigration and strengthening our borders.

The defense authorization bill we are considering today makes excellent progress in setting funding levels for our troops and staging the war on terror overseas, but cannot and should not neglect our borders here at home. The Goode amendment will protect terrorists, illegal immigrants, and drug traffickers from entering the country.

Mr. Chairman, border security cannot be taken too seriously. I urge my colleagues to support the Goode amendment so we can continue fighting terror in the streets of Baghdad and in the mountains of Afghanistan rather than in our cities and communities. We must increase our efforts at achieving closed borders with open, guarded doors.

The Goode amendment helps accomplish that goal and supplements the greater objectives of the national defense authorization bill we are considering today. Without the Goode amendment, the authorization bill is incomplete and its goals are unmet.

In fighting the war on terror overseas, we have made our Nation and indeed the whole world a much safer place. Let us make sure we continue to build on that historic progress by protecting our homeland and defending our borders, when necessary. Vote for the Goode amendment and for the passage of the defense authorization bill.

Mr. REYES. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. ORTIZ), a former sheriff who knows and understands border issues.

Mr. ORTIZ. Mr. Chairman, I oppose the provision regarding troops on the border. Our servicemen and -women are simply spread too thin. But one of the things that we need to remember is that we are in Iraq fighting a war in order not to fight in our homeland; that we need to fight the terrorists in Iraq. Well, just from the beginning of the year to today, we have had over 17,000 OTMs, other than Mexicans; and most of them are from Brazil. If you go to Brazil, you do not need a visa to go into Mexico.

It is good to see that we have given the border patrol 1,500 more border patrolmen, but we have no detention centers. If you have no detention centers, the illegals come in knowing one thing: when they come to the border, they turn themselves in to the border patrol. And you know what they ask for? I want my walking papers. I am not a Mexican; I can stay here, and I can appear before a judge.

I would like to engage my good friend, the gentleman from Texas (Mr. REYES), for a few moments because he was the border patrol sector chief in McAllen. Not only that, we are beginning to see gangs coming in, the Mara Salvatrucha gang, and many other people. And unless we build detention centers, they are going to continue to come. My friend has talked to some of the border patrol officers down in the McAllen sector.

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

Mr. ORTIZ. I yield to the gentleman from Texas.

Mr. REYES. Mr. Chairman, we have been in contact with border patrol agents that currently are telling us that they are demoralized. Because if you are an other-than-Mexican undocumented individual, you can come in. We have instances where they are actually flagging down our border patrol agents and they are asking local residents to call the border patrol so they can get what they call their permiso, or their permit, to be able to travel anywhere in the United States.

This is an abuse of our immigration laws, and it is all because we will not

fund and we will not establish temporary detention facilities. When I was chief in McAllen sector, we had the same situation in the mid-1980s, where we had Central Americans coming in to the country. I was told that my agents were to issue I–210 letters, which is that permiso, that permit, they want today and wanted in the mid-1980s. I said, no, we are going to arrest them, and we are going to detain them.

We put together a plan. We put temporary detention facilities down in south Texas, and guess what, Mr. Chairman? It worked. They stopped coming. And more importantly, Mexico had to become engaged to make sure that people coming from Central America did not come into Mexico and create difficulties for them.

There is a solution, my colleagues, to this issue. The solution is enforcing our laws. If we put military on the border, all they are going to be doing is refer these undocumented other-than-Mexican aliens to the border patrol so they can be issued another permit to go anywhere in the country that they want. Does that make sense? Is that what we want to use our military for, just the equivalent of tour guides, referring illegals to the border patrol for issuing of a permit so they can go anywhere in the country?

Mr. ORTIZ. Reclaiming my time, Mr. Chairman, I just want to say something. We have had experience. About 12 years ago, we had 57,000 individuals, illegal, come from Central America when Attorney General Meese said if you fear for your life, come to the United States. My colleagues, we had to put up tents, and my colleague from Texas remembers that; 57,000. It impacts on your infrastructure, on your highways, on everything else.

So this is one of the reasons I oppose this bill. We need to build detention centers, otherwise the problem will never be solved.

Mr. GOODE. Mr. Chairman, how much time remains on each side?

The Acting CHAIRMAN (Mr. BASS). The gentleman from Virginia (Mr. GOODE) has 11 minutes remaining, and the gentleman from Texas (Mr. REYES) has 7½ minutes.

Mr. GOODE. Mr. Chairman, I yield 4½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I rise in strong support of the Goode amendment, and I do so with the utmost respect for the preceding speakers on the other side of the aisle. Because in pointing out the symptoms and the challenges of the problems we confront on our border, rather than arguing against the amendment, as is the intent of my friends from Texas, in fact they are bolstering the argument for the very reason we should support this amendment.

Here is why, Mr. Chairman. National security and border security are one and the same. As my colleagues from Texas, who share a common border as I do in my home State in Arizona, as we share a common border with the Republic of Mexico, I would remind my colleagues that to our north there is a border stretching with Canada that is close to 8,000 miles, when you take a look at all the ins and outs. So it is not directed absolutely at our neighbors in the south. There is a danger to our north.

This has little to do with morale or professionalism of border patrol agents. Instead, it has to do with the incredible job we ask our border patrol to do across that vast northern border and across our important southern border. It is because of the tenor of the times, in the wake of 9/11, and, Mr. Chairman, precisely because of what we heard our former colleague, Mr. Goss of Florida, now Director of the Central Intelligence Agency, say in an open session to a committee in the other body, that his greatest concern is the introduction of some sort of weapon or some hostile action taken by those crossing our porous borders.

My colleagues from Texas just pointed out, in terms of those other-than-Mexicans coming across our southern border, and as the Director of the FBI confirmed to a subcommittee of this House, there are individuals coming in to this Nation through our southern border who are coming from nations that export Islamofascism and terrorism and they are adopting Hispanic-sounding surnames as their aliases. And my good friend, the gentleman from Texas (Mr. ORTIZ), took a direct hand in pointing out those who are involved in creating security risks along our border. He mentioned the threat of the MS–13 gangs and all that is going on.

My colleagues, the Goode amendment is needed now more than ever. And I say that as one from a border State who stood in opposition to amendments of this type during my previous years in Congress. But the bottom line, Mr. Chairman, is this: yes, we have troops in the field; we have troops far from home fighting on the streets of Tikrit so we do not see a fight on the streets of Tucson; fighting on the streets of Baghdad so we do not see this on the streets of Boston.

But by the same token, 1 week ago, when we discussed the challenges that we were confronting in terms of border security and national security, I would suggest that a vacuum exists, because we hear so much debate in this House about resources for first responders.

Mr. Chairman, I would recommend and I would suggest that there is an interim vacuum that we should take into account. Not only are men and women in uniform on the offensive around the world in a global war on terror, but we also must deal with the ability of the Secretary of Defense in coordination with the Secretary of the Department of Homeland Security to utilize our military personnel. If we had in place the adequate manpower and resources for first defenders on our borders, perhaps the first responders would not be needed.

Mr. Chairman, I respect my colleagues from Texas. I understand their concerns. Indeed, there is much on this topic where we have agreement. We understand the danger we confront. But we have seen the results of force multiplication, or at least the presence of American citizens on the border in my home State. Force multiplication, and another option here is what is needed. Support the Goode amendment.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume to remind my friend from Arizona that the Department of Defense opposes this amendment, and the President already has the constitutional authority.

Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. KLINE), who is, coincidentally, from the northern border that the gentleman from Arizona was just speaking about and who is a member of our committee.

Mr. KLINE. Mr. Chairman, I thank my friend for yielding me this time, and I rise in opposition to the amendment put forward by my good friend, the gentleman from Virginia (Mr. GOODE). While I support his intention with all my heart to provide increased border security to our Nation, I would remind my colleagues that we have been taking action in this Congress, and will take more, to increase the number of border patrol, and as my friend, the gentleman from Texas, said, to pass a REAL ID Act, and to take steps where professional law enforcement officials are stepping up to provide security for our borders.

I oppose this amendment because of my fear of what it does to our Armed Forces at a time when we are stretched incredibly thin. I think back to my days on active duty, and my son's service now on active duty, and how hard they are training for this war on terror, how much time they are spending deployed, and to think we are now going to ask more of them.

My colleague from Arizona mentioned 8,000 miles of border. I am afraid that in our eagerness to defend the border, we will call more and more on our men and women in the Armed Forces and put them in a very untenable position where they are poorly trained to do a job that should be done by professional law enforcement officers and taking them away from their primary mission and stretching them ever thinner in their primary duties. So, reluctantly, I oppose this amendment.

□ 1345

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

Just to comment briefly, this amendment does not require forces on the border, it simply authorizes the Department of Homeland Security and the Department of Defense to utilize them if necessary to supplement the border control, and they have to be trained.

This amendment is a message-sender to tell the world we are serious about

illegal immigration, drug trafficking and the threat of terrorism coming across the border.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I appreciate the gentleman from Virginia (Mr. GOODE) for yielding me this time and for bringing this amendment before this Chamber.

We look at our borders of this Nation. No nation without borders can be a sovereign nation. Without borders, you have no nation. We have borders that are absolutely porous, and we are hearing from the criticizing media that we cannot control the borders between Iraq and Syria, between Iraq and Iran. What about controlling the borders between the United States of America and our neighbors to the south and to the north?

We know we have troops that are training all over this country at bases around America and around the world. We also know it is good for morale to be engaged in something that is meaningful. What better terrain than, particularly, our southern border where coffee-stain camouflage matches that terrain as well as it does the terrain they are in in Iraq today.

We are dealing with this giant haystack of illegal immigration, and we have a policy that says we are going to look for OTMs and terrorists and criminals. And we have 8 or 12 or 14 million illegals that have come across the border and live in this country today, or more; and that number is so great, we stopped 1,139,000 from coming across the border in the past year. That is how many we caught.

Most people will tell you that two out of every three make it through. So out of that number and that huge haystack of 3 million or more pouring across our borders, we are going to reach in and find the needles, the terrorists or criminals or OTMs? I do not think so.

I think this Nation has to mobilize the resources that is has, consistent with the Goode amendment, training the military, put them on the border not as a protection force that is going to draw from our national security at other places in the world, but put them where they can protect our national security while they train to be deployed elsewhere as well.

The Minute Men that stood on the border set that standard, and I think the United States military can follow through.

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

Mr. Chairman, I remind my good friend, the gentleman from Iowa (Mr. KING), that the Department of Defense is opposed to this amendment. The President already has the authority.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, as California's border Congressman, I rise to oppose this amendment.

I am amazed at some of the arguments supporting this amendment. Members who agree that we need more security on the border, yet every one of them voted for a budget that only had 10 percent of the border patrol increase that this Congress has authorized. So they talk about more border patrol, but they voted for a budget that did not include it!

Mr. Chairman, I would not vote for an amendment that militarizes my colleagues' districts, and I urge my colleagues to oppose the amendment aimed at militarizing my district on the California-Mexico border.

We have a highly trained military. It is the best in the world, but it is not trained to perform domestic security duties. It is not trained to go on patrol in my neighborhood. It is trained to pursue and kill foreign enemies, not to check if visas have expired.

We do need more border security, but we should give the border patrol the support they need to do the job. They are the professionals. Let us give them the critical manpower and equipment they need. Let us invest in 21st century technology.

The gentleman from Iowa (Mr. KING) talked about a haystack. As our border patrol looks for the dangerous needle in the haystack, we can use technology to make that haystack smaller. Let us pass more support for the border patrol, let us pass comprehensive immigration reform. Let us allow the border patrol and other homeland security officials to focus on the real dangers to our national security.

We must have a secure and efficient border, but do not confuse immigrants with terrorists, and do not send the Army into my neighborhood. The Goode amendment is bad!

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

I would point out to the gentleman from California, I did vote for his motion to recommit to increase funding to add more border patrol officers. This is simply an authorization measure to allow the United States, if the Department of Homeland Security and if the Department of Defense thought necessary, to utilize forces to supplement the border control.

There are troops on the border today, but they are not U.S. troops, they are Mexican troops. We should certainly allow, not mandate, just give the permission for our troops to be there and not have them violate posse comitatus.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I want to say to the gentlemen on the other side, I do not have two better friends than the two gentlemen handling the opposition to this, but this is not about anything except responding to the people of America who are concerned about what is happening at our borders. I support my good friend from Virginia because, as the gentleman says, this is an authorization bill.

But I can say to Members today, the American people are fed up, tired about the fact we have between 8,000 and 10,000 illegal aliens coming across the border each and every week. People in this country feel we are not doing our job as elected officials in Washington, D.C.

I have one of the best staffs in eastern North Carolina, in the State of North Carolina, of helping people who want to come to this country legally. We do everything we can to help them. But what the Goode amendment is proposing is absolutely a national security issue. It is no more or no less than national security.

How in the world, when we have terrorists that are planting themselves down in Central and South America, and we have had this told to us on the Committee on Armed Services, we know this is happening; how can we not say to the American people that their security is of the utmost importance?

I heard the gentleman from Minnesota (Mr. KLINE), whom I have great respect for, talking about our troops being stressed. I would say to the gentleman from Minnesota (Mr. KLINE), we need to start bringing those troops back from Iraq, but that is not the debate here today. The debate here today is the fact that we need to do what the American people think we were sent here for, and that is to represent their interests.

I was so disappointed when the President of the United States called the ''Minute Men'' in Arizona ''vigilantes.'' I would tell Members that in the Third Congressional District of North Carolina, where we have 60,000 retired military, those men that served on that border did not do anything but help those who came here illegally go back without any threat to them. Those men that stood on the borders of Arizona, they are, in the Third District of North Carolina, heroes.

I say that to the President.

I hope we will support the Goode amendment because we should care about the national security of America.

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

I would say to the gentleman from North Carolina (Mr. JONES) that I have the utmost respect for him, but I would remind the gentleman that it is poor public policy to allow citizens to take the law into their own hands, whether it is Arizona or not.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA), who represents a border district.

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to the Goode amendment. As a Member whose district lies along the U.S.-Mexico border, I understand my colleague's frustration with our inability to stop illegal immigration. However, placing military troops on the border is not the solution. Border patrol agents are highly trained to handle the jobs of border security, as has been stated this afternoon.

Mr. Chairman, we need to be providing more funding to hire more border patrol personnel. We also need to provide more detention space facilities for immigrants who are apprehended, but we do not have the money to build them. The Homeland Security bill, which we passed last week, takes steps in this direction, although I wish it would have gone further.

We will never stop illegal immigration until this country has a comprehensive, realistic immigration policy. I urge the gentleman from Virginia (Mr. GOODE) to support immigration reform legislation that has been introduced by the gentleman from Arizona (Mr. KOLBE), the gentleman from Arizona (Mr. FLAKE) and the gentleman from Illinois (Mr. GUTIERREZ).

When we are already facing military recruitment shortages, when our National Guard and Reserves are going into their second year of active service, when this bill will remove thousands of women from support positions and when commanders in Iraq and Afghanistan are crying out for more troops, we do not need to be giving our military the additional mission of securing our borders.

I urge my colleagues to oppose the amendment.

Mr. GOODE. Mr. Chairman, I yield 30 seconds to the gentleman from California (Chairman HUNTER).

Mr. HUNTER. Mr. Chairman, I want to say, we all know one thing in this House Chamber, those who know the record of the gentleman from Texas (Mr. REYES), he is the finest border patrol chief probably in the history of our country. He has done a wonderful job.

We are on opposite sides of this vote. I think the gentleman pointed out very clearly one reason we can be on opposite sides of this vote, and that is, this is a permission which, arguably, the President already has. It is not a mandate; it is a permission. I would contemplate this would only be used in extraordinary circumstances.

Nonetheless, it is a resource that the Department of Homeland Security should have at their disposal should they need it for some exigency in the future.

I want to support the Goode amendment, as I have historically. I thank Members on both sides for a very high-level debate.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member on the Subcommittee on Immigration.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, it should be known that the gentleman from Texas (Mr. REYES) has years of very profound experience, serving our country not only in the United States military, but certainly as a border patrol agent and certainly a leader in that particular profession.

Let me suggest to my colleagues that albeit there is a crisis and a need for Federal intervention on immigration, I would join my colleagues and ask that we join it in comprehensive immigration reform, legislative initiatives that have been offered by the Senate and the House. I have just introduced a Save America comprehensive immigration reform bill; and frankly, if we would fund fully border patrol agents and ICE agents, the problem would be solved.

Putting military at the borders is a violation of the Posse Comitatus Act of 1878, and it misuses our military whose basic training is defense and shoot to kill. Migrants and immigrants are not enemy combatants. And, frankly, if you come to the border of Texas where people live in harmony, those who happen to look possibly alike, illegal immigrants, there is a great possibility of danger, danger to the soldiers and danger to those civilians.

Border patrol agents are serving our country. In fact, in testimony yesterday before our Subcommittee on Homeland Security, when I spoke to one of their representatives, he indicated what is the sense of training military personnel who are temporarily in the United States Army or Marines, and then lose or eliminate that training by them leaving the service and losing the investment, where you would have border patrol agents who have the long-term investment.

Mr. Chairman, yes, this sounds great and it has an emotional appeal as we go toward Memorial Day, but I have the greatest respect and honor for the United States military as they fight to defend this Nation. To use them in a civilian capacity that is the responsibility of the Federal Government is an outrage and should not be done.

Let us work together harmoniously to secure the American borders in the right way, and let us allow the United States military to serve their Nation and defend this country in the way that they have been trained to do it, not water down their duties and add to the danger of civilian/military conflict.

I rise in opposition to this amendment. It would authorize the Secretary of Defense to assign members of the Army, the Navy, the Air Force, and the Marines to assist the Department of Homeland Security in the performance of border protection functions.

I share my colleague's desire for a secure border, but this is not the way to do it. Border security is a civilian responsibility that has been assigned to the Department of Homeland Security, not to the military. I also want to express my disapproval of permitting civilian volunteers such as the minutemen to assist in securing our borders. We can provide the additional support the Department needs by increasing the number of border patrol agents. Soldiers are not necessary or desirable as border patrolmen.

Putting troops on the border would violate the Posse Comitatus Act of 1878, which prohibits the United States military from patrolling within United States borders.

The United States military is stretched thin from wars in Afghanistan and Iraq. Putting troops at our border would further strain our capabilities abroad.

Migrants are not enemy combatants. They are seeking better economic opportunities for their families. Their plight should not be combated with military force, but rather with immigration reform.

The United States Border Patrol actively cooperates with the military in many areas—from infrastructure construction to the implementation of new high-tech monitoring such as unmanned aerial vehicles. The Border Patrol already knows when and how to ask for cooperation from the military.

The military is not trained to operate in United States civilian communities, as is the case with much of the border. More than 10 million people live along the American side of the Mexico border. Putting military patrols in their communities would put many people at risk.

For instance, on May 20, 1997, a Marine shot and killed an 18-year-old goat herder, Ezekiel "Zeke" Hernandez. The incident occurred on the eastern outskirts of the village of Redford, Texas. The Marines were on the border to patrol against drug smugglers. Ezekiel was shot because he was carrying a gun to protect his flock, and fired a shot, most likely to scare away predators threatening his herd. In view of the fact the Marines were camouflaged, it is unlikely that Ezekiel saw them. I do not want to see more incidents like this take place on American soil.

I urge you to vote against this amendment.

□ 1400

Mr. GOODE. Mr. Chairman, I yield myself the balance of my time.

I would like to say that I think the gentlewoman from Texas (Ms. JACKSON-LEE) was right on target when she said allowing troops on the border under current law in the United States would violate posse comitatus. I am not sure that it would, but if they were requested tomorrow by the Secretary of Homeland Security and went there, I assure you there would be lawsuits and national media saying we were violating posse comitatus. Pass this amendment and we will not have that obstruction to protecting the security of the United States of America.

I want to salute the gentleman from Texas (Mr. REYES) for his conducting of this debate, a great debate. I also want to thank him for his service which was truly outstanding, as the gentleman from California said.

I would like to close by urging you to vote for the security of the United States and simply give to the Department of Homeland Security with the concurrence of the Department of Defense the authorization to use troops without running afoul of posse comitatus.

Mr. REYES. Mr. Chairman, it is my pleasure to yield 30 seconds to the gentleman from Missouri (Mr. SKELTON), the ranking member of the committee.

Mr. SKELTON. I thank the gentleman for yielding time.

Mr. Chairman, if there is anyone in this Chamber that understands the border and the business at the border, it is the former border patrol chief, the gentleman from Texas (Mr. REYES). His expertise is beyond question.

At a time when we are stretching our young people in uniform, particularly

the United States Army, at a time when 40 percent of those in Iraq and Afghanistan are Reservists or National Guardsmen, at a time when we are having a difficult time in recruiting and problems rising in retention, we just cannot afford to put additional troops on the border. That is the purpose of the border patrol, and it is up to this body in other amendments and other bills to authorize and appropriate more border patrolmen for that necessary job.

Mr. REYES. Mr. Chairman, I yield myself the balance of my time. I want to also thank the gentleman from Virginia (Mr. GOODE) for a great debate here and all the Members that participated.

Mr. Chairman, this is an issue that is very much discussed around the country. As my friend from South Carolina said, this is in response to the issue that the American people seek relief on. But this is a false response. The Department of Defense opposes this amendment. Homeland Security needs more border patrol agents, more technology, more resources, not troops, to help them. The President already has the constitutional authority to deploy troops as necessary.

I would ask all Members that have spoken on this very important issue, let us get together and let us ask for hearings so that we can have relief in areas like my friend and colleague from south Texas (Mr. ORTIZ) articulated. Border patrol agents are demoralized today because they are the equivalent of tourist enterprises, in terms of passing out letters to other-than-Mexican undocumented people that are allowed to travel anywhere in the country.

I urge my colleagues to oppose this amendment and support efforts to recruit, train, and deploy additional border patrol agents and resources. That is the way we ought to be going.

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

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

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

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

AMENDMENTS EN BLOC OFFERED BY MR. HUNTER

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

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

The Clerk designated the amendments en bloc, as follows:

Amendments en bloc offered by Mr. HUNTER printed in House Report 109–96 consisting of amendment No. 2; amendment No. 3; amendment No. 7; amendment No. 10; amendment No. 13; amendment No. 15; amendment No. 21; amendment No. 28; amendment No. 18; and amendment No. 25.

AMENDMENT NO. 2 OFFERED BY MR. ORTIZ

The text of the amendment is as follows:

Page 45, line 18, insert ''(a) IN GENERAL.—'' before ''Section 216''.

Page 47, after line 6, insert the following:

(b) SUSTAINMENT PLAN.—Not later than December 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a plan for sustaining the MHC–51 class mine countermeasures ships and supporting dedicated mine countermeasures systems until the Littoral Combat Ship and next-generation mine countermeasures systems are deployed and capable of assuming the mission of the MHC–51 class mine countermeasures ships.

AMENDMENT NO. 3 OFFERED BY MS. KAPTUR

The text of the amendment is as follows:

At the end of subtitle B of title III (page 70, after line 11), insert the following new section:

SEC. ___. STUDY ON USE OF BIODIESEL AND ETHANOL FUEL.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the use of biodiesel and ethanol fuel by the Armed Forces and the Defense Agencies and any measures that can be taken to increase such use.

(b) ELEMENTS.—The study shall include—

(1) a review and assessment of potential requirements for increased use of biodiesel and ethanol fuel within the Department of Defense and research and development efforts required to meet those increased requirements;

(2) based on the review in subparagraph (1), a forecast of the requirements of the Armed Forces and the Defense Agencies for biodiesel and ethanol fuels for each of fiscal years 2007 through 2012;

(3) an assessment of the current and future commercial availability of biodiesel and ethanol fuel, including facilities for the production, storage, transportation, distribution, and commercial sale of such fuel;

(4) a review of the actions of the Department of Defense to coordinate with State, local, and private entities to support the expansion and use of alternative fuel refueling stations that are accessible to the public; and

(5) an assessment of the fueling infrastructure on military installations in the United States, including storage and distribution facilities, that could be adapted or converted for the delivery of biodiesel and ethanol fuel.

(c) REPORT.—Not later than February 1, 2006, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term ''ethanol fuel'' means fuel that is 85 percent ethyl alcohol.

(2) The term ''biodiesel'' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of title 42, United States Code.

AMENDMENT NO. 7 OFFERED BY MR. SIMMONS

The text of the amendment is as follows:

At the end of title V (page 194, after line 11), add the following new section:

SEC. 575. ELIGIBILITY OF CERTAIN PERSONS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY OF ''GRAY AREA'' RETIREES AND SPOUSES.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641a the following new section:

''§ 2641b. Space-available travel on Department of Defense aircraft: Reserve members eligible for retired pay but for age; spouses

''(a) RESERVE RETIREES UNDER AGE 60.—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

''(b) DEPENDENTS.—The dependent of a member or former member under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title, shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641a the following new item:

''2641b. Space-available travel on Department of Defense aircraft: Reserve members eligible for retired pay but for age; spouses.''.

AMENDMENT NO. 10 OFFERED BY MR. FILNER

The text of the amendment is as follows:

At the end of title VI (page 279, after line 6), add the following new section:

SEC. ___. REPORT ON SPACE-AVAILABLE TRAVEL FOR CERTAIN DISABLED VETERANS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasibility of providing transportation on Department of Defense aircraft on a space-available basis for any veteran with a service-connected disability rating of 50 percent or higher. The Secretary of Defense shall prepare the report in consultation with the Secretary of Veterans Affairs.

AMENDMENT NO. 13 OFFERED BY MS. DELAURO

The text of the amendment is as follows:

At the end of title VII (page 297, after line 26), insert the following new section:

SEC. 718. MENTAL HEALTH AWARENESS FOR DEPENDENTS.

(a) PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a program to improve awareness of the availability of mental health services for, and warning signs about mental health problems in, dependents of members of the Armed Forces whose sponsor served or will serve in a combat theater during the previous or next 60 days.

(b) MATTERS COVERED.—The program developed under subsection (a) shall be designed to—

(1) increase awareness of mental health services available to dependents of members of the Armed Forces on active duty;

(2) increase awareness of mental health services available to dependents of Reservists and National Guard members whose sponsors have been activated; and

(3) increase awareness of mental health issues that may arise in dependents referred to in paragraphs (1) and (2) whose sponsor is deployed to a combat theater.

(c) TOLL-FREE NUMBER.—In carrying out this section, the Secretary of Defense shall establish a toll-free informational telephone number and website devoted to helping members of the Armed Forces and their dependents recognize, and locate treatment providers for, post-traumatic stress disorder and other forms of combat stress.

(d) COORDINATION.—The Secretary may permit the Department of Defense to coordinate the program developed under subsection (a) with an accredited college, university, hospital-based, or community-based mental health center or engage mental health professionals to develop programs to help implement this section.

(e) AVAILABILITY IN OTHER LANGUAGES.—The Secretary shall ensure that the program developed under subsection (a) is made available in foreign languages if necessary to aid

comprehension among persons to be helped by the program.

AMENDMENT NO. 15 OFFERED BY MR. MANZULLO

The text of the amendment is as follows:

At the end of subtitle B of title VIII (page 321, after line 3), insert the following new section:

SEC. 818. BUY AMERICAN REQUIREMENT FOR PROCUREMENTS OF GOODS CONTAINING COMPONENTS.

(a) REQUIREMENT.—Notwithstanding any agreement described in subsection (b), with respect to any manufactured end product procured by the Department of Defense—

(1) the end product shall be manufactured in the United States; and

(2) the cost of components of the end product that are mined, produced, or manufactured inside the United States shall exceed 50 percent of the cost of all components of the end product.

(b) AGREEMENT DESCRIBED.—An agreement referred to in subsection (a) 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 (41 U.S.C. 10a et seq.) for certain products in that country.

AMENDMENT NO. 21 OFFERED BY MR. CROWLEY

The text of the amendment is as follows:

At the end of title X (page 402, after line 22), add the following new section:

SEC. 1048. SENSE OF CONGRESS RECOGNIZING THE DIVERSITY OF THE MEMBERS OF THE ARMED FORCES KILLED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND HONORING THEIR SACRIFICES AND THE SACRIFICES OF THEIR FAMILIES.

(a) FINDINGS.—Congress finds the following:

(1) Over 1,500 members of the United States Armed Forces have been killed while serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The members of the Armed Forces killed in Operation Iraqi Freedom and Operation Enduring Freedom came from diverse ethnic backgrounds.

(3) All of these members of the Armed Forces lost their lives defending the cause of freedom, democracy, and liberty.

(4) Diversity is an essential part of the strength of the Armed Forces, in which members having different ethnic backgrounds and faiths share the same goal of defending the cause of freedom, democracy, and liberty.

(5) The Armed Forces are representative of the diverse culture and backgrounds that make the United States a great nation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) recognize and celebrate the diversity of the Armed Forces; and

(2) recognize and honor the sacrifices being made by the diverse members of the Armed Forces and their families in the war against terrorism.

AMENDMENT NO. 28 OFFERED BY MR. SPRATT

The text of the amendment is as follows:

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. _____. WAR-RELATED REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED FOR OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION NOBLE EAGLE.—The Secretary of Defense shall submit to Congress, in accordance with this section, war-related reports on costs, military personnel force levels, reconstitution, and military construction for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle.

(b) COSTS.—

(1) COSTS.—Each report prepared under subsection (a) shall specify, for each operation named in that subsection, for each fiscal year beginning with fiscal year 2001, the following:

(A) The initial planned allocation of budget authority, by funding source and appropriation account.

(B) The amount of budget authority made available through reported and below-threshold funding transfers, categorized by account and type of expense.

(C) A monthly obligation plan for the year, by appropriation account.

(D) Amounts of obligations and outlays, by appropriation account and type of expense.

(2) SUBMISSION REQUIREMENTS.—The Secretary of Defense shall submit the initial report, which shall document cost data for each fiscal year beginning with fiscal year 2001 through fiscal year 2005, no later than 180 days after the date of the enactment of this Act. Thereafter, the Secretary of Defense shall submit cost reports monthly, no later than 45 days after the end of each reporting month.

(c) MILITARY PERSONNEL FORCE LEVELS.—

(1) MILITARY PERSONNEL FORCE LEVELS.—Each report prepared under subsection (a) shall specify the following:

(A) The number of military personnel supporting Operation Iraqi Freedom and Operation Enduring Freedom by component (active and reserve).

(B) The number of Guard and reserve personnel backfilling in the United States or elsewhere, training up, or demobilizing in support of Iraqi Freedom or Operation Enduring Freedom each month from September 2001 to the present.

(C) The number of Guard and reserve activations by service, for each of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation Noble Eagle, starting with 2002, and including the number of personnel activated once, twice, and three times in the previous four years in support of those operations.

(D) The number of active-duty personnel who have deployed once, twice, and three times in support of Operation Enduring Freedom and Operation Iraqi Freedom in the previous four years.

(E) The number of personnel by primary occupational skill for reservist-component personnel who were activated more than once and active-duty personnel who were deployed more than once in support of those operations.

(2) SUBMISSION REQUIREMENTS.—The first report required by paragraph (1) shall be submitted to Congress not later than 180 days after the date of the enactment of this Act. Thereafter, the Secretary of Defense shall submit reports monthly updating personnel information no later than 45 days after the end of each reporting month.

(d) RECONSTITUTION.—

(1) PROCUREMENT.—The report prepared under subsection (a) shall identify, for each war-related procurement funding request since fiscal year 2003, end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.

(2) EQUIPMENT MAINTENANCE.—The report prepared under subsection (a) shall provide an assessment that compares peacetime versus wartime equipment maintenance requirements. The assessment should include the effect of war operations on the backlog of maintenance requirements over the period of fiscal years 2003 to the present. It should also examine the extent that war operations have precluded maintenance from being performed because equipment was unavailable.

(3) SUBMISSION REQUIREMENTS.—The report under this subsection shall be submitted to the Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit updated procurement and equipment maintenance reports concurrently with future war-related funding requests.

(e) MILITARY CONSTRUCTION.—

(1) MILITARY CONSTRUCTION.—The report prepared under subsection (a) shall identify all funded military construction projects, including temporary projects funded with operations and maintenance funds, in the Iraq and Afghanistan theaters of operations in each fiscal year beginning with 2003. For each such project, the report shall identify the funding amount, purpose, location, and whether the project is for a temporary or permanent structure. The report shall also identify the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operations Iraq Freedom and Enduring Freedom are supported.

(2) SUBMISSION REQUIREMENTS.—The report shall be submitted the Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit an updated military construction report concurrently with future war-related funding requests.

AMENDMENT NO. 18 OFFERED BY MR. SIMMONS

The text of the amendment is as follows:

At the end of subtitle B of title VIII (page 321, after line 3), add the following new section:

SEC. 818. DOMESTIC SOURCE RESTRICTION FOR LITHIUM ION CELLS AND BATTERIES.

Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) LITHIUM ION CELLS AND BATTERIES.—Lithium ion cells and batteries and manufacturing technology for lithium ion cells and batteries.''.

AMENDMENT NO. 25 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

Page 409, line 9, strike ''**SCHOLARSHIP**'' and insert ''**EDUCATION**''.

Page 409, line 18, strike ''and''.

Page 409, after line 19, insert:

(C) by inserting ''foreign languages,'' after ''engineering,''; and

MODIFICATION TO AMENDMENT NO. 13 AND AMENDMENT NO. 28 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that amendment No. 13 offered by the gentlewoman from Connecticut (Ms. DELAURO) and amendment No. 28 offered by the gentleman from South Carolina (Mr. SPRATT) and printed in House Report 109–96 be modified in the form I have placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modifications.

The Clerk read as follows:

Modification to amendment No. 13 offered by Ms. DELAURO:

The amendment as modified is as follows:

At the end of title VII (page 297, after line 26), insert the following new section:

SEC. 718. MENTAL HEALTH AWARENESS FOR DEPENDENTS.

(a) PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a program to improve awareness of the availability of mental health services for, and warning signs about mental health problems in, dependents of members of the Armed Forces whose sponsor served or will serve in a combat theater during the previous or next 60 days.

(b) MATTERS COVERED.—The program developed under subsection (a) shall be designed to—

(1) increase awareness of mental health services available to dependents of members of the Armed Forces on active duty;

(2) increase awareness of mental health services available to dependents of Reservists and National Guard members whose sponsors have been activated; and

(3) increase awareness of mental health issues that may arise in dependents referred to in paragraphs (1) and (2) whose sponsor is deployed to a combat theater.

(c) COORDINATION.—The Secretary may permit the Department of Defense to coordinate the program developed under subsection (a) with an accredited college, university, hospital-based, or community-based mental health center or engage mental health professionals to develop programs to help implement this section.

(d) AVAILABILITY IN OTHER LANGUAGES.—The Secretary shall evaluate whether effectiveness of the program developed under subsection (a) would be improved by providing materials in languages other than English and take action accordingly

(e) REPORT.—Not later than one year after implementation of the program developed under subsection (a), the Secretary shall submit to Congress a report on the effectiveness of the program, including the extent to which the program is used by low-English-proficient individuals.

Modification to amendment No. 28 offered by Mr. SPRATT:

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. _____. WAR-RELATED REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED FOR OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION NOBLE EAGLE.—The Secretary of Defense shall submit to the congressional defense committees, in accordance with this section, war-related reports on costs, reconstitution, and military construction for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle.

(b) SUBMISSION TO GAO OF CERTAIN REPORTS ON COSTS.—The Secretary of Defense shall submit to the Comptroller General, no later than 45 days after the end of each reporting month, the Department of Defense Supplemental and Cost of War Execution reports. Based on these reports, the Comptroller General shall provide Congress quarterly updates on war costs.

(c) RECONSTITUTION.—

(1) PROCUREMENT.—The report prepared under subsection (a) shall identify, for each war-related procurement funding request since fiscal year 2003, end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.

(2) EQUIPMENT MAINTENANCE.—The report prepared under subsection (a) shall provide an assessment that compares peacetime versus wartime equipment maintenance requirements. The assessment should include the effect of war operations on the backlog of maintenance requirements over the period of fiscal years 2003 to the present. It should also examine the extent that war operations have precluded maintenance from being performed because equipment was unavailable.

(3) SUBMISSION REQUIREMENTS.—The report under this subsection shall be submitted to the Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit updated procurement and equipment maintenance reports concurrently with future war-related funding requests.

(d) MILITARY CONSTRUCTION.—

(1) MILITARY CONSTRUCTION.—The report prepared under subsection (a) shall identify the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operation Iraq Freedom and Operation Enduring Freedom are supported.

(2) SUBMISSION REQUIREMENTS.—The report shall be submitted to Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit an updated military construction report concurrently with future war-related funding requests.

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

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

There was no objection.

The Acting CHAIRMAN. Without objection, the modifications are agreed to.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I rise in strong support of the en bloc amendments. I would like to draw particular attention to one portion of the en bloc amendments that deals with space-available travel, space-available, or space-A travel for certain military personnel.

One of the benefits of serving in the U.S. military is that you are allowed to access available spaces on military aircraft flying around the country or, indeed, flying around the world. It is a benefit that we extend to our active duty servicemembers, to some of the Guard and the Reserve. But if you happen to be a retired member of the U.S. Army reserve or a retired member of the Guard, not yet 60 years old, you are not eligible for space-A, or space-available travel.

What my amendment does is extends to those members of our Guard and Reserve who are retired but under 60 years old the benefit of allowing them to go on space-A travel for themselves and for their dependents. This would affect all branches of service, for those Guardsmen and those retirees from the U.S. Army and other branches of the Reserve. This eligibility is cost free. After all, the airplanes are flying. They have empty seats. So why should we not extend this privilege to those retired members of our Guard and Reserve?

I think that in recent years, we have come to understand and respect the fact that members of the Guard and the Reserve are stepping up to the plate when it comes to deployments in the war against terror. The least that we can do here in this body, in this amendment, is extend to them the privilege of space-available travel when they retire.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, my amendment would require the Department of Defense to implement a new mental health awareness campaign for families of servicemembers who are soon to be deployed or have recently been deployed to a combat theater.

The amendment is important for families of National Guardsmen and Reservists whose families face unique challenges when loved ones are deployed. Unlike their active duty counterparts, Reserve and Guard families often live far from a military base and the wider array of social, family, and medical services that can be found there.

According to the Army, one in six soldiers serving in Operation Iraqi Freedom suffers from post-traumatic stress disorder. More than 900 soldiers have been evacuated from Iraq because of problems related to mental health. Today, mental illnesses like PTSD remain a stigma for many in our society. We know the damage mental illnesses can do away from the battlefield, ruining families, causing alcoholism, drug abuse, and homelessness. It is a difficult time for troops and their families when our soldiers are deployed.

In April 2004, I met with many families of the Army Reserve's 439th Quartermaster Company. Initially what was supposed to be a 6-month tour of duty was extended twice and the unit wound up serving for 14 months or longer. I met with their families. I saw the unbelievable strain they were under, bills mounting, responsibilities to family multiplying, frustrated in their efforts to get the answers they needed regarding the unit's status. It illustrated what we need to do for our Reservists, what it means for what they leave behind, not only their families, their jobs and their lives back home. That is what happens when Reservists are activated. Everyone sacrifices. We need to make sure that when all our soldiers come home that their homecomings are accompanied by any services and treatment that they and their families may need. They deserve no less.

This is a commonsense amendment. I want to thank the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON)

for their advice and my colleagues on the Rules Committee for making this amendment in order. I urge my colleagues to support it.

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

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

Mr. Chairman, I rise to speak in support of the en bloc amendment and also a particular provision of it whereby the leadership of the committee has worked with me to include some reporting requirements. They are not as complete as I would like. In fact, we have pared them back three or four times in order to reach consensus, but nevertheless I am glad that we will put them in here because they relate to reporting and oversight of our commitment in Iraq and Afghanistan and Operation Nobel Eagle.

There are three main areas that will be covered in these war-related reports: costs with numerous breakdowns, the reconstitution of equipment, and military construction, partly because it is a good indicator of where we are headed. The Congress has just passed an $82 billion supplemental making the total amount provided this year for Afghanistan and Iraq over $100 billion. Only 2 weeks after its enactment, the Army is already hinting that they may run out of O&M funds. As a consequence, we have a bridge provision in this particular bill authorizing an additional $49 billion. The House Appropriations Committee just approved a $45 billion bridge, a supplemental that is intended to carry the services through the early months of fiscal year 2006, at which time another supplemental will be needed.

We need a better system for tracking these costs as they are incurred. We do not get it in advance on the Committee on Armed Services. That is why we are providing an advance authorization in this bill. But we need to have at least the information retrospectively so that we can see where the costs are being incurred and we can keep tabs on some of the contingencies that are going to have to be paid down the road, costs that are being incurred now like repairing equipment which has suffered greatly in the environment in Afghanistan and in Iraq.

These are, I think, essential amendments if we are to do our oversight job on the Committee on Armed Services. I appreciate the chairman and the ranking member working with me to see that they are included in the en bloc amendments.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise today to express concerns about the recent Department of Defense study, ''Domestic Dependent Elementary and Secondary Schools Transfer Study,'' that was released in February. It is called DDESS. It calls for significant changes to a number of the 58 elementary, middle and high schools on U.S. military installations that would, I believe, be viewed as a reduction in benefits for our military personnel. These are first-class schools, all 58 of which provide prekindergarten programs, special education programs, and maintain significantly higher student achievement in national test results.

My district is home to West Point, the U.S. Military Academy. The elementary school at the academy is the finest of its kind in the Department of Defense. During a recent study, it was ranked number one out of 55 in the entire Nation. The school maintains a number of advantages that simply cannot be duplicated, including the maintenance of a federally funded pre-K program, onsite provision for 95 percent of special education services, and minority achievement scores which meet or exceed national averages. Notwithstanding these factors, the DOD study recommended the students be transferred to the local school system. Similarly, seemingly unsupportable recommendations were made for other DOD schools.

Mr. Chairman, given this, I ask that the committee and Congress give careful consideration before allowing the Secretary of Defense to implement any recommendation of the DDESS transfer study to close any Department of Defense domestic dependent elementary or secondary school or to transfer any faculty or students of the Department of Defense domestic dependent elementary or secondary schools system to an entity of a State or local government.

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

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

Mr. HUNTER. Mr. Chairman, I understand the gentlewoman's concern. I look forward to working with her to prevent unnecessary closures or transfers not just at West Point but also at DDESS across the country. I agree it is important to provide such benefits for our military personnel to not only recruit the best for our military but to provide the safety, security, and necessary programs to the DDESS students and their parents.

□ 1415

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the distinguished gentleman from Missouri (Mr. SKELTON), the ranking member, for yielding me this time.

Mr. Chairman, I rise in support of the Defense Authorization bill. I want to thank the gentleman from California (Chairman HUNTER), chairman of the committee; and, again, his counterpart, the gentleman from Missouri (Mr. SKELTON), a man whom I greatly respect for crafting along, with the gentleman from California (Mr. HUNTER), a very bipartisan bill.

While this is not a perfect bill, in today's environment here on Capitol Hill, it is a testament to both of these men and their staffs that they are able to work so well together to put a bill forward that so many of us can support; and to both of them we are extremely grateful.

I would also like to thank the Committee on Rules for making our amendment in order for debate today. My amendment is a Sense of Congress honoring the diversity of the men and women who have given their lives in defense of our country. The people of our Armed Forces are put in harm's way on a daily basis, and I am so proud of them for having the ability to keep fighting to protect our Nation's security.

Over 1,500 members of the armed services have been killed while serving in Operation Iraqi Freedom and Operation Enduring Freedom. And I believe it is important for this body to recognize the sacrifices being made by these diverse members of the Armed Forces and their families in the war on terror. Several members of our Armed Forces from my district have been killed while serving in defense of our Nation.

I happen to represent one of the most diverse districts in our country today, and I am proud to say that this diversity is strongly represented in the military today as well. When I am back in my district, I make it my business to meet with veterans and members of the Armed Forces who have just returned from service, and I have found that many of these brave men and women are from the Latino and African American communities. While they are so happy to be home with their families, many of them still have the sense that their mission is not over, and they want to continue to protect our Nation against those who look to do us harm.

The military is an opportunity for minority communities to start a better way of life for themselves, whether it is going to college after service or using the skills they have learned in the military to find a good job.

I commend these men and women and send my sincerest condolences to the families of those who have lost loved ones in their service to our Nation.

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would like to speak against the Manzullo amendment, which is part of the en bloc amendments, and also the Blunt amendment.

The Manzullo amendment, basically, will radically change the current application of the Buy American Act. I think it could place the United States in violation of more than 20 critical defense memoranda of understanding with some of our strong allies like Australia, Canada, Israel, and the United Kingdom.

Under DOD policies, under Buy American, there is a 50 percent cost differential if they cannot certify that a product is made with more than half

of its components in the United States. In a global economy it is often hard to certify, and we actually put some of these companies at risk with their certifications. Some companies have had to set up costly accounting procedures so that they can track where different pieces of a product's components are assembled around the world to add up: Does it comply with the Buy American Act or does it not comply with the Buy American Act?

This amendment would sweep away the current waivers of the Buy American Act that have been carefully negotiated with our strongest military partners, and I am afraid will invoke retaliation if they are upheld. The restriction would cause the Department of Defense problems in purchasing the best goods for a fair price, particularly commercial technologies, so we would be denied in some cases the best cameras, the best laboratory and surveillance equipment. Even the BlackBerrys, which Members have, would be subject to this because 50 percent of its components are not assembled in the United States.

With this we would deprive our soldiers of the best equipment, the best equipment in many cases that would make them more efficient. In some cases it could make them even less safe. And that is the problem with this amendment. Our soldiers deserve the best wherever its components are assembled, and this blanks out some of the waiver provisions that we have under the current law.

We are already challenged to compete in a global marketplace where we do not always have a competitive advantage. Dismantling the regime of defense memoranda of understanding that have helped create and support the vibrant world marketplace in the end only hurts American workers.

Besides violating our defense MOUs, this provision will require DOD to pay an artificially high price for products it needs to protect all of us. Defense dollars are already scarce. We need to be getting the maximum bang for our bucks, and the difficulty with our procurement system is that the Members try to do too many things with them.

In the Blunt amendment case, they want to give a differentiation for people who hire a number of National Guard or Reserve officers; in this case, it is Buy American; in other cases, it may be a small or minority business. At the end of the day, this creates many inefficiencies in our procurement system that cost our taxpayers billions of dollars when, in fact, we do not have them.

I think when we go out and procure goods for our soldiers, we ought to get the best goods, we ought to get them at the lowest price. The American taxpayer demands it and our soldiers demand it.

Under this amendment, more businesses would be required to certify compliance with the Buy American Act, potentially exposing them to civil false claims and other sanctions even if they have made a good-faith effort to comply with these government-unique requirements. This creates significant financial and legal burdens for industry, given that more and more IT, information technology, so critical for our defense efforts, is being sourced, in a global economy, from around the world.

Some companies have responded by setting up costly, labor-intensive product tracking systems that are not needed in their commercial business simply to sell to the government. That ends up costing the taxpayer more. Some companies have simply stopped selling certain products in the Federal marketplace, denying us access to some of the latest, most cost-effective, safest products for our soldiers.

This radical expansion of the application of the Buy American Act will impose financial and legal burdens on commercial companies that sell to the government. In fact, it could well prevent our brave servicemembers from obtaining the best technology to protect them and to protect our Nation.

This increased restriction on DOD's ability to obtain needed technology from the world market is basically a Cold War anachronism. Given DOD's growing reliance on information technology and other products and the current global nature, these are crippling in their restrictive provisions.

Mr. HUNTER. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. BEAUPREZ), who has exhibited enormous concern and support for our men and women in uniform.

Mr. BEAUPREZ. Mr. Chairman, I appreciate the chairman's comments.

I rise for the purpose of engaging the gentleman from Maryland (Mr. BARTLETT), the chairman of the Projection Forces Subcommittee of the Committee on Armed Services, in a colloquy.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BEAUPREZ. I yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, I would be happy to join my colleague in a colloquy.

Mr. BEAUPREZ. Mr. Chairman, reclaiming my time, as the chairman is aware, our larger ships such as carriers, amphibious, and logistic ships with many sailors and Marines embarked, could be vulnerable to torpedo attack. The threat increases when we move our ships from open ocean to restricted littoral waters where torpedo launch platforms such as diesel submarines and surface patrol craft can get closer to our ships and our reaction time is lessened.

Currently, there is a proliferation of torpedoes of various types available on the world market that could cause significant damage to our surface ships. These weapons could be launched from the shoreline or small boats, threats that we were not too worried about until the USS *Cole* incident.

The gentleman and the Committee on Armed Services have provided the leadership needed for defense of our Navy ships and its sailors from torpedo attack through their support of the Surface Ship Torpedo Defense program. I agree with the gentleman that this is a very important program and believe that the Anti-Torpedo Torpedo is a key element of the program.

My concern, Mr. Chairman, is that we have not made the type of progress on this issue that we likely should have. I would appreciate the chairman's thoughts on this.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BEAUPREZ. I yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, I agree with the gentleman from Colorado (Mr. BEAUPREZ) that the Surface Ship Torpedo Defense program is extremely important for the protection of our high-value ships and sailors at sea. I will encourage the Navy to move expeditiously to field this system with the Anti-Torpedo Torpedo.

Mr. BEAUPREZ. Mr. Chairman, reclaiming my time, I thank the gentleman from Maryland for his commitment to this issue and look forward to working with him and the House Committee on Armed Services on this critical problem.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON), ranking member, for yielding me this time.

I also want to thank the gentleman from California (Chairman HUNTER) for including the amendment concerning America's energy independence in the en bloc amendments. I thank him for helping us move toward energy independence.

We all know that our Nation is petroleum addicted, that those supplies are being drawn down from the most undemocratic places in the world. America has to change and the world has to change in this century.

This amendment requires the Department of Defense and related agencies to conduct a study and report back to Congress on the use of new fuels, biodiesel and ethanol, that can be manufactured right here in the good old U.S.A. and used by the Armed Forces and the defense agencies, as compared to how the Department currently uses petroleum.

The study requires a review of requirements for increased use of biodiesel and ethanol by the U.S. Department of Defense. It requires a forecast of the requirements of the Armed Forces and the Department for the use of biodiesel and ethanol fuels for each of the years 2007 through 2012.

It requires a review of what actions the Department of Defense has taken to work in collaboration with State and local governments to support the expansion of alternative fuel refueling

stations that are accessible to the public. Members might think about the one that is located right across the street, the Citgo station, from the Pentagon itself.

We know that the Department of Defense has the largest vehicle fleet in the United States Government. It should be a leader in the use of new fuels and power systems. It should be a leader also in alternative fuels research to help America transition to a new day. So we are really looking to this report to help us meet that growing need for energy independence.

I end with a story as a member of the Defense Subcommittee of the Committee on Appropriations. It was shocking to me to hear the Secretary of Defense, Mr. Rumsfeld, when he came before us and I asked him, ''Mr. Secretary, what is your role and your department's role, in helping America to move toward energy independence?'' Again, over two-thirds of the petroleum we use is imported and it puts America in a very vulnerable position strategically on the globe.

And his answer was, ''I do not have anything to do with it. That is the job of another department.''

No, Mr. Secretary. It is every department's job, and it is every household's job in this country to convert. You and your department—the largest in the government of the U.S.—are not exempt. In fact, you must be the leader.

I thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for including this amendment in the en bloc. amendments and the membership to ask support the measure.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FILNER).

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

I thank the gentleman from San Diego, California (Mr. HUNTER), for including my amendment in the en bloc amendment.

My amendment would call for a study by the Secretary of Defense in conjunction with the Secretary of the Department of Veterans Affairs on the feasibility of allowing veterans with a service-connected disability rating 50 percent or higher access to transportation on military aircraft on a space available, or Space-A, basis. Such a study is supported by the national organization, Disabled American Veterans.

Space-A, of course, is used for government-owned or contracted aircraft where there is space available that is unused for the primary purpose of the flight. Currently, disabled veterans are not eligible for this Space-A travel solely on the basis of their disability. But other groups are, whether they are members of the uniformed services and their families, foreign exchange servicemembers on permanent duty with the Department of Defense, civilian employees of the Department of Defense stationed overseas, American Red Cross personnel stationed overseas. All these are eligible for Space-A travel.

We should allow disabled veterans the same access to Space-A travel. From all indications, the Department of Defense would incur no cost by allowing disabled veterans access to this Space-A travel. We need to allow the seats which would otherwise go unused to be occupied by men and women who have been disabled in their service to our great Nation.

Again, I thank the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) for including the amendment in the bill.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the DeLauro amendment because every time we send our young men and women into a combat situation, we are asking them to make a sacrifice for the rest of us. When they return we must honor them by giving them the services they need. The lives and health of our soldiers are the real cost of war.

The new England Journal of Medicine recently reported that a many as one out of four veterans of the wars in Afghanistan and Iraq treated at VA Hospitals in the past 16 months were diagnosed with mental disorders. Alarmingly, veterans of these wars are already showing up in our homeless populations.

We must take steps to protect those who protect us. I urge my colleagues to join me in supporting the DeLauro amendment to expand mental health services to our soldiers.

□ 1430

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

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

The Acting CHAIRMAN (Mr. CULBERSON). All time having expired on this debate, the question is on the amendments, en bloc, as modified, offered by the gentleman from California (Mr. HUNTER).

The amendments, en bloc, as modified, were agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 24 printed in House Report 109–96.

AMENDMENT NO. 24 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

Mrs. JO ANN DAVIS of Virginia. 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. 24 offered by Mrs. JO ANN DAVIS of Virginia:

At the end of title X (page 402, after line 22), add the following new section:

SEC. 1048. DEPARTMENT OF DEFENSE SUPPORT FOR YOUTH ORGANIZATIONS, INCLUDING THE BOY SCOUTS OF AMERICA.

(a) SUPPORT FOR YOUTH ORGANIZATIONS.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit the Department of Defense from providing any form of support described in subsection (b) to a youth organization (including the Boy Scouts of America and any group officially affiliated with the Boy Scouts of America) described in part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years that would result in the Department of Defense providing less support to that youth organization than was provided by the Department of Defense during each of the preceding four fiscal years.

(b) TYPES OF SUPPORT.—Support referred to in subsection (a) includes—

(1) holding meetings, camping events, or other activities on defense property; and

(2) hosting any official event of the youth organization.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and a Member opposed each will control 15 minutes.

Mr. DINGELL. Mr. Chairman, although not opposed, I ask unanimous consent to claim the 15 minutes in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan (Mr. DINGELL) will control the 15 minutes in opposition.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment in support of the Boy Scouts of America in order to reaffirm their long-standing partnership with the Department of Defense. This summer an estimated 40,000 Boy Scouts and their leaders will take to the 76,000 acres of land at Fort A.P. Hill to do something traditionally American: they will go camping. The Boy Scout Jamboree at A.P. Hill is a quadrennial gathering of Scouts and a celebration of what is good in America.

Mr. Chairman, I think we can all agree that institutions like the Boy Scouts and their Boy Scout Jamboree are welcome sights in our current times. I remind my colleagues that the Supreme Court asked that ''God save the United States and this honorable Court,'' and that our national currency reads ''In God We Trust,'' and that the military and congressional oaths of office end with ''so help me God.''

There are some who believe that this simple acknowledgment of God by young men is reason to sever a nearly 100-year-old relationship between the Boy Scouts and the Federal Government. This amendment will ensure that the Boy Scouts are treated fairly by guaranteeing their right to equal access to public facilities, forums and programs, and will clarify Federal law so that the Boy Scouts of America will receive the same amount of support from the Department of Defense as any other nonprofit organization in this country, including the right to continue the Boy Scout Jamboree at Fort A.P. Hill in Caroline County, Virginia, in my district.

The Department of Defense has every right to support the activities of the Boy Scouts of America, and this amendment will protect this important

relationship. This relationship between the Scouts and DOD should not be manipulated or infringed upon. The national jamboree is an incomparable opportunity for training our military, and it would be a detriment to our armed services and to the Boy Scouts to jeopardize it by frivolous lawsuits. Since 1937 when the Boy Scouts have held the national jamboree, six jamborees have taken place at Fort A.P. Hill since 1981.

Mr. Chairman, this relationship between DOD and the Boy Scouts of America is a mutually beneficial partnership, as many former Scouts choose to join the ranks of our Nation's Armed Forces.

It is worth noting that every enlistee and officer swear a similar oath before God as a prerequisite for service to our country.

In a time of uncertainty and angst, our Nation's young people face more challenges than ever before. As a parent and a concerned citizen, I have seen the temptations and the dangers that meet our children every day of their lives. I have seen the decisions that they must make, and I have seen the repercussions from poor decisions.

Yet here is a refuge, an institution that teaches civility, friendship, loyalty, honor, and character. It is an institution that encompasses all that is good in our society: faith, family, and country. The Boy Scouts of America has made a lasting contribution to America, and the partnership between the Pentagon and the Boy Scouts has played an important role in this contribution.

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

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

Mrs. JO ANN DAVIS of Virginia. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just want to thank the gentlewoman for her amendment, she is a valued member of the committee, and let her know I support her amendment very strongly. I think it is an excellent partnership, and one that has taken place for many, many years. We hope at some point to have a Shining Sea Scout March from the shores of California all the way out to A.P. Hill, almost to the ocean.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

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

Mr. DINGELL. Mr. Chairman, I rise in strong support of the amendment. I thank my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), for introducing a very important amendment to support the Boy Scouts of America and their jamborees. I also would like to thank my colleagues, the gentleman from Missouri (Mr. BLUNT) and the gentleman from Colorado (Mr. HEFLEY), for their hard work on this issue.

Mr. Chairman, in 1937, the first jamboree was held at the base of the Washington Monument on the National Mall. Interestingly enough, as a young boy, I attended, not as a Scout, but as an observer, that wonderful event. Since then, there have been 15 national scout jamborees, with the last six being held at Fort A.P. Hill.

These jamborees have given better than 600,000 young Americans the opportunity to celebrate the skills and lessons they have learned in scouting. They have had the opportunity to learn to hike, camp, learn about citizenship, leadership, and service to their community. In short, the Scouts teach our young people important skills and values that will help them throughout their lives and make them more productive and more valuable citizens.

I recently introduced H.R. 1301, which, if passed, would restore the ability of our Armed Forces to directly support Scout troops and to ensure that Scouts will continue to have the use of Fort A.P. Hill and the assistance of our Armed Forces for its jamborees as they have for so many years. I believe this amendment furthers that objective, and I support it strongly for that reason.

I grew up, Mr. Chairman, as a Boy Scout. I became a scoutmaster and I watched proudly as both of my sons became Scouts and my two daughters became Girl Scouts. It is important for Scouts to continue to be able to hold their national jamborees at A.P. Hill and for us to remove impediments to proper contributions by this government to the citizenship of our young people.

Mr. Chairman, I urge my colleagues to support the Davis amendment, and I urge the adoption of the amendment.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I thank the gentlewoman for yielding me time and for her leadership on this issue. I also appreciate the leadership of our chairman, the gentleman from California (Chairman HUNTER), and the support from our friends on the other side. This is a very important issue, providing for the ability of the Department of Defense to support youth organizations, including the Boy Scouts of America.

I am very pleased about scouting and what it means as a worldwide movement to so many young people and how it has been so inspiring in promoting character, education, and training. I also know that you can look at young people and tell and forecast success, because persons involved in scouting, nearly 70 percent of the persons who attend the different academies of the United States have been members of scouting: 23 of the 26 first American astronauts were active in scouting; 85 percent of FBI agents have been active in scouting. This has a great impact on our Nation.

Additionally, I know the hard work of the adult leaders. We have people in my home community with the Indian Waters Council, the past president, John Hipp, has raised phenomenal amounts of money to promote scouting camps so young people have opportunities during the summer. We have got good people, such as our commissioner, Larry Brown, who is now leading our council, so that we have opportunities for young people.

I know firsthand, too, and am very pleased about the national jamboree. I have had two sons attend at Camp A.P. Hill. Additionally, I am very familiar that the Naval Academy provides the Eagle Scout Association Weekend with opportunities for the Scouts to learn about opportunities at the Naval Academy at Annapolis.

I have worked very closely with Scouts units in visiting here in Washington to tour Washington. We have the ability of Scouts to stay overnight with space available for Scouts to come and visit and tour Washington, to go to Philmont, the Boy Scout camp in New Mexico.

A final point I would like to make is personally I have worked with Troop 1, Faith Lutheran Church in West Columbia, and I have three sons who are Eagle Scouts. All three are now military officers in the military of the United States. The fourth will be an Eagle Scout later this year.

A highlight for us is that our second son, a Navy lieutenant, arrives for service in San Diego today, so we are very proud that he will be in the company of our chairman, the gentleman from California (Chairman HUNTER).

In conclusion, God bless our troops. We will never forget September 11.

Mr. DINGELL. Mr. Chairman, with great pleasure, I yield 2 minutes to my dear friend, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I thank the gentleman from Michigan for yielding me time.

Mr. Chairman, there are magic moments in a person's life. One of those magic moments happened to me in April 1948 in Kansas City, Missouri, at the Music Hall Auditorium, where I manned the stage with a good number of other Boy Scouts, my mother walking up the steps with me, a rose being handed to me which I handed to her, and I shook hands with the sponsor of the Eagle Scout class, Dr. Milton Eisenhower, the then-president of Kansas State University. It was a moment to remember. That was my Eagle Scout Code of Honor. Of course, I am pleased to say that we have a son also that is an Eagle Scout.

Scouting builds good citizenship. I have been around it all my life. Looking back, I have so much to thank my scoutmaster, John L. Marchetti, old Troop 418, for the young men he worked with and molded into good Missouri citizens.

It is important that young Scouts have the finest places to camp, the finest places to learn the skills, the camping, the frontiering, learn the active parts of the Scout law: to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent. They can learn these on reservations that are and do belong to our military. As a matter of fact, a good number of Scouts that come through the Scouts ranks volunteer and become part of the military, many of them for a career.

So it certainly is fitting that the gentlewoman from Virginia offers this amendment. I thoroughly endorse it. I certainly hope it passes overwhelmingly. I thank the gentleman from Michigan (Mr. DINGELL) again for giving me this opportunity to speak in support thereof.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), our majority whip.

Mr. BLUNT. Mr. Chairman, I thank the gentlewoman for yielding me time, and I am pleased to be here on the floor as she brings this amendment to this bill. I am also pleased to be part of the debate that is joined by my good friend, the gentleman from Michigan (Mr. DINGELL), and my good friend, the gentleman from Missouri (Mr. SKELTON), and to listen a moment ago when the gentleman from South Carolina (Mr. WILSON) gave such a great sense of what scouting has meant to America and to so many American lives.

At one time I know the military academy applications had the question on there, ''Were you an Eagle Scout?'' It mattered if you were, just as it matters now if people realize you received that kind of recognition, had that kind of dedication to scouting, the value of scouting to our country, the value of scouting to individuals, the memories like the one that the gentleman from Missouri (Mr. SKELTON) just mentioned, which are important.

But the values of scouting are also important, and as we evaluate those values, you have to ask yourselves based on the reason to have this debate today, what is next? What other core value of America would begin to stand in the way of institutions that have been so much part of what we are? Extremist groups want to remove God from the national symbols, attack the Pledge of Allegiance, and now even the Boy Scouts.

There is no more American symbol of our Scouts than the understanding that the Scouts represent the values of America. Some groups well outside the mainstream of our society have wanted to penalize the Scouts for representing those mainstream values by isolating them, by not allowing them to use some public facilities, some public forums, to really see a fundamental change in these programs that should not be changed because they are based on fundamentals.

□ 1445

So as we bring this amendment today, obviously our goal is to support the Scouts, support their commitment to God and country, support the Jo Ann Davis of Virginia amendment, and ensure that our Scouts have access to Department of Defense facilities, and the support and encouragement of this Congress.

Mr. DINGELL. Mr. Chairman, I have no requests for time at this time, so I reserve the balance of my time. If the gentlewoman wants to terminate the debate, I will be supportive of that.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I have several other speakers. I yield 3 minutes to the gentleman from Missouri (Mr. AKIN), who is chairman of the Boy Scout Caucus.

Mr. AKIN. Mr. Chairman, I am the cochair, with the gentleman from Missouri (Mr. SKELTON), and I rise in support of this good amendment of the gentlewoman from Virginia.

I am a father of four Eagle Scouts, and I have to say I am a little proud of that. I have had a chance to work with Eagle Scouts and Boy Scouts now for a good many years, more than I would care to publicly admit. I have to say that this is an institution just as American and just as fine as any American tradition. I have seen so many young Boy Scouts come in, and they hardly know their right hand from their left hand, and after a couple years of scouting, they emerge as young leaders. It is always an encouragement to work with them.

Now, what the Jo Ann Davis of Virginia amendment would do would be to reaffirm the Boy Scouts' long-standing partnership with the Department of Defense. I was really opposed to and offended by the fact that the Department of Defense gave instruction to its bases worldwide that precluded official sponsorship of Boy Scout troops. While this policy allows military personnel to sponsor scouting events and troops in a private capacity, this unsound policy was reached as a partial settlement to a lawsuit filed against the Department of Defense in 1999 by the ACLU, because the ACLU did not like the scouting oath of allegiance to God.

Now, this is particularly ironic, is it not, that they do not like the Boy Scouts having a pledge saying that this is under God, and, yet, the armed services take the same oath when they join the armed services. There seems to be some sort of an irony here, I suppose.

The amendment would further clarify that relationship between the Department of Defense and the Boy Scouts of America, and it would specifically authorize meetings, jamborees, camporees or other scouting activities on Federal property as long as the scouting troops obtain the appropriate permission.

So I think this is an excellent amendment, and I thank my colleagues so much for their consideration of this amendment.

Hats off to the gentlewoman from Virginia (Mrs. DAVIS), and I strongly urge the support of my colleagues.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in support of the Jo Ann Davis of Virginia amendment which would allow the Department of Defense to continue its prior support of youth organizations, including the Boy Scouts of America and its affiliates.

The Boy Scouts of America is a valuable organization which has served thousands of children and young adults since 1910, teaching them the value of family, community, service and leadership. The Department of Defense has sponsored affiliates of the Boy Scouts of America for years, providing valuable support by holding meetings, camping events and other activities on Defense property, as well as hosting official events. That partnership will come to a halt if Congress does not act.

In order to settle a lawsuit, the Department of Defense agreed to instruct its bases worldwide not to sponsor Boy Scout troops because of the Scouts' oath of allegiance to God. How can we as a Nation punish an organization for a pledge similar to that which every single enlistee and officer swears before God as a prerequisite for service to our country?

By passing this amendment, we will ensure that youth organizations, including the Boy Scouts of America, are not discriminated against because of their values and beliefs; and for that reason, I urge adoption of this amendment.

Mr. DINGELL. Mr. Chairman, I have no further requests for time on this side. If the gentlewoman would like, then, we could yield back time and conclude the debate and have a vote.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I have no further speakers either, and I urge adoption of the amendment.

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

Mr. DINGELL. Mr. Chairman, I urge the adoption of the amendment.

Mr. DUNCAN. Mr. Chairman, I rise in support of the gentlelady from Virginia's amendment to allow the Department of Defense to allow Boy Scout troops on military bases. The Boy Scouts of America is probably one of the finest organizations in the Nation today.

The Scouts teach young boys to support God and family and Country, and this Nation would be a stronger place today if we had more organizations like the Boy Scouts. The Scouts also teach young boys all sorts of skills and how to work to achieve ranks and merit badges that they certainly would not learn from any other group.

Most young people today have grown up with the television as a babysitter and have been taught to worship the computer. I have nothing against either television or computers, but anything that we can do to get young people outdoors or actually into constructive activities rather than just staring at a screen is a

really good thing in my opinion. The Boy Scouts do this.

I was a Scout leader for two years prior to coming to Congress and several years ago was given the highest designation given to any adult in Scouts, the Silver Beaver Award. Only about 16 percent of all boys ever start in Scouts in the first place, and these are probably primarily our finest boys. Anything we can do to get more boys involved in Scouting is a good thing for this Country, and I think Scouting will lead many young boys to consider careers in the military. So, I strongly support the amendment by Mrs. DAVIS and urge my colleagues to do likewise.

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

The Acting CHAIRMAN (Mr. CULBERSON). All time having expired, the question is on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

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

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) will be postponed.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 12 printed in House report 109–96.

AMENDMENT NO. 12 OFFERED BY MRS. DAVIS OF CALIFORNIA

Mrs. DAVIS of California. 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. 12 offered by Mrs. DAVIS of California:

Add at the end of title VII the following new section:

SEC. 7___. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting ''in the United States'' after ''Defense''.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentlewoman from California (Mrs. DAVIS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering how the Defense bill can best provide for the men and women serving overseas. The Davis-Harman-Sanchez amendment lifts the current restriction on reproductive care in overseas military hospitals and permits servicewomen to walk into a U.S. military hospital, a familiar and trusted place, to use their own private funds for safe and legal pregnancy termination services.

Under current law, women have to return home for medical services after obtaining permission from their commanding officer and finding space on military transport. The other option for them is venturing out to a hospital in a foreign country if, in fact, they are able to do that.

Servicewomen do not receive the protection of the Constitution they defend. Mr. Chairman, let me repeat that again. Servicewomen do not receive the protection of the Constitution they defend.

We trust women in the military to secure our safety. We ask women to put their lives at risk for our freedoms. So why is it that we do not support them when they require safe and legal medical services?

I want to clarify a few points about this amendment. No Federal funds would be used for these procedures. Military women would use their own funds. This amendment only affects overseas military hospitals and would not violate host country laws. It will, however, open up reproductive services at bases in countries where abortion is legal. And it does not compel any doctor, any doctor who opposes these procedures on principle, to perform one.

I ask that all the Members support our servicewomen, support our servicewomen by supporting the Davis-Sanchez-Harman amendment.

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

Mr. RYUN of Kansas. Mr. Chairman, I rise in opposition, and I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose the Davis amendment. Allowing self-funded abortions would simply turn our military hospitals overseas into abortion clinics.

This amendment is not about equal access to health care; it is simply offered to make a political point. Female military personnel who are stationed overseas already have access to abortion clinics where they are legal. In some cases, women prefer to have abortions in the United States, and that option is available under the current law that is now in operation.

Furthermore, overseas military hospitals already offer self-funded abortions when the life of the mother is in danger or the pregnancy is the result of rape or incest.

Abortion services are already available, and there is no demonstrated need for expanding abortion access. Furthermore, this amendment does not seek to address operational requirements or ensure access to an entitlement.

Although this amendment is presented as providing for solely self-funded abortion, the fact is that American taxpayers will be forced to pay for the use of military facilities, the procurement of additional equipment needed to perform abortions, and the use of needed military personnel to perform these abortions.

Military doctors signed up to save the lives of our dedicated servicemen and women, not to end the lives of babies. Many military doctors, even those who are pro-choice, would not want to perform abortions.

I think it is important to note that this amendment was offered in the Committee on Armed Services where only 19 of the committee's 64 members supported it.

I ask my colleagues to vote against turning our military hospitals into abortion clinics and to vote against the Davis amendment.

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

Mrs. DAVIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I thank my colleague for yielding me this time and other colleagues from California for letting me speak early in this debate.

Mr. Chairman, I was a member of the Committee on Armed Services for 6 years and, during that time, every single year, played a role in sponsoring this worthy amendment. I urge its adoption again this year.

Mr. Chairman, I just returned from the Middle East and the World Economic Forum where the First Lady spoke. Her speech, which emphasized the importance of women's equality in the region, was extremely well received.

Mrs. Bush serves as a wonderful ambassador to the world, but she is just one woman. There are over 200,000 women serving in the U.S. military and 19,000 women currently in Iraq and Afghanistan. These women are flying helicopters and fighter aircraft. They are saving lives as nurses and doctors. They are driving support vehicles, patrolling bomb-ridden highways, and standing duty at checkpoints, shouldering weapons. They serve as an example and an inspiration to the women they come into contact with, and they break down stereotypes held by many men.

With this in mind, I urge my colleagues to support this amendment which would lift the current ban on privately funded abortions in military overseas hospitals.

The amendment does not force military doctors to perform abortions, and it does not place an undue focus on the procedure in such facilities, because abortions in the case of incest, rape, or life endangerment are already performed there. What this amendment does is to give servicewomen and female military dependents stationed abroad the same constitutional rights as women living here.

Separate from this amendment, but also enormously important, is the issue of career opportunities for women in the military. I applaud the Committee on Armed Services for coming back from the precipice and removing language barring women from serving in forward support companies. I am confident that following the Pentagon's review of its personnel policies, assessing what positions should be open to

servicewomen, we will be here on the floor to heap praise on our GI Janes, rather than barring them from opportunities to serve our country.

Vote for the Davis-Harman-Sanchez amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

□ 1500

Ms. FOXX. Mr. Chairman, I rise today in strong opposition to the Davis amendment.

Military treatment centers which are dedicated to healing, nurturing and saving life should not be forced to facilitate the taking of the most innocent human life, the child in the womb. This amendment is a barely germane, blatant distraction from the important bill we are considering today.

The amendment would mandate that Federal dollars be used to fund abortions, and contradicts fundamental U.S. military values such as honor, courage, and taking responsibility for one's own actions.

Mr. Chairman, as stewards of hard-working Americans' tax dollars, we cannot ask our constituents to fund the killing of human life on our military installations.

Life does begin at conception, and it is sacred.

As Members of Congress, we should do all we can to protect life.

Instead, while we stand here today to fund our troops and protect our great Nation, opportunist Members of the Democratic Party are once again belittling and devaluing the sanctity of human life.

If this inappropriate amendment were adopted, not only would taxpayer-funded facilities be used to provide abortion on demand, but resources could be used to search for, hire, and transport new personnel simply so that abortions could be performed.

That is right. Instead of hiring new personnel to operate tanks, fly planes, fight insurgents, train coalition forces, treat troops and defend America, this amendment asks taxpayers to pay new personnel to perform abortions and kill human fetuses.

Mr. Chairman, that is despicable.

This amendment must be defeated so we can return to the meaningful consideration of the national defense authorization bill.

I urge my colleagues to join me in protecting human life by voting against the Davis amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I would like to thank the gentlewoman from California for introducing this very important and necessary amendment.

Members of the Armed Forces are entitled to quality of life equal to that of the Nation that they are pledged to defend. Female military servicemembers and military dependents are stationed overseas, and they deserve the same rights as their counterparts who are stationed here in the United States.

Whether you are pro-choice or pro-life, agree or disagree with the merits of reproductive freedom, the fact remains: women of the United States have a constitutional right to these services.

Military women should not be forced to go to off-post medical facilities where language barriers and questionable conditions can be insurmountable obstacles. Nor should they be forced to arrange for leave and military transport to return stateside, requiring the intensely personal reason for their leave to be, at best, an open secret, if not outright common knowledge.

If your daughter or your wife or your sister or friend had to make this tough reproductive choice and was stationed overseas, do you believe that, as an adult woman, they should be required to disclose this information to their commanding officer? Would you want to put her on a plane, alone? Our servicewomen and their dependents deserve better.

This amendment allows military personnel and their dependents serving overseas to use their private funds to obtain safe, legal abortion services in overseas military hospitals. No Federal funds will be used.

This amendment will not violate host country laws, nor does it compel any doctor who opposes abortion on principle to perform one. It will, however, open up reproductive services at bases and countries where abortion is legal.

Current law treats the women who so bravely defend our country like second-class citizens in terms of their legal right to have an abortion. And this injustice needs to end.

Mr. Chairman, I urge my colleagues to vote for the rights of our servicewomen and dependents abroad. And again I thank the gentlewoman from California (Mrs. DAVIS) for introducing this amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentlewoman from Virginia (Mrs. JOANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise today in opposition to the amendment offered by my colleague, the gentlewoman from California. For the last 9 years, without fail, this body has voted against funding abortions in DOD medical treatment facilities, and I trust that today we will make that number 10.

Military physicians and personnel are tasked to provide life-saving and nurturing care to our men and women of the armed services. In this amendment, we are asking them to facilitate the exact opposite of their mission by performing abortions.

Particularly at a time when their resources are devoted to addressing the needs of servicemembers suffering from wounds and trauma sustained in Operations Iraqi Freedom and Enduring Freedom, we must continue to support the doctors and nurses of the military in their effort to save and sustain life.

Mr. Chairman, American taxpayer dollars should not be used to pay for abortions, directly or indirectly, wherever they occur. Supporters of this amendment claim that taxpayer dollars would not actually pay for abortions, as you just heard. However, as previously pointed out, this simply is not true.

Taxpayers would be paying for these abortions by subsidizing the cost of the physician services, the hospitals, and the abortion equipment. Our current law protects against this, and I urge my colleagues to keep this common-sense policy intact.

Mrs. DAVIS of California. Mr. Chairman, I yield one minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise today in strong support of the Davis-Harman amendment. Today, and over the last few years, we continually have voiced our support for our troops many, many times over, passing resolutions of support, providing our troops with adequate training and equipment, just the beginning. And I know of no better way to demonstrate our genuine support than by finally giving women in our Armed Forces and the wives and the daughters of the men in our military, the ability to exercise their constitutional right to choose, to choose their reproductive options while being stationed abroad.

We routinely ask servicewomen to put their lives on the line in defense of our country and our country's ideals. That is why we must not require them to put their lives on the line when seeking constitutionally protected reproductive services. Please join me in supporting our troops by supporting this much needed amendment. Lift the current ban on life-threatening procedures withheld from our women serving overseas.

Mr. RYUN of Kansas. Mr. Chairman, may I inquire as to how much time I have left.

The Acting CHAIRMAN (Mr. PUTNAM). The gentleman from Kansas has 10½ minutes remaining.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, this is the second time this week that the House has considered the important issue of life of the unborn.

I rise in strong opposition to the Davis amendment which attempts for the ninth time in 9 years to repeal a provision of law which prevents military doctors from performing abortions at overseas military hospitals.

As a physician, I have dedicated my life to healing and nurturing human life. Military hospitals, which are paid entirely with taxpayer dollars, should not facilitate the taking of innocent human lives. Additionally, this does not take away a single existing right for women serving overseas, as they do have the option to travel to other locations for the procedure.

Mr. Chairman, I urge my colleagues to preserve military hospitals as a place of healing and to vote against the Davis amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the amendment being offered by the gentlewoman from California (Mrs. DAVIS), the gentlewoman from California (Ms. HARMAN), and the gentlewoman from California (Ms. LORETTA SANCHEZ).

No one here would dare question the contributions being made by American woman living on military bases overseas.

Whether they are active servicemembers, spouses or dependents of military personnel, every last one of them is making a great sacrifice to support our country abroad.

Every last one of them should have access to safe medical procedures that are legally available to every American woman here in the United States.

Why would our government tell these women that they can receive abortion care in the U.S., that with their own private funds that it is too bad they are serving in our military and happen to be overseas, and therefore be denied access to care they could receive right here on terra firma?

Why would our government tell women who are willing to die to protect their country that their country's laws on health care services do not extend to them when they leave U.S. soil?

Regardless of one's personal feelings on abortion, I would hope that everyone could agree that it is most certainly wrong to discriminate against women in the military.

For our government to tell this essential and noble group of women, some of whom literally dodge bullets to protect our interests, that we will not allow them the same range of quality care available to women living within our borders, that is not only dangerous; I believe it is un-American, and I urge an ''aye'' vote.

Mr. RYUN of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I once again come to this floor, to this body to a debate on the issue of abortion in overseas military hospitals. And I would urge my colleagues to honor the consciences of the caregivers and also the taxpayers who fund these facilities.

As a member of the Armed Services Committee, as a former military officer, but also as a father with two sons in the military, I have seen the dedication of our troops. I have even heard very-close-to-home accounts of people that are willing to sacrifice their lives so that we could have life and liberty and the pursuit of happiness in this land. And is it so odd then to make the next step to understand that the young men and women who are entering our medical divisions of the armed services also hold the same set of values? And now, are we going to compel these people to be active and to take part in destroying life when they are risking their lives to protect life? It seems to make no sense whatsoever to compel them to do this thing.

Well, in fact when the Clinton administration overturned the DOD policy against abortion in 1993 through 1996, military physicians refused to perform or assist in elective abortions, thus forcing the administration to spend additional taxpayer dollars on recruiting and hiring civilians who would do the abortions.

Now, this government should never condone abortion by turning military hospitals into abortion clinics with the taxpayers picking up the tab. Now, I understand that supposedly this woman is going to pay for it. But certainly, even if she does, you are still going to have to hire these new doctors that are going to come in and all of the other services to support that all come out of taxpayer expense. This is unconscionable. Our policy is reasonable the way it is stated, and the language before us has been debated and rejected year after year since 1996.

I ask my colleagues to defeat this amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in support of the Davis amendment which would allow our brave servicewomen to obtain safe, legal abortion services in overseas military hospitals at no cost to the taxpayers.

Today a female soldier overseas lacks on-base access for her constitutional right to choose, even if she pays for it herself.

At a time when the military is spread thin and not meeting its recruiting targets, we are sending an odd message to women soldiers and possible recruits. As a reward for protecting our freedom, we restrict yours. As a reward for risking your life, we give you a lecture on the right to life instead of giving you the care that you seek. As a reward for receiving modest wages, we tell you that you cannot buy some health care, even at any price.

This Congress has made over 211 anti-choice votes since 1994. For the sake of our women serving in Afghanistan and Baghdad, let us not make it 212.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise to oppose the Davis amendment, which year after year has been offered and defeated. When President Clinton allowed abortions in military facilities in the early 1990s, all military physicians, as well as many nurses and supporting personnel, refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions. The current administration would not do this. But future administrations could. Therefore, if the Davis amendment were adopted, not only could taxpayer-funded facilities be used to support abortion on demand, but resources could be used to search for, hire, and transport new personnel simply so that abortions could be performed.

Military treatment centers, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent human life, the child in the womb. The American working family should not be forced to fund the extremist health care agenda of this amendment. Vote ''no'' on the Davis amendment.

Mrs. DAVIS of California. Mr. Chairman, can I inquire into the time we have available.

The Acting Chairman (Mr. PUTNAM). The gentlewoman has 6 minutes remaining.

Mrs. DAVIS of California. Mr. Chairman, I now yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I will rise to support this amendment which would reverse the shameful policy forbidding women in our Armed Forces from using even their own funds to pay for an abortion at a safe U.S. medical facility abroad. It is truly sad and disgraceful that our current policy requires women who are serving their country to sacrifice their constitutional right to an abortion if they so choose.

I have heard the rhetoric from the opponents of this amendment. They say that abortion is terrible. Well, that is their opinion. They are entitled to it. But it is the law. It is a constitutional right of a woman, if she so chooses, to have an abortion. And as long as that is so, she should not be required to sacrifice her constitutional right because she serves her country in the military abroad, or to choose to give up her right or to go into a possibly unsafe foreign facility.

I have heard people say, well, even if she spends her own money, she might have to spend money for a doctor because doctors do not want to do it.

□ 1515

It is not up to doctors or anybody else as to whether people should enjoy their constitutional rights. If it costs money to enable a woman who has chosen to serve her country in the armed services to have the ability to have her constitutional rights, then it costs money. Although I do not see why we should make sure that among the doctors in the military there are those who are willing to perform any service that the Constitution requires be afforded upon request.

So even to require a woman to give up her constitutional right which she has, and whatever you may say about the duty is to heal and not to take a life, some of us do not regard that as taking a life. But it is her constitutional right. She should not be required

to give it up, especially when she pays for it herself. We should not discriminate against women in the military.

Mr. RYUN of Kansas. Mr. Chairman, how much time have I remaining?

The Acting CHAIRMAN (Mr. PUTNAM). The gentleman from Kansas (Mr. RYUN) has 6½ minutes remaining.

Mr. RYUN of Kansas. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding me time, and I congratulate him for his courage in leading the battle on this amendment.

Mr. Chairman, 90 percent of the hospitals in the United States today refuse to abort unborn children, and the trend is for hospitals to divest themselves of this violence against children.

It is outrageous that as hospitals in our country repudiate abortion, the Davis amendment seeks to turn our overseas military hospitals into abortion mills. With all due respect to the gentlewoman from California (Mrs. DAVIS), the amendment she offers will result in babies being brutally killed by abortion. It will harm women, and it will force pro-life Americans to facilitate and subsidize the slaughter of innocent children.

We want no part of the carnage.

Abortion is violence against children and it harms women. Some methods of abortion dismember and rip apart the fragile little bodies of children. Other methods chemically poison kids. Abortion has turned children's bodies into burned corpses, the direct result of the caustic effect of the chemicals.

Now we learn, Mr. Chairman, from science and from medicine that due to the nerve cell development, unborn children from at least 20 weeks onward, and most likely even earlier, feel excruciating pain. They feel pain, two to four times more pain than you and I would feel from the same assault.

One of those methods depicted to my left on this poster board, the D and E method, it is a common, later-term method of abortion, takes about 30 minutes to commit as the arms and the legs and the torso are painfully hacked into pieces. Interestingly, Mr. Chairman, the partial-birth abortion legal trials in various courts around the country drew attention to the pain issue that children feel during an abortion.

Dr. Sunny Anand, Director of the Pain Neurobiology Lab at Arkansas Children's Hospital said, ''The human fetus possesses the ability to experience pain from 20 weeks of gestation onward, if not earlier, and the pain that is perceived by a fetus is more intense than that perceived by newborns or by older children.'' He went on to explain that the pain inhibitory mechanisms, in other words, the fibers that dampen and modulate the pain or the experience of it, do not begin to develop until about 32 to 34 weeks.

Finally, Mr. Speaker, Dr. Alveda King, niece of the late Dr. Martin Luther King, has said, ''How can the dream survive if we murder the children?''

Dr. King, who has had an abortion herself, but is now pro-life and bravely speaks out, says, ''We can no longer sits idly by and allow this horrible spirit of murder to cut down and cut away our unborn. This is the day to choose life,''

Dr. King goes on to say, ''We must allow our babies to live. If the dream of Dr. Martin Luther King is to live, our babies must live.''

There is nothing benign or nurturing or curing about abortion. It is violence against children. It dismembers them. It chemically poisons them.

Vote down the Davis amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentlewoman for yielding me time, and I thank her and her colleagues for this amendment.

The prior speaker was talking about Dr. King, and Dr. King believed in the rights of all people. This amendment provides rights to women serving overseas and their dependents.

They are hollering over here, ''Murder.'' I do not believe in murder. They are hollering over here about all these other issues. But the reality is that the United States Supreme Court has decided that women have the right to a legal, safe abortion. And all we are saying is that women serving in the military ought to have the same rights as the women in the United States of America since they give their lives.

The amendment allows women to pay for it. The amendment allows women to exercise their right of choice.

If we were debating whether or not the United States would fund Viagra, all these guys who talk about the pain that they know about having an abortion would not be standing up saying that. None of them will know about a woman's choice, and none of them will ever understand the dilemma the woman has to face when she makes a choice.

Mr. Chairman, I rise in support of the Davis/Harman/Sanchez Amendment to the Defense Authorization Bill.

This amendment repeals the statutory prohibition on abortions in overseas hospitals and simply allows military personnel and their family members serving overseas to use their own funds to obtain safe, legal abortion services in overseas U.S. military hospitals.

Mr. Chairman, this administration has continued at attempts to chip away the rights of women. This congress has proposed that women be prohibited from paying for their own abortion and now have plans to exclude us from military combat. What is next, Mr. Chairman?

I believe that military women should be able to depend on their base hospitals for all of their health care needs. A repeal of the current ban on privately funded abortion would allow military women and dependents based overseas the same range and quality of medical care available to women in the United States. No Federal funds would be used to perform these procedures and no undue burden is placed on military physicians overseas. In addition, this amendment does not compel any doctor who opposes abortion on principle to perform one; it simply opens up reproductive services at bases in countries where abortion is legal.

It is unconscionable that this Congress would seek to prohibit a woman's right to a safe and legal procedure. The fact that a woman is stationed and is serving overseas should not deny her the opportunity to obtain safe, reproductive services. I urge adoption of the Davis/Harman/Sanchez amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, let me say to my colleagues, I come from north central Florida, and we have a lot of beautiful Indian-sounding names like Ocala, Okhumpka, Micanopy, Oklawaha.

Just for a moment, let us say I walked down anywhere from Jacksonville through these wonderful small towns and I walked up to somebody on the street and I said, Do you think we should allow the Department of Defense medical facilities to be turned into abortion clinics?

Now, if I asked that to anyone in north central Florida, I bet you almost 99 percent of the people would say, Why are we turning our military medical hospitals into abortion clinics?

That is why here on the House floor we have voted time and time again and overwhelmingly defeated it. In fact, going back to 1996, 1997, 1998, 1999 right on up to currently we have defeated this amendment. It will be defeated on the House floor too.

So I really find this debate one of persuasion on this side who wants to turn medical facilities or medical military hospitals into abortion clinics. I think, for many of us, that is just wrong, and that is why I am against this amendment.

I urge my colleagues to vote against the bill.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, today I rise in strong support of the Davis-Harman-Sanchez amendment.

This amendment would repeal the current ban that forbids servicewomen and female military dependents from using their own private funds for an abortion, abortion care at overseas military hospitals.

Abortion is a very personal issue. I do not think it is one that anyone here takes very lightly, but Members have to understand that currently there are over 100,000 women that are right now serving on active duty somewhere abroad, or their family members are there near a military base. Health care for them is very important.

God forbid that one of these young women, or soldiers, is raped when we know in fact in Afghanistan and currently in Iraq there have been sexual

assaults and rapes. For God's sake, let us be rational about this discussion. Let us allow these servicewomen to pay for the appropriate care that they are willing to pay.

It is not taxpayer dollars that we are expending on this particular procedure, and I think it is a gross misrepresentation for Members to think that somehow this is an abuse of unwanted children. The fact of the matter is that there are women who do need this health care and many women who are in the service who are rape victims.

Mr. RYUN of Kansas. Mr. Chairman, I believe I have the right to, and I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in support of the Davis-Harman amendment to H.R. 1815, the National Defense Authorization Act. This amendment would lift the ban on privately funded abortion care provided at overseas military bases. It would restore the right of female servicemembers and dependents who are stationed overseas to use their own funds to obtain reproductive health services, including abortion.

Current law forbids military hospitals from offering abortion care except in cases of life endangerment, rape or incest. This amendment does not ask for public funds to be used to finance these additional reproductive health services. Rather, it allows U.S. servicewomen and their military dependents to have access to privately funded abortion services, the same as they would if they were living in the United States.

I was disappointed the Committee on Rules did not make in order an amendment I offered with the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) that would have allowed publicly funded abortions in the case of rape or incest, just as Medicare allows and as currently allowed if a woman's life is in danger.

Despite its not being included, I think passage of the Davis-Harman amendment would be a positive development for women in the military, and I urge its passage.

Currently, there are over 100,000 women who serve the United States and are working in the military overseas, and the number grows rapidly each year.

This amendment seeks to give back to servicewomen the Constitutionally guaranteed right to reproductive choice.

Although I know many of my colleagues would prefer otherwise, Roe v. Wade is the law of the land, and this ban takes away the legal rights of servicewomen and their families in the military.

The ban discriminates against the women and families who have volunteered to serve their country.

I support this amendment and encourage my colleagues to do so as well.

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

Mrs. DAVIS of California. Mr. Chairman, how much time remains?

The Acting CHAIRMAN. The gentlewoman has 1½ minutes remaining.

Mrs. DAVIS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we consider this amendment and others today, I want to urge my colleagues to consider the following questions:

What message do we give to the brave servicewoman whose life is on the line this very minute in Iraq? What message do we give the young woman who recently chose to join the military and defend this country?

Distilled to its essence, this defense bill reaches to the heart of some very basic questions about America's policy towards servicewomen and how we choose to treat them. And the question is, will we treat them equally and with respect, or not?

Military women deserve the right to make private medical decisions according to their own beliefs and to receive timely care from a doctor. They should not have to find themselves alone on a plane to the U.S. or alone in a foreign hospital.

The Davis-Harman-Sanchez amendment is about safety, individual responsibility and fairness. I believe we owe our servicewomen this much.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion, let me say I urge my colleagues to oppose this amendment. It is an unnecessary amendment. We must not turn our military installations into abortion clinics. Our military doctors did not sign up to perform abortions, and we must not put them in that position.

I urge my colleagues to vote ''no'' on the Davis amendment.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Davis-Harman-Sanchez Amendment.

There are over 200,000 women serving on active duty in the United States military, and over 150,000 serving with the Guard or Reserve.

This common sense amendment allows these military women stationed overseas and their dependents to exercise the same rights as women in this country: The right to comprehensive family planning, including access to a safe, legal abortion.

This amendment does not allow one cent of taxpayer money to fund these procedures. It simply allows women to use their own money to pay for this procedure in an overseas military facility.

It makes no sense that we have asked these soldiers to serve our country and yet we cannot serve them with basic comprehensive health care.

Let us reject this administration's ongoing, politically and ideologically motivated war on women. Let's adopt this important common sense amendment. I urge a ''yes'' vote.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. DAVIS).

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

Mrs. DAVIS of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. DAVIS) will be postponed.

It is now in order to consider amendment No. 1 printed in House Report 109–96.

AMENDMENT NO. 1 OFFERED BY MR. HUNTER

Mr. HUNTER. 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. HUNTER:

Page 34, line 1, insert '', to the extent provided in advance in appropriations Acts,'' after ''shall''.

Page 58, after line 15, insert the following new section:

SEC. 228. FUNDING FOR SUPERSONIC CRUISE MISSILE ENGINE QUALIFICATION.

(a) IN GENERAL.—The amount in section 201(3) for research, development, test, and evaluation, Air Force, is hereby increased by $10,000,000, to be available for supersonic cruise missile engine qualification, program element 0603216F, project 4921.

(b) OFFSET.—The amount in section 104 for procurement, Defense-wide, is hereby reduced by $10,000,000, to be derived from the chemical demilitarization program.

Strike section 574 (page 188, line 21, through page 194, line 11) and insert the following:

SEC. 574. GROUND COMBAT AND OTHER EXCLUSION POLICIES.

(a) IN GENERAL.—

(1) Chapter 37 of title 10, United States Code, is amended by inserting after section 651 the following new section:

''§ 652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned

''(a) RULE FOR GROUND COMBAT PERSONNEL POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2)(A) or (2)(B) to the ground combat exclusion policy or proposes to make a change described in paragraph (2)(C), the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 60 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.

''(2) A change referred to in paragraph (1) is a change that—

''(A) closes to female members of the armed forces any category of unit or position that at that time is open to service by such members;

''(B) opens to service by female members of the armed forces any category of unit or positon that at that time is closed to service by such members; or

''(C) opens or closes to the assignment of female members of the armed forces any military career designator as described in paragraph (6).

''(3) The Secretary shall include in any report under paragraph (1)—

''(A) a detailed description of, and justification for, the proposed change; and

''(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of

the Military Selective Service Act (50 App. U.S.C. 451 et seq.) to males only.

''(4) In this subsection, the term 'ground combat exclusion policy' means the military personnel policies of the Department of Defense and the military departments, as in effect on October 1, 1994, by which female members of the armed forces are restricted from assignment to units and positions below brigade level whose primary mission is to engage in direct combat on the ground.

''(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.

''(6) For purposes of this subsection, a military career designator is one that is related to military operations on the ground as of May 18, 2005, and applies—

''(A) for enlisted members and warrant officers, to military occupational specialties, specialty codes, enlisted designators, enlisted classification codes, additional skill identifiers, and special qualification identifiers; and

''(B) for officers (other than warrant officers), to officer areas of concentration, occupational specialties, specialty codes, designators, additional skill identifiers, and special qualification identifiers.

''(b) OTHER PERSONNEL POLICY CHANGES.—(1) Except in a case covered by section 6035 of this title or by subsection (a), whenever the Secretary of Defense proposes to make a change to military personnel policies described in paragraph (2), the Secretary shall, not less than 30 days before such change is implemented, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice, in writing, of the proposed change.

''(2) Paragraph (1) applies to a proposed military personnel policy change, other than a policy change covered by subsection (a), that would make available to female members of the armed forces assignment to any of the following that, as of the date of the proposed change, is closed to such assignment:

''(A) Any type of unit not covered by subsection (a).

''(B) Any class of combat vessel.

''(C) Any type of combat platform.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 651 the following new item:

''652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned.''.

(b) REPORT ON IMPLEMENTATION OF DEPARTMENT OF DEFENSE POLICIES WITH REGARD TO THE ASSIGNMENT OF WOMEN.—Not later than March 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report of the Secretary's review of the current and future implementation of the policy regarding the assignment of women as articulated in the Secretary of Defense memorandum, dated January 13, 1994, and entitled, ''Direct Ground Combat Definition and Assignment Rule''. In conducting that review, the Secretary shall closely examine Army unit modularization efforts, and associated personnel assignment policies, to ensure their compliance with the Department of Defense policy articulated in the January 1994 memorandum.

(c) CONFORMING REPEAL.—Section 542 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is repealed.

In section 825(d) (page 325, line 22), insert after ''Defense'' the following: ''for the Joint Military Intelligence Program or Tactical Intelligence and Related Activities''.

In section 825(e) (page 325, line 24), insert after ''committees'' the following: ''and the Permanent Select Committee on Intelligence of the House of Representatives''.

At the end of subtitle B of title X (page 365, after line 19), insert the following new section:

SEC. 1017. ESTABLISHMENT OF MEMORIAL TO U.S.S. OKLAHOMA.

(a) IDENTIFICATION OF SITE FOR MEMORIAL.—The Secretary of the Navy, in consultation with the Secretary of the Interior, shall identify an appropriate site on Ford Island, Hawaii, for the location of a memorial to the U.S.S. Oklahoma, which was sunk during the attack on Pearl Harbor on December 7, 1941.

(b) ESTABLISHMENT AND ADMINISTRATION.—After the site for the memorial is identified under subsection (a), the Secretary of the Interior shall establish and administer a memorial to the U.S.S. Oklahoma as part of the USS Arizona National Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to lands administered by the National Park Service.

(c) MEMORIALIZATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a memorialization plan for the portion of Pearl Harbor where United States naval vessels were attacked on December 7, 1941. The Secretary of the Navy shall prepare the plan in consultation with the Secretary of the Interior.

At the end of title XI (page 411, after line 5), insert the following new section:

SEC. 1108. VETERANS' PREFERENCE STATUS FOR CERTAIN VETERANS WHO SERVED ON ACTIVE DUTY DURING THE PERIOD BEGINNING ON SEPTEMBER 11, 2001, AND ENDING AS OF THE CLOSE OF OPERATION IRAQI FREEDOM.

(a) DEFINITION OF VETERAN.—Section 2108(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by adding ''or'' after the semicolon; and

(3) by inserting after subparagraph (C) the following:

''(D) served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom;''.

(b) CONFORMING AMENDMENT.—Section 2108(3)(B) of such title is amended by striking ''paragraph (1)(B) or (C)'' and inserting ''paragraph (1)(B), (C), or (D)''.

Redesignate titles I through VIII of division B as titles XXI through XXVIII, respectively.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

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

Mr. Chairman, this is a manager's amendment which has several components. One component is cruise missile funding for the supersonic cruise missile; another is a USS Oklahoma memorial; another is veterans' preference. But the heart of this manager's amendment is the amendment on women in combat, and that is not women in uniform as the gentleman from Missouri (Mr. SKELTON) likes to describe it, but women in combat and the exclusion from direct ground combat in the United States Department of Defense.

Mr. Chairman, let us make it clear to everyone, because clarity is what we all want, there is presently a policy, a DOD policy, put forth by then-Secretary of Defense Les Aspin, that has been adhered to, that continues the American policy and tradition of not having women in direct ground combat. That means manning machine guns, assaulting enemy positions at close range with rifle and bayonet, with tanks, with Bradley fighting vehicles, engaging in firefights; in short, doing all the things that we know now that we have elements of the Marine Special Operations and Army doing in the war against terror.

Now, the committee in asking, in inquiring of the Army as to what their position was on this as they go into the development of the new Army, it became clear that they were not sure.

□ 1530

There were three separate briefing teams sent to the Hill, each of whom had a different position within 3 days as to exactly what the policy would be of excluding women from direct ground combat. As a result of that, we had a provision in the bill that would statutorily take the Army policy, the present policy, and Xerox it, exactly the same policy, but would make it law.

We have had a number of people who have expressed concern about that. We have had also a number of people who want to make sure we maintain that policy and, as a result of that, we have, I think, an excellent compromise, an excellent provision in the bill which says this: if DOD wants to change the existing policy that excludes women from direct ground combat, they have to give Congress 60 continuous legislative days' notice.

Now, what that means is we have now injected ourselves, as we should, being people who under the Constitution have the obligation of regulating the Armed Forces, we have injected ourselves into any change of this longstanding DOD policy. We will have 60 legislative days, continuous legislative days, in which we can change that policy. We direct the Secretary of Defense to come back to us and tell us how he is going to implement that policy and specifically how he is going to reshape the Army and the Army modularity and comply with that 1994 policy which excludes women from direct ground combat.

This is an excellent provision, Mr. Chairman. And for all the women out there who are concerned about the possibility of being moved into direct ground combat, certainly we make it very clear they will not be, by action of the U.S. Congress.

Mrs. TAUSCHER. Mr. Chairman, I claim the time in opposition, although I will not, in the end, oppose it.

The Acting CHAIRMAN. Without objection, the gentlewoman from California (Mrs. TAUSCHER) will control the time in opposition.

There was no objection.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume, and I rise to express my deep concern about the portion of the Hunter amendment that amends the language regarding women in combat. Currently, women in the military are barred from direct ground combat positions by policy and by the will of the American people. However, while I recommend that the Hunter amendment get passed, I want to make it crystal clear to the American people that this does not go far enough in amending what previously had been put in the bill, and it potentially infringes on the right of women to serve in combat support positions alongside men, positions that women currently hold. Equally important, it also greatly reduces the ability of the Pentagon to make needed personnel changes at a time of war.

For the last 2 weeks, Mr. Chairman, women in the military have been under assault by the majority in the House Committee on Armed Services. While this latest version of the Hunter amendment is an improvement over the horrendous language he included in the bill 2 weeks ago, this is like a school yard bully taking your lunch money, getting caught, giving you half the money back and then demanding you thank him for it. We should not be in this position in the first place.

At a time when our Armed Forces are overstretched and Army recruiting and retention has hit the skids, we should not appear to be restricting patriotic Americans who want to serve their country in the military. This entire effort sends a harmful message to the women serving today on the front lines of Iraq that Congress is considering the right that they have achieved to serve their country through military service may be in jeopardy.

Just a short while ago, this Congress was praising Jessica Lynch and Shoshana Johnson for their service. We should be thanking women in uniform, not limiting their opportunities. Suicide bombers do not discriminate, why should we?

Mr. Chairman, this is an ill-thought-out policy that has been proposed, revised, revised again, and argued all at the last minute without any hearings in the subcommittee or the committee. Apparently, in offering the most recently altered amendment, even the gentleman from California (Mr. HUNTER) recognizes he had gone too far. While far from undoing the mixed signal this effort to change the rules has sent to women and men serving with distinction in a very dangerous environment, this amendment corrects the most egregious language currently in the bill and should be supported.

I guess what is most disappointing about this issue is that nothing has been done to repair the damage that this effort inflicts on women serving in the military today. Repairing the damage in this bill still begs the question: What are we going to do to restore the trust of our servicewomen?

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

Mr. HUNTER. Mr. Chairman, how much time do we have left?

The Acting CHAIRMAN (Mr. PUTNAM). The gentleman from California has 2 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield myself 2 minutes. Mr. Chairman, we live sometimes in a fantasy world here in Washington, D.C. Let me take us to the real world. The real world in direct ground combat is what you saw in Fallujah, where people were assaulting heavily fortified areas, very close range, fierce firefights, rocket-propelled grenades, machine gun fire, and in the end, 78 dead Marines, KIA.

I have here an article: ''War Makes Recruiting Women Tough.'' Reading from the Columbia State Journal: ''As the Iraq war wears on and casualties mount, young women are marching away from the Army.'' This is the real world, not the fantasy world the gentlewoman speaks about. ''The number of women in Army recruiting classes has dropped 20 percent in the last 5 years. Why the drop? 'It's the war,' Army spokesman Douglas Smith said, adding 'recruiting of women has slipped, despite larger signing bonuses and an increase in the number of recruiters.' ''

The facts are that 90 percent of the women polled who are in the Army do not want to go in direct ground combat. There may be people here in Washington, D.C. who want to send young women into direct ground combat, but the vast majority of those in the military do not want that. And the real reassurance to American moms and dads sitting around the breakfast table talking to their youngsters about joining the military is that they will not be sent into direct ground combat. And if a proposal is made to change that, then the U.S. Congress, under its obligation, will have a requirement to review that policy and act before it becomes the new policy.

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

Mrs. TAUSCHER. Mr. Chairman, how much time do I have left?

The Acting CHAIRMAN. The gentlewoman from California has 2½ minutes remaining.

Mrs. TAUSCHER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I think that several of our colleagues want to really put this issue aside, but I think it has had an impact. I spoke to Sergeant Cynthia Hanna this morning. Sergeant Hanna works for the San Diego Police Department and is a Marine Corps veteran. Like many women in Iraq right now, Sergeant Hanna was an integral part of the fight. But let me tell you where her fight is now. Her fight is on the streets of San Diego.

I thought Sergeant Hanna summed up the issue best. Not once did she talk about whether this is a Democrat or Republican issue. She said, ''The desire to serve has never been about women's equality to the exclusion of readiness considerations. The struggle,'' the struggle, ''is about the privilege of serving one's country without artificial barriers based solely on gender. Women's struggle for a place in the military has been about seeking the full rights and responsibilities of citizenship. The struggle is about women being judged by the same standards as men in any job for which they can qualify. It has always been about being able to pursue a career based on individual qualifications rather than unrelated stereotypes.''

Mrs. TAUSCHER. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank my colleague from California for yielding me this time, and I rise today in support of the thousands of women serving their country bravely and honorably in the armed services today.

Two weeks ago, in the Subcommittee on Military Personnel of the Committee on Armed Services, there was an amendment put forward by the gentleman from New York (Mr. MCHUGH) and it was wrong, and I told him it was wrong; but they passed it. A week ago, they changed it because it was so bad. And I told him, I do not even know what we are voting on, and yet the majority passed it. Today, they have a third amendment, because it was wrong and it did not make sense. This one, we can live with. It is just about reporting and reporting to the Congress.

But I will tell my colleagues something I believe is true. Not every man nor every woman makes a good soldier. But if a woman can do it, and she wants to do it, and she is good at it, then let her do it. As I have said before, this is not a question of equal opportunity; it is a question of our national security.

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

Mr. Chairman, there are 2,800 job opportunities open to women in the military. This provision, very appropriately, injects Congress into the policy role of making the determination, if it should ever be proposed by DOD to move women into direct ground combat. That injects Congress into that policy role.

And if anybody makes that profound determination, it has to be Congress. I hope it is never made, but certainly we should not stand by and have such a profound decision made without the U.S. Congress weighing in. This guarantees our participation.

Mrs. DRAKE. Mr. Chairman, first let me thank the gentleman from California for his leadership and hard work on this issue and for drafting an amendment that confirms Congress' constitutional duty to oversee the military. Any decision to allow women to serve in direct ground combat is a decision that must be made by Congress.

Our men and women in Iraq, Afghanistan, Bosnia, and around the world are serving our Nation with distinction and honor. In the Global War on Terror, there are no designated front lines and at any moment even a mess hall can become a combat zone.

The jobs that place our military members in direct ground combat are currently closed to women.

The amendment before us today will allow congressional oversight in any decision to open direct ground combat specialties to women by requiring notification by the Defense Secretary and Congress. It also requires a report from the Secretary in March of 2006 which will allow Congress to further explore this issue.

Let me be clear, this amendment does not impact any specialties currently open to women. All women will continue serving in their current roles. Any change in current roles would be completely unacceptable.

I urge my colleagues to support this measure.

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

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

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 20 offered by the gentleman from Virginia (Mr. GOODE), amendment No. 24 offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS), amendment No. 12 offered by the gentlewoman from California (Mrs. DAVIS), and amendment No. 1 offered by the gentleman from California (Mr. HUNTER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 20 OFFERED BY MR. GOODE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 184, not voting 4, as follows:

[Roll No. 214]

AYES—245

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kline
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Price (NC)
Putnam
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

□ 1608

Ms. McCOLLUM of Minnesota and Messrs. BROWN of Ohio, DINGELL, ENGEL and SCOTT of Georgia changed their vote from ''aye'' to ''no.''

Messrs. ISSA, ISTOOK, CANTOR, KNOLLENBERG and BISHOP of Georgia changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 16, not voting 4, as follows:

[Roll No. 215]

AYES—413

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (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
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
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
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
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
Sanchez, Loretta
Sanders
Saxton
Schiff
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
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
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
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—16

Ackerman
Baldwin
Blumenauer
Conyers
Frank (MA)
Gutierrez
Kucinich
Lee
McDermott
Moore (WI)
Sánchez, Linda T.
Schakowsky
Solis
Stark
Wasserman Schultz
Woolsey

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1616

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MRS. DAVIS OF CALIFORNIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 12 offered by the gentlewoman from California (Mrs. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 233, not voting 6, as follows:

[Roll No. 216]

AYES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—233

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney

Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (SC)
Buyer
Emerson
Hastings (WA)
Mica
Millender-McDonald

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1625

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MICA. Mr. Chairman, on rollcall No. 216 I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Chairman, on rollcall No. 216, I inadvertently voted "nay." I meant to vote "aye."

AMENDMENT NO. 1 OFFERED BY MR. HUNTER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 1, not voting 4, as follows:

[Roll No. 217]

AYES—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (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
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
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
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
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
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Maloney

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1632

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109–96.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. STEARNS:

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 6XX. SENSE OF CONGRESS THAT COLLEGES AND UNIVERSITIES GIVE EQUAL ACCESS TO MILITARY RECRUITERS AND ROTC IN ACCORDANCE WITH THE SOLOMON AMENDMENT AND REQUIREMENT FOR REPORT TO CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Reserve Officer Training Corps (ROTC) program is the most common means for undergraduates to become United States military officers, producing 60 percent of all officers in the Armed Forces and 75 percent of Army officers.

(2) The ROTC program is officially banned from many leading universities and, although students at those institutions can participate in ROTC programs at other colleges, they often have to travel significant distances to do so.

(3) The United States is engaged in a global war on terrorism, and it is thus more important than ever for the Armed Forces to recruit high quality and well-qualified personnel.

(4) Recruiting on university campuses is one of the primary means of obtaining new, highly qualified personnel for the Armed Forces and is an integral, effective, and necessary part of overall military recruitment.

(5) In 1996, Congress enacted a provision of law that has become known as the ''Solomon Amendment'' that provides for the Secretary of Defense to deny Federal funding to colleges and universities if they prohibit or prevent ROTC or military recruitment on campus.

(6) A group of university law schools have challenged the constitutionality of the Solomon Amendment, and the Supreme Court has agreed to hear the case in the term beginning in October 2005.

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

(1) any college or university that discriminates against ROTC programs or military recruiters should be denied certain Federal taxpayer support, especially funding for many military and defense programs; and

(2) universities and colleges that receive Federal funds should provide military recruiters access to college campuses and to college students equal in quality and scope to that provided all other employers.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the colleges and universities that are denying equal access to military recruiters and ROTC programs.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I rise today to urge all of my colleagues to support this very simple amendment to the Defense authorization bill. This amendment does two very important things.

First, it expresses the sense of Congress that any college or any university that denies equal access or discriminates against ROTC programs or military recruiters should be denied certain Federal taxpayer support, especially funding for many military and defense programs. Secondly, Mr. Chairman, it requires the Secretary of Defense to issue a report to Congress on those colleges and universities that are denying equal access to military recruiters and these ROTC programs.

In 1996, Congress enacted a provision of law that became known as the Solomon Amendment. Representative Solomon, as you remember, was a colleague from New York who was chairman of the Committee on Rules. This provision provided for the Secretary of Defense to deny Federal funding to colleges and universities if they prohibited or prevented ROTC or military recruitment on campuses.

Mr. Chairman, a number of universities and colleges today are denying equal access to military recruiters. For example, at Yale University students who wish to participate in the ROTC program must drive to the University of Connecticut in Storrs at least once a week. That is like you and me driving down to Richmond once a week while attending a university here in Washington, D.C. This trip could take up to an hour and a half each way.

Perhaps worse, Yale accepts ROTC dollars, but refuses to grant credit for ROTC courses; so if you are an ROTC scholarship and taking courses at Yale and attending at Storrs, the Air Force, the Army and the Navy will pay for your courses at Yale; but, again, Yale says you have to go to Storrs and denies access to the ROTC program right there at Yale.

While students at Harvard can participate in ROTC programs at nearby MIT, ROTC courses may be taken only on a noncredit basis. This banishment of ROTC led Harvard President Lawrence Summers to say, ''We need to be careful about adopting any policy on campus of nonsupport for those involved in defending this country. We should be proud that we have in our midst students who will make the commitment to the ROTC.''

This is why it is so important for Congress to make a strong statement in support of full and equal access to military recruiters on campus and for the ROTC.

Therefore, it is vital to national security that we improve the ability of students to simply participate in ROTC programs and ensure that colleges and universities provide military recruiters entry to campuses and simple access to students that is at least equal in quality and scope to that provided by any other employer in America.

Mr. Chairman, I urge my colleagues to support my amendment.

Mr. ANDREWS. Mr. Chairman, although I do not intend to oppose the amendment, I ask unanimous consent to claim the time in opposition.

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

There was no objection.

Mr. ANDREWS. Mr. Chairman, I yield such time as he may consume to the ranking member of our committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I stand in full support of this amendment. ROTC has been an integral part of college life for many, many, many decades in our country. Land grant colleges across the Nation are required to have ROTC, as they should. But I think those colleges and universities, institutions of higher learning, that have Federal funds flow into them for any number of reasons, any number of grants, for good purposes, of course, should also support the ROTC programs and allow recruiters free access to those that wish to inquire of and join the ROTC.

ROTC is not just a proposition whereby someone may become an officer in the United States Army, Air Force, Navy or Marines. It also is a character builder for young people. They learn about obligations, about duty, about patriotism. I think ROTC has certainly played an important part in so many young lives in our country.

Mr. Chairman, I certainly support this amendment, and I think it is wrong not to allow ROTC on such campuses.

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

Mr. Chairman, I rise in support of the amendment, although I would note that there are three interests that must be delicately balanced in this instance. The first is the need for our military institutions to have full access to recruit on every campus in the country and to do so in a thorough way; the second interest that has to be balanced is the academic freedom of our colleges and universities to make judgments about what they think should and should not happen on their campuses; and the third interest that has to be balanced is the right of students who are enrolled in ROTC programs, and other students, for that matter, to have a full range of employment options so that if they choose to go into the military, they are not denied that option because of a policy of their college or university.

This is a delicate balance that I think is being properly handled under present law. I would note that the amendment before the body is a sense of Congress resolution. It is one of the reasons I am supporting the amendment. It expresses, I think accurately, the sentiment of the Congress; but it does not disrupt the delicate balance under the law that we presently have today, which I think is wise and prudent.

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

Mr. STEARNS. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Chairman, I would like to thank my colleague, the gentleman from Florida (Mr. STEARNS), for offering this amendment.

Mr. Chairman, Congress has voted time and time again to remove obstacles facing some of our military recruiters; and to the credit of most institutions, like those in my home State of Alabama, most do the right thing. Yet a small, but growing, group of institutions just do not seem to get it.

Recently, the University of Wisconsin at Stout joined the exclusive club of liberal institutions that prohibit the military from campus. Instead of doing the right thing and opening their doors to the uniformed personnel, this university has instead chosen to make a narrow-minded political statement.

What the university is doing simply flies in the face of common sense, especially during wartime. For the graduating students, this says clearly that a career in the military is not worth their consideration. Try telling that to the soldiers serving with honor and dignity in Afghanistan and Iraq, or their families praying for their safety.

This practice has got to stop, and I urge my colleagues to vote for this amendment.

Mr. STEARNS. Mr. Chairman, I yield 50 seconds to the gentleman from Minnesota (Mr. KLINE).

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

Mr. Chairman, this is a very important subject. I wholeheartedly support the amendment. While our men and women in uniform are fighting around the world, we have colleges and universities around this country denying equal access to ROTC programs and military recruiters in the name of political correctness.

□ 1645

I would just remind my colleagues of the words of the former Commandant of the Marine Corps, General Krulak, who told us that our ''all-volunteer force'' is an ''all-recruited force.'' By recruiting the best and the brightest, our United States Armed Forces are today the very best in the world.

We have to stand up for the rights of our recruiters and the rights of our military to gain access to those campuses. Vote for this amendment.

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

With the United States engaged in a global war on terrorism, it is more important than ever before for the Armed Forces to recruit high-quality, well-qualified, and well-trained personnel. This amendment ensures in a larger sense that this Congress is on record saying we support them and we think the universities and colleges in this country should also support them by giving access.

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

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

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

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

AMENDMENTS EN BLOC OFFERED BY MR. HUNTER

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

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

The Clerk designated the amendments en bloc, as follows:

Amendments en bloc offered by Mr. HUNTER printed in House Report 109–96 consisting of amendment No. 4; amendment No. 5; amendment No. 8; amendment No. 9; amendment No. 11; amendment No. 14; amendment No. 16; amendment No. 17; amendment No. 22; and amendment No. 23.

AMENDMENT NO. 4 OFFERED BY MR. STARK

The text of the amendment is as follows:

At the end of title V (page 194, after line 1), insert the following new section:

SEC. 5xx. COMPTROLLER GENERAL STUDY OF MILITARY RECRUITING.

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on military recruiting.

(b) MATTERS TO BE INCLUDED.—The Comptroller General shall include in the report the following:

(1) Whether military recruitment criminal violations have increased in any branches of the Armed Forces since the beginning of combat in Iraq.

(2) Whether policies of the Department of Defense or of any of the specific military branches have caused or encouraged military recruiters to carry out criminal actions to increase recruitment numbers.

(3) Whether the Department of Justice, Department of Defense, or specific military branches have adequately and independently carried out investigations and prosecutions of all Department of Defense officials who are complicit or directly involved in criminal actions to increase military recruitment.

(4) Any recommendations for any legislation or administrative actions that the Comptroller General considers appropriate.

(5) Any other matter the Comptroller General considers relevant.

AMENDMENT NO. 5 OFFERED BY MR. STRICKLAND

The text of the amendment is as follows:

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 5xx. ADDITION OF INFORMATION CONCERNING MENTAL HEALTH SERVICES AND TREATMENT TO SUBJECTS REQUIRED TO BE COVERED IN MANDATORY PRESEPARATION COUNSELING.

Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(11) Information concerning the availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces.''.

AMENDMENT NO. 8 OFFERED BY MS. SLAUGHTER

The text of the amendment is as follows:

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 5xx. IMPROVEMENT TO DEPARTMENT OF DEFENSE RESPONSE TO SEXUAL ASSAULT AFFECTING MEMBERS OF THE ARMED FORCES.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an inventory of supplies, trained personnel, and transportation resources assigned or deployed to deal with sexual assault. The Secretary shall assess the availability and accessibility within deployed units of rape evidence kits, testing supplies for sexually transmitted infections and diseases (STIs), including HIV, and for pregnancy, transportation resources, and medication. The assessment shall be completed not later than 120 days after the date of the enactment of this Act.

(b) ACTION PLAN FOR DEPLOYED UNITS.—The Secretary shall develop a plan to enhance accessibility and availability of supplies, trained personnel, and transportation resources in response to sexual assaults occurring in deployed units. Such plan shall include the following:

(1) Training of new and existing first responders to sexual assaults, including criminal investigators, medical providers responsible for rape kit evidence collection, and victims advocates, with such training to include current techniques on processing of evidence, including rape kits, and conducting investigations.

(2) Accessibility and availability of supplies for victims of sexual assault who present at a military hospital, including rape kits, equipment for processing rape kits, and testing supplies and treatment for sexually transmitted infections and diseases, including HIV, and pregnancy.

(c) ANNUAL REPORT.—The Secretary shall include in the annual report to the Committees on Armed Services of the Senate and House of Representatives on sexual assaults a report as to the supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources in response to sexual assault in deployed units.

AMENDMENT NO. 9 OFFERED BY MR. REICHERT

The text of the amendment is as follows:

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 575. REPORT ON EMPLOYMENT MATTERS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

(a) REQUIREMENT FOR REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on difficulties faced by members of the National Guard and Reserve with respect to employment as a result of being ordered to perform full time National Guard duty or being ordered to active duty service, respectively.

(b) SPECIFIC MATTERS.—In preparing the report required under subsection (a), the Comptroller General shall include information on the following matters

(1) TYPE OF EMPLOYERS.—An estimate of the number of employers of members of the National Guard and Reserve who are private sector employers and those who are public sector employers.

(2) SIZE OF EMPLOYERS.—An estimate of the number of employers of members of the National Guard and Reserve who employ fewer than 50 full-time employees.

(3) SELF-EMPLOYED.—An estimate of the number of members of the National Guard and Reserve who are self-employed.

(4) NATURE OF BUSINESS.—A description of the nature of the business of employers of members of the National Guard and Reserve.

(5) REEMPLOYMENT DIFFICULTIES.—A description of difficulties faced by members of the National Guard and Reserve in gaining reemployment after having performed full time National Guard duty or active duty service, including difficulties faced by members who are disabled and who are Veterans of the Vietnam Era.

AMENDMENT NO. 11 OFFERED BY MR. MENENDEZ

The text of the amendment is as follows:

At the end of title VI (page 279, after line 6), add the following new section:

SEC. 677. COMPTROLLER GENERAL REPORT REGARDING COMPENSATION AND BENEFITS FOR RESERVE COMPONENT MEMBERS.

(a) REPORT REQUIRED.—The Comptroller General shall prepare a report reviewing the terms and elements of reserve compensation, benefit, and personnel support programs, including the retirement system.

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall address at a minimum the following:

(1) The effectiveness and adequacy of compensation and benefit programs, income protection for members of the reserve components called to active duty, family support programs, health care access, and other programs of interest to such members.

(2) The need for these programs to be improved, including such recommendations as the Comptroller General considers appropriate for achieving needed improvements.

(3) A comparison of these programs to similar programs conducted for the benefit of regular forces to determine if the reserve programs are fair and equitable given the increased contributions by reserve component forces to the defense of the United States.

(4) An examination of the differences in benefits and protections provided to reservists who are called to serve under different authorities, including title 10, United States Code, title 32, United States Code, and State active duty.

(5) The need for benefits and protections to be made consistent regardless of the authority under which members of the reserve components are called to serve, including such recommendations as the Comptroller General considers appropriate for achieving that objective.

(c) RELATIONSHIP TO OTHER STUDIES AND REPORTS.—To the extent that an issue required to be addressed by subsection (b) is also the subject of other studies or reports being prepared by the Comptroller General, the Comptroller General may drop the issue from this report to avoid duplication of effort.

(d) SUBMISSION OF REPORT.—The Comptroller General shall submit the report to the congressional defense committees not later than March 31, 2006.

AMENDMENT NO. 14 OFFERED BY MR. BISHOP OF GEORGIA

The text of the amendment is as follows:

At the end of title VII (page 297, after line 26), add the following new section:

SEC. 718. STUDY RELATING TO PREDEPLOYMENT AND POSTDEPLOYMENT MEDICAL EXAMS OF CERTAIN MEMBERS OF THE ARMED FORCES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study of the effectiveness of self-administered surveys included in predeployment and postdeployment medical exams of members of the Armed Forces that are carried out as part of the medical tracking system required under section 1074f of title 10, United States Code.

AMENDMENT NO. 16 OFFERED BY MR. ANDREWS

The text of the amendment is as follows:

At the end of subtitle B of title VIII (page 321, after line 3), insert the following new section:

SEC. 818. PROHIBITION ON DEFENSE CONTRACTORS REQUIRING LICENSES OR FEES FOR USE OF MILITARY LIKENESSES AND DESIGNATIONS.

The Secretary of Defense shall require that any contract entered into by the Department of Defense include a provision prohibiting the contractor from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses from or pay fees to the contractor for the use of military likenesses or designations on items provided under the contract.

AMENDMENT NO. 17 OFFERED BY MR. BLUNT

The text of the amendment is as follows:

At the end of subtitle B of title VIII (page 321, after line 7), add the following new section:

SEC. 818. ESTABLISHMENT OF EVALUATION FACTOR FOR DEFENSE CONTRACTORS EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE SELECTED RESERVE OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) DEFENSE CONTRACTS.—In awarding any contract for the procurement of goods or services, the Department of Defense, when considering source selection criteria, shall use as an evaluation factor whether entities intend to carry out the contract using employees or individual subcontractors for goods and services who are members of the Selected Reserve of the reserve components of the Armed Forces.

(b) DOCUMENTATION OF SELECTED RESERVE-RELATED EVALUATION FACTOR.—Any entity claiming intent to carry out a contract using employees or individual subcontractors for goods and services who are members of the Selected Reserve of the reserve components of the Armed Forces shall be required to document to the Department of Defense the number (and names, if requested) of such members of the Selected Reserve that the entity will employ, or execute personal services contracts with, for the contract in question.

(c) NATIONAL SECURITY WAIVER.—The Secretary of the military department concerned, or, in the case of contracts which are not negotiated by a military department, the Secretary of Defense, may waive the requirement in subsection (a) with respect to a contract if the Secretary concerned determines that the waiver is necessary for reasons of national security.

(d) REGULATIONS.—The Federal Acquisition Regulation shall be revised as necessary to implement this section.

AMENDMENT NO. 22 OFFERED BY MR. MATHESON

The text of the amendment is as follows:

At the end of title X (page 402, after line 22), insert the following new section:

SEC. 10xx. PRESERVATION OF INFORMATION AND RECORDS PERTAINING TO RADIOACTIVE FALLOUT.

(a) PROHIBITION OF DESTRUCTION OF CERTAIN DOCUMENTS.—The Secretary of Defense may not destroy any document in the custody or control of the Department of Defense that is a historical record (or part of a historical record) relating to radioactive fallout from the testing of any nuclear device.

(b) PRESERVATION AND PUBLICATION OF INFORMATION.—The Secretary of Defense shall identify, preserve, and publish information contained in documents referred to in subsection (a).

AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

The text of the amendment is as follows:

At the end of title X (page 402, after line 22), insert the following new section:

SEC. ____. SPECIAL IMMIGRANT STATUS FOR PERSONS SERVING AS TRANSLATORS WITH UNITED STATES ARMED FORCES.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq or Afghanistan;

(B) worked directly with United States Armed Forces as a translator for a period of at least 12 months;

(C) obtained a favorable written recommendation from the first general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien; and

(D) prior to filing the petition described in subsection (a)(1), cleared a background check and screening, as determined by the first general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is the spouse or child of a principal alien described in paragraph (1), and is following or accompanying to join the principal alien.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section during any fiscal year shall not exceed 50.

(2) COUNTING AGAINST SPECIAL IMMIGRANT CAP.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

(d) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—The definitions in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) shall apply in the administration of this section.

MODIFICATION TO AMENDMENT NO. 16 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that amendment No. 16 offered by the gentleman from New Jersey (Mr. ANDREWS) and printed in House Report 109–96 be modified in the form I have placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 16 offered by Mr. ANDREWS:

At the end of subtitle B of title VIII (page 321, after line 3), insert the following new section:

SEC. 818. PROHIBITION ON DEFENSE CONTRACTORS REQUIRING LICENSES OR FEES FOR USE OF MILITARY LIKENESSES AND DESIGNATIONS.

(a) IN GENERAL.—The Secretary of Defense shall require that any contract entered into by the Department of Defense include a provision prohibiting the contractor from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses from or pay fees to the contractor for the use of military likenesses or designations on items provided under the contract.

(b) LIMITATION TO UNITED STATES COMPANIES.—Subsection (a) applies only with respect to toy and hobby manufacturers, distributors, or merchants incorporated in or organized under the laws of the United States.

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

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

There was no objection.

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

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, we are gathering our speakers, and I would hope my colleague, the gentleman from Missouri (Mr. SKELTON) would be able to lead off with his speakers, so I reserve my time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

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

Mr. Chairman, over the past 15 to 20 years, there has been a major and fundamental change in the way that our Reserve component has been used. Historically, National Guardsmen and Reservists were primarily viewed as a force expansion that could be used to supplement our active duty troops at times of a major war or conflict. But today these forces not only support our active forces, they also replace them in operations around the world.

Since September 11, a large number of our Reserve component has been called to active duty, and the pace of Reserve perstempo is very high and expected to remain that way for the foreseeable future. In fact, as of May 20, we had over 162,000 National Guard members and Reservists on active duty both here at home and around the world.

Unfortunately, there have been a variety of reports detailing recruiting and retention problems that our Armed Forces have experienced over the last year. Clearly, if our Nation continues to rely more and more on National Guard members and Reservists without providing them and their families the support they need at home, we risk establishing a pattern of failure when it comes to meeting the recruitment and retention targets.

That is why I am very happy that we have included this amendment as part of the en bloc, and I appreciate the chairman's and the ranking member's help in doing so.

In September of 2003, the GAO found that the DOD lacked sufficient information and data to address financial and health care issues affecting Reservists and their families. Fortunately, there is new information that could be used to determine the effect on readiness, recruiting, retention and, yes, on these families.

Both a CBO study and a DOD survey, which were recently completed, have some interesting facts: 56 percent of National Guard members and Reservists are married; 55 percent of married Guard members and Reservists report a loss of income over their civilian jobs; 15 percent of those Guard members and Reservists report a pay decrease of $30,000 a year; and 71 percent of them cite family burdens as a reason to leave the military.

For all of those reasons, I am happy to see that our amendment, which will have a GAO report to provide recommendations to the Congress on how these programs can be improved to treat more fairly our Guardsmen, our Reservists, and their families, will be a reality.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today in support of the en bloc amendment to H.R. 1815 and in support of my ''Healthy Troops'' amendment contained therein.

Mr. Chairman, I first introduced the Healthy Troops Act when it was brought to my attention that many of our men and women serving in harm's way are not receiving hands-on medical examinations before or after they are deployed in combat. A 1997 congressional mandate requires both pre- and post-deployment medical exams, but this requirement is currently being met by the DOD by having our troops fill out self-administered questionnaires.

This concerns me, as I believe it should concern all Americans, first, because the health of our servicemembers should not rely on their ability to self-diagnose; and secondly, because these brave men and women deserve an accurate documentation of their health status in combat so that, if necessary, they can claim veterans' health benefits when they come home.

My original amendment required that DOD provide full hands-on and pre- and post-deployment exams for all deployed troops as opposed to the self-administered questionnaires. It also mandated a study of the effectiveness of the self-administered exams.

The revised amendment, which reflects a bipartisan compromise struck with the chairman and the committee, provides only for the study into the effectiveness of the questionnaires and that the study be performed within 120 days of enactment.

I do not believe that this is enough, but it does represent a victory for our servicemembers, men and women because, one, it continues an important, ongoing dialogue on the health and safety of our servicemen and -women, and two, because it requires further analysis of the effectiveness of the actual hands-on health screens.

I think that we can all agree that the health of servicemembers must be at the top of our agenda. This amendment puts the focus where it belongs.

I urge my colleagues to support the en bloc amendment.

Mr. HUNTER. Mr. Chairman, I yield 3½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman from California (Chairman HUNTER) for yielding me this time and for the work he has done on this bill.

In the en bloc amendment, really several of the provisions of a bill that I introduced recently, along with the gentleman from Illinois (Mr. KIRK) and others, to try to address the concerns that we have and, I think, concerns that are shared by not only the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Ranking Member SKELTON), but many of the Members of this Congress, on people who serve in the National Guard and Reserves.

We see declining recruitment numbers. Clearly, the service, and the Guard and Reserves is a service where people who often have already served full-time in the military are willing to be available to the country in time of crisis, in times of imminent need; but people who were joining the Guard and Reserve, until recent years, until the last decade, at least, did not expect to be joining the Guard and Reserve to effectively be serving in the full-time force.

I believe in an integrated armed service. I believe in the importance of a full-time force that is no bigger than it needs to be, to be supplemented in times of crisis by the great skills of people who either have served in the full-time force or who have received their training in the Guard and the Reserve.

The Army is more than halfway through its fiscal year with only 33,000 soldiers signed up, and is certainly likely to miss the target of 80,000 for 2005. That sort of recruiting puts more pressure on the Guard and Reserve. For 3 consecutive months, the Army has been short of its goal; and the Marines,

that traditionally meet their goals, have not met their monthly goal this entire year. So we need to be concerned about the use of the full-time force and, obviously, the impact that has on the Guard and Reserve that are available.

Legislation from our bill will be included in this en bloc amendment. The gentleman from Illinois (Mr. KIRK) is joining me in proposing this amendment, and the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Washington (Mr. REICHERT) will bring other amendments from our bill to the floor.

In the amendment that I am speaking in favor of, this is an amendment that just simply would allow and encourage the Department of Defense to take into account National Guard and Reserve personnel as one of the items that they would look at when they evaluate a bid for DOD work.

I had a specific instance in my district in the last year where a business that had a government repair contract, that had a significant number of Guardsmen, in fact, those Guardsmen had been called up; and while those Guardsmen were called up, the work that they had been doing was given, in competitive bidding, no doubt, but given in competitive bidding to a Canadian company. Nobody in that Canadian company was serving in Iraq at the time for reasons we all understand.

We would like to see that taken into account as these contracts are evaluated and look for other ways that the military can do things to further support our Guardsmen and Reservists.

Mr. HUNTER. Mr. Chairman, I yield myself 1 minute to thank the gentleman for his amendment.

There is nothing more important for our returning Guardsmen and Reservists than to know that they have a good job, and the idea of directing some of this money, the massive amount is $441 billion, that we pass in this bill goes to not only pay for people, but also to pay for the products that are used in the defense apparatus; to make sure that that is, as much as possible, those products are made by Americans. And made by Americans who are serving this flag should be a priority for our country.

So I can assure the gentleman, we will be happy to continue to work on this as it moves through the process.

Mr. BLUNT. Mr. Chairman, if the gentleman will yield, I really appreciate the chairman's understanding of this problem and his commitment to this problem.

The other thing that we need to be doing is to ensure that Guardsmen and Reservists do have jobs when they come back; and if that job is a government contract, we should be doing everything we can to ensure that their service is noted in awarding the extension of that contract.

Mr. SKELTON. Mr. Chairman, before I recognize the gentleman from Utah, let me say I wish to compliment my fellow Missourian on his amendment. The Guard and Reserve mean very much to us, and I think it is a major step in the right direction.

Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

□ 1700

Mr. MATHESON. Mr. Chairman, I rise in support of this en bloc amendment to the Defense bill.

I have offered an amendment to the bill that would require the Department of Defense to preserve irreplaceable historical records related to radioactive fallout, and I am pleased this amendment was ruled in order and is part of this en bloc amendment.

Now currently the Department of Energy has ordered a moratorium on the destruction of such records, but the Department of Defense has no such prohibition and relevant records could potentially be lost.

The National Academy of Sciences has pointed out that both the Navy and the Air Force have important documents that should be archived.

As a result, the National Academy urged Congress to require better preservation of historical data related to radioactive fallout records.

That is exactly what this amendment does.

My amendment prohibits the Department of Defense from destroying these historical records and directs the Department to identify, preserve, and publish information contained in these records.

Atmospheric testing was a dark period in our history for many Americans. We should do whatever we can to preserve the limited records from that time so they remain viable for scientific study. With this amendment we are taking a good first step toward preserving history.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the chairman especially for his inclusion of major parts of the Americans in Uniform Act authored by the majority whip, the gentleman from Missouri (Mr. BLUNT), in this legislation.

One amendment in particular would allow the Defense Department to review the record of a contractor in retaining and keeping Reservists. Now, we have had a case in which some employers are so good at keeping Reservists that they have got a number of positions missing; and then they have failed to get a new contract award and providing material to the Department of Defense, and contracts have even gone to other companies in other countries that have no such Reserve obligation. That is wrong.

This amendment says that the Department of Defense at least will be able to look at the record of contractors in keeping Americans in uniform when they make new awards. And that means a signal will go throughout the business community that you should be a good employer of Reservists.

We have had over 400,000 Americans called to active duty. I stand here as, I think, the only Member of Congress still regularly drilling in the Reserves. I have got duty this weekend. And when I talk to my fellow Americans in uniform, there are unique pressures on the Reserves. But we are proud. We are proud to wear the uniform. We are proud to take part in what we need to do in the war on terror. And we are proud to stand with other leaders, like my colleague, the gentleman from Washington (Mr. LARSEN), that have done so much to make it easier for Reservists to keep their jobs.

When you look at the gentleman from Washington (Mr. REICHERT), sheriff, now Congressman, and what he did as a good employer of making sure that Reservists, when they go on active duty, do not suffer a loss in pay, it is what every employer should do in America; but sadly some do not. And we need to change that. This set of reforms in this legislation under the Americans in Uniform Act, the Blunt legislation, help do that, on the Space-A reforms of the gentleman from Connecticut (Mr. SIMMONS), on the study in which we are going to see exactly what we need to do for Reservists under the Reichert legislation and under the Blunt/Larsen/Kirk reforms that make DOD contractors report on how they are taking care of our Americans in uniform, and to know that it will be considered in the award of contracts sends a powerful signal that the all-volunteer military is working, that the total force is working, and that we look on these Americans who wear the uniform part-time, in Winston Churchill's eyes, as twice a citizen, as someone who is a good member of their community, but when the country calls they respond exactly when we need them to go into harm's way and to be on the frontier of freedom.

And, Mr. Chairman, thank you so much for including these reforms in the Americans for Uniform Act.

Mr. SNYDER. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I also want to stand in support of the Blunt/Kirk amendment to the Defense Authorization Act.

Today our Guard and Reserve are protecting our security abroad. And, frankly, it is Congress's job and responsibility to create a network of job security when they come home. That is why I support this amendment.

Our Guard and Reserve are overextended. Their Nation has called on them to serve. In most cases they have left a place of employment to do so, and Congress has a responsibility to ensure that we do not create any barriers for our Guard and Reserve that would keep them from returning to those jobs.

This amendment will help ensure that if you are a member of the National Guard Or Reserve you will not

be at a disadvantage if working on a DOD contract through your employment.

Mr. Chairman, this amendment will push the DOD to consider the employment of Guard and Reserve members when they award contracts. When serving, these women and men of the Guard and Reserve protect this Nation. This amendment gives us one more way that we can protect these brave women and men and their families when they come home.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Chairman, I too am proud to be a part of today's process and ensuring that our National Guardsmen and -women and Reservists are respected and we are showing them that we have listened to their concerns.

I have served in the Air Force Reserves, and I will not tell you how long ago that exactly was. But let us just say that my pay at that time was as a police officer around $700 to $800 a month. So it was awhile ago.

When I was on duty as a Reservist, I took a pay cut. And that was a cut from $700 a month. So you can imagine that it was a little bit hard to keep your family supported during that period of time. And I know what it is like to be a Reservist. I had a financial responsibility. I had employment issues. And it is not easy to juggle those weighty concerns while preparing to serve your country or as soon as you return.

When I was sheriff of King County, we developed a standard to support our employees who were also Reserve soldiers. Their jobs were guaranteed no matter what length of time they served or how long their tour of duty was. The soldiers knew that when they came back they had a job, they had employment, and that they were supported 100 percent. Men and women serving our country should be praised, not punished for being guardians of our Flag.

During the last recess, I had the honor of sitting down with 20 National Guard soldiers who had just returned from Iraq. In the 2 hours I spent with them, we discussed a number of concerns. But the issue reiterated by nearly every soldier in attendance was employment.

That is why I am offering an amendment today to commission a study requiring the GAO to report on employment matters for the National Guard and Reserve, in particular the difficulties faced by soldiers in gaining reemployment once they return from duty.

It is important that we know what types of jobs our servicemembers hold so we can address their employment issues. Our National Guard and Reserves are an incredibly important part of our military; and we need to protect their interests, protect their families, protect their jobs, and make sure that they are respected for their service.

Mr. SNYDER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I rise today in support of the en bloc amendment which includes my amendment regarding VA mental health services. My amendment will make sure that soldiers returning from Iraq and Afghanistan know about the mental health services available to them by requiring that they be fully informed of these services when separating from active duty.

Our men and women are returning from deployments with very high rates of mental and emotional disorders. And as we know, there is often a stigma regarding mental health treatment, especially in the military. That is why we need to clearly communicate to our returning troops that they are entitled to receive help in dealing with problems resulting from their service to our country. Whether they are struggling with PTSD, depression or any other mental disorder, there is treatment available for them at our VA facilities. My amendment would simply require that those mental health treatment options are presented to our soldiers so that they can make informed decisions as they return to civilian life.

I appreciate that this amendment was made in order, and I encourage my colleagues to support the en bloc amendment. Our men and women are bearing great physical and mental burdens from the operations in Iraq and Afghanistan. The very least we can do is to inform them of the benefits they have earned.

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

Mr. Chairman, I would like to engage my colleague, the gentleman from California (Mr. FARR), in a colloquy.

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

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

Mr. FARR. Mr. Chairman, I rise today to ask for the gentleman's help to make military golf courses accessible with specialty golf carts for veterans community and disabled golf patrons. Our Nation's disabled military personnel and veterans have paid a great debt to their country. We have an obligation to make their reintegration into society as seamless as possible, and one way is to make it easier for them to resume recreational activities like golf.

And I would ask the chairman if he would agree that the committee should explore the feasibility of the cost of providing specialty carts for disabled golf patrons at military golf courses with DOD and the services.

Mr. HUNTER. Mr. Chairman, I would just say to my colleague, I think he has brought a great idea forward. We have military bases around the country that serve not only the active duty folks, but also retired folks and disabled folks; and it seems absolutely appropriate that we make sure that those golf courses, all of which have electric golf carts, have some specialty carts to accommodate those who need them. So I will work with the gentleman, and let us see if we can make sure that there are enough carts available at all the courses to accommodate all the folks that need them.

Mr. FARR. I thank the chairman. I look forward to working with the gentleman.

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

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all I want to thank the ranking member, the gentleman from Missouri (Mr. SKELTON), and the chairman, the gentleman from California (Mr. HUNTER), for a bill that is probably one of the more important initiatives that this Congress addresses, and that is the ordering and the governance of the United States Military, particularly this week that we honor those fallen heroes.

Might I also say, however, that I wish appropriately that this legislation had the fullness of opportunity for many of us to debate. I am reminded that times before this legislation was debated for 2 weeks because it is so important and so crucial for the men and women of the United States military.

I rise in support of an amendment offered by my distinguished colleague, the gentleman from Indiana (Mr. HOSTETTLER), which I am a cosponsor of. I was a cosponsor of that bill, and this was an amendment that was taken from H.R. 2293. I continue to support it. It would provide special immigrant status for a limited number of Iraqis and Afghanis who have served as translators for the U.S. armed services.

The translators are providing services for our combat forces in Iraq. And according to the Marines who work with them, the translators and their immediate families live in constant danger of debt because of the key support they are providing for our combat forces. The Marine commanders have expressed a desire to help them come to the U.S. with their immediate families, and we wanted to answer their call. The commanders believe that the lives of the translators will be in even jeopardy when the Marines withdraw from Iraq.

The translators have gone far beyond just providing translation services. They stay with the Marines in their camps, in the same living quarters, and eat chow with the soldiers every day.

I am reminded of the individual who helped translate and ultimately found Saddam Hussein. He now is a citizen of the United States, was previously so, but has the ability to come here and he is provided safety for him and his family.

The amendment would make permanent resident visas available to the nationals of Iraq and Afghanistan and

their spouses and children who have helped the U.S. in this most difficult effort. And so I would ask my colleagues to support this.

As I rise to honor these individuals, might I also say that we need to honor the fallen dead who come home to our shores and allow them to be honored when these soldiers return home. And I hope that we will look forward to removing the executive order that requires lights out when our fallen heroes have come back having served in the United States military, and having lost their lives in battle.

Mr. Chairman, I ask my colleagues to support the Hostettler/Jackson-Lee amendment.

I rise in support of the amendment offered by my distinguished colleague, the gentleman from Indiana, Mr. HOSTETTLER. I was a cosponsor of the bill that this amendment was taken from, H.R. 2293, and I continue to support it in its present form. It would provide special immigrant status for a limited number of Iraqis and Afghanistani who have served as translators for the U.S. Armed Forces.

The translators are providing services for our combat forces in Iraq. According to the Marines who work with them, the translators and their immediate families live in constant danger of death because of the key support they are providing for our combat forces. The Marine commanders have expressed a desire to help them to come to the U.S. with their immediate families. The commanders believe that the lives of the translators will be in even greater jeopardy when the Marines withdraw from Iraq.

The translators have gone far beyond just providing translation services. They stay with the Marines in their camp, in the same living quarters, and eat chow with the soldiers every day. They go into the field with the Marines. They have fought along side of them and shed blood with them during combat operations. Some of the Marines feel so strongly about helping the translators that they have offered to take them into their homes in the United States until they have had enough time to settle in and find places of their own.

The amendment would make permanent resident visas available to nationals of Iraq and Afghanistan (and their spouses and minor children) who have worked directly with U.S. Armed Forces as translators for at least 12 months, who have obtained favorable written recommendations from the officer in charge of the unit they worked with, and who have cleared a background check. No more than 50 principals would be eligible to receive permanent resident status. The recipients would count towards the 10,000-per-year quota of special immigrant visas.

I am pleased that we can offer permanent resident status to such deserving immigrants with a bipartisan bill. I urge you to vote for this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, the en bloc amendment calls among other things for special immigrant status for Iraqi or Afghani nationals who have served as translators with the United States Armed Forces. This amendment is a direct response to the critical need for translators and linguists in our military. This interpreter shortage is well documented. The 9/11 Commission report stated that the government ''lacked sufficient translators proficient in Arabic and other key languages, resulting in a significant backlog of untranslated intercepts.''

The 2002 GAO study and the September 2004 Justice Department IG report made the same findings. The shortage of Arabic translators in Iraq and Afghanistan has made it harder for U.S. soldiers to protect themselves and has jeopardized interrogations of suspected al Qaeda terrorists in U.S. custody.

□ 1715

I commend the author of this legislation for his willingness to open the immigration doors to Arabic and Farsi linguists serving as translators with the United States Armed Forces. Yet, the answer to this dire need is not to give U.S. citizenship to Iraqis and Afghanis, but rather to stop discriminating against American citizens who are ready to loyally serve their country as Arabic translators.

It is no coincidence that this bill would create 50 spots for Iraqi and Afghani nationals, almost the exact number of translators who have been discharged under the military's ''Don't Ask, Don't Tell'' law in effect since 1994. Fifty-four Arabic and nine Persian/Iranian, including Farsi, translators have been discharged under this policy.

Because of ''Don't Ask, Don't Tell,'' the military continues to devote its resources to rooting out patriotic gay Americans whose service is central to the war on terrorism. This is another example of how ''Don't Ask, Don't Tell'' is not in the best interest of our national security.

Mr. Chairman, this Congress says, ''Don't ask, Don't tell, Don't translate.''

I urge my colleagues to recognize the fundamental rights of American citizens and the fundamental absurdity of denying the right to serve to citizens who have vitally needed skills that we all know we need.

I urge this Congress to repeal the obnoxious and incredibly self-defeating policy of ''Don't Ask, Don't Tell.''

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me time.

Mr. Chairman, I want to express my appreciation to the gentleman from California (Mr. HUNTER) and to the ranking member, the gentleman from Missouri (Mr. SKELTON), and to the members of the staff for including in this en bloc amendment a proposal with respect to the retailers and distributors of model airplanes and model ships.

One way to express your patriotism and support for the military is to collect and assemble and build models of military craft and military vehicles. An unfortunate occurrence has happened in the last few years where the large defense contractors which received the right to build these materials are extracting royalties from the consumers who buy them. They extract those royalties from the distributors and the retailers. We would like to stop that practice.

These ships and planes are designed with public money. They are conceived of with public money, and we do not think the American public should pay for this twice.

I very much appreciate the fact that language that takes us in that direction has been included in the bill. Frankly, there is more work to do in my judgment concerning who is covered by the scope of the language but this is an important first step. It will promote patriotism for those who collect and build these models, and it will do so in a fair way to the consumer.

I thank the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON) and the staffs for making this possible.

I would ask for support of the en bloc amendment.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of the Subcommittee on Readiness.

Mr. HEFLEY. Mr. Chairman, I do not intend to take 2 minutes, but I just wanted to say that in committee the gentleman from New Jersey (Mr. ANDREWS) introduced this amendment. I thought it was an excellent amendment and that we ought to follow through on it.

We had a problem in committee that it might have a jurisdictional problem. The gentleman was nice enough to agree to withdraw it so we could check that jurisdictional problem. We do not have that problem at this point.

The gentleman is on the right track. It ought to be passed. I am glad it is in the en bloc, and I thank the gentleman for bringing this to our attention.

I do not think most of us who grew up with the thrill of playing with model airplanes ever dreamed that this was the situation, and this will correct the situation. I appreciate the gentleman doing that.

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

Mr. Chairman, we have talked about the translator provision that would give some accommodation to those folks who have served our U.S. military in those warfighting theaters, and I just wanted to give some credit for the originator of this proposal. It was a Marine captain in Fallujah who talked about the service of these translators, how much they risk, the exposure that they take, and the dedication that they have to America and to our cause. So it was that recommendation that found its way back to the floor of the House, and I am glad that we are passing it.

I want to thank all of my colleagues who have spoken in favor of this provision.

Mr. STARK. Mr. Chairman, I rise in opposition to this defense authorization bill. Once again, the Republican majority has pushed forward a defense budget that does nothing to make this country any safer.

This bill continues Congress' long-held tradition of throwing away billions on the development of ineffective or duplicative weapons systems that pad the pockets of big defense contractors. It authorizes $7.9 billion on pie-in-the-sky Star Wars missile defense, a $100 million increase over President Bush's request. Yet, this unproven Cold War concept does not address the very real security threat posed by weapons of significant magnitude that are readily delivered in a suitcase or cargo container.

Developing new nuclear weapons, as this bill encourages, will not deter terrorists or rogue nations like North Korea. It encourages them to answer in kind, especially as the Bush Administration pursues its belligerent policy of preemption.

Further, as long as the United States is in Iraq, the Iraqi insurgency will continue to have a justification to carry out their savage attacks on the Iraqi people and security forces and American soldiers. It is unfortunate the Republican majority continues to believe that throwing more money at the problems in Iraq will somehow slow death rates.

Over 1,500 young Americans and more than 20,000 Iraqi civilians have been killed; the immediate withdrawal of U.S. troops from Iraq is necessary if the United States is serious about bringing peace and security to the Iraqi people.

Whether or not those soldiers currently fighting overseas are active duty, National Guard or reserves, they all deserve the same access to health care. Unfortunately, this bill once again shortchanges our troops. The Chairman of the Armed Services Committee unilaterally stripped out language in the bill that provided the same health care to our National Guard members and reservists as the rest of our soldiers. President Bush's war in Iraq has leaned heavily on National Guard members and reservists. It is only fair that we provide them—and their family members—the same health care as the rest of our soldiers; their sacrifice has been no less.

The American people may be surprised to know that even a defense bill can be used to advance the agenda of the religious right. An amendment to allow servicewomen to use their own funds to obtain an abortion at an overseas U.S. military medical facility was beaten back by conservatives who continue to prove they vote first, and think second.

How can we ask our women in uniform to fight abroad for the rights of others, when we prevent them from exercising their own constitutional right to choose?

I urge my colleagues to vote down this wasteful and irresponsible bill. It is time we had a defense budget that lives within its means, accounts for what is truly required in Iraq, and provides the best possible support for all our troops. Nor does it alleviate years of Defense Department policies that discriminate against sexual orientation and gender.

Ms. SLAUGHTER. Mr. Chairman, I am pleased to have the opportunity to offer this very important amendment that will help the Department of Defense improve their capability to provide care to victims of sexual assault in the military.

Earlier this month, the Department of Defense released their first annual report to Congress on sexual assault in the military. And the findings were not good. Of the 1,275 cases of sexual assault among service members, only 113 cases resulted in a court martial.

More discouraging is the fact that 278 cases were not pursued because the perpetrator could not be identified. And, another 351 cases were not pursued because of unsubstantiated or insufficient evidence. Mr. Chairman, this amounts to 629 sexual assault cases, nearly 50 percent of those reported, where the perpetrator is still out there, free to commit further assaults on our brave service women defending our country.

Surely the Department of Defense can and needs to do a better job of training new and existing first responders to respond to sexual assaults occurring in the military. Criminal investigators, medical professionals, and victims advocates all need to be trained on gathering, protecting, and processing evidence.

The Defense Department must do a better job of providing the best possible care for service women who are victims of sexual assault. And that is what my amendment will do.

Last March, servicewomen spoke before the Congressional Women's Caucus about the inability of some military healthcare facilities to appropriately care for women who had been sexually assaulted. In some areas, medical providers are not familiar with the gathering and processing of rape kits. More dismaying, some facilities are not even equipped with rape kits. With great emotion, these service women recounted the military's failure to provide them with a private examination or tests for pregnancy and sexually transmitted infections.

Mr. Chairman, we cannot allow women to be victimized once by their perpetrator and then again by the lack of appropriate, compassionate care at military healthcare facilities.

My amendment seeks to prevent our women in uniform from experiencing this egregious treatment. It requires the Secretary of Defense to assess the training and resource gaps, which have prevented victims of sexual assault in the military from receiving the best possible care. Based on this assessment, my amendment also requires the Secretary to develop a plan to address these gaps by enhancing the accessibility and availability of supplies and trained personnel by military victims of sexual assault.

It is my hope that through this plan the Secretary will require military healthcare facilities to carry emergency contraception (EC). Although emergency contraception has been available in the U.S. by prescription since the late 1990s, it is not available to U.S. servicewomen. EC is widely recognized as an integral part of comprehensive and compassionate emergency treatment for sexual assault survivors. We do a disservice to women in the military by not requiring EC be available to them after a sexual assault.

Women in the service put themselves in harms way to protect us and our Nation from threats at home and abroad. The least we can do is ensure they are protected when facing a horrible tragedy. My amendment helps the Defense Department provide military victims of sexual assault with honor, respect, and the best possible care that they deserve.

I urge everyone to support my amendment.

Ms. WOOLSEY. Mr. Chairman, when a woman enlists in the military to serve her country honorably, she expects that the resources will be there to take care of her in the unfortunate tragedy of rape. But a recent report from the Miles Foundation revealed that three fourths of the female veterans who were raped did not report the incident to a ranking officer. One third didn't know how to; and one fifth believed that rape was to be expected in the military. Even if they had reported the incident, if the service woman who had been sexually assaulted seeks care at a military healthcare facility, she may not be granted a private examination or tests for pregnancy and STIS. This is an outrageous way to treat our female military volunteers. That's why I urge my colleagues to support the Slaughter amendment, which would assure that our service women have access to the medical care and evaluation that they need when this type of strategy strikes. We owe them no less.

Mr. GRAVES. Mr. Chairman, I would like to commend the gentleman from Washington on this amendment. It is important to evaluate and understand the financial difficulties that citizen-soldiers face when called to serve their country.

Over 400,000 citizen-soldiers have been mobilized since September 11, 2001. This is the largest activation of National Guard and Reserve members since World War II and will likely continue for the immediate future. About half of our total military are National Guard and Reserve forces.

Recent government studies show that 40 percent of them make less money while mobilized than they earn in their civilian jobs. To solve this pay problem, I have introduced H.R. 838, which would offer employers a tax credit to help make up some of the pay gap.

Military Reservists and Guardsmen unselfishly answer the call to serve and protect their country at a moment's notice, many times at a personal and financial cost. In turn, we need to show appreciation and support for their patriotic efforts.

We ask a lot of those who serve the cause of American freedom. Financial ruin should not be one of those sacrifices.

I commend the gentleman for his work on behalf of our Guard and Reservists and urge passage of this amendment.

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

Mr. SKELTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider the amendment No. 2 printed in House Report 109–96.

AMENDMENT NO. 2 OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. 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. 2 offered by Mr. BRADLEY of New Hampshire:

At the end of subtitle C of title XXVIII, insert the following new section:

SEC. 28___. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) POSTPONEMENT.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–09510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

''SEC. 2915. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

''(a) IN GENERAL.—Notwithstanding any other provision of this part, the round of defense base closure and realignment otherwise scheduled to occur under this part in 2005 by reasons of sections 2912, 2913, and 2914 shall occur instead in the year following the year in which the last of the actions described in subsection (b) occurs (in this section referred to as the 'postponed closure round year').

''(b) ACTIONS REQUIRED BEFORE BASE CLOSURE ROUND.—(1) The actions referred to in subsection (a) are the following actions:

''(A) The complete analysis, consideration, and, where appropriate, implementation by the Secretary of Defense of the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States.

''(B) The return from deployment in the Iraq theater of operations of substantially all (as determined by the Secretary of Defense) major combat units and assets of the Armed Forces.

''(C) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of the report on the quadrennial defense review required to be submitted in 2006 by the Secretary of Defense under section 118(d) of title 10, United States Code.

''(D) The complete development and implementation by the Secretary of Defense and the Secretary of Homeland Security of the National Maritime Security Strategy.

''(E) The complete development and implementation by the Secretary of Defense of the Homeland Defense and Civil Support directive.

''(F) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of a report submitted by the Secretary of Defense that assesses military installation needs taking into account—

''(i) relevant factors identified through the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States;

''(ii) the return of the major combat units and assets described in subparagraph (B);

''(iii) relevant factors identified in the report on the 2005 quadrennial defense review;

''(iv) the National Maritime Security Strategy; and

''(v) the Homeland Defense and Civil Support directive.

''(2) The report required under subparagraph (F) of paragraph (1) shall be submitted not later than one year after the occurrence of the last action described in subparagraphs (A) through (E) of such paragraph.

''(c) ADMINISTRATION.—For purposes of sections 2912, 2913, and 2914, each date in a year that is specified in such sections shall be deemed to be the same date in the postponed closure round year, and each reference to a fiscal year in such sections shall be deemed to be a reference to the fiscal year that is the number of years after the original fiscal year that is equal to the number of years that the postponed closure round year is after 2005.''.

(b) INEFFECTIVENESS OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.—Effective as of the date of the enactment of this Act, any list of military installations recommended for closure or realignment submitted to Congress pursuant to section 2914 of the Defense Base Closure and Realignment Act of 1990 shall have no further force and effect.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me start out by thanking the ranking member, the gentleman from Missouri (Mr. SKELTON); the chairman of the House Committee on Armed Services, the gentleman from California (Mr. HUNTER); the gentleman from Colorado (Mr. HEFLEY); the gentleman from Arkansas (Mr. SNYDER); and all of the members of the House Committee on Armed Services for the defense of our Nation and for working so hard for our troops.

The gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) are indeed fine leaders and it is a pleasure to serve under them in the bipartisan fashion that they conduct the committee business.

Mr. Chairman, let me explain this amendment because the sponsors believe that this amendment is critical to our Nation's defense. It postpones the base realignment and closure process until 1 year after a number of studies are completed and until 1 year after the troops have returned home from the Iraqi theater.

The studies in question, number one, the Overseas Base Commission Report, which was released on May 9, 4 days before the BRAC list came out, what of the 70,000 troops that are slated to return to our country and the 30,000 new troops that we have authorized? Where will they be housed, on what bases? Where will the children of these troops go to school? What are the MILCON expenditures likely to be that we have to appropriate? We need to have those answers.

We also need the Quadrennial Defense Review, the potential threats that our Nation faces, the force structure, the defense infrastructure.

Mr. Speaker, the last QDR was completed on September 30 of 2001, so the Department of Defense is using outdated information, information that predates Iraq, predates the hostility in Afghanistan, predates the war on terror. The next QDR is slated to be completed this fall, too late for the BRAC Commission's report.

Other studies that are necessary are the National Marine Security Strategy Study by the Department of Defense, as well as the Secretary's report assessing our Nation's military installation needs.

Mr. Speaker, let us be extremely careful before closing 33 major bases and hundreds of smaller facilities that we have not undermined through the base closure process the security of our Nation.

This amendment ensures that we exercise that necessary care and necessary restraint so important to the security of our country.

Mr. Chairman, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Chairman, I thank the gentleman from New Hampshire (Mr. BRADLEY) for his leadership on this important issue.

I rise today in support of this amendment, delaying the implementation of the BRAC recommendation, because it is clear that we need to slow this process down. Given the broad range of uncertainties surrounding our overall military infrastructure and operations, now is not the time to be shutting down domestic military installations. There are serious questions that need to be answered first.

We have more than 120,000 soldiers currently deployed in Iraq and Afghanistan. We are planning to realign our overseas bases. We are less than 1 year away from completing a comprehensive Quadrennial Defense Review. There are simply too many moving parts and too many unanswered questions right now to complete this domestic BRAC round end process on the currently prescribed schedule and close bases here at home.

Simply put, we need to slow the process down to ensure we do not make critical mistakes when we are deciding our national security and military strategy. These are decisions that we should make with all available information and we are nowhere near having all of the necessary information.

Ellsworth Air Force Base in Rapid City, South Dakota, is my State's second largest employer and an integral part of our national defense as home to the 28th Bomb Wing and the B–1 Bomber. It is also scheduled for closure, along with 32 other major installations across the country. Now, inexcusably, we have yet to receive complete information regarding the criteria and the reasons for the Department of Defense's recommendations. This is true of many other installations in affected communities.

Site visits by BRAC commissioners are already under way. We are only weeks away from the commission holding regional hearings, including one in Rapid City to discuss the DOD's recommendations. But neither they nor we have received the complete information that was used to make those recommendations.

That fact alone is evidence that there is not adequate time built into this process and ample reason to slow the process down.

I respectfully request every one of my colleagues, regardless of how your district may have been affected by DOD's recommendations, to support

this important amendment for our national security and for essential fairness in the process.

Is postponing this BRAC round a reasonable action in light of the fact that we as Members of Congress and every member of the commission lacks the information that we have identified here today, lacks the information underlying the DOD's analysis in their decisions? The obvious answer to that question is ''yes,'' it is a reasonable action. And the obvious vote on this amendment is a ''yes'' vote.

Mr. HEFLEY. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Colorado (Mr. HEFLEY) is recognized for 30 minutes.

Mr. HEFLEY. Mr. Chairman, I ask unanimous consent to yield 15 minutes of my time to the gentleman from Arkansas (Mr. SNYDER), a very active and thoughtful member of the Subcommittee on Readiness of the Committee on Armed Services, for purposes of control.

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

There was no objection.

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

Over the past several years many Members of this body, including myself, have tried to delay or cancel the 2005 Base Closure Realignment and Closure round. Last year, in fact for a couple of years, the House has actually passed something to do that. And last year in the Defense act we passed a 2-year delay which would have required very much similar types of reports and so forth, which we thought was a very reasonable approach to give us more evidence to base our decision on.

I think the approach the gentleman makes today is a very reasonable approach. And I had hopes that last year we could delay the process because it did not seem to me to be the time for a base closure round, and I used many of the same reasons that the gentleman from New Hampshire (Mr. BRADLEY) does. But I do think that last year was the last chance to delay BRAC.

Unfortunately, we faced a veto threat from the President and opposition from the other body, and in the conference committee what we passed here in the House disappeared. And as I said, I think it is too late now. The Secretary of Defense has made recommendations for the base realignments and closures.

The BRAC Commission has been appointed and has begun review of BRAC data. The Commission has held hearings. I think today they started their visits to bases around the Nation. And as the old cliche says, ''The train has left the station.'' I think it is very difficult to call that train back at this stage.

BRAC is a carefully crafted process. It was designed in time to ensure that base closures are made in a fair and nonpartisan manner. The process allows for Congress to disapprove the final BRAC recommendations. And while I recognize that disapproving the recommendations is a difficult hurdle to clear, that is our best remaining opportunity to terminate the BRAC process.

The Bradley amendment before us today may be tempting to anybody who has a military installation in or near their district. Those who dodged the bullet fired by the DOD's BRAC recommendations are still at risk of being placed on a closure or realignment list by the Commission. Those who were not so fortunate face a very difficult task in trying to convince the BRAC Commission to remove their bases from the closure and reassignment list.

□ 1730

However, those tempted to support this amendment should know that it does have some problems.

First, the amendment would terminate all that has already occurred and would restart the BRAC process at some undetermined time out in the future. For communities not on the DOD's BRAC list, this amendment would reset the process and put them through years, perhaps, of worry that DOD might change its mind. For communities on DOD's BRAC list, the Bradley amendment may spare them temporarily, but they would face the likelihood and perception that DOD is likely to reach the same closure and realignment conclusions when the round recommenced in the future. Such a stigma would leave those communities in a state of limbo.

Can any of us imagine businesses investing money into a community around a base they almost are sure or know will be closed or realigned, but that lacks a redevelopment plan? For such communities, the sooner BRAC is complete, the sooner they will be able to redevelop and attract new businesses and commerce.

Secondly, the Bradley amendment would postpone BRAC until some unknown period in the future. According to the amendment, BRAC would restart 1 year after a number of items are completed, including the quadrennial defense review and the withdrawal of substantially all major combat units and assets from Iraq.

Not only would this rolling delay leave all of our communities without any clarity when the next BRAC round will occur, but it means the next BRAC round could occur during an election year. We tried to get away from that because of the partisanship of it. Those that built the 2005 round of BRAC timed it carefully to ensure that Presidential politics or even congressional politics for that matter do not drive the process. So the timing would be a problem, perhaps.

On a final note, the Bradley amendment is effectively dead on arrival, unfortunately. The administration threatened to veto the bill 2 years ago, and I am sure that threat will come about again. I do not think the Senate is in a mood to change its mind, although that may have changed because of the recommendations that were made.

Mr. Chairman, I have the greatest respect for my colleagues from New Hampshire and Connecticut and those who are very interested in this. They have the best of intentions. But with reluctance, I cannot support the amendment, and I encourage a ''no'' vote on it.

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

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

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding because he mentioned our great colleague, the gentleman from New Hampshire (Mr. BRADLEY); and I know this is a matter of heartfelt importance to him and to his constituents, and to the gentleman from Connecticut (Mr. SIMMONS) and to all the Members who have bases in their districts that have been targeted.

I have had bases removed from our defense complex in San Diego. I know what it means and how difficult it is, and I can just say that those constituents have had no finer representation than the people who are fighting for them right now. I understand this is a very difficult process. It is a tough one.

We do have another, through this summer, the opportunity for communities to make their case with their congressional leadership to the base closing commission, which reports on September 5; and that is the course that all Members will have to take.

It is a tough, tough call. I join with my friend from Colorado in his analysis of this particular situation. I think the horse is out of the stable at this point, and we need to move ahead with the process; but I want to thank everyone who is involved in this debate.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I rise in support of the amendment, and I thank my friend, the gentleman from New Hampshire (Mr. BRADLEY), for his leadership on this important undertaking.

In simplest terms, this amendment simply delays the process of realigning and closing bases across our country until certain events take place and certain reports are submitted to Congress by the Department of Defense. And there are several important reasons why this should take place.

First and foremost, Mr. Chairman, we are at war. We are at war. We have troops abroad fighting in Iraq and Afghanistan. We should focus all of our energy on supporting these troops in the field. We should not be distracted with the complicated burden of realigning our whole military base structure here at home.

In October of 2003, I went to Iraq and learned that our troops were desperately in need of armor on their vehicles. One month later, the Secretary of the Army wrote to me and said getting armor into the field was a ''top priority.'' A top priority, and yet today there are tens of thousands of vehicles in theater that are still not armored. We should be spending our time, Mr. Chairman, and our money on this life-threatening problem and not wasting time and energy and resources on realigning and closing bases.

Second, the strategic environment in which we are trying to operate is changing. The threats from North Korea, from China, from Iran are rising while we are still engaged in Iraq and Afghanistan. How do we know what the future basing requirements will be? We do not. We do not. The quadrennial defense review, the last one we did, is September 2001. The next one due is later this year. The quadrennial defense review will answer the questions that we need answered before we can decide what our basing needs are going to be.

Thirdly, closing bases costs billions of dollars. Not millions of dollars, billions of dollars. The Department of Defense cannot close or dispose of a property until it is properly cleaned up, but the investment of these cleanup dollars takes dollars away from our troops. That is wrong.

Fourth, I hope that our troops overseas will not be there forever. I look forward to when they come home. But when will they come home? Who knows? Where will they go when they come home? Who knows? As for the Guard and the Reserve, we do know that many of them will no longer have a Guard or a Reserve center when they get back.

For example, in my State of Connecticut, where I served for many years as a Reserve officer, they are recommending closing three Reserve centers and realigning the Air Guard's A–10s out of Bradley Field. Why is this good for morale of returning troops? It is not. Why does this help build the force and contribute to readiness of those Guard and Reserve forces still in this country? It does not.

I know from my own service as a member of the U.S. Army Reserve that the location of the drill center contributes to reenlistment and readiness. This is why we need to slow this process down and take a closer look.

Fifth, I represent the Naval Submarine Base New London located in Groton, Connecticut, the submarine capital of the world. Working with our friends around the country, we design, develop, build, maintain, base and deploy the best submarines in the world. The synergy between those who design and build submarines and those who drive them is critical to our national security.

One of the BRAC principles requires ''access to logistical and industrial infrastructure capabilities optimally integrated into a skilled and cost-efficient industrial base.'' This synergy is just what we have between this submarine base and Electric Boat, which designs and builds these submarines. Yet the Department of Defense is violating its own principles for BRAC in making a recommendation to close the base.

Close the submarine base in Groton is kind of like taking cars out of Detroit. Decisions of this magnitude require time and study, and yet the Department of Defense has delayed release of vital data in support of their decision, making it impossible for us, the defense communities, to respond to these decisions in a timely manner. I still do not have the data that was used in their decisions, and yet the BRAC committee will be going up to Groton New London on the 31st of this month. We need additional time, Mr. Chairman, to make reasonable judgments.

We, as Members of Congress, have the responsibility under article 1, section 8 to provide for the common defense. Let us accept these responsibilities. Let us support the Bradley amendment.

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

Mr. Chairman, I too want to join in commending the gentleman from New Hampshire (Mr. BRADLEY) for his zealous advocacy on behalf of our men and women in uniform and on behalf of the national defense of this country. We have served together on the Committee on Armed Services, and he is a great, great member.

One of the problems that we have with base closure is we are not talking about bad bases. We are not talking about bases that are not achieving good things on behalf of America. We are not talking about bad workers that are somehow not cutting it. We are talking about wonderful people working at great and historic places that have been a vital part of the national security of our country. The problem is, the world has changed and our military must be leaner and smarter and save money to prepare for the future.

During the Committee on Armed Services markup, we had two different amendments on BRAC, one to eliminate it and one to delay it. The vote on the amendment to eliminate it was eight people for it and 50 against in the Committee on Armed Services. On the one to delay it, there were 10 votes in support of it and 47 against. Also, the chairman, the gentleman from California (Mr. HUNTER), and the ranking member, the gentleman from Missouri (Mr. SKELTON), are in opposition to this amendment, as they were during the committee markup.

Now, why is that? The issue that we have here is this is not a good process to go through, and the gentleman from Connecticut and New Hampshire make good points about wanting additional information and would like to have additional time. The problem is, we cannot take a time out. The United States cannot declare and say, Time out. We need a couple, 3 or 4 years to go through finding the most efficient way of delivering our national security. The world does not work that way. There will never be a good time to do something like this.

As the gentleman from Colorado (Mr. HEFLEY) pointed out, we have already had a considerable amount of effort put into coming up with the process thus far. That money will be wasted if we were to delay this further.

I think it also bears repeating, in reflection on the fact that the supporters of base closure have been bipartisan, both the Clinton administration and the second Bush administration have been in support of another round of base closures. When we look at the numbers of former Secretaries of Defense and former chairmen of the joint chiefs, they have been in support of another round of base closures.

And it is not just closure; it is realignment. It is shifting things around to modernize the military and to prepare for the efficiencies of the future. If we delay 1 year or 2 years or 3 years, it delays the savings that can come from a realignment and closure. Obviously, the American people expect us as lawmakers to administer government efficiently.

Probably the biggest concern I have, as someone who also has facilities in my district and in our State, we know the turmoil that communities go through. This will prolong that turmoil were we to adopt this amendment and delay it. So I strongly recommend a vote against this amendment. Let the process proceed in a very fair manner over the next 4 or 5 months.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, it is with great pleasure that I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I thank the gentleman from New Hampshire for yielding me this time, and I appreciate his efforts on this important issue.

Mr. Chairman, I rise today in strong support of the Bradley amendment to delay the 2005 round of base closings and realignment because of questions involving these decisions, the timing, and also the way it is affecting my State.

The BRAC recommendations released by the Secretary of Defense include the removal of eight C–130 aircraft from the 130th Airlift Wing in Charleston, West Virginia. That means taking all the aircraft out. Do you have an air base without aircraft? I do not believe so. This removal will cost hundreds of jobs in the Kanawha Valley. The loss of the C–130s will strip the 130th of its primary mission, and it will hurt the West Virginia National Guard that responds to natural disasters in our State quite frequently and also inhibits their important mission in training and readiness.

The 130th Airlift Wing has a long reputation as one of the Nation's elite National Guard units. They have served in the first Gulf War, Kosovo, Afghanistan, and are currently in Iraq. They have demonstrated a commitment to service and sacrifice made by thousands of West Virginians and their families.

Despite adding four new units, the 130th is at 104 percent strength. The unit has a retention rate of nearly 97 percent, fifth best in the Nation. The National Guard Association has consistently ranked the 130th as one of the best units in the country. These are not the rankings of a unit that should be realigned.

The Bradley amendment to delay BRAC is the correct approach because the additional time will allow the Department of Defense and the BRAC Commission to gather accurate information about the bases they are closing and realigning.

□ 1745

In West Virginia's case, the Department of Defense makes the incorrect assertion that Yeager Airport is only large enough for eight C–130s, when it can already accommodate 14 C–130s, and they are making accommodations to accommodate up to 26 C–130s.

I ask my colleagues to join me in supporting the Bradley amendment to allow a comprehensive look at our defense needs prior to the closing of these important facilities.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Chairman, I rise in support of the Bradley-Herseth-Simmons-Allen amendment to postpone the base closure process. Why are we closing military installations when we are at war? Why are we building new bases in Iraq while closing them in America? Will our troops in Iraq and Afghanistan have the right facilities to come home to?

These are the questions my constituents are asking. I do not have good answers, but neither does the Pentagon. This BRAC was formulated in 2001 before September 11 and before our occupation of two countries. The world has changed, but the process has not.

The Pentagon says it wants to bring home 70,000 troops, but the Overseas Basing Commission has found that the massive realignment of forces requires that the pace of events be slowed and reordered.

This validates our concern that this BRAC is the wrong process at the wrong time. If we do not do this right, our Nation risks losing key assets that can never be reconstituted, like the nuclear shipyard in Kittery, Maine. We jeopardize our security if we close infrastructure before we first come to consensus on an overall defense and homeland security strategy.

Our amendment puts the horse where it belongs, before the cart. It requires implementation of the Overseas Basing Initiative, the Quadrennial Defense Review, the National Maritime Security Strategy and the Homeland Defense and Civil Support Strategy before BRAC takes effect.

It is the right process, and I urge my colleagues to vote ''yes'' on the Bradley amendment.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Some Members wonder why I would support this amendment, considering the fact that I am the most fiscally conservative Member of Congress and vote for the least amount of spending. But I think this amendment is a good amendment, and I think the closing of these bases represents bad policy. I do not have a base in my district that is being threatened to be closed.

Let me tell Members why I think this is a mistake. First, I think the process is very poor. I think we are ducking our responsibility. To turn this responsibility over to a commission and duck the responsibility of facing up to making tough decisions, I think, is something we do too often. Too often in the Congress, we do things we should not be doing, and we forget to assume the responsibilities we have. In this case, I think we are not assuming the responsibility to face up to making this tough decision.

It is claimed we will save $5 billion a year on base closings. We spend $5 billion a month in Iraq. We are spending nearly a billion dollars in building an embassy in Iraq. We are going to build four bases in Iraq that are going to be permanent, costing tens of billions of dollars. I think we have our priorities all messed up.

I think that it makes a lot more sense to keep a submarine base in Connecticut and keep a deep seaport in Ingleside, Texas, than it does to be closing these down and at the same time building bases up around the world.

I think the savings issue is a red herring. Between 1995 and 2001, the last base closing, $6.5 billion was spent, and $6.1 billion was saved. So we are spending more money than we are saving in closing down these bases.

I have a quote here I want to read; it comes from a think tank, one of the defense policy think tanks. This to me is important. ''The big story here is not going to be saving money; the big story is going to be preparing the force for future threats by moving it to more logical locations.'' In other words, defending our borders, protecting our homeland, worry about defending this country is less important than spreading our troops and protecting the empire and expanding the empire and exposing us to greater danger.

This is an issue of policy. This is an issue of process, and this is a red herring when you think you are saving money. We are not going to be saving money in this process. We are just going to be giving an excuse to build bases around the world.

This is the time that we ought to reassess our policies and how we spend our money. This is why a 1-year delay is a perfect time to take time, stand back and figure out when we are going to get our troops home, when are we going to have a defense policy that defends this country and our borders rather than spreading ourselves so thinly around the world and building huge bases in foreign lands.

That, to me, is the real issue. I hope we take deep consideration and support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, if you were to travel to North Carolina today, you would find the Navy out trying to buy 35,000 acres of land. Once they buy it, they have to get the environmental permits. Once they do that, they are going to bulldoze the woods and build a runway. After they build a runway, they build a firehouse. After they build a firehouse, they build the enlisted barracks. After that, they build the married housing. After that, they will have to have mess halls, a clinic, golf course, tennis courts, swimming pools, all of the things that people in uniform deserve.

They had all of those things. It is called Cecil Field. They had three 8,000-foot runways and a 10,000-foot runway. It had world-class dining facilities, world-class barracks and world-class family housing. It was already paid for by the American taxpayer, and they shut it down in a previous round of BRAC.

If Members need one word, or two words, to tell you why we do not need another round of BRAC, it is Cecil Field.

Right now, the Navy has to have a place to put their F–18E and Fs when they come off the carriers. Cecil Field would have been the perfect place, but no, because it was closed and the property was given away. And before we gave it away, we had to clean it up environmentally at no telling how many billions of dollars.

So before we closed it and gave it away, just to replace it by building it someplace else, maybe we should not make that mistake again. Maybe the people who are given the constitutional responsibility to provide for the common defense, who every 2 years go out and beg for this job, which entails the constitutional responsibility to provide for the common defense, maybe we

ought to make that call and maybe we should not rush into more bad judgments like Cecil Field.

Last year, this House by over a 100-vote margin passed the 2-year delay to BRAC. Now we have even more troops coming home from Korea and Iraq. We have agreed finally to grow the Army and the Marine Corps. Where are we going to put these folks if we are closing bases? And how many more mistakes like Cecil Field are we going to rush into just for the sake of doing something, even if it is wrong?

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. SNYDER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Chairman, I thank the gentleman for offering this amendment, and I rise in support of it.

We could go through a list of all of the problems that will be created, but let me just paint a picture here. At Fort Monmouth in New Jersey, there are really the best people in the world, mostly civilians, engineers, scientists, procurement specialists, providing communications, surveillance, tracking friendly forces and unfriendly forces, providing equipment, services, software that men and women in the field in Iraq and Afghanistan need and use every day. Thousands of jobs will be sent elsewhere.

Now picture this: A commander in Iraq places an emergency call back to the U.S. The insurgents have changed the electronics in the roadside bombs, the IED devices, and they need new electronics to detect and disarm them. The reply, ''I am sorry, that guy does not work here anymore. We are in the middle of realignment and we have not hired his replacement yet.''

Repeated 5,000 times, ''That guy does not work here anymore,'' that is what is at stake here. The gentleman from Arkansas says there is never a good time, there are no bad bases; this is a terrible time.

I can talk about the economic impact of moving jobs away from Fort Monmouth or to some other place. That is not the point. There are soldiers in the field. We are to look after their safety and effectiveness. The Secretary of the Army himself said before the BRAC Commission this past week that they have concerns whether those civilians, those experts with security clearance, with advanced degrees, with specialties, will make the move. How many years of reduced capability can we tolerate while we have men and women in the field?

This is a terrible time to proceed. Let us admit that we have gotten off on the wrong track, slow it down and look after the interests of the people in the field.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield the gentleman from New Mexico (Mr. UDALL) 2 minutes.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, first of all, I thank the gentleman from New Hampshire (Mr. BRADLEY) for his hard work on this important issue and support the amendment today.

This amendment simply postpones the implementation of the Pentagon's BRAC recommendations until we have a more thorough inventory of our military assets and priorities. This is entirely appropriate and necessary, considering the number of operations our Armed Forces are currently engaged in around the world.

As we have heard, we are at war. I have great concern about the Pentagon's ability to adequately assess our needs and assets while there are so many soldiers abroad and while the Pentagon awaits recommendations and reviews pertaining to almost all of its branches of service.

My concern about the Pentagon's ability to adequately assess their needs is further heightened by their recommendation to close Cannon Air Force Base. This recommendation demonstrates to me that they have failed to adequately collect and interpret the facts. Cannon Air Force Base is the home of the 27th Fighter Wing and offers the Air Force and its pilots unrestricted air space and bombing ranges in which to train just off the runways. This is a rarity in today's Air Force as more and more bases experience increasing encroachment. Cannon has zero encroachment.

In addition, the Pentagon did not take into account the New Mexico Training Initiative, which is expected to be approved soon. This initiative would make Cannon's air space wider and taller and allow for training at supersonic speeds, another rarity today.

If we lose this air space, we lose it forever. I urge my colleagues to support the Bradley-Herseth amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Chairman, I rise in strong support of the Bradley amendment. I do not believe that the Department of Defense's BRAC recommendations were based on facts and future threats, and I believe this amendment is critical to ensuring that we understand the security environment in which we are making BRAC decisions.

The Department of Defense's recommendations continue an irrational and dangerous assault on New England that would leave it as an undefended region of our Nation.

□ 1800

The proposals would close the best performing shipyard in the country, Portsmouth Naval Shipyard, a facility that actually saves the Navy money by completing its work ahead of schedule and under budget. They would realign Brunswick Naval Air Station, the last active military airfield in the Northeast, despite being described as critical to our national security by the Department of Defense. And they would close one of the most cost-efficient and innovative facilities in the Defense Finance and Accounting Service system located in Limestone, Maine.

Worst of all, the BRAC Commission and the affected communities do not even have the detailed information used by the Department of Defense to formulate their proposal. The delay by DOD in releasing the data to the BRAC Commission and local communities is an outrage. It calls into question the credibility of the process. And from reviewing the limited information that DOD has submitted, it turns out that some of the data used by DOD is actually inaccurate. BRAC is not an experiment for testing theories. Once we lose these assets, we cannot bring them back.

Mr. Chairman, our national security is at stake. We must move cautiously when we use these facts to justify our actions, and we must allow the critical actions outlined in this amendment to take place to make sure we understand our future threats before we close any of our key military assets.

I urge my colleagues to support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. SNYDER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

The CHAIRMAN. The gentleman from New Jersey is recognized for 2 minutes.

Mr. PALLONE. Mr. Chairman, let me say that I very much support the Bradley amendment. At a time when American troops are dying on a daily basis in Iraq, we simply cannot afford to disrupt the military framework that our soldiers rely on every day to help them in their mission and to keep them alive.

I want to say last week I listened to the BRAC hearings and I saw the commissioners ask many questions related to the fact that our military are now in combat. The Pentagon could not answer many of the more important questions that were asked by the BRAC commissioners. This was not the case in previous BRAC rounds. I have been here since 1988, and I have now been through three or four BRAC rounds. The fact of the matter is there were many unanswered questions regarding the future of our military, and it is simply not the right time to be shutting down military facilities here at home. If you listened to the BRAC last week and you listened to the questions, you could see why in fact the Bradley amendment makes sense.

I want to mention one thing about my base, Fort Monmouth, that was

mentioned already by the gentleman from New Jersey (Mr. HOLT). What many people do not realize, and I will use Fort Monmouth but it could be any base, in the case of Fort Monmouth, though, we have people on a daily basis, soldiers in the field and their commanders that will call back and ask for a particular type of communications or electronic equipment that may have to be altered in a matter of days or a number of weeks in order to be able to be prepared for combat, to defend the soldier in the field, to make sure that they are not wounded, to make sure that they are adequately prepared for combat.

Imagine a situation where in the course of the next 2 or 3 years, that research and development, that operation, that communication, electronics function, is transferred to another location and all that science and all that engineering background is lost. It would be very, very difficult to operate and make sure that that soldier in the field is properly equipped and is able to deal with that particular situation that he or she may face on a daily or weekly basis. That is why it does not make sense to do this in time of war.

Support the Bradley amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 1 minute to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I would like to associate myself with the many sage comments of supporters of this amendment. The gentleman from Colorado has opined that the BRAC Commission would reach the same conclusion if we were to grant this extension. I really question that. Since we are at war, we have engaged in two wars since the BRAC Commission was last considering these bases, we have had many humanitarian requests for assistance. Our men and women in uniform have been stretched thin all across this country and throughout the world.

Mr. Chairman, I would ask that we support the Bradley amendment because I believe that a comprehensive examination of our future defense needs, our potential threats, have not been adequately reviewed.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman from Colorado for yielding me this time. I thank the gentlemen from New Hampshire and Connecticut for their leadership on this issue.

The Base Realignment and Closure Commission is starting its visit to America's bases today and many of our communities do not have the data or the analysis to be able to explain where they are wrong. That is not fair. We are expanding the Army and the Marine Corps by 39,000 troops over the next 3 years and bringing back 70,000 troops and their families from overseas. We are fighting a war 6,000 miles from home and about to go through a quadrennial defense review to restructure our forces and changing around the organization of the entire United States Army. BRAC was a bad idea when we started it, and it is an even worse idea today.

I encourage my colleagues to vote in favor of the amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from New Hampshire for yielding me the time and for his leadership here. I thank all of those who are participating in this evening's debate.

Mr. Chairman, I rise today to speak in strong support of the Bradley/Simmons/Herseth/Allen amendment to postpone the base realignment and closure. This amendment will force the Department of Defense to postpone BRAC for 1 year until more information is out there. I believe it is imperative to have a real discussion of this issue before the closures begin.

The amendment would postpone the BRAC recommendations until 1 year after the last of the following actions occurs: the recommendations of the Commission to Review of Overseas Military Facility Structure are implemented by the Secretary of Defense; a substantial number of American troops return from Iraq as determined by the Secretary of Defense; the House and Senate Armed Services Committees receive the quadrennial defense review; the national maritime security strategy is implemented; and the homeland defense and civil support directive is implemented.

While I do not have any bases in my district, I recognize the devastation too many of my colleagues' districts who have bases will incur by the closure of those bases. In today's environment of job loss all around the country, many of these towns that depend on the military bases for their livelihoods will be simply devastated if these bases were to close. Before the Department of Defense closes bases, they need to keep in mind what the closure will do to the communities that have been supportive of our military for many, many years. I urge all of my colleagues to support this amendment to make sure we have all the facts before us before this process moves any further forward.

Mr. SNYDER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I want to thank the gentleman from Arkansas for yielding me this time.

Mr. Chairman, I rise in strong support of the Bradley amendment because my hometown, Cleveland, is losing 1,100 jobs. The Defense Finance and Accounting Service, DFAS, which is the fourth largest employer in Cleveland, is shifting these jobs to DFAS facilities in Columbus; Denver, Colorado; and Indianapolis. The NASA Glenn Research Center will also lose 50 civilian military research jobs as a part of BRAC. The Army research laboratory at Glenn is losing the vehicle technology directorate. And, finally, the Navy Corps Reserve Center in Cleveland will close and lose 25 jobs.

The Secretary of Defense is required to consider the economic impact on existing communities in the vicinity of military installations. In this case, the Department of Defense erroneously states that a 0.1 percent job loss in the Cleveland metropolitan statistical area has minimal economic impact. However, the Department of Defense failed to take into account the current economic position of the Cleveland area.

Cleveland has been labeled as the poorest city in the country today. Its poverty rate of 31.3 percent is the highest in the Nation, according to the most recent Census Bureau data from 2003. Cleveland's number one ranking in poverty rate results from the significant job losses in the steel and manufacturing industries over the past several decades.

These job losses continue. For example, the current 2006 budget recently passed by Congress would slash up to 700 high-paying Federal jobs at the NASA Glenn Research Center. The economy around Cleveland is stagnating. It is inconceivable that the Department of Defense thinks that 1,100 more job losses will not have a major impact on the city of Cleveland.

If the process used to cut these jobs is flawed, I have no choice but to vote for a fix to disable the BRAC process.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support of the Bradley amendment that would postpone the BRAC recommendations until 1 year after several important actions by the Department of Defense occur, including the recommendations of the Review of Overseas Military Facility Structure are implemented by the Secretary of Defense and the Armed Services Committees receive the quadrennial defense review. These are important and very telling studies that have not yet been completed that will give us in Congress a much clearer picture of our military's future landscape and needs.

For example, Mr. Chairman, I just returned a few moments ago from my district where I had the pleasure of meeting one of the nine BRAC commissioners as he toured Naval Air Station Atlanta in my district. While we were there, a comment was made that the commander of the facility would like to have rolled out the 40-plus planes, Humvees, and Cobra helicopters on the tarmac for review, but they are all deployed in the war on terror. Mr. Chairman, the DOD has recommended that these assets be realigned elsewhere. Yet I am concerned that proper due

diligence has not been paid to consider the overall force structure needs of the military, the very purpose of the QDR that will not be completed for months.

If BRAC is to occur, I believe that it can be carried out in a much more effective manner once we have a better idea about what the future holds.

Mr. SNYDER. Mr. Chairman, I yield 1 minute to the gentlewoman from South Dakota (Ms. HERSETH) who is one of the cosponsors of the gentleman from New Hampshire's amendment.

Ms. HERSETH. I thank the gentleman for yielding me this time.

Mr. Chairman, I would just like to echo the comments made by the gentleman from Texas (Mr. PAUL) a little bit ago. It has been about a year since I came to Congress to represent South Dakota. This is one of those instances in which we do have time to do the right thing. We can take a step back and take a breath and realize that the train has not left the station and the growing frustration of Members of this body as you can see from the testimony offered today is about whether or not we have complete information for us to make wise and prudent decisions and for the commission to make wise and prudent decisions. And we can learn from the lessons of what is happening with our overseas Base Realignment and Closure Commission when they released major conclusions and recommendations on May 9, only 4 days before the BRAC list was released.

According to that report ''the detailed synchronization required by so massive a realignment of forces requires that the pace of events be slowed and reordered. That is precisely what the Bradley amendment is requesting to do, an action this body has taken before.

Again, I encourage my colleagues to vote ''yes'' on the Bradley amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY. I thank the gentleman from Colorado for yielding me this time and appreciate this opportunity, Mr. Chairman.

I want to speak against the Bradley amendment. Many of my colleagues have stood at these microphones this afternoon and said it is our responsibility as Members of this House to perform this function. I would respectfully disagree with that. No one member of this committee could speak or vote to close a facility in their district.

□ 1815

I represent a community that has a base that was not on the list, and the euphoria of that day would be lost if we have to put that community back through this process over again.

All of the communities affected have an opportunity to present their best foot forward through the BRAC Commission's visits. The gentleman from Georgia has already said he met with one of the members of the BRAC Commission on that base that was affected today. That process will go on. Those communities will be able to demonstrate to the Commission that the criteria were improperly applied to their bases and present their case for keeping those open.

So I respectfully disagree with the Members who have spoken in favor of the amendment and ask my colleagues to vote against the Bradley amendment.

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

It will not be much time because we are coming to the end of this. I just want to say this. I think we have heard some excellent debate here this afternoon, and the arguments have been very good, mostly in favor of the Bradley amendment and very positive. And if I thought it was possible for us to get from here to there in a reasonable manner, as those who serve on the Committee on Armed Services with me know, I would be very sympathetic with the Bradley amendment.

The gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Mississippi (Mr. TAYLOR) particularly serve on the Committee on Armed Services. I serve with these gentlemen on the Committee on Armed Services. They are fine, decent, hard-working, thoughtful members of the committee that are valued by, I think, all of their colleagues on that committee.

And I got to thinking about this as we have approached this day, if anyone could have kept those bases of theirs off the list, they would have been able to do it because they have that kind of respect. But the gentleman from Texas made the point that the way the BRAC situation is set up is to take us out of that formula at this stage and to let the Department of Defense and then the Commission do their work. Once the Commission gets started, we can get back into it and do whatever we can do to do that, but it was designed to take politics out of it.

So the people who try to make a political issue out of someone's base closing, I think, are making a very bad mistake and are fooling the American public.

And we see this from both sides going on, rushing to say, oh, my gosh, if someone else had been there. No, that is not the case. This should not be a political issue; this should be a national defense issue. It should be evaluated based upon the need to defend this country. And we will have disagreements about what is needed and what is not needed, but that is what it should be based on. It should not be political.

I commend these gentlemen and all those who have spoken. They did an excellent job.

But I encourage people, reluctantly, not to support the Bradley amendment.

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

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

I will be brief here. I once again want to commend the gentleman from New Hampshire (Mr. BRADLEY) for the work he does on behalf of our country and on national security. He is a great member of the committee.

I would like to restate two points. First of all, there is never a good time to do a round of base closure. The United States cannot say, let us take a break here for a few years, let us just stop having conflict, let us let the tension go away so we can all work this out on our time schedule.

It is not going to work that way. The world has never worked that way. There is never a good time. This is the time, and the process needs to move forward.

For those Members who are watching in their offices and who follow the committee process, the Committee on Armed Services dealt last week with two different amendments to either eliminate or delay the BRAC process, and the vote on one was 8 in support, 50 against. The other one was 10 in support and 47 against.

The committee now recognizes, as has been the gentleman from Colorado's (Mr. HEFLEY) metaphor, The horse is out of the barn, and the opposition to this amendment includes the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), the ranking member.

With that, I recommend a ''no'' vote on the gentleman from New Hampshire's (Mr. BRADLEY) amendment.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to commend my colleague from Arkansas and my colleague from Colorado for the very courteous way in which they have conducted this debate, allowing those of us who did not have adequate time to speak to be able to do so tonight.

Mr. Chairman, I believe that we must be very cautious before reducing our Nation's industrial base capability and base capacity. Many of the 33 bases are irreplaceable national security assets. For instance, the nuclear license facility in my area, the Portsmouth Naval Shipyard, it will never be recreated again if closed. The Portsmouth Naval Shipyard has served our Nation well for 200 years and saves taxpayers millions and millions of hard-earned dollars while returning our Nation's nuclear submarines to the water ahead of schedule.

Mr. Chairman, we all know that our Nation is fighting a war on terror. It began on a fateful morning in September 3½ years ago. Let us be careful before we close irreplaceable national security assets that we will not have the ability to recreate without either huge expense or local opposition.

This amendment appropriately delays that process, enables our Nation

to study that process so that we can best defend ourselves from the threats to our national security.

I urge my colleagues to vote for the Bradley amendment.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in strong support of the Bradley amendment to H.R. 1815 to postpone the 2005 Base Realignment and Closure (BRAC) recommendations until Congress receives critical reports from the Overseas Basing Commission and the 2005 Quadrennial Defense Review.

Quite simply, this is the wrong process at the wrong time. Even as 100,000 of our men and women are in uniform are serving overseas in the Middle East and our armed services continue to miss their recruiting goals, this Administration has rushed forward with a plan that closes 33 major bases across the country. We should not be closing and consolidating bases and infrastructure here in the states now, when in another 2 years we may be bringing a significant amount of troops and equipment back from Europe and other forward deployed locations and we would have to spend more money again to reopen or recreate space for them.

Since the Pentagon released their recommendations on May 13, the BRAC commission has moved swiftly forward with its job. Yet even as BRAC begins to hold regional hearings and site visits as early as next week, the Pentagon has yet to release the detailed and facility specific information that was used to formulate their recommendations.

The BRAC process has the potential to drastically impact communities surrounding facilities slated for closure or realignment, and it is vital that this process be as open and opaque as possible. However, if the department continues to delay the release of this information, these same communities will be unable to asses or challenge the Pentagon's recommendations in the limited time they have remaining.

Anyone familiar with the 103rd Fighter Wing at Bradley, the Sub base in New London, and the assets both bring to our national defense are at a loss to explain these recommendations. The 103rd calls home an international airport with the capability and resources to host a range of aircraft, large and small—including Air Force One. Yet, the Pentagon apparently deemed Bradley unable to retain their current aircraft or take on more. In New London, one finds incredible and dynamic synergy between the base, the Sub School and an industrial base capable of manufacturing and repairing today's most advanced vessels. Yet, the birthplace of the modem submarine service was unable to garner enough military value points in the Pentagon's review to stay off the BRAC list.

Were other options explored? How did each score in critical evaluation areas? Did the Pentagon accurately asses both bases and their capabilities? Will leaving the state, like several others, without a flying unit affect recruiting and retention for the Air National Guard? These are all questions that hold the key to the future of the ''Flying Yankees'' and the Sub base—questions that cannot be answered until the Pentagon levels with us and countless other bases around the country facing the same delay.

I sincerely hope that there is no agenda behind this delay. But the clock is ticking and deadlines are fast approaching. Next week, four commissioners will visit the New London Submarine base without ever seeing the facility specific data that led to its recommended closure. And, in little over a month, Connecticut will have the opportunity to present its rebuttal to the recommendations to the commission. The submariners, airmen and communities affected deserve the most thorough and extensive review possible because once these recommendations are implemented, they can never be undone.

There is no doubt that Connecticut was hit hard by BRAC, but this is not a political or parochial issue. This is an issue of ensuring the best possible defense of our Nation, and the best possible resources for our men and women in uniform. But neither this Congress, nor the BRAC Commissioners, can make a judicious and thoughtful review of these recommendations with the lack of data and shortened timeframe we now face.

In 2002 I voted in the Armed Services Committee to repeal the BRAC process outright, and again in 2003 to postpone it for 2 more years, because I have felt all along that the process had serious flaws. However, there is still time to put on the brakes before we reach the point of no return. That time is now. I urge my colleagues to support this amendment.

Mrs. JONES of Ohio. Mr. Chairman, I thank my colleagues on both sides of the isle for their leadership on this issue and I rise in support of the Bradley/Simmons/Herseth/Allen amendment to the National Defense Authorization Bill.

Mr. Chairman, why are we proposing base closures during a time of war? This BRAC round should be delayed until the recommendations of the Review of Overseas Military Facility Structure are implemented by the Secretary of Defense, a substantial number of American troops return from Iraq, the House and Senate Armed Services Committees receive the quadrennial defense review, the National Maritime Security Strategy is implemented, and the Homeland Defense and Civil Support directive is implemented. It is important that these issues be addressed before implementing the BRAC process because once a base is closed, it can never be reopened.

In the 11th Congressional District and in Northeast Ohio, over 1100 jobs will be lost through the BRAC process. These job losses will have a tremendous economic impact on the City of Cleveland, which has been named ''The Most Impoverished City'' in the country. Now is simply not the time for BRAC; in Cleveland or around the country.

Communities affected by the BRAC process are going to be hit with a double whammy—once when the base closes and the military leaves town, then again when the Defense Department leaves an environmental mess behind: unexploded bombs, chemical contamination, and environmental toxins.

I believe we need to address the environmental and redevelopment issues pending from previous rounds before initiating another round of BRAC closings. According to the General Accountability Office, 28 percent of the bases closed in previous BRAC rounds have still not been transferred, which means about 219 square miles of property are sitting unused.

Mr. Chairman, I realize the importance of the BRAC process, however, now is simply not the time for it. I commend my Colleagues STEPHANIE HERSETH and JOHN THUNE for introducing legislation to address this issue. I support this amendment.

Mr. HOLT. Mr. Chairman, I rise today in strong support of the amendment to the Fiscal Year 2006 Defense Authorization bill offered by the gentleman from New Hampshire, Mr. BRADLEY. Like my friend from New Hampshire, I believe that the current BRAC round should be delayed and the process re-evaluated. Let me explain why.

At the BRAC hearing on May 4, BRAC Commission Chairman Anthony Principi and several other Commissioners asked Defense Department witnesses whether they had taken into account the need to house troops returning from Europe and other overseas locations as part of the BRAC evaluation. The Pentagon's witnesses assured the Commission that, yes, the department had indeed factored the returning troops into the equation, and that the proposed BRAC list would reflect those planning assumptions.

The next day—the very next day—Mr. Al Cornella, Chairman of the Overseas Basing Commission, issued a statement in which he said in part:

> Our review leads us to conclude that the timing and synchronization of such a massive realignment of forces... requires that the proposed pace of events for our overseas basing posture be slowed and re-ordered. Such a step is of paramount importance in addressing quality of life issues for 70,000 returning American military personnel plus their families. Schools, health care and housing need to be in place at domestic receiving bases on the first day troops and their families arrive home.

Mr. Cornella went on to note that ''The interagency process has not been fully used in the development of the Department's plan'' and that ''The Commission notes there has been almost no public discussion of this multi-billion dollar process that affects the security of every American.''

In other words, DoD had failed to truly factor in the return of American forces from overseas into the BRAC equation . . . and the Overseas Basing Commission isn't the only independent body to question the Pentagon's BRAC criteria.

On May 3, the Government Accountability Office issued a report on the methodology used by the Pentagon in the BRAC process that states the Defense Department ''did not fully consider the impact of force structure changes underway and the planned restationing of thousands of forces from overseas bases.''

Mr. Chairman, we know the day is coming—and I pray that it's sooner rather than later—that those serving in Iraq and Afghanistan will be coming home. The Overseas Basing Commission and GAO are warning DoD and the Congress that we must ensure that any changes in our domestic basing structure do not leave these troops and their families with no place to call home. That's reason enough to delay the current BRAC round, but there are others.

The Defense Department will not submit its report on the Quadrennial Defense Review—the QDR, as it's known, is the Department's method of examining of America's defense needs from 1997 to 2015—until at least the first quarter of 2006, after the current BRAC round has run its course. Several BRAC Commissioners have questioned the wisdom of

proceeding with the current BRAC round before the QDR report has been delivered to Congress. I would argue, as others have, that this is another example of putting the proverbial cart before the horse. How can DoD restructure its forces for the future—including its domestic and overseas bases—when its primary blueprint for the future is still a work in progress?

For my part, I've also discovered a BRAC-related planning issue that the Pentagon does not appear to have addressed. Nowhere in the hundreds of pages of BRAC reports that DoD has thus far made public will you find a single reference to the difficulty in getting properly qualified scientists and engineers the security clearances they need in a timely fashion.

Why is this important? At the May 18 BRAC hearing on the Army's portion of the proposed BRAC list, Army Secretary Francis Harvey said, ''I won't sit here and tell you that we expect all the people from Fort Monmouth to move to Aberdeen Proving Ground . . . I won't sit here and tell you that that's not a concern.'' Mr. Speaker, the bottom line is that the vast majority of the skilled scientists and engineers who have current security clearances won't move to Aberdeen Proving Ground or anywhere else. Their lives, their families, their research centers are all in New Jersey—and we can say the same thing about any other community with a military installation that employs a large number of skilled civilian specialists with security clearances anywhere in the country.

Every day at Ft. Monmouth, the talented engineers, scientists and technicians—working in secrecy—are providing the latest intelligence and communications technologies to our troops in the field, including the roadside bomb jammers that have become so very important in our struggle against the insurgents in Iraq. If we allow the Pentagon to play the BRAC equivalent of musical chairs with our critical research and development assets in wartime, we will lose thousands of skilled, trained, and cleared intelligence and communications specialists that we will not be able to replace for years. That's an unacceptable risk in wartime, Mr. Speaker, and for that reason and the other, strategic reasons cited by the Overseas Basing Commission and GAO, we need to terminate the current BRAC round. Let's restructure our military for the 21st century, but let's do it right, and minimize the risk to our warfighters in Iraq and Afghanistan. Again, I urge adoption of the Bradley amendment.

Mr. DELAHUNT. Mr. Chairman, I rise today in support of the amendment.

Since the BRAC list was announced, many of my constituents have been asking the same question. Did the Pentagon, did the White House, take into account the homeland security implications of closing military bases?

The honest answer is that it doesn't appear so. In fact, it doesn't appear that anyone is obligated to consider the homeland security implications of these base closings.

On September 11, 2001, fighter jets from the 102nd Fighter Wing of the Otis Air Force Base on Cape Cod, Massachusetts, were the first military presence to arrive on the scene in New York City.

Just last week, the Air Wing escorted an Al Italia flight to Bangor, Maine, after it was discovered that a passenger on board was on the no-fly list.

Yet, Otis is slated for closure on the BRAC list.

It takes nine minutes for the fighters on Cape Cod to reach New York City. Nine minutes because they can take off and land in totally unrestricted air space. The same can't be said of Atlantic City—where some of the planes may be reassigned.

We shouldn't have to ask commercial air traffic to back off so we can scramble our own planes to defend us.

Contrary to the prevailing logic at the Pentagon, national defense and homeland security are not conflicting priorities—they go hand in hand. Many of these bases—like Otis—complement the defense of our homeland.

I urge the adoption of this amendment.

Mr. ORTIZ. Mr. Chairman, I rise in support of the amendment by the gentleman from New Hampshire, Mr. BRADLEY and join him in his concerns about conducting a BRAC right now.

There are a number of concerns that I have about conducting base closures during a time of war, and without the benefit of global forethought.

I have spoken to the need for this Nation to be more focused and more careful about how we proceed.

We are conducting a global war.

We are closing bases overseas.

We are just one year out from our QDR to establish our global strategic footprint.

It is folly to proceed with domestic base closures while we are at war and unclear of our global military presence.

It is akin to replacing a hot engine in a flying plane—we ought not do it.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Bradley amendment. We are a nation at war and now is not the time to be closing American military bases.

In formulating the BRAC list, Secretary Rumsfeld ignored the base-closure criteria that Congress approved. Just yesterday, an Air Force BRAC spokesman admitted that the extensive criterion used to evaluate the strategic military value of each base was not adhered to by the Pentagon. Instead, the Base Closure Executive Group used their ''collective judgment'' to recommend closure for bases that had higher rankings—such as the Niagara Falls Air Reserve Station—than many others which were kept off the list.

This amendment would let the DoD know that a group's ''collective judgment'' is not good enough. Secretary Rumsfeld better have some stronger arguments than ''collective judgment,'' because his proposed BRAC list would cripple Guard and Reserve recruitment and weaken our homeland defense.

By passing this amendment, Congress would recognize that the DoD's base closure recommendations were budget-driven and did not take into account the military's long-term needs. I urge a ''yes'' vote on the Bradley amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

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

Mr. BRADLEY of New Hampshire. 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 Hampshire (Mr. BRADLEY) will be postponed.

It is now in order to consider amendment No. 26 printed in House Report 109–96.

AMENDMENT NO. 26 OFFERED BY MS. WOOLSEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 Offered by Ms. WOOLSEY:

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. 1223. WITHDRAWAL OF UNITED STATES ARMED FORCES FROM IRAQ.

It is the sense of Congress that the President should—

(1) develop a plan as soon as practicable after the date of the enactment of this Act to provide for the withdrawal of United States Armed Forces from Iraq; and

(2) transmit to the congressional defense committees a report that contains the plan described in paragraph (1).

The CHAIRMAN. Pursuant to House Resolution 293, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from California (Mr. HUNTER) each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. WOOLSEY).

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

Mr. Chairman, I thank the members of the Committee on Rules for making this important amendment in order. It has been a long time coming for Congress to discuss this war in Iraq and how we will plan to end the terrible suffering it is causing our troops, their families, and the Iraqi people.

First and foremost, I honor and I support the brave men and women who are serving our country in Iraq, and I believe that the best way to support them is to establish a plan to bring them home.

In just over 2 years of war, more than 1,600 American soldiers and an estimated 25,000 Iraqi civilians have been killed. The number of American wounded, according to the Pentagon, is greater than 12,000, and that does not even count the invisible mental wounds they are bringing home, afflicting tens of thousands of our soldiers.

And, of course, with more than $200 billion on the line, do the Members not think that the American people deserve to know what the President plans to do in Iraq?

I also honor the many voters who risked their lives to ''give Iraq back to the Iraqi people.'' But our continued presence in Iraq after the election has caused America to be seen by the Iraqi people as an occupying power, not as a liberating force. Our continued presence in Iraq works against efforts for democracy, provides a rallying point for angry insurgents, and ultimately makes the United States less safe.

My amendment expresses the Sense of the Congress that the President

must develop a plan to bring our troops home and that he must submit this plan to the appropriate committees in Congress. We can truly support our troops by bringing them home.

At the same time, withdrawing U.S. troops must not result in abandoning a country that has been devastated. We must assist Iraq, not through our military but through international humanitarian efforts to rebuild their war-torn economic and physical infrastructure. We need to defend America by relying on the very best of American values, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Mr. Chairman, Congress must support our troops, and we must begin the difficult recovery process from a long and destructive war. But first, the President must create a plan to bring our troops home. Our troops deserve nothing less.

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

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

Mr. Chairman, I rise in strong opposition to the gentlewoman's amendment.

Make no mistake about it. This amendment is a message-sender. It is a message-sender to people like Al Sadr who are considering even now continuing to foment rebellion against the elected government in Iraq. It is a message-sender to Zarqawi and his followers, who think that perhaps the United States does not have the stomach to continue to oppose them. It is a message-sender to our troops, who might, in seeing if this amendment should pass, feel that the resolve of the American people is fading away.

This is precisely the kind of a message we do not want to send to friend and foe alike, and certainly not to the 140,000 Americans serving presently in Iraq, who feel that the country is strongly behind them.

Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Chairman, I speak not simply as a Member of Congress, but as a former enlisted soldier and military officer.

I find myself somewhat dismayed that we have to spend time here today debating an amendment that would tell our enemies when our forces are going to withdraw from Iraq. This amendment is tantamount to posting a billboard saying, ''We will be gone by 5 o'clock Friday. If you wait until 6 o'clock, you can perform a murderous rampage through this growing democracy and terrify and intimidate the people back into living under a despotic regime.''

I respect the gentlewoman's passionate declarations regarding tolerance, diversity, and the rights of women, all of which would be ruthlessly, violently, and murderously suppressed if we were to leave at this time, something I am sure she would not want to see happen.

Some might argue that this amendment does not set a timetable, but rather states that Congress just wants to see a plan. The amendment, some would argue, is innocuous. I cannot stress enough how damaging this amendment would be, if it passes, to our troops, to our national security, and also to the Iraqi democracy.

Our troops in the field look to us for strength and solid, confident, unwavering leadership. If this passes, they would instead see a government that does not possess the fortitude to hold the course and finish the job. If this passes, their families would see a Congress that cares more for timelines and wordy resolutions than it does for the safety of their loved ones.

We also need to understand how others will see this around the world. If this passes, the Iraqis, who every day put their lives on the line to form security forces and battle terrorists in their streets and in their neighborhoods, would see a military that is not committed to training them to defend themselves. They would see an America that broke its promise to walk with them to democracy and independence.

If this passes, the world would see a country that takes no pride in its role in establishing a free Iraq, one that confirms the lies of the terrorists that we are weak and lack the fortitude and resolve to finish this mission.

Are we going to let less than 1 percent of the Iraqi population dictate our course and the course of the Iraqi people? I say no. Our enemies would stand up if this passes and cheer the moment it is passed because they would know that we will desert the Iraqi people who have invested their blood to defeat.

Mr. Chairman, we will not abandon a people who have so willingly given of themselves for the dream that we can help them achieve. Mohandas Gandhi said, ''The spirit of democracy cannot be imposed from without. It has to come from within.'' The people have democracy in their hearts. They can feel it within their grasp. They can look up and see it shining near them. We just have to stand and give them a hand to reach for it.

It is all the more distressing to me that we would consider this amendment so close to Memorial Day, a day when we honor the courage and the valor of our veterans, especially those who gave the ultimate sacrifice. We can all sleep better at night because of the blood shed by ordinary heroes who believe their government supported them and believe they were doing the right thing.

□ 1830

I recently spent 3 days visiting with numerous units of the United States Special Operations Command. Their valor, their commitment to protecting our freedom is insulted by bringing forth this amendment so close to Memorial Day.

I ask my colleague to join me in opposing this amendment in honor of those who have gone before us and in honor of those whose names we do not yet know, but will learn as we read of their sacrifice.

Let our foes understand one thing. Our exit strategy from Iraq is simply this: winning the war on terror. We must hold firm to the course and be resolved in our determination to win this fight.

I ask my colleagues on the other side of the aisle to stand with us today and reaffirm our commitment to our troops, to their families, to our country, to the Iraqis and to our enemies that we will not retreat in the face of this evil.

Ms. WOOLSEY. Mr. Chairman, I am proud to yield 2½ minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I want to thank the gentlewoman for yielding me this time.

Mr. Chairman, I want to say to my side, my leader on the Committee on Armed Services who I have great respect for, this is not about our troops. This is about a policy, that I believed when I voted 2 years ago to commit the troops that I was making my decision on facts. Since that time, I have been very disappointed in what I have learned about the justification for going into Iraq. Afghanistan, absolutely. We should be there. We should probably have more troops. But we cannot have more troops when they are in Iraq.

Mr. Chairman, with regard to this effort by the gentlewoman from California, we have never voted one time together, not one time in the 11 years I have been here. But, Mr. Chairman, I have beside me a picture of a young man whose name is Tyler Jordan. His daddy was a gunny sergeant killed two years ago, Phillip Jordan. He has under his arm the flag that was over the coffin.

To my left are just a few faces of those who have died for this country. They died doing what they thought was right for America, and God bless them.

But all this amendment does is just say that it is time for the Congress to meet its responsibility. The responsibility of Congress is to make decisions whether we should send our men and women to war or not send them to war. What we are saying here tonight is we think it is time for the Congress to begin, to start the debate and discussion of what the exit strategy is of this government, whether it be 2 years down the road, 3 years down the road, or 1 year.

Mr. Chairman, what I am saying tonight is we have a responsibility. We should not be into some endless, endless war in Iraq, when we have so many other countries that we need to be watching much more carefully than Iraq. So I hope that this resolution passes and we can start meeting our responsibilities of discussing the policy for America.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER)

Mrs. MILLER of Michigan. Mr. Chairman, I thank our great chairman of the Committee on Armed Services for yielding.

Mr. Chairman, I would urge all of my colleagues to oppose this amendment because it is totally unnecessary. In fact, no one who has ever studied at a war college, no one who is a combat commander, no military strategist, no one who really wants to achieve victory, would ever support what this amendment is asking those of us in the House to support here today. Besides, we already have a timetable for withdrawal from Iraq, and that is when we have achieved victory, that is when we have helped to deliver freedom to the Iraqi people, and that is when we have secured a foothold for liberty in the Middle East.

My question is this: Did we ask General Eisenhower for a plan for the withdrawal of the forces from Europe before the war was won? Of course not. And I would ask this: Did we ask General McArthur for a plan for withdrawal in the Pacific before the war was won? Of course not.

Mr. Chairman, it makes no sense to telegraph our plans to the enemy. In fact, that would be an incredibly dangerous thing for us to do. But our enemies should know this: America will not cut and run. And to the Iraqi people, I would say this: liberty, democracy and freedom are coming, and the men and women of the American Armed Forces, God bless them, will help you achieve all of them.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in support of this amendment. This is a very modest amendment. As a sense of Congress provision, it is a recommendation from Congress, not a requirement. It sets no date by when the President must present a plan to Congress, just as soon as it is practicable. I cannot imagine why anyone would oppose this language.

Currently, we have close to 140,000 uniformed men and women in Iraq. No matter where you stand on the question of Iraq, we owe it to these courageous men and women, and to their families, to let them know when and how we will bring them home to stay.

Mr. Chairman, it is easy to start a war; but it is hard to get out of one. It is easy to go along and accept the military occupation. It is a lot harder to take an honest look at where we are now and determine when and how we are going to get out. But that is what we need to do, and we need to do it now.

As a Congress, we should be ashamed that we have not demanded such a report from the President. This is the least we can do, to suggest that he send one.

There has been no accountability with regard to this war, and this Congress has been all too content to just go along with an open-ended occupation. It is time we change that complacency. It is time we do our job. Support the Woolsey amendment.

Mr. HUNTER. Mr. Chairman, I yield 2¾ minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I thank the chairman of the Committee on Armed Services for yielding me time.

Mr. Chairman, I would speak today in strong opposition to this amendment of my colleague from California. First, let me say that I certainly understand their concern about the safety and well-being of our dedicated men and women of our Armed Forces who are currently deployed in Iraq. I, too, look forward to their safe and expeditious return home to the United States and to their loved ones.

However, I cannot support this amendment, as I believe it sends exactly the wrong message concerning our current commitment in Iraq and gives aid and comfort to those who oppose us.

Mr. Chairman, I am concerned that passing this amendment will send a clear signal to the insurgents in Iraq that Congress, and by extension the United States, is wavering in our commitment to their defeat. Doing so would create the impression that their terrorist tactics are working and that a U.S. withdrawal from the region is imminent.

The last thing we want to do is create a new burst of enthusiasm for the misguided causes championed by the insurgents and al Qaeda. Establishing a plan for withdrawal would give those groups the hope that they are wearing down our resolve when, instead, we need to be clear in our commitment to defeating the insurgents in Iraq.

Further, I believe that this amendment would serve only to discourage those Iraqi citizens who are dedicated to building a stable and secure democracy and defending it against terrorist factions. The coalition forces involved in the Multinational Security Transition Command in Iraq are working hard to build and train a competent Iraqi security force capable of defending their government and aiding the transition to democracy. Thus far, they have demonstrated initial success, as evidenced by the ISF's role in securing polling locations during the January elections.

It is imperative that we continue to mirror their commitment and remain dedicated to the stabilization efforts as they work toward the ultimate goal of a free and democratic Iraq. This amendment would, in my opinion, undermine the Iraqis' confidence in our continuing support.

Mr. Chairman, I think it is important to stress that we in Congress, in addition to the President and the Department of Defense leadership, do not want to maintain a U.S. military presence in Iraq one day longer than is necessary. Clearly, the goal is to bring our troops home as quickly and as efficiently as possible. However, we cannot do so until we succeed in enabling the Iraqis to defend themselves, secure their borders, and ensure the success of this new democracy.

We agree there are certain milestones that must be met before we can in good conscience withdraw our forces from Iraq. It is not prudent to set an arbitrary date or timeline about which we can only speculate. While my colleague's amendment does not specify specifically a required date or timeline, I believe any formal plan would be misinterpreted and would send the wrong message.

As the President has stated, ''It is inappropriate to put a specific timeline on the ultimate goal of ensuring that the Iraqi people can take care of themselves, protect themselves and provide for their fellow citizens.''

Mr. Chairman, I urge my colleagues to vote against this amendment and send a message to the Iraqi forces and the Iraqi people, as well as to the insurgent groups, that the U.S. Congress and, by extension, the United States of America, is fully committed to the establishment of a stable and secure democracy in Iraq.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman from California for yielding me time.

The reason I am rising to support her amendment is because I think that we have come to a time in the war in Iraq where Democrats and Republicans alike need to consider all the events that have transpired, to do it in a way that is compassionate for the decisions that were made to send us into war, and to do it without recriminations, without challenging each other's integrity, without challenging each other's love for our country or support for the troops.

Democrats and Republicans came together to send this country to war. We can only come together to take this country out of Iraq. You start to see the signs that make it so apparent that the time is near. The time is near when this Congress must consider the reality facing our troops, the reality of the circumstances which sent our troops into battle. And we need to do this as colleagues who may have started from different points of view on Iraq. I certainly have a different point of view. I voted against the war. But now we are starting to see people who voted for the war coming forward and expressing their concerns.

We have to have that capacity for rational reflection and an ability, not to say so much that we were wrong, but to say we have new information and we therefore have a right to reappraise the situation and take a new direction. The Woolsey amendment gives us a chance to do that, and it sets us on a path.

So whether it is the Woolsey amendment or something that happens in the

next few weeks and months, Democrats and Republicans are going to have to come together to help the President get out of the mess that this country is in.

So I think we can proceed in a spirit that is amicable. We do not have to be beating each other up on this. We do not have to have a war about war, or certainly a war about a peaceful withdrawal.

So the Woolsey amendment is an important step in the direction of setting this country on a path towards extricating ourself from Iraq. For that reason, I support it, and I want to commend her for her activity on behalf of it.

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. BUYER), a veteran of Desert Storm and the chairman of the Committee on Veterans' Affairs.

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

Mr. Chairman, I rise in opposition to this amendment because of its timing. It is wonderful to talk about an exit strategy, if in fact it was timely to do so. But I oppose the timing of this conversation and debate.

As a Nation and society committed to freedom and democratic principles and peace, I believe this amendment at this time would undermine our core values and the mentorship that we are having with a new, free country.

When the President declared the global war on terrorism and Congress authorized the use of force in Iraq, the United States made a significant investment in world peace. Like any sound investment, our investment in peace is subject to volatility and outside influences. The forces of evil that oppose the U.S. liberation of Iraq are the same forces in Iraq that want to suppress women and children, kill innocent people, attack schools, hospitals and religious institutions.

Asking for an exit strategy for U.S. forces at this time is essentially calling it quits, and that is not the America I know. I believe that peace and freedom are inextricable and inseparable. Forsaking the Iraqi people in their hour of need is counter to the fabric of this great Nation.

As a newly established free society, the Iraqi people are in their infancy of establishing the rule of law. Like the birth of any nation, there will be growing pains and unpleasant and tragic events. But let us be very clear: it has been the United States and our coalition partners that have given the Iraqi people hope.

So this debate with regard to setting an exit strategy or a timetable for withdrawal, again, is not timely. It would be arbitrary. It is the mission that determines the exit strategy.

Mr. Chairman, the debate we are having here really is not too much different from the debate we had during the Balkans, at the time when President Clinton, to his credit, brought the guns to silence. But what he said was, ''I want to commit U.S. ground troops for only 1 year.''

□ 1845

The Republicans immediately said, But, Mr. President, that is not an exit strategy. You cannot say we will only send the troops for 1 year, because it is the mission that will determine the exit. The exit then was determined in the civil implementation of the Dayton Accords by creating benchmarks for the success of the implementation of Dayton.

So it is the mission with regard to stable civil institutions in achieving benchmarks of that free society in Iraq that will determine the exit strategy. The stabilizing of Iraq is extremely important. The training of their security forces is extremely important. And I assure my friends that the more that the insurgents attack security forces and police forces in Iraq, mosques, schools, innocent people within Iraq, it builds the esprit of the Iraqi people themselves, who are a very proud people, that they want to take these insurgents who are not of their land, not of their people and expel them from their land. I assure my colleagues that they equally, at that moment in time, will be just as eager for us to come home.

So it is the mission that will determine the exit strategy. This amendment, while worthy and noble in its cause, is just not timely and, therefore, I will oppose the amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, what a great day this is. After 73 times on the floor, the gentlewoman from California (Ms. WOOLSEY) now has an amendment to discuss a plan to develop a plan as soon as practicable to provide for the withdrawal of the United States Armed Forces from Iraq. Here are Members of the House of Representatives who are, if we look at Article I, Section 8, the only ones that can declare war under this great Constitution, saying, We do not even want to talk about a plan.

Well, I say to my colleagues, the President of the United States has already said that America does not plan an indefinite occupation of Iraq, and neither do the independent Iraqi people. So what we want our colleagues to understand is that Congress can talk about this. Please, summon up your courage. That is your job. That is why we are here.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, summon up my courage? I do not think I have to question anybody to summon up my courage. I am a combat veteran, I was shot down in Vietnam, I was shot, and you do not tell the enemy what you are going to do, because you put those people at risk.

Mr. Chairman, it is interesting that as a combat veteran, I spoke to literally thousands of other combat veterans, and it is amazing the differences of their opinions versus liberal politicians.

Our kids over there are proud of what they do. Yes, I want them back. I wanted to get out of Vietnam just like anybody else, but I did not want to leave before the job was done. I do not want the over 1,700 men and women that have died in Iraq to die for nothing. And if we go ahead and tell the enemy what we are going to do, we put those kids at risk.

I just think it is wrong. From my experience in the military of 20 years, it is wrong, what the gentlewoman is trying to do. She has good intentions. But I will tell my colleagues that if we let folks know what we are going to do, I say to the gentlewoman, it is going to put those men and women at risk, and I think it is wrong.

I urge opposition to this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Chairman, as a cosponsor of the Woolsey amendment calling on the President to develop and implement a plan to begin the withdrawal of U.S. troops from Iraq and to take other steps to provide the Iraqi people with the opportunity to control their internal affairs, I rise in support of this amendment.

Mr. Chairman, although I strongly opposed the preemptive war in Iraq, which the administration promoted based on false information and which has resulted in tragic loss of American and Iraqi lives, I would have supported as many troops as necessary in Afghanistan where our enemy, Osama bin Laden, was.

I do not believe that it would be fair to abandon the Iraqi people at this juncture. So, therefore, we should look towards having the United Nations create an international peacekeeping force to keep Iraq secure.

I would also like to take this opportunity, though, to commend a group of activists in my congressional district who are lending their voices to the important debate about our future in Iraq. South Mountain Peace Action, representing residents of Maplewood and South Orange, New Jersey, are strongly committed to seeking an international solution, led by the United Nations, and a rapid return of U.S. soldiers. Nearly 80 percent of Maplewood and South Orange voters and 52 percent of New Jersey voters voiced their agreement that President Bush's war in Iraq is the wrong war at the wrong time in the wrong place.

The war has already exacted a heavy price. More than 1,600 American lives have been lost and over 10,000 servicemen and women have been wounded. More than 100,000 Iraqi civilians have lost their lives, and $210 billion have been spent.

I urge support of the Woolsey amendment.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Chairman, I rise in opposition to the Woolsey amendment.

As a veteran of two tours of duty in Vietnam, I do not think it is appropriate to pull the forces out. The Iraqis want us to stay until the government takes on its full mission. Creating a timetable for withdrawal would hand the military initiative over to the insurgents and undermine the Iraqi Government to draft a constitution and prepare for a constitutional government.

As Generals Myers, Pace, and Abizaid have reminded us, the enemy gets a vote on how the war is fought. Iraqi-U.S. coalition forces need flexibility to respond to any enemy offensive which a benchmark-based plan for withdrawal would absolutely preclude.

I believe the amendment is well-intentioned, but the President, the Secretary of Defense, General Abizaid and the democratically elected Government of Iraq agree that it would not be in U.S. or Iraqi interests for the U.S. to remain in Iraq any longer than the government wants us there, but they are committed to reducing the U.S. presence only when that U.S. presence can safely be reduced and no sooner.

Vote ''no'' on this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Washington State (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Chairman, Monday's Guardian's editorial line was, ''U.S. Military to Build Four Giant New Bases in Iraq.''

The violence in Iraq has never been greater. That is not what winning looks like to me.

The President's strategy is to re-create the Old West: Build four forts capable of withstanding mortar rounds. With the death toll and casualties mounting, the President's best idea is to keep U.S. soldiers in the midst of uncontrollable, horrific violence.

This administration has put this Nation and our generals in a no-win situation. We have been there before in Vietnam, and we vowed never to let it happen again. But this administration has frayed the military, keeping soldiers in the target zone without enough armor to protect them and without a plan to bring them home.

Colonel David Hackworth died about 2 weeks ago, a highly decorated combat veteran of the Vietnam War, eight Purple Hearts, a soldier's soldier who recently died, said we will be in Iraq for 30 years, 30 years. Colonel Hackworth was a man who saw the battlefield and could see the folly of the Iraq war.

The American people know the truth. The President misled this country into war, and it is time to get out.

[From the Guardian, Monday, May 23, 2005]

U.S. MILITARY TO BUILD FOUR GIANT NEW BASES IN IRAQ

(By Michael Howard in Baghdad)

U.S. military commanders are planning to pull back their troops from Iraq's towns and cities and redeploy them in four giant bases in a strategy they say is a prelude to eventual withdrawal.

The plan, details of which emerged at the weekend, also foresees a transfer to Iraqi command of more than 100 bases that have been occupied by U.S.-led multinational forces since the invasion of Iraq in March 2003.

However, the decision to invest in the bases, which will require the construction of more permanent structures such as blast-proof barracks and offices, is seen by some as a sign that the U.S. expects to keep a permanent presence in Iraq.

Politicians opposed to a long-term U.S. presence on Iraqi soil questioned the plan.

''They appear to settling in a for the long run, and that will only give fuel for the terrorists,'' said a spokesman for the mainstream Sunni Iraqi Islamic party.

A senior U.S. official in Baghdad said yesterday: ''It has always been a main plank of our exit strategy to withdraw from the urban areas as and when Iraqi forces are trained up and able to take the strain. It is much better for all concerned that Iraqis police themselves.''

Under the plan, for which the official said there was no ''hard-and-fast'' deadline, U.S. troops would gradually concentrate inside four heavily fortified air bases, from where they would provide ''logistical support and quick reaction capability where necessary to Iraqis''. The bases would be situated in the north, south, west and centre of the country.

He said the place of the ''troop consolidation'' would be dictated by the level of the insurgency and the progress of Iraq's fledgling security structures.

A report in yesterday's Washington Post said the new bases would be constructed around existing airfields to ensure supply lines and troop mobility. It named the four probable locations as: Tallil in the south; Al Asad in the west; Balad in the centre and either Irbil or Qayyarah in the north.

U.S. officers told the paper that the bases would have a more permanent character to them, with more robust buildings and structures than can be seen at most existing bases in Iraq. The new buildings would be constructed to withstand direct mortar fire.

A source at the Iraqi defence ministry said: ''We expect these facilities will ultimately be to the benefit of the domestic forces, to be handed over when the U.S. leaves.''

Three Romanian journalists kidnapped in Iraq were freed yesterday after two months in captivity.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Woolsey amendment.

This amendment does not say, Cut and run. This amendment does not call it quits. It asks the President for an exit strategy. And since the President declared victory in Iraq, more than 1,500 Americans have been killed. The Bush administration still has not laid out a strategy to win the peace in Iraq and bring our American forces home.

Now, when he was Governor of Texas, this is the advice that George W. Bush gave President Clinton about the war in Kosovo. Victory, he said, means exit strategy, and it is important for the President of the United States to explain to us what the exit strategy is.

Now, that is what Governor Bush said about President Clinton and the war in Kosovo, and the need for an exit strategy is even more apparent in Iraq. In the absence of an exit strategy, the administration continues to pursue the same strategy that has only led to more casualties and less stability. We have killed or captured 1,000 to 3,000 insurgents every month for more than a year. But with thousands of new recruits, the insurgency strengths have quadrupled.

Without an exit strategy to win the peace and bring our troops home, our policy is going in circles.

Our troops have won tactical victories, but they have not translated into strategic advances. Any successful strategy in Iraq has to address the fundamental factors that are continuing to fuel the insurgency.

One of those factors is the suspicion that U.S. troops are going to occupy Iraq indefinitely. Those suspicions are being reinforced by the fact that we have three or four times as many troops in Iraq today as the administration predicted we would. Until we lay out a framework for bringing our troops home and replacing them with Iraqis, the Iraqi people will never feel that they are in control of their own destiny.

A clear exit strategy would help splinter insurgent groups who have set aside their own differences in order to unite against the United States. It would send a message to the Iraqi Government that it needs to take responsibility for its own security. And, finally, an exit strategy is that light at the end of the tunnel that our troops need and the taxpayers need.

Ms. WOOLSEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank my friend and cochair of the Congressional Progressive Caucus, the gentlewoman from California (Ms. WOOLSEY), for her leadership in offering this amendment.

I stand here today as the proud daughter of a veteran of two wars. Let me just say, this amendment says what we have been saying all along, and it is time to make it real in terms of supporting our troops. The way we support our troops is by developing a plan to get them out of harm's way and to bring them home.

To date, more than 1,600 American troops have given their lives, over 11,000 American troops have been injured, and over 17,000 innocent Iraqi civilians, including women and children, have died in a war that should never have started in the first place.

I distinctly remember the day in May 2003 when the President stood on the deck of the USS *Abraham Lincoln* and proclaimed, ''Mission Accomplished.'' Of course, the administration has

called off the search for weapons of mass destruction because there simply were not any. But the occupation still continues.

We have seen a war that has created a haven for terrorists in Iraq. We have seen troops become targets of the insurgency when they were supposed to be liberators.

Mr. Chairman, the President needs to be honest with the American people and tell us what his plan is, and that is what this amendment says. Give us a plan to bring our troops home. It is very important. We need an exit strategy.

The taxpayers have spent over $200 billion, soon to be $300 billion, and we have little or no accountability for where this money has gone.

I congratulate the gentlewoman from California (Ms. WOOLSEY) for this amendment. We should adopt this amendment. We should send the signal that we support our troops, we love our troops, we value our troops, and we want them home.

□ 1900

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

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Missouri (Mr. SKELTON), and I thank him again for his leadership. I thank the distinguished gentlewoman from California (Ms. WOOLSEY) for allowing us to have the opportunity to stand on the floor of the House just a few days away from honoring America's war dead, and I hope that this debate is not in any way suggesting our lack of respect and admiration for those fallen as well as their families. I do not believe the distinguished gentlewoman from California has any idea or any sense of disrespecting the Nation's fallen dead. In fact, so many of us, no matter where we have come from, have soldiers and families living among us, families that mourned and families that are willing and wanting for their loved ones to come home.

This is not Vietnam in terms of the approach that those of us who are against the war would put it in that context. We understand that the troops are following the orders of their leaders, the Commander in Chief, the United States Congress. That is why this amendment puts the burden on the United States Congress and asks for the President to create a success strategy, an exit strategy that will allow these troops to come home.

This is about conserving resources. We have 140,000 troops in Iraq. We have equipment that is stretched. We have questions about the armor that is being utilized by our troops, the body armor. We have 60 people dead in the last 24 hours and eight of our troops dying in the last 24 hours and troops dying every single day. And you know what the tragedy of it is? That when our fallen heroes come to the soil of the United States we cannot even view their bodies with the Flag draped over the coffin. We are denied that opportunity to mourn them.

So this amendment is really to respond to the need that the Congress have the opportunity to address the question in hearing and to review the President's offering of a withdrawal or a success strategy, in great respect to the men and women in the United States military, in great respect to the families, in great respect to those who have lost their lives.

I ask my colleagues to consider this amendment primarily to give us an opportunity to do our constitutional duty, and that is a declaration of war is a constitutional duty by this Congress to declare war. We failed in that duty a couple of years ago, in 2002 September. But let us accept the challenge to review the process and the strategy of this administration.

I close by simply saying to the executive, I ask you to join us in a collaborative effort to have a vote for peace and to be able to conserve the resources and to honor our fallen dead and those who now serve, that we respect their families, respect, in fact, their lives and we will craft a strategy to return our heroes home. That is not in any way giving up on them. That is saving them.

Mr. SKELTON. Mr. Chairman, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, again, I would like to thank the members of the Rules Committee that made this important amendment in order. It is about time that in the Congress we discuss what is going on in the war in Iraq. And it is only too bad that we had only 15 minutes for this, well, a half an hour, 15 minutes on both sides, for this very, very important issue that is facing everybody in the United States of America, our troops and their families and the Iraqi people.

My amendment expresses the sense of the Congress that the President must develop a plan to bring our troops home, that he must submit this plan to the appropriate committees in Congress so that we can truly support our troops and bring them home where they are safe.

So in closing, Mr. Chairman, Congress must support our troops. We must begin the difficult recovery process from a long and destructive war. The President has to create a plan and tell us what he is going to do, and he must get these troops home before we lose any more lives. This is the best way to support our troops, and they deserve nothing less.

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

The CHAIRMAN. The gentleman from California has 30 seconds remaining.

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

Mr. Chairman, and my colleagues, we have an exit strategy, and that exit strategy is a free Iraq and a free government in Iraq and a military which is strong enough to protect that government. And that is the military that we are standing up right now, and that is the mission, and that is the timetable. And I would hope that the gentlewoman's amendment would be defeated.

Mr. FARR. Mr. Chairman, a safe and democratic Iraq is a goal I share with every American. Congresswoman WOOLSEY's amendment is critically important for reaching this goal. The amendment urges the administration to lay out a plan for withdrawing U.S. troops from Iraq. This amendment does not demand the U.S. troops be withdrawn from Iraq immediately or prematurely. It simply requests that the President establish a plan for when he will begin to bring our soldiers back home.

The best way to make Iraq a strong and democratic country is to give Iraqis the training and education necessary for them to assume responsibility for their own security needs and to develop their civil society infrastructure. Iraqis yearn for freedom and democracy, and ownership of their own country. American soldiers, sailors and marines want to return home to be reunited with their families. A withdrawal plan is in the best national security interests of the United States and in the best interests of a democratic Iraq.

I urge my colleagues to support the Woolsey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) will be postponed.

The Chair understands that amendment No. 19 was disposed of by the adoption of amendment No. 1.

It is now in order to consider amendment No. 27 printed in House Report 109–96.

AMENDMENT NO. 27 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. WELDON of Pennsylvania:

At the end of title XII (page 427, after line 11), insert the following new section:

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

It is the sense of Congress that—

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

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

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

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

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

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

The CHAIRMAN. Pursuant to House Resolution 293, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

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

Mr. Chairman, this is an amendment that I wish I did not have to offer because the amendment follows the language of the President of the United States, our leader, who has called for joint cooperation with Russia on missile defense. The amendment calls for the language of our Secretary of Defense, who has called for joint cooperation on missile defense. The language calls for an amendment that my good friend, the gentleman from South Carolina (Mr. SPRATT), and I offered in 1998 in H.R. 4 that actually calls for a national missile defense, and as a part of that called for joint cooperation on missile defense.

In fact, the weekend before the vote on H.R. 4, I took Don Rumsfeld, private citizen; Jim Woolsey, private citizen; Bill Snyder, private citizen; and Democrat Jim Turner and other Republicans to Moscow, and we told the Russians that our move in moving forward on missile defense and not only abrogating the ABN treaty was not about us scoring a strategic advantage over them, but was about an effort to protect ourselves, as they had been doing with their system around Moscow. And we told them that we saw threats coming from North Korea, China and Iran and, therefore, we had to take the action.

Mr. Chairman, for the past several years we have had a joint program with the Russians called RAMOS. A year ago, our four star general, General Kadisch, came in and said to me, Congressman, I have got to cancel the program, but I want to do a follow-on with the Russians. And I said, that is great because that is the intent of the President and that is the intent of the Congress. He said, But Congressman, I cannot get a meeting with my Russian counterparts.

So in April of last year, we took, at the request of General Kadisch and General Obering, General Shakleford to Moscow with us. And General Shakleford sat across the table in Straya Polochad, the equivalent of the West Wing in Moscow with General Balyevsky who would become the chief of the general staff. During the summer of last year, they negotiated a multi-phase agreement to work with the Russians on joint use of their large phased array radar, which we need; on joint use of the Russian missile systems for targeting purposes, which we want. But because none of the Missile Defense Agency, but because of the bureaucracy in the Pentagon, today we have no cooperative program with Russia, and that is unacceptable and it is outrageous.

So this amendment gets to the heart of the office of Secretary of Defense and the policy shop. You do not override the President of the United States. You are not the ultimate decisionmakers above the Congress. The Congress made a conscientious bipartisan veto-proof effort in passing H.R. 4 in 1998. We were the ones that called for this cooperation. The President has said this repeatedly, and this amendment says to those bureaucrats in the policy shop, do your job.

I thank my colleagues for their effort. I ask all of my colleagues to support this because this is about our word. This is about the trust of America. This is about building a relationship that our Missile Defense Agency wants.

General Obering was in my office 2 months ago with a policy person sitting across the room, and General Obering looked at him and said, I want to do this. What we are saying is we support General Obering. We support the Secretary of Defense. We support the President of the United States. And to those bureaucrats in the Pentagon, wake up and listen, because that is who this amendment is aimed at.

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

Mr. SPRATT. Mr. Chairman, I do not object to the amendment, but ask unanimous consent to claim the time in opposition.

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

There was no objection.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

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

Mr. Chairman, my good friend and colleague, the gentleman from Pennsylvania (Mr. WELDON), has been a leader in the Congress on relations with Russia for some time. I reviewed his amendment, and I support it and would like to state several reasons for supporting it that I think others can readily identify with.

First of all, this is not a new idea. It has been talked about at least as long ago as Reagan's Presidency, when Mr. Reagan was trying to make the point that he did not necessarily seek nuclear dominance, and that he was ready to share certain parts of missile defense with the Russians if necessary to show that it was consistent with the balance of power between our two countries.

But today, if you want principle reasons, one reason to have an amendment like this and the policy that it supports is to show the Russians that ballistic missile defense need not be perceived by them as adverse to their security. Just as our missiles are no longer explicitly targeted at the Russians, the ballistic missile defense systems we are building are not directed really at countering their systems, but of the adversaries.

The gentleman from Pennsylvania (Mr. WELDON) mentions two good reasons, two practical reasons, for making this amendment our policy. Number one, it is possible that the Russians could cooperate with us in allowing us to test specific elements of their tracking equipment of their own missile systems. And, number two, they have early warning radar that the Missile Defense Agency may find very useful. In fact, if we begin some day in the near future to install systems that will give us protection against threats like Iran, we may find the geography inside Russia is ideal geography, ideally located for the kind of early warning system and detection that we would need and want and would be preferable possibly to locating some of these systems in Eastern European countries.

So there are many good reasons at this point in time to support this policy and therefore to support this amendment.

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

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

The amendment was agreed to.

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 No. 6 offered by the gentleman from Florida (Mr. STEARNS), amendment No. 29 offered by the gentleman from New Hampshire (Mr. BRADLEY), amendment No. 26 offered by the gentlewoman from California (Ms. WOOLSEY).

The Chair will reduce to 5 minutes the time for any electronic votes after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 92, not voting 5, as follows:

[Roll No. 218]

AYES—336

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—92

Ackerman
Allen
Baldwin
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Capps
Carson
Conyers
Crowley
Davis (IL)
DeGette
DeLauro
Dingell
Emanuel
Eshoo
Farr
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kaptur
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Stark
Thompson (CA)
Tierney
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOT VOTING—5

Brown (SC)
Chandler
Emerson
Hastings (WA)
Millender-McDonald

□ 1935

Mr. MORAN of Virginia, Mr. BROWN of Ohio, Ms. KAPTUR, Ms. PELOSI, Mr. RAHALL and Mr. MOLLOHAN changed their vote from ''aye'' to ''no.''

Mr. WAXMAN, Mr. MEEK of Florida, and Ms. LORETTA SANCHEZ of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 316, not voting 5, as follows:

[Roll No. 219]

AYES—112

Abercrombie
Allen
Baird
Barrow
Bass
Boozman
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Cardoza
Clay
Crowley
Cuellar
Davis (AL)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
Doyle
Ehlers
Evans
Fattah
Fitzpatrick (PA)
Ford
Gallegly
Gerlach
Gibbons
Gingrey
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Hall
Hart
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Hooley
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Jones (NC)
Jones (OH)
Kucinich
LaHood
Langevin
Larson (CT)
LaTourette
Lewis (GA)
Lowey
Lynch
Manzullo
McCollum (MN)
McCotter
McNulty
Melancon
Menendez
Michaud
Mollohan
Moore (WI)
Moran (VA)
Murphy
Murtha
Oberstar
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pearce
Pickering
Poe
Rahall
Rehberg
Reynolds
Ross
Rothman
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Shimkus
Simmons
Slaughter
Smith (NJ)
Strickland
Taylor (MS)
Thompson (MS)
Udall (NM)
Velázquez
Wasserman Schultz
Watson
Weldon (FL)
Wicker
Wilson (NM)
Wolf
Wu

NOES—316

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capuano
Cardin
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Goode
Goodlatte
Granger
Graves
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Lantos
Larsen (WA)
Latham
Leach

Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Osborne
Otter
Oxley
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (SC)
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Bishop (UT)
Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1944

Mr. TAYLOR of Mississippi changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MS. WOOLSEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 300, not voting 5, as follows:

[Roll No. 220]

AYES—128

Abercrombie
Allen
Baca
Baird
Baldwin
Becerra
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Capps
Capuano
Carnahan
Carson
Clay
Cleaver
Clyburn
Coble
Conyers
Costello
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Doyle
Duncan
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kilpatrick (MI)
Kucinich
Larson (CT)
Leach
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Price (NC)
Rahall
Rangel
Rothman
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—300

Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Edwards
Ehlers
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald
Porter

□ 1952

Mr. BUTTERFIELD changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, this place and our accomplishments all depend on great staff people. And that is what we had in Mr. Robert Rangel, who has been the staff director over these last several terms on the Committee on Armed Services. He was a staff leader for some 18 years, heading up our great bipartisan staff, and he is now leaving.

I thought of all of the great descriptions of people who serve this Nation in uniform, that adherence to duty and honor and country, and I think those are the metrics by which Mr. Rangel has worked to serve our interests and serve the interests of the people of this country and to serve the interests of the people who wear the uniform of the United States.

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

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

Mr. SKELTON. Mr. Chairman, let me add a thank-you and it is a job well

done to Robert Rangel. Your professionalism, your friendship, your integrity, your hard work have served this institution well. You love this institution, we know that, and we are most appreciative of all you have done for us in a bipartisan way. You understand politics; but on the other hand, you understand this institution and help make it work very, very well.

I might say, Robert, back in Lafayette County, Missouri, the highest compliment you ever get is, You done good. So Robert Rangel, you done good.

The CHAIRMAN. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, 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. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes, pursuant to House Resolution 293, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TAYLOR of Mississippi. In its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TAYLOR of Mississippi moves to recommit the bill H.R. 1815 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

At the end of subtitle A of title VII (page 290, after line 5), add the following new section:

SEC. 707. EXPANDED ELIGIBILITY OF SELECTED RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(3) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''.

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

(2) The heading for such section is amended to read as follows:

''§ 1076d. TRICARE program: TRICARE standard coverage for members of the selected reserve''.

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

Page 508, line 14, insert after the dollar amount the following: ''(reduced by $182,000,000)''.

Page 509, line 22, insert after the dollar amount the following: ''(reduced by $182,000,000)''.

Mr. TAYLOR of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, a few minutes ago the gentleman from California (Chairman HUNTER), in speaking to the Woolsey amendment, described it as a message-sender. This motion to recommit, which is an amendment to the bill, is a message-sender.

This is a message-sender to the Guardsmen and Reservists of this Nation who comprise 38 percent of the total force, and who at this moment comprise 40 percent of the men and women who are serving in Iraq and Afghanistan. By the way, they provide about that same percentage of the wounded, about the same percentage of the people who come home dead from that war.

See, unlike the regular soldier to their right and the regular Marine to their left, who are guaranteed health care coverage through the TRICARE program, 20 percent of our Guardsmen and Reservists have no health care coverage whatsoever. Coincidentally, about 20 percent of our Guard and Reservists who are called up could not be deployed because they were not medically ready to be deployed. This amendment addresses that.

This amendment would take $185 million out of the fund that is going to fund base closure and apply it to TRICARE for Guard and Reservists to let those people know we appreciate them.

□ 2000

Why is this important? Just today in south Mississippi, five families got the worst message you could ever receive, and that is that their loved one died in Iraq. Every one of them was a Guardsman or Reservist. Last Friday, I visited Walter Reed just like all of you do, but a little bit different from my colleagues, just to see Mississippians. Every one of the five Mississippians that are there are Guardsmen or Reservists. One is a double amputee. The other two have lost one leg. The other two are in wheelchairs and will be for some time. Every one of them is a Guardsman or Reservist.

I have heard in committee that maybe the Guard and Reserve does not deserve this. What could be farther from the truth? There are people who say, Well, we can't afford the money. It is going to be expensive. I am not going to lie about that. When it is fully implemented, it is going to cost $1 billion a year. But I will also remind you that when it is fully implemented, that will amount to one-quarter of 1 percent of the entire DOD budget, one-quarter of 1 percent of the DOD budget so we can tell our Guardsmen, so we can tell our Reservists, and there are really only three types of Guardsmen and Reservists, because I know a bunch of them. There are those that have been to Iraq, there are those that are in Iraq, and there are those that are going to Iraq. That is the only type of Guardsmen and Reservists we have now. That is how much we use them in the force. As a matter of fact, the aviation classification repair unit that is shared in the district of the gentleman from Connecticut (Mr. SIMMONS) and my own has already been to Iraq and they have been told they are going back.

This is going to become law. It is going to become law. The question is whether the House is going to lead on this or whether we are going to follow, because tomorrow the Senator from South Carolina is going to offer this amendment, and it is going to pass. So

then it goes to conference. One of the arguments that is going to be made is that by this motion to recommit, we are slowing the process down. I would beg to differ. By this motion to recommit, we are stating the House's position that we agree with you, that this is something that is worthwhile to do and we go to conference, we are already in agreement that we are going to provide TRICARE for our Guardsmen and Reservists. I think it is a pretty good idea, but that is just me. But there are a lot of other folks who think this is a good idea.

This motion to recommit has been endorsed by the Military Officers Association of America, by the National Guard Association of America, by the Enlisted Association of the National Guard, a unanimous vote last weekend by the Adjutants General of the 54 States and territories, the Reserve Officers Association, and the Fleet Reserve Association.

Mr. Chairman, we are all going to go to Memorial Day services on Monday. A heck of a lot of people in that crowd are going to be Guardsmen, Reservists and their families. They are going to know how we voted. So you can plan to maybe duck some and hide from some, you can give them some lame excuse that, well, it wasn't what my party wanted, it wasn't what my chairman wanted; or you can look that young person who in the next year might be the father of a child and say, You're a National Guardsman. You're a Reservist. We as a Nation are willing to help you pay for that child.

Who in the next year may have cancer in their family, we are saying, Doggone it, you're serving your country. We're there to help you for that. Or that you have a preexisting condition. We all know how hard it is for someone who has a loved one with a preexisting condition to get insurance. We are telling them we value your service.

On Monday, when you look them in the eye, I hope you will be in a position to say we appreciate your service. You were there for us. And last Wednesday night, I was there for you.

Mr. HUNTER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, my good colleague from Mississippi has spoken of our great Guardsmen and Reservists a number of times in his very eloquent statement and talked about their deployment, their imminent deployment, or the deployment they are involved in right now or the one they are returning from in Afghanistan, Iraq, or other places around the world.

We, in fact, do provide TRICARE. It is medical care for every one of them and every one of their dependents, for 90 days before mobilization and 180 days after mobilization.

So this body, starting with the Committee on Armed Services and then the full House, moving and working with the Senate and with the President, have done that. Now, let me just tell you, there is a major problem from my perspective and I have looked at this during the last session and you have a major, major problem, because all of these people have jobs, they have employers who are carrying health care in the private sector right now. If you give an opportunity to employers, to the private sector, to terminate the health care that they are providing right now to their employees, once they understand that the government will pick up that health care pursuant to that status in the Guard, across the board, you are going to see that 18 percent of Guardsmen who right now do not have that health care, you are going to see that number go way up in the private sector and you are going to see, very simply, a large displacement of that burden from the private sector on to the DOD budget.

That gets to another responsibility that everyone here has. We have a responsibility to replace those 18-year-old helicopters. We have a responsibility to replace those jet aircraft that average now in the Navy about 17½ years old. We have a responsibility to replace those tanks, those trucks, those ships. If we take that $5.8 billion that this will amount to over 5 years, much of which will be the shifting of this burden from the private sector to DOD, we may think we have served that Guardsman very well in one way, but we will disserve him in another way because he will not have the best equipment.

Let me get to the issue at hand. We have a $500 billion bill which provides the tools to get the job done in this war against terror. The war really started when Todd Beamer, when that United flight was over Pennsylvania and he took on the terrorists and the last words we heard from him were, Let's roll. Let's roll echoed across the mountains of Afghanistan, through those dark canyons and those caves, across the sands of Iraq; and right now it is being carried in units like the 10th Mountain Division, the First Marine Division out to the western AO in Iraq, the First Armored Division in Baghdad, and all those great Guardsmen and Reservists who are fighting in this war against terror. We have provided in this bill the tools to get the job done.

Let us pass this bill. Let's roll.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 211, noes 218, not voting 4, as follows:

[Roll No. 221]

AYES—211

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin

Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

□ 2026

Mr. WHITFIELD changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 39, not voting 4, as follows:

[Roll No. 222]

YEAS—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
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
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—39

Baldwin
Blumenauer
Conyers
Davis (IL)
Delahunt
Duncan
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Jackson (IL)
Jones (OH)
Kilpatrick (MI)
Kucinich
Lee
Lewis (GA)
McDermott
McGovern
McKinney
Moore (WI)
Oberstar
Olver
Owens
Paul
Payne
Rangel
Rush
Schakowsky
Serrano
Solis
Stark
Tierney
Velázquez
Waters
Watt
Woolsey
Wu

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

□ 2037

So the bill was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the committee amendment to the title is adopted.

There was no objection.

The text of the committee amendment to the title is as follows:

Amend the title so as to read: ''A bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

A motion to reconsider was laid on the table.

EXPRESSION OF THANKS TO ARMED SERVICES COMMITTEE STAFF

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, let me extend my thanks, and I know on the other side of the aisle the leadership and membership extend their thanks, to all of our great staff people who did such a wonderful job putting this bill together and bringing it to the House floor. We appreciate them.

AUTHORIZING THE CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1815, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, and that the Clerk be authorized to make the additional technical corrections which are at the desk.

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

There was no objection.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1815.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the President pro tempore, appoints the following individual as a member of the United States Capitol Preservation Commission:

The Senator from Colorado (Mr. ALLARD), vice the Senator from Utah (Mr. BENNETT).

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–97) on the resolution (H. Res. 298) providing for consideration of the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2566) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The Clerk read as follows:

H.R. 2566

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Surface Transportation Extension Act of 2005''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144) is amended by striking ''as amended by this section'' and inserting ''as amended by this Act and the Surface Transportation Extension Act of 2005''.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) ADMINISTRATION OF FUNDS.—Section 2(b)(3) of such Act (118 Stat. 1145) is amended by striking ''the amendment made under subsection (d)'' and inserting ''section 1101(l) of the Transportation Equity Act for the 21st Century''.

(2) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking ''$1,866,666,667'' and inserting ''$2,100,000,000''.

(3) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking ''May 31'' inserting ''June 30''.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145) is amended by striking ''$22,685,936,000 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$25,521,678,000 for the period of October 1, 2004, through June 30, 2005''.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146) is amended to read as follows:

''(e) LIMITATION ON OBLIGATIONS.—

''(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (2), for the period of October 1, 2004, through June 30, 2005, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading 'FEDERAL-AID HIGHWAYS' in title I of division H of the Consolidated Appropriations Act, 2005 (23 U.S.C. 104 note; 118 Stat. 3204), in accordance with section 110 of such title (23 U.S.C. 104 note; 118 Stat. 3209); except that the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), and 110(a)(5) of such title shall equal the greater of—

''(A) the funding authorized for such program, project, or activity in this Act and the Surface Transportation Extension Act of 2005 (including any amendments made by this Act and such Act); or

''(B) 9/12 of the funding provided for or limitation set on such program, project, or activity in title I of division H of the Consolidated Appropriations Act, 2005.

''(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2004, through June 30, 2005, shall not exceed $26,025,000,000; except that this limitation shall not apply to $479,250,000 in obligations for minimum guarantee for such period.

''(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—After June 30, 2005, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a law reauthorizing the Federal-aid highway program.

''(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2005 for the purposes of the matter under the heading 'FEDERAL-AID HIGHWAYS' in title I of division H of the Consolidated Appropriations Act, 2005 (23 U.S.C. 104 note; 118 Stat. 3204).''.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004 (118 Stat. 1147) is amended by striking ''$234,682,667'' and inserting ''$264,018,000''.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147) is amended—

(i) in the first sentence by striking ''$183,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$206,250,000 for the period of October 1, 2004, through June 30, 2005''; and

(ii) in the second sentence by striking ''$8,666,667'' and inserting ''$9,750,000''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking ''$164,000,000 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$184,500,000 for the period of October 1, 2004, through June 30, 2005''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148 is amended by striking ''$110,000,000 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$123,750,000 for the period of October 1, 2004, through June 30, 2005'' .

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking ''$13,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$15,000,000 for the period of October 1, 2004, through June 30, 2005''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148) is amended by striking ''$93,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$105,000,000 for the period of October 1, 2004, through June 30, 2005''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking ''$25,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$28,500,000 for the period of October 1, 2004, through June 30, 2005''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148) is amended—

(i) in clause (i) by striking ''$6,666,667'' and inserting ''$7,500,000'';

(ii) in clause (ii) by striking ''$3,333,333'' and inserting ''$3,750,000''; and

(iii) in clause (iii) by striking ''$3,333,333'' and inserting ''$3,750,000''.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148) is amended by striking ''2001,'' and all that follows through ''May 31, 2005'' and inserting ''2001, $25,500,000 for fiscal year 2002, $26,500,000 for each of fiscal years 2003 and 2004, and $19,875,000 for the period of October 1, 2004, through June 30, 2005''.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking ''$7,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$8,250,000 for the period of October 1, 2004, through June 30, 2005''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148) is amended by striking ''$3,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$3,750,000 for the period of October 1, 2004, through June 30, 2005''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15)(A) of such Act (112 Stat. 113; 118 Stat. 1149) is amended by striking ''$73,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$82,500,000 for the period of October 1, 2004, through June 30, 2005''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149) is amended by striking ''$333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$375,000 for the period of October 1, 2004, through June 30, 2005''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149) is amended by striking ''$16,666,667 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$18,750,000 for the period of October 1, 2004, through June 30, 2005''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(G) and inserting the following:

''(G) $97,500,000 for the period of October 1, 2004, through June 30, 2005.'';

(B) in subsection (a)(2) by striking ''$1,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$1,500,000 for the period of October 1, 2004, through June 30, 2005''; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking ''$1,733,333,333'' and inserting ''$1,950,000,000''.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149) is amended—

(A) by striking ''$1,000,000'' and inserting ''$1,125,000''; and

(B) by striking ''May 31'' and inserting ''June 30''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149) is amended by striking ''$68,666,667 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$77,250,000 for the period of October 1, 2004, through June 30, 2005''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149) is amended by striking ''$33,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$37,500,000 for the period of October 1, 2004, through June 30, 2005''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking ''$13,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$15,000,000 for the period of October 1, 2004, through June 30, 2005''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking ''$20,666,667 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$23,250,000 for the period of October 1, 2004, through June 30, 2005''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking ''$73,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$82,500,000 for the period of October 1, 2004, through June 30, 2005''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking ''$81,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$91,500,000 for the period of October 1, 2004, through June 30, 2005''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150) is amended by striking ''$17,666,667 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$19,875,000 for the period of October 1, 2004, through June 30, 2005''.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150) is amended by striking ''$145,000,000 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$163,125,000 for the period of October 1, 2004, through June 30, 2005''.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150) is amended by striking ''$24,266,667 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$27,300,000 for the period of October 1, 2004, through June 30, 2005''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150) is amended by striking ''$12,533,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$14,100,000 for the period of October 1, 2004, through June 30, 2005''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151) is amended by striking ''$333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$375,000 for the period of October 1, 2004, through June 30, 2005''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking ''$66,666,667'' and inserting ''$75,000,000''; and

(2) by striking ''May 31'' and inserting ''June 30''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking ''$66,666,667'' and inserting ''$75,000,000''; and

(2) by striking ''May 31'' and inserting ''June 30''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151) is amended by striking ''$500,000 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$562,500 for the period of October 1, 2004, through June 30, 2005''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151) is amended—

(1) by striking ''$3,500,000'' and inserting ''$3,937,500'';

(2) by striking ''$166,667'' and inserting ''$187,500''; and

(3) by striking ''May 31'' each place it appears and inserting ''June 30''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151) is amended—

(1) in paragraph (1) by striking ''$6,666,667 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$7,500,000 for the period of October 1, 2004, through June 30, 2005''; and

(2) in paragraph (2) by striking ''$6,666,667 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$7,500,000 for the period of October 1, 2004, through June 30, 2005''.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151) is amended—

(1) by inserting ''and section 4 of the Surface Transportation Extension Act of 2005'' after ''this section'' the first place it appears; and

(2) by inserting ''or the amendment made by section 4(a)(1) of such Act'' before the period at the end.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151) is amended—

(1) by inserting ''and section 4 of the Surface Transportation Extension Act of 2005'' after ''but for this section'';

(2) by striking ''both'';

(3) by striking ''and by this section'' and inserting '', by this section, and by section 4 of such Act''; and

(4) by inserting ''and by section 4 of such Act'' before the period at the end.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151) is amended by inserting ''and section 4 of the Surface Transportation Extension Act of 2005'' after ''this section''.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking ''$74,666,667 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$84,000,000 for the period of October 1, 2004, through June 30, 2005''.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking ''$73,333,333 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$82,500,000 for the period of October 1, 2004, through June 30, 2005''.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152) is amended by striking ''$110,000,000 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$123,750,000 for the period of October 1, 2004, through June 30, 2005''.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking ''1998 through'' and all that follows through ''May 31, 2005'' and inserting ''1998 through 2004 and $54,000,000 for the period of October 1, 2004, through June 30, 2005''.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking ''$13,333,333 for the period of October 1,

2004, through May 31, 2005'' and inserting ''$15,000,000 for the period of October 1, 2004, through June 30, 2005''.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153) is amended by striking ''$26,666,667 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$30,000,000 for the period of October 1, 2004, through June 30, 2005''.

(f) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153) is amended by striking ''$2,400,000 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$2,700,000 for the period of October 1, 2004, through June 30, 2005''.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153) is amended by striking ''$160,552,536 for the period of October 1, 2004, through May 31, 2005'' and inserting ''$192,631,044 for the period October 1, 2004 through June 30, 2005''.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

''(8) Not more than $126,402,740 for the period of October 1, 2004, through June 30, 2005.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

''(5) $14,958,904 for the period of October 1, 2004, through June 30, 2005.''.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153) is amended—

(A) by striking ''May 31,'' and inserting ''June 30,''; and

(B) by striking ''$665,753'' and inserting ''$747,945''.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154) is amended—

(1) by striking ''$665,753'' and inserting ''$747,945''; and

(2) by striking ''May 31'' and inserting ''June 30''.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking ''May 31, 2005'' and inserting ''June 30, 2005'';

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005'';

(B) by striking ''$6,933,333'' and inserting ''$7,800,000''; and

(C) by striking ''May 31, 2005'' and inserting ''June 30, 2005'';

(3) in paragraph (3)(B)—

(A) by striking ''$2,000,000'' and inserting ''$2,250,000''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005''; and

(4) in paragraph (3)(C)—

(A) by striking ''$33,333,333'' and inserting ''$37,500,000''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005'';

(2) in paragraph (2)(A)(vii)—

(A) by striking ''$2,201,760,000'' and inserting ''$2,545,785,000''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005'';

(3) in paragraph (2)(B)(vii) by striking ''May 31, 2005'' and inserting ''June 30, 2005''; and

(4) in paragraph (2)(C) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155) is amended—

(1) in the heading by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005'';

(2) in the matter preceding paragraph (1) by striking ''May 31, 2005'' and inserting ''June 30, 2005'';

(3) in paragraph (1) by striking ''$3,233,300'' and inserting ''$3,637,462'';

(4) in paragraph (2) by striking ''$33,333,333'' and inserting ''$37,500,000'';

(5) in paragraph (3) by striking ''$65,064,001'' and inserting ''$73,197,001'';

(6) in paragraph (4) by striking ''$172,690,702'' and inserting ''$194,277,040'';

(7) in paragraph (5) by striking ''$4,633,333'' and inserting ''$5,212,500''; and

(8) in paragraph (6) by striking ''$2,473,245,331'' and inserting ''$2,782,400,997''.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005'';

(2) in subparagraph (A)(vii)—

(A) by striking ''$1,740,960,000'' and inserting ''$2,012,985,000''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005''; and

(3) in subparagraph (B)(vii) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005'';

(2) in subparagraph (A)(vii)—

(A) by striking ''$41,813,334'' and inserting ''$48,346,668''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005''; and

(3) in subparagraph (B)(vii) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005'' ;

(2) in subparagraph (A)(vii)—

(A) by striking ''$28,266,667'' and inserting ''$32,683,333''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005'';

(3) in subparagraph (B)(vii) by striking ''May 31, 2005'' and inserting ''June 30, 2005''; and

(4) in subparagraph (C) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156) is amended—

(1) in the heading by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005'';

(2) in the matter preceding paragraph (1) by striking ''May 31, 2005'' and inserting ''June 30, 2005'';

(3) in paragraph (1) by striking ''$3,500,000'' and inserting ''$3,937,500'';

(4) in paragraph (2) by striking ''$5,500,000'' and inserting ''$6,187,500''; and

(5) in paragraph (3)—

(A) by striking ''$2,666,667'' and inserting ''$3,000,000''; and

(B) by striking ''$666,667'' and inserting ''$750,000''.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005'';

(2) in subparagraph (A)—

(A) by striking ''$3,200,000'' and inserting ''$3,700,000''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005'';

(3) in subparagraph (B) by striking ''May 31, 2005'' and inserting ''June 30, 2005''; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking ''May 31, 2005'' and inserting ''June 30, 2005'';

(B) in paragraph (1)(A) by striking ''$1,333,333'' and inserting ''$1,500,000'';

(C) in paragraph (1)(B) by striking ''$1,333,333'' and inserting ''$1,500,000''; and

(D) in paragraph (2) by striking ''May 31, 2005'' and inserting ''June 30, 2005'' .

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857; 118 Stat. 1157) is amended by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005'' ;

(2) in subparagraph (A)(vii)—

(A) by striking ''$41,600,000'' and inserting ''$48,100,000''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005''; and

(3) in subparagraph (B)(vii) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking ''$80,000,000'' and inserting ''$92,500,000''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005'';

(2) in paragraph (1)(B)(vii) by striking ''May 31, 2005'' and inserting ''June 30, 2005''; and

(3) in paragraph (2) by striking ''May 31, 2005, not more than $6,666,667'' and inserting ''June 30, 2005, not more than $7,500,000''.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158) is amended—

(1) by striking paragraph (1)(G) and inserting after paragraph (1)(F) the following:

''(G) $3,937,500 for the period of October 1, 2004, through June 30, 2005.''; and

(2) in paragraph (2)—

(A) by striking ''$1,133,333'' and inserting ''$1,275,000''; and

(B) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''MAY 31, 2005'' and inserting ''JUNE 30, 2005''; and

(2) in subparagraph (A) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158) is amended—

(1) by striking ''$5,172,000,000'' and inserting ''$5,818,500,000''; and

(2) by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158) is amended—

(1) by striking ''May 31, 2005'' and inserting ''June 30, 2005''; and

(2) by striking ''$3,233,333'' and inserting ''$3,637,500''.

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158) is amended—

(1) by striking ''May 31, 2005,'' and inserting ''June 30, 2005''; and

(2) by striking ''$3,333,333'' and inserting ''$3,750,000''.

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158) are amended by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158) are amended by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

(s) TREATMENT OF FUNDS.—Amounts made available under the amendments made by this section shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act.

(t) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158) is amended by striking ''May 31, 2005'' and inserting ''June 30, 2005''.

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

''(6) $7,499,997 for the period of October 1, 2004, through June 30, 2005;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

''(4) FIRST 9 MONTHS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through June 30, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $61,499,997, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $7,499,997 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) $6,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''$3,333,336'' and inserting ''$3,750,003''; and

(2) by striking ''$1,333,336'' and inserting ''$1,500,003''.

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''June 1, 2005'' and inserting ''July 1, 2005'',

(B) by striking ''or'' at the end of subparagraph (J),

(C) by striking the period at the end of subparagraph (K) and inserting '', or'', and

(D) by inserting after subparagraph (K) the following new subparagraph:

''(L) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005.'', and

(E) in the matter after subparagraph (L), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2004, Part V'' and inserting ''Surface Transportation Extension Act of 2005''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''June 1, 2005'' and inserting ''July 1, 2005'',

(B) in subparagraph (H), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (I), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (I) the following new subparagraph:

''(J) the Surface Transportation Extension Act of 2005,'', and

(E) in the matter after subparagraph (J), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2004, Part V'' and inserting ''Surface Transportation Extension Act of 2005''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking ''June 1, 2005'' and inserting ''July 1, 2005''.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2004, Part V'' each place it appears and inserting ''Surface Transportation Extension Act of 2005''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''June 1, 2005'' and inserting ''July 1, 2005'', and

(B) by striking ''Surface Transportation Extension Act of 2004, Part V'' and inserting ''Surface Transportation Extension Act of 2005''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''June 1, 2005'' and inserting ''July 1, 2005''.

(c) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking ''2005'' each place it appears and inserting ''2006'':

(1) Section 4481(f).

(2) Section 4482(c)(4).

(3) Section 4482(d).

(4) Section 4483(h).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(e) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on June 30, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2566.

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

There was no objection.

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

Mr. Speaker, the bill will extend for 30 days our Nation's highway, transit and safety programs when the current program expires at the end of May. We need to take this action to give us some more time to get a long-term authorization in place. Conferees will soon be named so that we can get to work to complete a conference report on H.R. 3 by the time this extension has run its course.

I ask my colleagues to approve this extension with the clear intention that the next time we are on the floor, we will be here to ask for your vote for a conference report to extend these programs to the year 2009.

Mr. Speaker, H.R. 2566 will extend for 30 days our nation's highway, transit and safety programs. I am not pleased that we have to bring this bill before the House, but we must move this extension—and I trust this is the last time we will do so—in order to keep our transportation program functioning as we work to finalize a multi-year reauthorization bill.

As the members know, we worked to enact such a reauthorization bill last year, but with the pressure of election-year politics and the various demands placed on the program with not enough resources to meet them, we were unable to do so before the 108th Congress adjourned.

This year, the House passed H.R. 3 by an overwhelming 417 to 9 vote on March 10. But the other body passed its version of the reauthorization just last week. With the current program expiring at the end of May, we need to take this action to give us some more time to get a long-term authorization in place.

Having said that, I hope conferees will be named soon so that we can get to work to complete a conference report on H.R. 3 by the time this extension runs its course. I do not want to be here 30 days from now, saying once again that we need just a few more weeks to get to a final agreement.

But it is going to take some hard work and require some tough decisions being made on the part of the committees and the leadership on both sides of the Capitol.

We have to work with the White House. There are complicated policy issues and, whenever you are dealing with formulas to distribute money, there are sensitive funding issues to address. But we need to get it done—and get it done right.

So one more time I will ask my colleagues to approve this extension—with the clear intention that next time we are on the floor, we will be here to ask for your vote on a conference report to extend these programs through 2009.

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

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

Mr. Speaker, it was September 24, 2003, when this House was considering the first surface transportation extension bill that I said, ''I am afraid we will be back here on this floor once again pleading for another extension of time to keep transportation programs from once again expiring. I do not want to be back on this floor saying again what I said 6 years ago. Time is running out.''

Well, what I said 20 months ago has been right again and again. Tonight we are here following six extensions of current law pleading for, once again, a temporary extension of authorization for highway construction, safety and public transportation funding. And what is discouraging is we are almost in the same position we were a year ago when both Houses passed legislation, met in conference to resolve our differences, but the unwillingness of the White House to agree to a level of investment the country really needs and which we all understand is needed prevented the conference from coming to a successful resolution. So here we are with extension number seven.

Like the six previous extensions, this bill provides for a clean extension of program funding authorization, which means that in the interim we have not been able to modify or update current surface transportation programs that need those adjustments.

The bill will provide $3.14 billion in new contract authority for highway programs through June 30, 2005. I better say 2005, lest we get confused with the next year. For transit programs, the bill provides $647 million for the month of June to allow programs to continue for one more month.

□ 2045

The best news about this bill is that the prospects look better than they have for the past 2 years. The chairman of our full committee, the gentleman from Alaska (Mr. YOUNG) has been designated, or will be designated and agreed upon to be the Chair of the conference. I think that indicates that we will move with expeditious resolve to get this legislation completed in the month allotted by this extension of time.

But let us not underestimate the problems lying ahead of us. They are enormous, and they are principally funding problems. We have passed through our committee, through this House, in extraordinarily good time, early in this year, carrying our responsibility as we said we would do, to the transportation needs of America; but it has been the other body and the other branch of government that have not done their part.

Now, I am confident that when we get into conference, we could just take our bill, if the other body would simply accept it, we would get it passed, and we would meet the transportation needs of the country, but I suspect it is not going to be quite that simple. So it is reassuring that our chairman will be the conference chair, and that means that things will move along, I think, very expeditiously.

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

Mr. PETRI. Mr. Speaker, I continue to reserve my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO), the ranking member on the Subcommittee on Surface Transportation.

Mr. DEFAZIO. Mr. Speaker, I thank the ranking member for yielding me this time.

I am pleased that we finally have a bill out of the Senate, and I am pleased that we are going to move forward to conference. At this point, given the tardy adoption of the legislation by the Senate, it is necessary that we have, hopefully, one last, final, temporary, 30-day extension.

We are now 20 months overdue on this essential piece of legislation. This is a bill that, if adequately funded, could provide tens of thousands of jobs, putting Americans to work at projects that are needed to improve the transportation infrastructure, failing bridges, roads, highways, congestion management, mass transit; to more efficiently move people to work, from work, about in their daily lives; to move goods to firms for just-in-time delivery. It could be a real boost for an economy that, in my opinion, is still sputtering, and dependent upon too much borrowing and not enough real investment.

This is real investment. This is money we do not have to borrow. We are borrowing $1.3 million a minute to run the government. We do not have to borrow a single penny to build and rebuild these roads, bridges, and highways and move Americans more efficiently about the country.

I have a letter from the American Association of State Highway and Transportation Officials, and I think they have said it well: ''An uncertain funding stream has forced the States to slow down planning and design and to delay construction of critically needed highway and transit projects. Further delay in enacting a reauthorization bill continues to reduce the purchasing power of Federal transportation dollars and increase the costs of projects.''

I think that says it well.

So we should act with all dispatch to move forward to conference and resolve the differences between the House and Senate, and adopt the most robust funding level possible, perhaps even having to challenge the White House on the numbers where they have drawn a line in the sand.

I have tremendous confidence in our chairman of the committee and of the conference, the gentleman from Alaska (Mr. YOUNG), and I know that the gentleman from Minnesota (Mr. OBERSTAR), of vast experience in a number of past reauthorizations, will lend all the support he can from our side of the aisle, and I will back him up as best as I can.

We need to adopt a permanent surface transportation reauthorization before or by the end of this next extension.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFAZIO) for their leadership on this issue.

This bill is almost 2 years overdue, and that is just not fair to the Nation-traveling public who deserve better from this Congress and this administration. If you have been watching the floor today, you will know that we are building the world's largest embassy in Iraq, even though the Iraqi people do not want us there, and even though this will be the biggest target for terrorists in the world.

We are spending $1 billion a week to destroy and rebuild Iraq's infrastructure, while completely ignoring the infrastructure right here in America, the people who are paying the bills.

Transportation projects are a natural economic development tool which this Nation sorely needs. The Department of Transportation statistics show that every $1 billion invested in transportation infrastructure creates 42,000 jobs. Let me repeat that: 42,000 jobs for every $1 billion we invest, and $2.1 billion in economic activities. It also saves 1,400 lives. We cannot argue with those statistics.

Transportation funding is a win-win for everyone involved. States get an improved transportation infrastructure that creates economic development, puts people back to work, enhances safety, and improves local communities.

Why the President is opposed to this bill that has the potential of creating millions of jobs is beyond me. The President's own Highway Administration has stated that we need a minimum of $375 billion just to maintain current infrastructure. By delaying the passage of this much-needed legislation, we are doing a disservice to the driving public and the Nation as a whole.

The States who are battling red ink want to see this bill passed, the construction companies who are laying off employees want to see this bill passed, and the citizens who are waiting in traffic jams want to see this bill passed.

Let us get serious about putting people back to work. Let us pass a bill that truly meets the needs of the traveling public and not the need for the President to seem fiscally responsible while he runs up the national debt.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation to the committee leadership and the entire committee. We were faced with the Department of Transportation saying that we need $376 billion just to take care of the areas of crisis for safety and for travel; yet, we are still trying at this bill. It is unfortunate that we have to extend one more time, but I hope this is the last time that we have to extend before we get a permanent bill.

I appreciate all of the support that the committee has given. As a matter of fact, the committee is trying to cooperate with the Department of Transportation by even mentioning $376 billion, and we did pass something that the President has agreed to, but now we go to conference. So to tide us over, because, yes, our communities are suffering, the persons who build are having to lay off people, things are becoming more expensive while we wait and debate the real bill of which we can start to work on the real problems in transportation in this country. Our environment is getting worse, the congestion in the cities is getting worse, as well as bridges falling.

It is time for us to think of the American people, put them to work, and give us the needed infrastructure improvement that we need in this country.

I urge everyone to vote for this extension and hope this is the last one.

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

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

Mr. OBERSTAR. Mr. Speaker, I would just say it was quite a coincidence that just as we began, or just before beginning consideration of this bill, the papers arrived from the other body, signaling that we are ready, perhaps tomorrow, to move to go to conference.

That is a good sign: Appoint conferees, and return from the Memorial Day recess ready to, well, I would not say roll up our sleeves, because it will be short-sleeve time by then, but to go to work on the conference report and bridge the differences, literally, between the two bodies and two versions of the bill with the least amount of interference from the executive branch of government.

Left to our own devices, the House and the Senate will come to agreement on the conference report and do what is good and necessary for the country in transportation.

Mr. Speaker, almost 20 months ago, on September 24, 2003, when this House was considering the first surface transportation extension bill, I stated: ''I am afraid . . . we will be back here on this floor once again pleading for another extension of time to keep transportation programs from once again expiring . . . I do not want to be back on this floor saying again what I said six years ago, time is running out.'' What I predicted then has repeatedly proven correct—we have had six extensions since that day. And here we are today pleading once again for a temporary extension of authorizations for highway construction, highway safety, and public transportation funding.

What is even more discouraging is that we are almost at exactly the same position we were a year ago when both houses of Congress passed legislation and met in Conference Committee to resolve our differences. But the unwillingness of the Administration to agree to a level of investment that this country needs to meet its transportation requirements prevented the Conference from coming to a successful conclusion. So we are here today, trying to pass the 7th temporary extension to keep our federal surface transportation programs going.

It is time, in fact it is long overdue, for this Congress to realize that it is not a parliamentary body. The Constitution gives Congress the power to make laws. It is now up to the House and Senate to come together in Conference Committee and resolve their difference, including deciding the overall funding level of the bill. Too often the Republican Leadership in both bodies simply bows to the wishes of the Administration, which in this case has drawn an arbitrary line in the sand. In doing so, they abdicate their Constitutional duty to make laws and do a real disservice to the American people.

Delay in a long-term reauthorization of the federal surface transportation programs has been costly to our Nation. When the first extension was about to expire last year, the American Association of State Highway and Transportation Officials (AASHTO) estimated that failure to enact a long-term reauthorization would mean a $2.1 billion increase in project cost and a loss of more than 90,000 jobs that could have been created. The uncertainty caused by Congress' failure to pass this bill has significantly limited the States' willingness to plan and budget for large, multi-year projects.

We must now finish the job that Congress should have completed 20 months ago. Now that the Other Body has passed its version of the transportation reauthorization bill last week, we should immediately begin the work of the Conference Committee to ensure that we reach agreement on a Conference Report before this extension expires at the end of next month. Continuing our federal surface transportation programs by temporarily extending their funding authorization is no way to do business, especially when we are dealing with costly, multi-year transportation projects that require long-term certainty in planning, development, and financing. The 2005 construction season is upon us. I can only imagine what further damage and financial cost will be inflicted if another extension is needed to carry us to the promised land of a long-term transportation act.

Like the six previous extensions, H.R. 2566 provides for a ''clean'' extension of program funding authorization. As a result, Congress has not been able to modify or update current surface transportation programs that are in need of such adjustment.

Overall, this bill would provide $3.14 billion in new contracts authority for highway programs for the month ending on June 30, 2005. For transit programs, this bill would provide $647 million for the month of June. This funding will allow the programs to continue for one more month.

I hope we can complete the Conference Report during this time and will not have to come back here again to set new records for the number of temporary extensions and the length of time since the expiration of a regular long-term surface transportation act. I strongly urge my colleagues to support the bill.

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

Mr. PETRI. Mr. Speaker, I urge my colleagues to support this bill.

Mr. UDALL of Colorado. Mr. Speaker, I am voting for this bill because without enactment of such an extension the current transportation law will expire on May 31, 2005. It is critical that transportation programs and projects continue while Congress continues to work toward their long-term renewal.

With that being said I feel it important that Congress act swiftly and pass into law a long-term authorization for highway and mass transit programs. The number of continuing extensions passed by Congress have not provided state Departments of Transportations (DOT)s, Metropolitan Planning Organizations (MPO)s, cities and municipalities the certainty they need to plan for, manage and fund their transportation priorities.

I am hopeful Congress acts quickly to resolve the differences between the House and Senate version so that we can invest the needed long term resources to create jobs and address transportation challenges facing the Colorado and United States.

Mr. CUMMINGS. Mr. Speaker, today, we are poised to enact our seventh extension of the Transportation Equity Act for the 21st Century (TEA–21). This Act was originally set to expire in September 2003. Unfortunately, after nearly two years of consideration, Congress has been unable to pass a new reauthorization measure.

I truly hope that this is the last extension we have to pass. The transportation reauthorization guides all federal spending on highways and transit systems. The delay in enactment of this legislation has left states and transit systems uncertain about the funding they will have. As a result, they have delayed critical constructions projects—and good paying jobs have been lost.

State departments of transportation reported at the end of last year that collectively they had already delayed the implementation of more than $2 billion worth of highway and transit projects, which has caused nearly 90,000 job opportunities to be lost.

The delay in implementation of transportation construction projects is also causing the traveling public to suffer. The new 2005 Urban Mobility Report published by the Texas Transportation Institute found that drivers now waste

nearly 4 billion hours and $63 billion waiting in congestion.

The only way to reduce this congestion and to create new jobs is for states to build the new roads and transit projects they need—and states cannot do that until the federal government meets its responsibility and commits funding for these projects to the states.

There is an old saying: even if you are on the right track, you'll get run over if you just sit there. Right now, it is time to get moving—and to get our transportation system moving—by passing a transportation reauthorization.

Mrs. TAUSCHER. Mr. Speaker, here we go again. For the seventh time since the expiration of TEA 21 in September 2003, the House will adopt a temporary extension of highway, transit and highway safety programs.

Why can't we get this bill done? The House adopted the legislation on a 417–9 vote. The Senate adopted the legislation on an 89–11 vote. And yet, the President has threatened to veto the legislation.

Mr. Speaker, Americans are spending more time in traffic today than they ever have before. They're commuting hours to work, missing their children's soccer games, and losing their precious free time to traffic.

Commuters in my district in San Francisco's Bay Area are suffering in the second worst city in America for gridlock. They're losing a total of over $2 million in wasted fuel and several hours each week, away from their offices and their families.

At the same time, our infrastructure is in need of repair. Our roads and highways are crumbling and we have limited funds to invest in new transit systems.

Mr. Speaker, the American people get it. They know that we need an infusion of federal funds to begin addressing our critical transportation infrastructure needs. They're tired of paying gas taxes at the pump and receiving nothing in return.

It's time to get this bill done. It's time for the President to put his veto stamp away and listen to the American people.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 2566.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MILITARY APPRECIATION MONTH

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we have just voted on a bill with many important elements for our troops, and I wanted to say a few words about our men and women in uniform.

Since taking office, I have had the chance to meet with our troops in Afghanistan, Iraq, and those here at home in my State of Tennessee, and I cannot describe a more patriotic, dedicated, and courageous group of human beings.

In the face of adversity, tackling this enormous new war on terror, they have put on their game face and they have gotten to work. Their commitment to, as they like to call it, ''the mission,'' inspires me, and it inspires all of us to be sure that we are working here to do everything we can to support their work.

So today, during Military Appreciation Month, I want to extend to our men and women in uniform the world over a great big thank-you from this American and from every other citizen whose freedom in life depends on their strength and conviction. May God bless all of them.

RAISING AWARENESS FOR PULMONARY HYPERTENSION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to commend the Pulmonary Hypertension Association for raising awareness and for creating a network of support for patients with pulmonary hypertension. I would especially like to recognize the dedication of my colleague, the gentleman from California (Mr. LANTOS) and his family, but especially the courage of his granddaughter, Charity Sunshine, who suffers from this rare, chronic, debilitating condition, which is characterized by increased pressure in the pulmonary vessels.

It is encouraging to note that significant advances have been made, enabling doctors to provide more effective medical therapies.

So please join me in thanking the Lantos family and the PHA for their unwavering commitment to finding a cure for pulmonary hypertension. My prayers are with all who are affected by this condition.

U.S. TRADE POLICY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, President Bush is asking this Congress to pass the Central American Free Trade Agreement, a dysfunctional cousin of the North American Free Trade Agreement, in spite of the fact that our trade policy has failed.

Twelve years ago, the U.S. had a $38 billion trade deficit. After NAFTA, China and a host of other trade agreements, our trade deficit is now $618 billion.

□ 2100

Mr. Speaker, someone defined insanity as if you do the same thing over and over and over again, you expect a different outcome. It is clear our trade policy has failed. The Central American Free Trade Agreement, an extension of NAFTA, will continue the failed trade policy. We should pass trade agreements that lift up standards around the world, create jobs, both in the developing world and in the United States and change the direction of our trade policy.

ADOPTION OF CUBAN POLITICAL PRISONER HECTOR FERNANDO MASEDA GUTIERREZ

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Mr. Speaker, today I stand in this great Chamber of democracy to adopt a Cuban political prisoner, Mr. Hector Fernando Maseda Gutierrez.

Mr. Gutierrez was arrested on March 18, 2003 during a regime crackdown on dissidents, sentenced to 20 years in prison for associating himself with the Florida International University, participating in Radio Marti programs, writing articles for foreign magazines and possessing a typewriter, fax machine, and books in his home.

I urge Fidel Castro to release him immediately.

The Cuban authorities are refusing to give Mr. Gutierrez the medicine he needs for a skin ailment and several allergies. He is 62 years old, and therefore his health problems are of great concern to his family.

Faced with crude living conditions and the possibility of merciless consequences to his family, Mr. Gutierrez is determined not to back down from his conviction for a free Cuba.

Let me finish by saying that I am grateful that my distinguished colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), promoted this idea of adopting Cuban political prisoners.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHL of New York). 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 Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

EVERYDAY HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, tonight I rise to celebrate individual courage and individual strength. Last Saturday in Carson City, Nevada, an act of bravery and unselfishness occurred when Mr. Loren Boyles saved the life of a Carson City deputy sheriff.

As he was leaving for work early Saturday morning, Mr. Boyles came across Deputy Wayne Gray who was down and being attacked by a suspect he was attempting to restrain.

Without hesitating, Mr. Boyles jumped in and kept that suspect from doing serious, if not fatal, bodily harm to the deputy. He helped to apprehend the assailant and then stayed with Deputy Gray until additional officers arrived at the scene.

Loren Boyles represents the best in the people of Nevada and of America.

He was not afraid to intervene in what was undoubtedly a dangerous situation to save the life of Deputy Gray.

Afterwards, he just went on to work, saying, It was not a big deal; I was just helping out.

But, Mr. Speaker, it was a big deal. Everyday heroes make this country great.

Heroes like Arland D. Williams, Jr., who died in the icy Potomac River helping fellow survivors of Flight 90 get to lifelines. He did not worry about his own safety. Instead, selflessly he helped others.

Heroes like Pat Tillman, who walked away from a $3.6 million contract as the starting safety for the Arizona Cardinals to defend our country. He too did not want glory, refusing even to grant interviews to talk about his decision.

Mr. Boyles has a long record of selfless bravery as well. A veteran U.S. Air Force military policeman, Boyles risked his life repeatedly during his three tours of duty in Vietnam. And earlier this week, he did not hesitate to risk his life to save someone in need from a dangerous individual.

Yet Boyles has remained modest about the entire incident, telling the local newspaper, the Nevada Appeal: ''The cops are the real heroes here. They are on the front lines every day protecting us from guys like this.''

Mr. Boyles' bravery is commendable, and his modesty is laudable. His heroism is an inspiration to not only the people of Nevada but to all Americans.

So to Mr. Boyles I say thank you for aiding your fellow citizens, and I commend you for your heroism. May your sense of duty and selflessness be a model for all Americans.

HEALTH INSURANCE FOR NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, next Monday is Memorial Day. And tonight, in my opinion, a majority in the House of Representatives besmirched that day. A majority, a partisan majority, on a near party-line vote, rejected the idea that our National Guard troops deserve health insurance while they are serving our country. They said, oh, they get it 90 days before they are deployed. Yet many Guard members fail to qualify for deployment because of existing and pre-existing medical problems.

They get it for 180 days after they come back. That should be enough. The chairman of the committee said something extraordinary. He said, oh, they have all got health insurance at their jobs. What jobs? 50 percent of my Guard unit that just came back from Iraq do not have jobs, and they have a very limited health insurance that is going to run out pretty darn soon because of that vote tonight.

Now, they are probably going to go back next year to Afghanistan. But in the interim, we cannot afford health insurance for those young men and women and their families. That is extraordinary to me.

The chairman talked eloquently about 16-year-old helicopters. We need to replace them. What about the 22-year-old Guardsman who does not have a job, just came back from Iraq, whose health insurance is going to expire this summer, who has a wife and a kid and a not really great economy in Oregon and cannot get health insurance through our State because of cutbacks in Medicaid? But we are going to ask him to go back to Afghanistan next year. What is that all about? We cannot afford health insurance for that young family?

We have to buy some new helicopters. Those helicopters are junk without the Guardsmen and the Guardswomen and the regular Army and the Marines, the people who make them work. It does not matter if they are 1 month old, 1 year old, 16 years old. Without those dedicated troops, those helicopters cannot fly.

It is unbelievable to me that the chairman of the committee would force Members of his own party to follow him in this vote.

Fifty percent of my Guardsmen are unemployed. Fifty percent have just returned from Iraq to no job. They do not have insurance. And of the 50 percent that have jobs, despite the chairman's statement, most of those people do not have health insurance either, like so many Americans who work full-time and do not have health insurance.

And we are worried about Guard retention. They are going to have fabulous new bonuses to try and get people to enlist or re-up. How about basics? Basics? Health insurance for those Guardsmen and -women and their families; the same education benefits that people on active duty get.

We are using our Guardmembers indistinguishably from the active duty Army. Indistinguishably. They are performing special operations. They are doing all the same things we ask the regular Army to do. But they do not get the same education benefits. They do not get the same health benefits. They do not get the same retirement benefits, and many times they do not even get the same equipment. They are put in harm's way with inadequate equipment.

It is a disgrace to this House that we were told we cannot afford to add one-quarter of 1 percent. That is about 18 hours' spending out of a year to the military budget in order to provide permanent health insurance for everybody who is still active in a Guard unit in this country. Hopefully, the Senate will act with more wisdom and force a reversal here.

I am proud to have voted with our Guardsmen and -women, and I am proud to have stood up with them and said they deserve better and our country recognizes their service and they recognize it by extending adequate benefits including health care, particularly as we come up to Memorial Day.

So those who voted against it, I hope they are asked on Memorial Day, why did you vote against giving me health insurance? Because there are an awful lot of Guardsmen and -women who would like to know the answer to that question.

ORDER OF BUSINESS

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

THE LIFE OF ROSE WING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise this evening to honor the life and career of Marietta teacher Rose Lee Wing, who passed away on April 30. She will be deeply missed by a grateful community and scores of former students who were fortunate enough to call her teacher.

Mr. Speaker, I want you to focus your attention not on my words so much, but on this portrait of this beautiful, beautiful person.

Born the youngest of seven children in Kingston, North Carolina, Rose graduated from Meredith College. After completing a master's degree in education at Temple University, she moved to Marietta, Georgia in 1938.

She married Steve Mosher Wing and was blessed with two children: Rose, an attorney, and Steve, Jr., a physician, my friend at the Medical College of Georgia. She was later blessed with

two grandchildren, Jennifer Wing and Molly Wing Kintz.

Mrs. Wing taught in the Marietta School System for 47 years, instructing students at Waterman Street Elementary, Marietta High School, Westside Elementary School, and Hickory Hills Elementary School. She taught social studies and organized the annual school social science fair.

When she finally retired in 1987, she had touched the lives of hundreds of students. My daughter, Phyllis, was lucky enough to be among those students. In fact, I remember how hard Phyllis worked on her social science project, ''The History of Kenneth Stone Hospital,'' for Mrs. Wing's class.

Mrs. Wing expected hard work from all of her students. Former pupils will tell you how she insisted that they recite all 50 States and capitals in front of the class. You see, Mrs. Wing did not just teach the facts; she wanted her students to learn how to stand up and be outspoken.

Rose Wing organized her classroom to make everyone feel included. She did not stand in front of the class and lecture, but instead she taught from the center of the room with the desks surrounding her. It was these smaller decisions that truly showed Mrs. Wing's dedication to helping students learn.

The brilliance of her teaching method was that it provided students with the opportunity to participate, while at the same time teaching discipline and respect.

After teaching four generations of children, Rose Wing always had a plethora of stories to share, many memories, and memorable students.

Her students included Georgia State Representative Steve Tumlin; former State Representative Fred Bentley; Actress Joanne Woodward, the wife of Paul Newman; former State Representative Jack Vaughn; and former Marietta mayor, Ansley Meaders, sat in her classroom to learn.

Mrs. Wing loved seeing her former students, hearing about their lives and seeing how they developed. She often said that there was no more rewarding experience than teaching because teachers have the ability to directly affect a community.

□ 2115

She enjoyed seeing her students grow up to become community leaders. She felt appreciated in the process.

On the day she retired in 1987, Mrs. Wing was welcomed to school by rows of her students holding red roses in the form of an arc. As she walked through, the students cheered.

Even after retirement, Rose Wing kept on giving. She became a community volunteer. In fact, she was the first volunteer at the Marietta Welcome Center. Rose Wing was a fixture not only in our schools but in our community.

Mr. Speaker, Rose Wing will be missed, but not forgotten. Her legacy lives on in the Marietta school system with the Rose Wing Award for Tenure; and without question, Rose Wing's memory lives on in the students she taught, who continue to strengthen the Marietta community through leadership and involvement, and in the appreciative parents of those students.

Mr. Speaker, I ask that you join me in honoring the memory of a great teacher and a great lady.

NEW CAFTA NEEDED

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the President and Republican leadership were going to ask this Chamber to vote on the Central America Free Trade Agreement this week, but apparently because it does not have the votes, they will ask us to vote on it in June or July or whenever.

The administration continues, however, to mislead all of us with the wrong-headed notion that by exploiting the poor workers and promoting the agendas of the largest multinational corporations, that America will expand democracy and increase national security. If the administration is going to pursue this kind of illogical rhetoric, they should answer some questions for us.

How do we promote national security by privatizing these poor nations' water systems and public services? How do we promote democracy by inserting provisions in the Central American Free Trade Agreement that call for secret international tribunals to make decisions affecting America's public health and safety laws, thereby undercutting and subverting America's sovereignty?

How do we promote democracy by extending drug patents beyond U.S. law in Central America, making it more difficult for AIDS patients and the terminally ill in these nations to receive life-saving medicines?

How do we promote democracy when pharmaceutical companies and other industries well connected to the Bush administration are granted a seat at the negotiating table while workers' representatives are excluded?

More than 40 percent of workers in Central America earn less than $2 a day, putting them below the global poverty level. How does CAFTA ensure that wages will increase to benefit workers?

If CAFTA helps workers, why does it allow the Central American nations to weaken or undercut their already substandard labor laws after the agreements is enacted?

Why are trade sanctions an effective trade enforcement mechanism available for violations of intellectual priority provisions of agreement, but not for violations of labor and environmental provisions? In other words, why do we protect drug companies and not protect workers?

While opponents of CAFTA gather by the hundreds in public places, elected Democrats, elected Republicans, union members, environmental groups, manufacturers, small farmers, ranchers, environmentalists, we meet out in the open, but CAFTA supporters hunker down behind closed doors to manipulate backdoor deals.

With all the talk of democracy, why the secrecy, Mr. Speaker?

Proponents of the status quo argue that free trade promotes democracy, but then they turn a blind eye to human rights abuses, to coerced labor, to slave labor, to child labor. Supporters of CAFTA conveniently fail to mention that democracy in Mexico recently suffered a severe setback when Mexico's legislatures voted to strip the popular Mayor of Mexico City, and their political rival, of official immunity on a technicality; the goal was to imprison him and knock him out of the 2006 election.

The U.S. State Department remains silent. Mexico now ranks as one of the world's ten largest economies. While overall wealth increased since passing the North America Free Trade Agreement, poverty has also increased. In Mexico, 10 percent of the population controls 50 percent of the Nation's wealth and 50 percent of the nation's citizens live in poverty. That was the legacy of NAFTA, the dysfunctional cousin of CAFTA.

There is no burgeoning middle class in Mexico, just another of NAFTA's failed promises. How can the administration say this income disparity and persistent inequality is progress. We promote democracy instead, Mr. Speaker, by ensuring prosperity for all, not just a select few. This CAFTA fails to do that.

We protect our own borders and security by protecting workers and families in our sister countries by raising wages and improving their living standards. This CAFTA fails to do that.

We help our neighbors at home and overseas by creating healthy and safe communities through worker protections and investments in the environment. This CAFTA fails to do that.

We ensure democracy when we conduct trade negotiations openly and publicly, not by doing so behind closed doors and protecting the drug industry. CAFTA's negotiators failed to do that.

This CAFTA fails to promote fair trade. It fails to protect workers and the environment. It fails to raise living standards either in the United States or in the Central America nations.

I support trade with our good friends and neighbors in Central America. I strongly support trade with our friends and neighbors in Central America, but not this Central American Free Trade Agreement.

This CAFTA is dead in the water. The President signed it a year ago. We still have not voted on it. It is time to renegotiate a better CAFTA, one that

benefits all, not just a few, one that all Members of Congress and the American people can support.

UNIVERSAL COVERAGE INEVITABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, we in the Congress are in danger of becoming as irrelevant to medicine as the use of leaches are to the cure of patients.

Last night the House took what some called a bold step to approve to thoughtful, modest bill to advance stem cell research to use science to alleviate pain and suffering and prolong life.

To its credit the House followed the guiding principle written thousands of years ago by Hippocrates, the father of medicine. ''I will apply dietetic measures for the benefit of the sick according to my ability and judgment; I will keep them from harm and injustice.''

That statement was taken directly from the Hippocratic Oath that I and every other medical doctor swears to uphold. That is what we did last night. We took a small step on the path of hope last night but it will not go very far.

The President, bowing to the religious fanatics, has already declared he will veto the stem cell bill. Vowing allegiance to the right wing, the President will use the veto stamp to wash his hands of any hope that science can commute a sentence of debilitating pain and suffering, or even death, imposed on countless Americans.

Other nations are intent on living in the 21st century with or without the United States. Under this administration, we are more dependent than ever on countries to loan us money to keep the lights on under the Republican budget assault. Now the administration intends to make us more dependent than ever before on countries for advances in medicine and science.

We have great research scientists in this country, including the University of Washington. The President will tell them that his administration chooses the religious right over the human right to live your life without pain and suffering. For this, history will judge us equal to the political leadership last seen in the Dark Ages. Despite this, I believe that we are at the dawn of a new medical renaissance, and not even the extreme right wing in this country can stop it. The mass of Americans will stop it.

We have all known someone who is suffering from Alzheimer's disease or Lou Gehrig's disease or diabetes or a spinal cord injury, and now we have hope that stem cell research can unlock the secrets to relieve suffering. We could get there faster if we renew our relevance as political leaders and support groundbreaking scientific and medical research, but we will get there.

Today, 47 million Americans have no health insurance. Millions of other Americans can barely afford health care and still others avoid going to the doctor because of copays or having to work a second or third job to make ends meet. More and more companies are forcing their workers to shoulder most, if not all, of the financial burden of obtaining health care. Health care costs in this country are soaring and there appears to be no end in sight.

This is health care in America today. But tomorrow it will be different.

Scientists have cracked the genetic code, taking the first steps to predicting serious illness and disease before a baby is born. Treatments will come before the baby is born. The day is coming when we will be able to predict and treat serious illness and disease before it strikes.

Traditional health insurance as we know it will end. We will have no alternative, but to have universal national coverage.

Today, we talk about prevention and we mean going to the doctor before we get sick. Tomorrow we will redefine prevention as curing what ails you before it ails you. The heroes and heroines are working in the research laboratories right now. People do not read about it in the newspapers or see it on television, but they are there and they are changing their world for the better. It will not come easy and it will not come quick, and in some cases, it will not come cheap.

I look ahead to see a world where we care enough about one another that we will vow as a nation to follow the oath I take as a doctor. Do everything in your power to alleviate pain and suffering.

We voted for hope in the House of Representatives last night. The President will try and take that away. But he cannot stop the spark of genius God gave to men and women of faith and science.

The American people may not have reason to believe in their national leaders, but they do have every reason to be proud of the men and women who use science, intellect and personal faith to save lives and end suffering.

Universal coverage is coming sooner than you think.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it is time for Congress to discuss the war in Iraq and how to end the terrible suffering that it is causing our troops, their families and the Iraqi people.

First and foremost, I honor, I support the brave men and women who are serving our country in Iraq, and I believe that the best way to support them is to establish a plan to bring them home. In just over 2 years of war, more than 1,600 American soldiers and an estimated 25,000 Iraqi civilians have been killed. The number of American wounded, according to the Pentagon, is greater than 12,000 and that does not count the invisible mental wounds they are bringing home, which afflict as many as 25,000 more of our soldiers.

The war in Iraq has also cost our country about $200 billion in slightly more than 2 years. With this much money on the line, do the American people not deserve to know what the President's plan is for Iraq? How long he expects U.S. troops to remain there? How much this war will cost all told and how he plans to pay for it?

I credit the many brave individuals in Iraq who risked their lives to give back to the Iraqi people by voting in their January election, but after the election, our continued presence in Iraq has caused America to be seen by the Iraqi people as an occupying power, not as a liberating force.

Our continued military presence in Iraq works against efforts for democracy. It provides a rallying point for angry insurgents and ultimately makes the United States less safe. That is why earlier today I offered an amendment to the Defense Authorization Bill for fiscal year 2006. My amendment expressed the sense of the Congress that the President must develop a plan to bring our troops home and that he must submit this plan to the appropriate committee in our Congress.

We can truly support our troops by bringing them home. At the same time, withdrawing U.S. troops must not result in abandoning a country that has been devastated. We must assist Iraq, not through our military but through the international humanitarian efforts.

This humanitarian approach is reflected in the SMART Security legislation, H. Con. Res. 158, that I have introduced with the support of 49 of my House colleagues.

□ 2130

SMART security is a sensible, multilateral American response to terrorism for the 21st century.

The SMART approach would defend America by relying on the very best of American values: our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. This is the very essence of SMART security.

SMART security will prevent terrorism by addressing the very conditions which give rise to terrorism in the first place: poverty, despair, and resource scarcity. SMART will ensure America's security by reaching out and engaging in the Muslim world. Instead of rushing off to war for the wrong reasons, SMART security encourages the United States to work with other nations to address the most pressing global issues.

There is a demonstrated link between debt relief and lack of support for terrorism. That is why SMART security encourages the world's wealthy nations to provide debt relief and developmental aid for the world's poorest countries.

SMART security encourages democracy-building, human rights education, conflict resolution through nonmilitary means, educational opportunities, particularly for women and girls, and strengthening civil society programs in the developing world.

Mr. Speaker, our future efforts in Iraq must take the SMART approach: humanitarian assistance to rebuild Iraq's war-torn physical and economic infrastructure. Congress must commit to this type of support for Iraq, not a continuation of a military approach.

It is time to support our troops and begin the difficult recovery process from a long and destructive war. The best way to do this is to bring our troops home. Mr. Speaker, our troops deserve nothing less.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. BEAN) is recognized for 5 minutes.

(Ms. BEAN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PERSONAL REFLECTIONS ON IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, it is my privilege this evening to be joined by some of my colleagues. We went to Iraq a few weeks ago. We find a lot of conversation on the House floor about what should and should not be done, and so we would like to take this opportunity to discuss what we saw.

I guess one of the main objectives tonight is to inform the public that this is not always a highly partisan issue. The Members that went to Iraq were both Republicans and Democrats. We got along very well. We continue to get along very well. Sometimes the general impression that is conveyed by conversation on the House floor is that we are always at each other's throats and that this is what politics is all about. I think this is very misleading in many cases; and as a result, we hope to have a bipartisan discussion tonight of those events that we encountered as we traveled overseas.

Those who went with us were the gentleman from New Hampshire (Mr. BRADLEY), the gentleman from Colorado (Mr. BEAUPREZ), who is here now, the gentleman from Tennessee (Mr. DAVIS), the gentleman from Texas (Mr. NEUGEBAUER), and the gentleman from Colorado (Mr. UDALL).

As we talked to the soldiers over there, we often heard this comment: there seem to be really two wars. There is the war that ofttimes is seen on television; and certainly the bombings, the beheadings and all the really violent things we see are very true, they are part of this conflict; but also the soldiers would continually mention the fact that there is another war that they are seeing, another war they are fighting that ofttimes is not conveyed over the airwaves. So we would like to really discuss these issues.

I have made three trips to Iraq. I have been to Afghanistan, Kuwait, and Jordan twice, Landstuhl Air Base in Germany a couple of times, and Walter Reed many times. So I have had many chances to talk to the soldiers. And I guess the thing that continues to impress me and the overwhelming impression that I get is the efficiency of our Army, the sense of mission, the sense of accomplishment, and a generally upbeat attitude.

Now, certainly being in Iraq or Kuwait or Afghanistan, or in a hospital, cannot be an entirely uplifting experience; and there is some hardship and there is some difficulty. But, still, it seems the soldiers are amazingly intact and amazingly upbeat when you consider their circumstances.

I will just mention two things on this trip and then turn it over to some of my other colleagues here for discussion. The first stop that we had in Iraq was at al Asad. Al Asad is a base out in the desert. It is in al Anbar Province, which is the largest province in Iraq. It is a desert area. It is becoming a fairly dangerous area because many of the insurgents have been driven out of the cities and are now in the desert. So it is a fairly wild situation.

In my previous trips, again I had always had a fairly positive reception from the troops. But as we landed in al Anbar, I thought, well, this is the place where I am going to start hearing the complaints. Because there was not a blade of grass, there was not a tree, obviously very little to do socially, and quite a large number of troops out there. There are two groups from Nebraska, one was a medical troop and one was a transportation group. So I spent quite a bit of time talking to those soldiers, probably met about 100 of them personally, and there were about another 80 who were out on patrol. Again, the same attitude that we had encountered other places was very prevalent. They were proud of what they were doing, they had a sense of mission, and generally were very positive about what was going on.

So that trip, the first part, was, again, somewhat of a surprise in view of the surroundings. The second area that I want to mention was towards the end of our trip. We went to an Iraqi women's caucus, and this caucus was held in Jordan on the banks of the Dead Sea. And the reason we went over there was that we had formed an Iraqi Women's Caucus for Women's Issues here in Washington.

The genesis of that caucus was simply a conversation between Paul Wolfowitz, Jennifer Dunn, and myself, where we began to speculate on the role of women in the new Iraqi government as the war progressed. And we began to talk about the fact that women would certainly play an important role; that women ofttimes are the peacemakers; and possibly to have a positive resolution to this whole conflict would have to involve the women of Iraq.

So we began to move forward on this. Iraqi women were brought to the United States. And part of this movement was to bring Iraqi women over to the Dead Sea, out of Iraq, where they could learn a little more about democracy and strategies in terms of running for office and so on.

So there were 1,000 women who applied for 250 spots at this seminar. And so we met with those 250 women. They came by auto, and they came from all

points in Iraq. And they were stopped for about 12 hours, most of them, at the Jordan border. They could not get in the country. So that was difficult. Three carloads of them were fired upon as they went across al Anbar Province. And of course there was a great deal of danger and a great deal of risk. Two of the women we had had over here in the United States as part of the caucus had been killed during the elections, when they ran for office. So it was a very dangerous business.

As we interacted with those women, we had some interesting conversation and we picked up some general themes, and those themes were reinforced by three women who were from Iraq who were in my office yesterday. Essentially, what these women were saying yesterday and also several weeks ago was very similar. They said, first of all, we now have a sense of hope. We have a sense that the future is going to be reasonably bright. We appreciate freedom.

They pointed out that there is now a great deal of marriage going on in Iraq, where under Saddam, for many years, very few people got married because of the situation. They have noticed a resurgence of entrepreneurial activity. They are pleased with the number of women in government. There were roughly 80 out of 275 spots in the constitutional convention that belonged to women. Schools have been renovated. Attendance, particularly by women, has gone up in the schools. And, of course, a great many of the children, about 97 percent of the children, have been vaccinated.

Now, we do not mean to paint an entirely rosy picture. The women I saw yesterday, the women we saw in Iraq said that security is a major problem. They live with some sense of fear almost all the time. They mentioned problems with the infrastructure. Electricity still is a problem. In many cases, it is on only about half the time. The thing about it now, though, is different than under Saddam. Under Saddam, there were certain areas, where his people were, that had very good electrical service and the rest of the country had no service at all. Now there is service all over the country, but many times people have only intermittent service.

Sewage disposal is still a problem, water problems still persist; and the job market is not what we would like to see it, but it is better than it was before. And of course the other issue is there has been a resurgence, particularly as it relates to women to fundamentalism. Sharia, the rather fundamental interpretation of Islamic law, sometimes is regaining a hold in terms of how women are perceived and how they feel they should be treated or are treated.

So it is a mixed picture. But still, overall, they say they would not trade their present situation with the insecurity that they are now experiencing for what they had under Saddam and feel they are generally much better off.

So with those prefatory comments, I would like to yield to my colleague from Colorado (Mr. BEAUPREZ), who we really enjoyed being with and spending time with. And so I will let each Member have a shot at it, say a few words, and then we will all have a dialogue as time goes on.

Mr. Speaker, I yield now to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman and commend him for leading a wonderful delegation to Iraq. It was my second visit. I know it was your third, but it was my second visit. The first one was in November of 2003. And I was taken by several things, of course, but one that really sticks out in my mind.

As the gentleman will recall, the day we were in Baghdad, Camp Victory, and took the helicopter rides, the Blackhawks, and flew over the city, I think you, myself, all of our colleagues were struck by how much normalcy, and we have to put that in the appropriate context of course, because it is still Baghdad and it is obviously still very much a zone of much conflict, but how normal it looked by comparison to when I was there last in November of 2003. Then, it was obviously in considerable turmoil, and that is probably an understatement.

But as we flew over the city that day, I remember seeing cars going up and down the streets in the residential areas. We saw people walking in and out of their homes. We saw the market areas that looked fairly busy and life going on, much as you would think to see in many other cities.

What really caught me even more later on that day was that when we got back to our rooms that night and turned on the TV, we realized that was the day there were these demonstrations in Baghdad. And watching TV that night, I thought, goodness, the entire city was somehow under siege and we missed it.

As you will recall, that was the day we sat with the generals, Petraeus, Casey, Vines, and we were also with the new Prime Minister Jafari, and I thought what did we miss? Because we did not see anything really of significance and nobody brought it to our attention.

The next day we were with the Iraqi women, as the gentleman from Nebraska pointed out, at their conference, and I recall bringing that up to a group that I was talking to, and some that were actually from Baghdad, and they were remarkably dismissive.

Now, Baghdad is a city, as I recall, roughly the population of Chicago. It is a big city. And when we mentioned what about the demonstration yesterday, it was kind of an, oh, that was Muqtada al-Sadr's bunch. They do not amount to much. It was almost like there was a demonstration in a Safeway parking lot back home. It was kind of, oh, well.

I mention that not to make light of the struggles they have, because the gentleman from Nebraska put it in an appropriate context, it is still very much a dicey place. It is very troubled.

□ 2145

Security is their number one issue, and will remain their number one issue for quite awhile.

I think what we struggle with back here at home is watching the 6 p.m. news or reading the morning paper and trying to put in the appropriate context what the rest of Iraq is dealing with on a daily basis. And I saw evidence in relative terms, they are starting to experience some degree of normalcy. Life is coming back. Choices are becoming theirs. They have some opportunity. They have that wonderful four-letter word, hope. I do not think we can underestimate how powerful that is.

We have all wondered at our own moment in time, are we on the right course, maybe even the right mission. But I at least came home feeling, because we heard it again, that this is worth it, that we do have a plan now.

The security mission has changed, or is in the process of changing rather dramatically from us doing it for them and them looking over our shoulder, to them now taking, day by day, an increasingly larger role in their own security, taking care of their own neighborhoods and their own security, and us being more the observer and the counselor.

That is a dramatic shift in the paradigm and that is critical to our exit strategy. If we are going to get out of there, they need to take care of their own security operations.

A couple of other observations. When we sat by coincidence with their new prime minister, Ibrahim Jaafari, he was in his second day of office. I was so taken by him sitting there and invoking the beginnings of a nation.

Remember, this is the Fertile Crescent. This is where civilization began. This is humanity's beginnings, and we are the upstarts by comparison. Here he is talking to us about how he would like to be the kind of nation, Iraq would like to be the kind of nation that Thomas Jefferson wrote about that honored life, liberty and the pursuit of happiness. That was a humbling moment for me.

He spoke with great eloquence in his native language through an interpreter. He spoke with tremendous courage and inspiring vision, and asked us all to bring back a message to the American people. He told us, We realize you did not have to send your daughters and sons over here to do as they have done, spill their blood for us to give us a chance at liberty, but they did. And he told us again, That is the kind of nation we would like to be. He said, Please take home a message to the American people from me. He said, It is a message of love, a message of love to the American people.

That is a powerful thing, Mr. Speaker. It is a powerful thing.

I remember I asked him, Mr. Prime Minister, it seems we are at a point where the history of the world might actually change. And he said, We realize in Iraq that we are a bit of a candle in the darkness, and as goes Iraq, very well may go the entire Middle East.

We do not know for sure. There is a great deal of uncertainty ahead of us. But I submit tonight as we approach Memorial Day weekend, and last week I was home and helped celebrate Armed Forces Day at one of our cemeteries where Civil War veterans are buried, especially tonight as we think about our troops still there in harm's way, as we think about this weekend thanking those who put on the uniform, both current as well as in the past, as we think about how different even our opportunity is simply because they answered the call, they put on the uniform, they went into harm's way, they took the risk, and they are making a difference. I hold in my heart of hope that it is a dramatic difference.

I would say to the gentleman, I remember as well our last stop on the way home was in Germany at Landstuhl, the military hospital. We stopped in that room with those two soldiers that the very day before had encountered an IED, an improvised explosive device. It went off under their Humvee and literally lifted that armed Humvee up in the air and turned it upside down and dropped it on its top. They were lying in their hospital beds. And I said, in my naivete, Boy, I bet you are looking forward to when you heal up enough and get sent back home to the United States.

They looked at me like I must be the dumbest person in the world. Finally one of them spoke and said, No, sir, we want to get released from this hospital so we can go back and be with our buddies and finish the job we were sent here to do.

It is very inspiring to go over there and witness not only the progress that is being made, but especially the patriotism of our young men and women.

I want to thank the gentleman from Nebraska especially because I recall the first trip I took over there, and I asked a colonel from Grand Junction, Colorado, what I could possibly do for him. He said, I am committed to this mission and I can sleep at night. I know we are in control, but please go home and tell the truth because, he said, My wife has trouble sleeping.

So I think it is important while we recognize the challenges in front of us and the tough days still ahead of us, we also recognize the good that is being done and the progress that is very much being made.

Mr. Speaker, I thank the gentleman for this opportunity to share tonight and thank the gentleman for leading a wonderful trip to Iraq.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman from Colorado (Mr. BEAUPREZ) for those observations. Many people do not realize that life does go on in Baghdad. There is a degree of normalcy. It has been almost universal, my experience with the troops, who have indicated that their number one desire is to get back to their units, some who have even lost limbs.

Mr. Speaker, I would now like to yield to a very unusual Member. He spends a lot of his time in the House gym. He has been up on Everest several times. I do not know if he has ever made it to the top. He has climbed a lot of the highest mountains in the world, and has become a great friend.

We have actually been to Iraq twice, and he even wore a Nebraska football hat as we flew over Baghdad, so Members can tell he is an unusual person. I am referring to the gentleman from Colorado (Mr. UDALL), and I would appreciate any recollections the gentleman has of the trip.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) for organizing this important hour tonight. I concur with the remarks of the gentleman from Colorado and we enjoyed your leadership. I would duly note that it took two Coloradans to take care of one Nebraskan, but that is usually the situation we face out West.

This, too, was my second trip to Iraq. We were there last September as well. I have to say as we left Iraq, we had a feeling that although the armed services personnel and the great civilians and the State Department are always optimistic, there was a greater sense of optimism, particularly on the heels of the election that was held at the end of January.

I would also say, this is kind of unusual to have both Democrats and Republicans in a special order. I am here to listen as much to my colleagues' perspectives on our very fascinating time spent in Iraq and Jordan, and I am eager to hear all of my colleagues' impressions.

I have a couple of things to add. The gentleman from Nebraska (Mr. OSBORNE) covered many of the important interactions we had in Iraq, and particularly when we were on the shores of the Dead Sea with the 150 Iraqi women who had traveled 2 and 3 days across Iraq. A number had been robbed and detained along the way, but they were there because they wanted to have a say in the future of their country.

We were also joined by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentlewoman from Texas (Ms. GRANGER), and they added a very important perspective to the conference itself. But you cannot come home and not feel a connection to those brave women, very brave women who were risking their lives every day.

The gentleman from Colorado (Mr. BEAUPREZ) mentioned our trip through Ramstein Air Base on our way home, and what a facility that is, along with the world-class Landstuhl Hospital. We had an opportunity to see the jointness that we hear so much about within DOD. It was seamless. You could not tell whether the personnel in a particular setting was a Marine, sailor, airman, or soldier. For that, the DOD is to be commended because we are creating this synergy that in the end continues to put us on the cutting edge.

I think it is notable also to acknowledge the important role the Jordanians are playing in the Middle East. We were staged out of Jordan. We spent time in Amman. We received important briefings from our embassy staff. And King Abdullah and his government and the people of Jordan are a key part of the efforts in the Middle East.

On the flight over and then on the flight back, as you peer out the windows of the jet, we looked down over Israel for that short time frame that it takes to fly over Israel, and you understand the importance of the geography and the strategic and special relationship we have with Israel. They are, of course, a key player in this effort that we are all involved to stabilize and create free and democratic systems in the Middle East.

If I could just at this point conclude, I think it is important to acknowledge that there were different points of view in our delegation. You have to number me as one who had misgivings about the war in Iraq and the approach that we took. But now that we are there, my attitude is that we have to find a way clear to stabilize the situation and make good on our promises to the Iraqi people. In that undertaking, I think we are neither Democrats nor Republicans nor members of other political parties; we are Americans with a commitment to that part of the world.

The strategy to all of us is clear. It has three sections. As we have done, we have to hold the elections and support the standing up of this new government and it still has a ways to travel. That is well under way.

The second, and we heard a great deal about this from General Casey, General Petraeus and other military leaders, is to support the Iraqi security forces, the police and the military.

The third part of the strategy is to create a more stable environment in Iraq, which means providing jobs and electricity and clean water.

These three parts are all interactive. We have to stay committed and support our men and women in uniform.

I would just conclude by sharing, the men and women there are performing magnificently. Their commitment to each other, the mission, and to the United States of America and to the world at large is exemplary. I think we all came back the better for those interactions with the men and women in uniform in Iraq. For that, I am deeply grateful.

Mr. Speaker, I thank the gentleman from Nebraska for convening all of us, and I look forward to hearing what my colleagues have to say.

□ 2200

Mr. OSBORNE. Mr. Speaker, I thank the gentleman from Colorado for his

insights. He has been a great guy to travel with, a great person to get to know, and certainly someone whom I admire a great deal. You mentioned being at Landstuhl. All of you remember the young guy whose name was Chris Ruehl. He had been shot and been in an ambush. This guy was interesting because I thought, if I was coaching a football team, I would like to have a whole bunch of Chris Ruehls, because he had this hole in his shoulder, but he got up and he was explaining what happened. Then he gets out his camera, and he is showing us pictures that he took while he was getting shot at. I thought, you know, this is one brave guy. I tracked him down, I got his cell phone, after he got back to the United States. He was all geared up, ready to go back. He wanted to get back in the fight.

An interesting guy, an interesting time. The gentleman from Texas (Mr. NEUGEBAUER) is next. He and I made a couple of trips. We were in Afghanistan and Iraq together and Kuwait, and then this last trip. I am interested in hearing his insights into what he saw and what he remembers. Even though it has been 6 weeks ago, I am sure he remembers a lot.

Mr. NEUGEBAUER. I thank the gentleman for yielding. It was a remarkable trip. My second trip, also. As I was going over there, I was wondering what was going to be different or if things were going to be different from the first time I was there and kind of two historic events took place.

As the gentleman from Nebraska will remember, we were on our way to Iraq the first time and Afghanistan. We were eating in Ramstein Air Force Base in Germany and it was the day that they caught Saddam Hussein. Then, of course, the second time we were sitting in Baghdad and got to have, I guess, one of the first delegations to meet with the new Prime Minister Jafari. What a historic event that was. I, too, was struck, as the gentleman from Colorado was, by his enthusiasm and his passion for his new responsibility. I thought about the weight that is on his shoulders as he begins to lead the Iraqi people into uncharted territory for them.

Someone said the other day, and one of the things I wanted to talk about was General Patraeus was briefing us. I think the first thing he started off with was a little video or slide show that he had prepared for us to kick off the meeting. It was about the election. He talked about the great impact that that election had not only on our young men and women that are over there providing this opportunity for a free Iraq and a democracy but the impact that it had on the Iraqi people.

They were a little bit skeptical as to how many of the people would brave to come out with all of the threats that the terrorists, the insurgents, were going to be out on the streets and there would be a lot of people killed. As we were watching that video, I remembered seeing the thousands and thousands of Iraqi people that were standing in lines for what they said were hours and hours for that first opportunity to experience what our young men and women had gone over and provided for them. Of course, the famous holding up their index finger to signify that they had voted, that they had gotten to exercise that wonderful freedom.

I also was thinking about what General Patraeus was saying about how they are now teaching the Iraqi people how to defend their own country and how that is an integral part of bringing our young men and women home and how now, though, in many areas, Iraqi soldiers are primarily providing security forces in parts of that country and we in some cases take a secondary role but in many cases we are working alongside the Iraqi people and how important that is.

One of the things that I tell the people back home about understanding what is going on in Iraq, I use the analogy that if you can imagine if you were blind and deaf at birth, you had never been able to hear, you had never been able to see, but on your 30th birthday, you woke up and you could hear and you could see. Imagine all of the adjustments that you would have to go through in your life. You would have to really learn how to live your life in a new way. That is very much similar to what the Iraqi people are learning how to do. They have been oppressed for most all of their lives and all of a sudden one day they are a free people, beginning a journey of becoming a democracy, much like this country did over 200 years ago.

I think also, as the gentleman mentioned, about that historic meeting of these Iraqi women that had come from all over Iraq and many of them, we sat at various tables and had lunch. They wanted to interface with us, we wanted to hear from them, but them telling their stories of the peril, the risks that they took coming to that meeting, that meeting to learn how to begin to be a part of this process. I think about a third of the people in the parliament are women. They wanted to come and learn how do we participate. And watching them go through those exercises of how to go to a city council or how to deal with the media or how to introduce legislation, how to run for office, all of the things that make this democracy great.

I think one of the things that I did go back home and say to the people in my district as I was sitting at lunch on that day, I had probably nine, 10 women at that table with me. And so the big question I finally got around to, and I think it is a question that probably some of your constituents back home ask, So do the Iraqi people really appreciate what the Americans are doing for them? A smile came on the faces of many, but I looked over and I will never forget this one lady, I believe she was a Kurdish lady, and tears were rolling down her eyes. She said, Oh, yes, Congressman, we appreciate that very much. Because, you see, we are mothers, we are sisters, we are wives, we are aunts, and we know there are mothers and wives and sisters and aunts in America that have paid the ultimate price for freeing our people. She looked me right square in the eye and said, And we will never forget. That made a huge impression on me, because I needed to hear that and I wanted to convey that to the American people. When I told that story back home, they said, You know, we didn't get to hear that on the evening news.

One of the things I think is so important as we have Military Appreciation Month, I think the thing that as I come back and I look at the big picture and I think the gentlemen that are in the Chamber with us tonight that traveled, is that we understand a couple of concepts about our military today. Number one, it is an all-volunteer force. Everyone that we ran into in that theater was there because they chose to be. I am overwhelmed at the dedication, the commitment, the quality of young men and women that we have defending our country, our Nation and helping liberate Iraq and Afghanistan.

I think one of the real treats for many of us was that we tried to eat about every meal with the troops that we could while we were there. Sometimes we were eating meals on the go, but many times we had an opportunity to meet with the troops and we tried to eat with people from our State or from our area. Of course, you know for sure that the people from Nebraska certainly recognize the former head coach of the Nebraska Cornhuskers. It was like traveling around with a rock star actually, because everybody wanted his autograph and wanted his picture. The rest of us kind of felt like we were part of the groupies that were following him along.

One of the things that I thought was so significant, we let those young men and women talk nonattribution, tell us kind of what is going on, how do you feel about what you are doing, your job. I never heard one soldier say, Congressman, we shouldn't be here. Congressman, get me home as quick as you can. What they wanted to talk about is how they are helping the Iraqi people and how they were proud that those Iraqi people got to exercise that right to vote and when they saw them with those index fingers stained, that they say, hey, you know, I was a part of that. I helped make that happen for the Iraqi people.

One of the things, it was an idea I think I got from the gentleman from Colorado (Mr. BEAUPREZ), was that many of us, I think, got names of loved ones back home. I know that I got about 30 or 40 names of young men and women that gave me their loved ones back home, and so they gave me those numbers. It was so fun to call back and say, I was with your son, I was with your husband and talked and tell them how proud that we are of them.

But what it did remind me, and I think it reminds everyone, is that when these young men and women are serving our Nation, their families are serving right alongside them. I had been over to thank their husband or their wife or their brother or their sister or their son or their daughter, but it also gave us an opportunity to thank the parents and the wives and the husbands of those young men and women serving. It was a great trip. I enjoyed it so much. I thank the gentleman from Nebraska for including me. I look forward to going back with him soon.

Mr. OSBORNE. The gentleman from Texas has been a great guy to travel with. I have had some good experiences.

Mr. Speaker, I would like to call on the gentleman from New Hampshire (Mr. BRADLEY). He and I had not traveled before, so I got to know him a lot better. He is really a very astute individual, a lot of insightful questions.

Mr. BRADLEY of New Hampshire. Mr. Speaker, it is certainly a tribute to the leadership of the gentleman from Nebraska (Mr. OSBORNE) that we would be joined tonight with Members of the other side of the aisle. We went to Iraq not as Republicans, not as Democrats, but as Americans who are interested in our troops and interested in the fate of that country. It is certainly a tribute to both the gentleman from Tennessee (Mr. DAVIS) and the gentleman from Colorado (Mr. UDALL) that they are joining us tonight. There is precious little of this type of bipartisan cooperation and certainly it is a pleasure for me to participate in it tonight. It is important that when we think about the ongoing hostilities in Iraq, that we see both sides of the picture. I think we had the opportunity 6 weeks ago to see an awful lot of positive developments in Iraq.

Since then, I think we all have seen the news on the television and the spate of bombings and the threat that the insurgents are trying to bring down a newly elected government. That is horrifying, especially after the reaction that I think all six of us got in Iraq, which was positive, which is that we are starting to see light at the end of the tunnel, that the Iraqi security forces are doing much better in their ability to operate. Yes, they have a ways to go. We need more of them. There are about 152,000. We need about 300,000. But they are doing better. They still have to be able to operate independently, with a command and control structure, but General Patraeus explained to us how that is on its way, that it cannot happen overnight.

The Iraqi women that we met, and perhaps this was the most telling thing when they talked about the Iraqi security forces, said that the Iraqi people are beginning to be able to trust the Iraqi security forces much more. That was so important to me, to be able to hear it straight from the horse's mouth, the Iraqi women. These are women that had endured so much, not only to be there but they had endured 30 years of horrifying events. I will touch on that in a moment.

As the others who have spoken tonight have said, we also had the chance to talk to the new leadership, Dr. Ibrahim Jafari, the newly elected Shiite prime minister. One of the most important things he stressed to us is the need for a permanent constitution. The Shiites are a majority in Iraq, but Dr. Jafari recognized that in order for this experiment in Iraqi democracy to be successful, they will have to reach out to the Sunnis and to the Kurds. He promised us that they would do that. That is occurring now as we speak. Unfortunately, we are also seeing the resistance coming from some disaffected Sunnis that are trying to bring down the government. That is unfortunate.

But most Sunnis, working with the majority party, the Shiites in Iraq, I believe will be able to bridge these differences working with the Kurdish people and the new president who is also a Kurd, Jalal Talabani. It was a good experience in meeting with Dr. Jafari.

One thing that needs to be stressed, and I think we have all touched upon this, is the morale of our forces. We all had the opportunity. The gentleman from Texas (Mr. NEUGEBAUER) met people from Texas, the Colorado contingent, the gentleman from Tennessee (Mr. DAVIS), certainly from Nebraska, I from New Hampshire, we all had an opportunity to meet troops from our home State. I was struck by their commitment to their mission, by the fact that they said their living accommodations were getting better, not just the food and the housing but that they felt as American soldiers, men and women, that they were making progress, and they saw the progress, they saw the fact that the vote had gone off successfully, that a government had been formed, and they felt part of this historic change in Iraq, and they reflected that to all of us.

One thing that as we approach Memorial Day that I think is critically important for all Americans to realize regardless of how we may feel about the policy of the Iraq war, it was highlighted by a wall that was at the base in al Ansar that we saw. That wall, as I recall, had about 40 letters from a second grade class in Texas.

□ 2215

These were letters from American school children thanking, thanking, our troops for their sacrifice. And I asked the captain, What does this mean to the men and women that are here in Iraq? And he said, It inspires us every day to get out and do our job; every day we know that the American people are behind us.

So whether it is school children throughout our country, whether it is supporting the families who are still here, the spouses, the children, the parents of our soldiers, we can never forget the sacrifice that our families are making; and certainly this second grade class from Texas and millions of other classes from around the country that have sent letters to our troops, not just in Iraq, but Afghanistan and all of the countries where our troops are fighting and winning the war on terrorism, how important our show of support is for their efforts.

And, lastly, let me, like others, touch on the experience that we all had in meeting with the Iraqi women leaders, members of parliament, the new ambassador to Egypt, the acting health minister, and many others. They were Shiites, they were Kurds, they were Sunnis. But they were Iraqi women who had endured so much, unspeakable horrors.

At one point in the lunch we were having, we were asking questions of each other. And finally they asked me to introduce myself after about 45 minutes. And I talked a little bit about my family and my situation in New Hampshire, and I said that I was from the ''Live Free or Die'' State, and I think my colleagues all remember that every time I repeated my State motto, this really resonated with the Iraqi people because ''Live free or die'' means something in New Hampshire, it means something in America, and it means something in Iraq.

So then I went on to tell them about my first experience in Iraq where I had gone to the Abu Ghraib prison. We have all heard about the abuses there, and we are dealing with those abuses as a country, as well we should. But what I saw, and perhaps some of my colleagues have seen, was what happened to 80,000 Iraqis who were executed in that prison.

And I was describing this to the Iraqi women, and I realized that they were all starting to cry. I did not really know what to do because it had been such a horrifying experience to me. And then one of them said, My husband was executed in that prison. And another one said to me, My brother was executed in that prison. And I knew at that point how much they had endured on a personal level of the suffering, of the depravity, of the barbaric nature of that regime.

The most important thing, I think, for Americans to realize and the whole world to realize is the tenacity and the singleness of their purpose, that they will rebuild a country if the world will support them in that effort. And that is important for us to remember as we approach Memorial Day, that they have the will to succeed if we have the will to persevere with them.

I thank the gentleman from Nebraska (Mr. OSBORNE) for yielding to me.

Mr. OSBORNE. Mr. Speaker, reclaiming my time, I thank the gentleman for his insights. We were at Abu Ghraib also last September, and at one time Saddam Hussein had been told he had too many people in the prison and to get rid of 2,000. The ones that he did not like a whole lot, but did not hate, he hung. And the rest of them, he put

in the wood shredder. It is unbelievable that one human being could do that to another, but in one day he got rid of 2,000 to get the numbers down to where he felt it was more comfortable.

The last person I would like to yield to is a great friend of mine, and we co-chair the Congressional Prayer Breakfast on Thursday morning. So tomorrow morning we will be together. And that is the gentleman from Tennessee (Mr. DAVIS). We sat across from each other for about 14 hours going over, and I learned how to speak Tennessee during that period of time. The first 3 hours I did not understand him, but as time went on, I got to understand him really well.

We really had a great time with the gentleman. We put him in the Dead Sea, and we could not even sink him in the Dead Sea.

So, Mr. Speaker, I now yield to the gentleman from Tennessee.

Mr. DAVIS of Tennessee. Mr. Speaker, it was certainly a blessing to have traveled with the gentleman from Nebraska (Mr. OSBORNE) and with the entire delegation to Iraq, the time that we spent in Jordan, the times that we spent with the ladies from Iraq as we tried to relate to them how wonderful a democracy is and how wonderfully it works in our country.

I had an opportunity on more than one occasion, once before, in February, to go to Iraq. And when I was there it was just before the insurgency really started. It was February of 2004. And we spent time in Basra, as well as in Baghdad in the Sunni triangle. The troops I met there were upbeat, they were excited. We had, very quickly with the military that we had, won a war from what many of us in this country felt would be more difficult. But I think the enthusiasm of our troops, the training of our troops, the commitment of our troops to be sure that Iraq was liberated from a tyrant called Saddam Hussein was the driving force in those who serve in our military services. I think that all of us who have been to Iraq or Afghanistan have renewed energy for support of our troops that are there.

If one goes to Iraq or Afghanistan, they also have this deep, abiding feeling that if they only knew how it was in America, if every person only knew in this country how it is in America how wonderful it would be, because the insurgencies and the occurrences that are happening there today would cease to exist, because even they would realize what a greater life they could have, a better life they could have if they would just look at this country as an example.

Can that happen? I hope it can. I think it can. We must believe that it can, and we must be sure that we support the newly elected officials of Iraq to be sure that that happens.

I was asked a question in late 2003 by a sixth grader in one of the schools in Manchester, Tennessee. And sixth graders will ask, How much do we make as a Congressman? Have we met the President? What kind of person is he? Do we like him? Do we have a family? Do we have children? Do we have grandchildren? Obviously they look at me, and they think he has grandchildren, which I do. So we get a lot of questions.

But this one little girl, with almost a certainty and it seems like she had just a mission, she said, ''Congressman, do you think we can establish a democracy in Iraq?'' And generally what I would tell someone at the general store, where I go on Saturdays when I have time, or on Sundays after church, generally what I would tell them is that we have to try, we have to try, because it is important that people living throughout the world have an opportunity to enjoy the freedom that we enjoy in this country.

But I felt that sixth grader, who may not have watched TV, needed a more concise answer; and my comment to her was that virtually all the democracies today, Israel, started from within, as a result of a holocaust and as a result of many of those individuals removed from other countries, in many cases arrested for being expelled from those countries.

This great country we live in with the assistance of other nations, obviously our army that was put together, the Continental Army, fought to achieve our liberty and our freedom and we established, as a result of that, a democracy where we are governed by our Constitution. So most of the democracies today started from within.

And I was looking at Iraq and saying, I am not sure this is possible, until I made the visit to Iraq. I realized democracies can be established without an uprising from within, because I believe when our troops went to Iraq and we deposed the tyrant who was imposing on the people of Iraq, the ill will that he was imposing, the horrible circumstances, the deaths of so many that he took, I realized that those individuals in Iraq have suffered and suffered greatly.

So I truly believe that in Iraq we can see a democracy established. And what I told the young lady was that if we can work in the Middle East to establish a democracy in Iraq and perhaps in Afghanistan, in my opinion, it will be the crowning accomplishment of this century. Democracies do not go to war with each other.

So I am extremely impressed with our troops that I met there. I am impressed and pleased with what I think is a great opportunity for a country in the Middle East to reach out and be governed by laws rather than a man. When we are governed by laws instead of men, then we do have a democracy. And I truly believe that will happen.

I watched the women, the Iraqi Women's Democracy Initiative Training Conference, and I sat with them, like all of us did. We talked to them. And I was sitting in this breakout group where there were eight or ten individuals, and we were talking about whether or not a shelter should be built for women who may have been abused, or whether there should be a safe haven for them; and that was just part of a schedule problem they had to solve. It did not matter whether they supported or did not support it; they had to find a solution to it.

And this one lady sitting to my right continued to get very fretful. She was extremely irritated because she was in this group that was in the process of putting together a reason why there needed to be shelters in Iraq for women who had been abused.

There was another group that was put together, problem solving, that would say, We do not need a shelter for women. She finally left that group. And when one of the ladies who was helping to put the program together came to me, I said, I do not think I have ever seen as much fear in anyone's eyes as I saw in that woman's, and I do not understand why she would be so fearful of even putting together a plan which is like problem solving in math skills, why she would be so frightened.

She came back to me a little bit later and she said, The lady has had an attempt on her life because she was advocating this in Iraq and she was fearful that somehow it would get back to her neighbors that she was participating in just problem solving.

So when I realized that these ladies who came to Jordan to be a participant in this initiative, talking about democracy, and all of those who were traveling were actually fired upon with small arms fire, it opened up my eyes about the challenges that lie ahead for the nation of Iraq. But with the heart of the women that I met and with others that in Iraq that are Iraqi citizens, the men there, I truly believe that we have made the right decision, and I believe we will see a democracy established in the Middle East in Iraq.

One of the things that impressed me was the troops, all of them, wanted me to be sure to tell folks back home, We are safe. We are okay. Let our families know that we are okay. Great morale, totally committed.

The district I represent is in the Cumberland Mountains of Tennessee. We have a volunteer spirit in Tennessee. The 278th Cavalry is one of two of the cavalries in our Nation's Army. The regular cavalry was brought back from Iraq. The 278th was activated; 2,200 members of that 278th, of 3,000, are from Tennessee's Fourth Congressional District that I represent.

I met some of them in Iraq, and I can assure the folks back home, we can all be proud of our soldiers that are serving us in Iraq and other parts of the world. The ones I met with, if one is a father or a mother or a husband or a wife or a son or a daughter or a grandparent of one of these troops, they can rest assured they are making us proud, and I know they are making them proud.

I thank the gentleman from Nebraska (Mr. OSBORNE) for the opportunity to go on the visit. It was a wonderful trip. I got to know a lot about the gentleman. As a matter of fact, a young fellow named Chris Ruehl was telling us about the 278th, if the gentleman from Nebraska remembers, and he got emotional and showed pictures, and he even found out some of the trials that we had had in Tennessee, which I will not express here on the House floor, but he even gave us a history of part of Tennessee that he learned from some of our 278th. So our folks of the 278th are serving us well in Iraq, and when they come back home, we will welcome them with open arms.

Mr. OSBORNE. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. And we will not even get into that elephant that was hung in his district. That is for another special order.

I just want to mention the bravery of Iraqi officials. We kind of stick our necks out here a little bit, but over there when they run for office, they are literally putting their life on the line and their families. And that jumped out at us.

The other thing I might mention is that General Casey mentioned to us that he thought things were going better since the elections, but he said the wild card here is the issue of the Sunnis, are the Sunnis going to be incorporated?

□ 2230

That is still up for grabs. So we do not want to leave the American people with an impression that everything is perfect. There are still problems. But I think anyone who goes there and spends time there, spends time with the soldiers, from either party, we may disagree on how we got there, whether we should have gone there, but you have to be impressed with the soldiers in this situation.

If anyone has a closing comment for the good of the order, we would be glad to hear it from any of you.

Mr. UDALL of Colorado. Mr. Speaker, if the gentleman will yield, I thank the gentleman.

I wanted to also acknowledge that the gentlewoman from Illinois (Mrs. BIGGERT) joined us there, along with the gentlewoman from Texas (Ms. GRANGER) and the gentleman from Tennessee (Mr. DAVIS).

The other insight I had, and we shared this with General Casey and Dr. Jafari, local governments are going to be crucial to success in Iraq. After I returned, we had Baghdad city council members visit Denver, and I know the gentleman from Colorado (Mr. BEAUPREZ) met with them. They are the people who are in charge of making sure the lights are on, the garbage is collected and the potholes are filled and that local services are delivered. If we do that and they do that, then the local Iraqi people will see the benefits of self-government.

We pay a lot of attention to the national government, and it is important, because they will be charged with the defense of the Nation and they will present the face of Iraq to the world, but those local governments are crucial. The civil affairs officers in our military and the civilian non-government organizations that are there, we need to remember that we have to support them in every way possible.

Mr. OSBORNE. Mr. Speaker, reclaiming my time, it makes it all work.

Mr. Speaker, I have enjoyed this. We enjoyed the trip and thank all of you for participating tonight. Again, we tried to show that a lot of us do get along pretty well. Some of the best hours here are in the gym and places like that, where we do not really have an identity as Republicans or Democrats, and we simply come together and try to solve problems in the country.

I was honored to have time with these gentleman. I thought I learned a lot. I learned a lot from the Iraqis, but I learned a lot from you, and thank I you for participating tonight.

THE FINANCIAL CONDITION OF OUR NATION'S GOVERNMENT

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. ROSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

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

There was no objection.

Mr. ROSS. Mr. Speaker, as whip of the Blue Dog Coalition I rise this evening to talk about the financial condition of our Nation's government. There are about 35 of us that are fiscally conservative Democrats. We refer to ourselves as members of the Blue Dog Coalition and we are trying to bring some common sense back to our Nation's government as it relates to trying to restore some fiscal discipline to the way we operate our government.

Our Nation today is $7.769 trillion in debt. To put that another way, our Nation today is spending $160 billion a year simply paying interest on the national debt. That is about $500 million a day. In fact, it is $13 billion per month, it is $444 million per day, it is $18 million an hour, it is $308,000 a minute, or $5,100 a second. That is how much our Nation is simply taking tax money from you and me and using it to pay interest on the national debt.

I have got about $4 billion in road needs in Arkansas's Fourth Congressional District, which includes 29 counties and 150 towns and three interstate projects that are now under construction. Give me less than a week's interest on the national debt and I can put thousands of people to work and complete these road projects, like I–49, I–69 and I–430, and four-laning U.S. Highway 167.

When we speak about the debt in public opinion surveys, it simply does not show up. It is like it is someone else's problem. But, Mr. Speaker, I contend this evening that it is every American citizen's problem, because every American citizen's share of the national debt equals $26,000. $26,000 is each individual's share of the national debt, including the children, the babies that are being born today. Every United States citizen would have to write a check for $26,000 in order to get our Nation out of this hole that we are in.

Yet our Nation continues to go further in debt. For a fifth year in a row, we are seeing a budget that provides this Nation with the largest budget deficit ever in our Nation's history, which means more interest on more debt, which means more priorities continue to go unmet. Again, we are spending $13 billion per month simply paying interest on the national debt. We could build 100 brand new elementary schools every single day in America just with the interest we are paying on the national debt.

Earlier today the gentleman from Mississippi (Mr. TAYLOR), a Blue Dog member, offered a proposal on the floor of this House to guarantee every National Guard and Army Reservist in America health care for life. These are men and women that are going to Iraq, they are going to Afghanistan. If they have not been, they are headed that way, and if they are coming back, they are probably getting ready to go again. Yet they are treated different than our full-time men and women in uniform at a time when we are really dispatching them the same. The reality is they deserve health care for life, they deserve health care like the full-time soldiers.

Yet this House rejected that proposal today because they said it would cost $1 billion. Because of the reckless spending going on in our Nation, we are spending that much money in about two days simply paying interest on the national debt.

I want to talk more about the debt and the deficit, but at this time it gives me great honor to introduce the Cochair For Policy for the Blue Dog Coalition to speak more about the debt and the deficit and how it impacts all of us as Americans, Democrats and Republicans alike, and that is my friend the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I thank my friend for yielding. The gentleman was focusing on one of the gravest problems our Nation has ever faced, one of the gravest threats to our children's and our grandchildren's well-being, because those debt payments the gentleman is talking about, the interest payments, they are like a tax that

can never be repealed until our Nation one day, we hope and pray, will return to a surplus. We had a couple years of surplus under President Clinton, but, sadly, those days are gone. Now we have plunged deep back into debt.

As the gentleman points out, the debt now is $7.7 trillion. We all as Blue Dogs have signs like this outside of our office doors so that anybody who visits our offices here in Washington or back home, and for me that is Nashville, Tennessee, can see exactly the hole that we have dug for our Nation's future and how much it is per person, $26,000 per person. So I appreciate the gentleman's focus on this grave problem.

Blue Dogs have been great leaders on this issue. We will talk in a few moments about the 12 step plan that the Blue Dogs have put forward to try to rescue our Nation from this debt binge that we have been on. It is kind like the 12 step plan for Alcoholics Anonymous, 12 steps to get out of a problem that so many Americans are unwilling to face up to and recognize.

Before we do that, I would like to take a moment to give our friends in Congress and across the country some key dates so they can write these down and look at the deficit and the debt from a little bit different perspective.

Date number one is last year, 2004. Why is that significant? Because the auditor for the United States of America, David Walker of the GAO, said it was ''arguably the worst year in American fiscal history.'' That is pretty grave news. If you had a company and your auditor said you have been through one of the worst years in history, you would probably be facing bankruptcy. That is what the U.S. auditor said about last year. Most people do not know about that. That news should get out.

Take the year 2005, this year. What did we do about the deficit and the debt? Well, the Republican majority rammed a budget through this body, $2.6 trillion, in a record-setting 2 hours. That is from start to finish, from the first moment we could look at the document to final passage vote, never get to see it again, $2.6 trillion in 2 hours. If that is not financial mismanagement and irresponsibility, I do not know what is.

The next date is 2009. That is the date when we will be spending more money on interest on the national debt than we will on all regular domestic government in America. Due to the deficits and the debts that the Bush administration has accumulated, our debt burden will be so great by then, by the last year of the Bush administration, we will have to spend more money to our creditors than we will on our citizens. In a sense it will be a better deal then to be a creditor of this country than to be a citizen of this country. That is an outrage. That is the first time in American history that has ever happened.

Another key date is the year 2012. That is when the Chinese, if current rates continue, will own all of our debt. In fact, a firm in Connecticut has predicted by February 9, 2012, the Chinese will own all of our foreign debt. That is another outrage. The Chinese are not necessarily the friendliest holders of this debt. To be financially beholden to them is really a national security risk.

Another key date is 2017. That is the date we will have the first honest deficits in America, because that is the date the Social Security surplus will diminish down to zero. Then the true size of the deficit will be unveiled, because, as the gentleman knows, the deficit last year was not $412 billion, like most people think, which is still an all time U.S. record. The deficit was $569 billion, because the Social Security surplus was $155 billion last year, and it was used to hide the true size of the deficit.

Another key date is 2035. That is when Standard & Poor's, the bond rating agency, says that American debt will become junk bond debt because we will have so little financial credibility in the markets. That is not from a government official, that is from the official business rating agency.

Finally, probably the worst number of all, this is truly so hard to believe that I think it needs a chart to display it, the General Accounting Office says that by the year 2040 it will take all revenues collected by the Federal Government just to pay interest on the debt. In other words, by the year 2040, just 35 years from now, there will be no money left, not one red cent, for any of our national defense needs, for any Social Security, for any Medicare, for any anything. It will take all of that money just to pay interest on the debt. That is an outrage, and it is a particular outrage if our only creditor then is the Chinese government.

We are clearly on a road to ruin. We have to change our course. We need to change our course immediately. Sadly, this Congress is not doing that. They need to follow the Blue Dog 12 step plan.

I appreciate the gentleman's great leadership on this issue as one of our leading Blue Dog Members.

Mr. ROSS. Mr. Speaker, reclaiming my time, I thank the gentleman from Tennessee. If I understand the gentleman correctly, what the gentleman is telling us is that basically the government of the United States of America as we know it today ends in 2040 if we continue down this path of reckless fiscal spending?

Mr. COOPER. The gentleman is exactly correct. We are the greatest Nation on Earth, we are the greatest Nation in the history of the world, and that will probably end well before 2040 if we keep on the current path.

Mr. ROSS. Mr. Speaker, it sounds outlandish, until you stop and look at history. No country has stood forever. Every country has undergone changes. What the gentleman is saying is according to the Government Accounting Office, not some Democratic Party group or some Republican Party group, but according to the Government Accounting Office, if we continue to spend at the rate that we are spending today, if we continue to borrow at the rate we are borrowing today, what the gentleman is saying is that the Government Accounting Office is saying, we are not saying this, the Government Accounting Office, not a bipartisan, but a nonpartisan Federal agency, is saying that beginning in 2040, every dime of every tax dollar in America will simply go to pay interest on the national debt?

Mr. COOPER. The gentleman is exactly correct. And it is terrible to deliver such tough news to the American people, but the GAO is telling us the truth, in a nonpartisan fashion, as the gentleman indicates. And this bad news is not 35 years off. As I indicated earlier, the GAO has already said that the year 2004, last year, was ''arguably the worst year in American fiscal history.'' They are saying that is only going to get worse still on the path that we are on, on the high deficit, high debt path we are on.

□ 2245

Mr. Speaker, if the gentleman will yield, what the gentleman from Tennessee is talking about is the debt. We are not even talking about the deficit yet, but debt. Again, our Nation is spending $13 billion a month, over $13 billion a month simply paying interest on the national debt. That is $444 million a day, that is $18 million an hour, that is $308,000 a minute, or $5,100 a second.

On top of that, we have the deficit, and the gentleman from Tennessee talked about this a little bit. It is hard now to think back that we had a balanced budget in this Nation from 1998 through 2001.

Mr. COOPER. Just 5 years ago.

Mr. ROSS. Just 5 years ago. Ever since I was a small child growing up in Hope, Arkansas, I heard people talk about how it was the Democrats who spent all the money; yet it was President Clinton that left this Nation with a balanced budget from 1998 to 2001. Now, this administration, this Republican Congress has given us the largest budget deficit ever in our Nation's history for a 5th year in a row.

It started in 2001. The deficit was $128 billion, with Social Security, and what I mean by that is they borrow money from the Social Security Trust Fund to pay for government spending that is above and beyond what tax dollars bring in. No wonder they are talking about the need to reform Social Security. No wonder they would not give me a hearing on a vote on the first bill I filed as a Member of Congress back in 2001, which was a bill to tell the politicians in Washington to keep their hands off the Social Security Trust Fund.

In 2002, the deficit was $157 billion. In 2003, it went to $377 billion. In 2004, it went to $412 billion. In 2005, it went to

$427 billion. That is counting the money that is borrowed from Social Security. If it was not for Social Security, those numbers would be much larger. If it was not for the money being borrowed from the Social Security Trust Fund, last year's deficit would have been $567 billion; this year's deficit, $589 billion.

Now, where is this money coming from that we are borrowing? Japan, $702 billion. We have borrowed $702 billion from Japan. Mr. Speaker, $250 billion from China, the Caribbean Banking Centers, I have never heard of such; $103 billion our Nation has borrowed from the Caribbean Banking Centers to do what? To run our government where we are spending more than we are taking in.

Now, some people may want to pause and say, well, America is at war. Well, that is true, and no one supports our troops any more than I do. I have a brother-in-law in the U.S. Air Force, I have a first cousin in the U.S. Army, and I am so very proud of them. Last August 11, I was in Iraq to see some 3,000 National Guard soldiers from Arkansas; and as long as we have troops in Iraq, I am going to support them and provide them the funding they need to get the job done and to get home as safely as they possibly can.

But that makes up about 20 percent of this deficit. Eighty percent of it is coming from reckless spending and from tax cuts. This is the first time in America's history that we have cut taxes when America is at war. So we are asking these men and women to take a year to a year and a half away from their jobs and away from their families and go to Iraq and fight this war, and then come home, go back to work, and pay taxes to pay for the war they fought. This is the first time we have ever cut taxes when America is at war. It may make for good politics, but it makes for bad, it makes for horrible fiscal policy.

I did pretty good off of tax cuts last year, but my kids have to pay for them someday, because we borrowed the money from the Caribbean Banking Centers to give me a tax cut. And the list goes on and on. Korea, we have borrowed $67.1 billion. OPEC nations, I mean, we wonder why gas is over two bucks a gallon. OPEC nations have loaned our Nation to fund our government and our tax cuts $65.3 billion. Germany, $59.5 billion; Taiwan, $59.1 billion; and Mexico, for crying out loud, has loaned the United States of America $40.6 billion to pay for tax cuts for the wealthiest people in this country, and then ask our men and women to go to Iraq, fight this war, come home, get a job, pay taxes, and pay for the war that they have fought.

There is so much more that we could talk about, but before I get too carried away, I would like to yield back to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, the gentleman is focusing on the problem, and I think the American people are hungry for more facts, more real information about the situation we are in. I would like to encourage them to look on the Web site of an institution called the Cato Institute. It is here in Washington, D.C. It is not a Democratic group. If anything, they are mainly Republican, but they issued a report on May 3, 2005. It is by Stephen Slavinski, and it talks about how under this Republican-only government, because Republicans run the White House and the Senate and the House of Representatives, we have seen the biggest spending binge since Lyndon Baines Johnson in the 1960s.

It is not just defense-related. If we look at nondefense spending programs, it is the biggest spending binge since Richard Nixon. Most Americans do not know this, and they do not know that we just went through arguably the worst year in American fiscal history. So I appreciate the gentleman sharing the message.

Several of our colleagues have arrived, and it is probably appropriate at this time to recognize them.

Mr. ROSS. Mr. Speaker, I appreciate the gentleman from Tennessee joining us tonight as we talk about this huge crisis facing America, the debt and the deficit, and the Blue Dog Coalition's desire to try to restore some common sense and fiscal discipline to our Nation's government. This is not a Democratic issue or a Republican issue. This is a commonsense issue, and this is about trying to restore some fiscal discipline and common sense to our Nation's government.

Mr. Speaker, when we talk about the deficit this year, $589 billion, someone the other day asked me, they said, Mike, what is $1 billion? I put that number in my calculator and get that little E at the end. Well, a billion seconds ago, Richard Nixon was President. Mr. Speaker, 6.8 billion seconds ago, President George Washington was sworn into office. A billion minutes ago was just after the time of Christ, and to count out 1 billion nonstop without sleep or eating would take 38½ years.

So we are talking about a number with a lot of zeroes, and we are talking about money that is going down this deep, dark hole to simply pay interest on the national debt due to reckless fiscal policies that could be going to build new elementary schools, to invest in education, to invest in our teachers, to provide our National Guard and Reservists with health insurance, not just during a time of war, but all the time. We could build roads, we could create jobs, we could create economic opportunities in this era where 9 million people are out of work. None of these things are being done because of this horrible, reckless, irresponsible fiscal policy.

To talk more about this, a fellow Blue Dog member, another one from Tennessee, Tennessee is full of fiscally conservative Democrats, and that is my colleague, the gentleman from Tennessee (Mr. DAVIS), and I yield to the gentleman.

Mr. DAVIS of Tennessee. Mr. Speaker, I thank my good friend from Arkansas; and, certainly, it is a privilege to serve in the U.S. House with my good friend, the gentleman from Tennessee (Mr. COOPER). The gentleman at one time served the district that I represent, and he is one of the few great intellects we have in Tennessee. He is, in my opinion, very analytic on this issue, and it is certainly a pleasure to follow the gentleman, although sometimes quite difficult, obviously, but he is someone we can be proud of.

I am extremely pleased to be a part of a group who call themselves Blue Dog Democrats, and there is a reason for that. We truly believe that deficit hawks and defense hawks are something that America believes in, and that is why I can believe in this group, in this caucus of 30-some-odd individuals who have committed themselves to fiscal responsibility and being sure that our Nation is defended against our enemies, and our enemy today comes in more than one way. It certainly can come in the form of what happened on September 11 from individuals who want to do harm to liberty and freedom. It can also come from an economic assault on this Nation.

I want to talk some about that in a few moments. But as we look at what has happened in this country since 2000 and look at the huge deficits, and it is my understanding that if we take the trade deficits in the last 4 years and total those up, I have heard that it is greater than the entire deficits, trade deficits in the history of this country.

What does that mean, and what does that do for us? It means we are losing our jobs. It means that as that continues to happen, we will also start losing our revenue streams. So we have got to start looking at putting our house in order and managing what we are doing today. Otherwise, this country not only could be attacked by some military power; I am not sure there is one in the world that would threaten to do that, by those who are terrorists who would threaten this country or attack this country, but the economic threat to our Nation is almost as equally dangerous today unless we get our fiscal house in order.

To my colleagues and folks back home who may be watching, this may sound a little partisan to you, but a lot of folks back home on both sides of the aisle I think that have supported me, and I appreciate that, but I think it is time that I expressed my views pretty strongly because I love this country. I want my grandchildren to be sure that they enjoy the same liberties and opportunities and options in their life that this wonderful country gave me.

I do believe that this administration and the Republican majority has spent a great deal of time in the first session of the 109th Congress trying to convince the American people that Social Security is in a crisis. Well, that is debatable, and I am sure Congress will

spend valuable time over the next few months arguing about how to fix this system. While I think that we should address Social Security's pending solvency problems at some point in the future, I truly believe the responsible and moral thing for this Congress to do is to address the crisis that is knocking at our front door.

That crisis is a $7.7 trillion national debt, over $600 billion a year in trade deficits, and over $400 billion a year in budget deficits. These numbers are so big that they sound like something out of a science fiction movie. If only they were science fiction. Sadly, it is really the fact.

Since this administration has taken office, we have seen, as the gentleman from Tennessee (Mr. COOPER) said a moment ago, the largest Federal increase in spending since Lyndon Johnson. Our friends on the other side of the aisle often cite that 9/11 and the war on terrorism are responsible for this. There is no doubt it is true that the new threats to our security has caused a need for new spending in the areas of defense and homeland security. But even if we exclude those spending increases, we have still seen under this administration and Republican majority the largest spending increase in the past 30 years. I find it ironic that the party of small government has overseen a 33 percent growth in government during the President's first term.

As a recent publication by the Cato Institute says, the GOP establishment in Washington today has become a defender of big government.

Mr. Speaker, maybe this is just a result of partisan politics during the Clinton administration, but Republicans and Democrats were forced to work together if they were going to get anything done. What happened? From fiscal year 1998 to 2001, we actually had budget surpluses and a projected overall surplus in the range of $5 trillion. Even if we remove the Social Security surpluses from the total budget line for these years, we still had budget surpluses in fiscal year 1999 and 2000, and the largest budget deficit we saw was $32 billion.

Under this administration, we have seen on-budget deficits as high as $567 billion, a remarkable turnaround. In my humble opinion, the Republican majority has been reckless and spent the taxpayers' money like drunken sailors on a weekend pass.

Mr. Speaker, it is time to resolve that pass and to revoke it and take a stand for all of the American people because, sadly, the Members of Congress currently serving are not going to have to pay off this debt. Instead, our children and grandchildren will have to pay it off. Our soldiers who are serving us so bravely in Iraq will come back home and find they have to foot the bill for the war we sent them off to fight; and this is simply wrong. It is simply immoral.

□ 2300

There is hope. It is called the Blue Dog Coalition 12-point plan. And I am up here to ask for an up-or-down vote. We have heard that a lot recently, have we not? An up-or-down vote for the people of America. An up-or-down vote, because ultimately this issue does not just affect people in certain districts. It affects all Americans.

So I am here for the American people asking for an up-or-down vote. I want an up-or-down vote on H.R. 903, the Fiscal Accountability and Honesty Act of 2005. This will, among other things, extend PAYGO that expired in 2002 and close the loopholes on emergency spending.

I want an up-or-down vote on H.R. 121, a package of rules changes for the House. These changes will require a rollcall vote on raising the debt ceiling and give Members of Congress 3 days so that we can actually read and study the bills we vote on. I mean, if the Republican majority is so confident that the legislation they send to the floor is right for the American people, should it not withstand 3 days' public scrutiny? What is there to hide? Why not an up-or-down vote on 121?

I want an up-or-down vote on House Joint Resolution 22, the Balanced Budget Amendment. This amendment has already been passed by the House as part of the GOP Contract with America.

Now, the Blue Dogs, in an effort to provide security for our current and future retirees, have added language to protect Social Security benefits from being cut to balance the budget. There are 49 States in this Nation that require a balanced budget. If it is good enough for them, it is good enough for me.

Mr. Speaker, I will repeat this three or four times. Give us an up-or-down vote on budget restraint issues, measures that have been introduced, get them out of the committee, bring them on this floor. Give us an up-or-down vote, an up-or-down vote. If it is good enough for judges and Presidential appointees, it is good enough for all 200-some-odd million people who live in this country.

So to the majority on this floor, I ask you, an up-or-down vote. Now is the time. It is time to get it done.

Mr. ROSS. I thank the gentleman from Tennessee (Mr. DAVIS). And just to quickly quote, I believe the newspaper there in Tennessee is called The Tennesseean, and on May 9, in an editorial they said this: ''If Members want to get serious about addressing deficits, they should take an approach more like those proposed by the Blue Dog Coalition, which includes Tennessee Democrats John Tanner,'' one of the founders of the Blue Dogs, ''Jim Cooper,'' who has been with us here tonight and will return, ''Lincoln Davis,'' who just spoke, ''and Harold Ford, Jr. The Blue Dogs not only emphasize the need to balance the books, they advocate bringing down the national debt, which has climbed to more than $7 trillion and is becoming a national security issue since much of the debt is in the hands of foreign investors.'' Again, the Tennesseean editorial on Monday, May 9, 2005.

As the gentleman from Tennessee (Mr. DAVIS) indicated, this is not about partisan politics. I do not know about you, but I am sick and tired of all the partisan bickering that goes on at our Nation's Capital. It should not be about whether it is a Democratic idea or Republican idea. It ought to be about is it a commonsense idea, and does it make sense for the people that sent us here to be their voice and to represent them.

Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. DAVIS of Tennessee. Mr. Speaker, thank you for an opportunity to be here tonight. And I deeply appreciate it. This is my second term, so I am kind of new as far as being a Member of Congress. But it is a delightful group that I am with, and I certainly look forward to this Nation having better leadership with individuals like those I serve with who are Members of our Blue Dog Coalition.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Tennessee (Mr. DAVIS) for joining us this evening and for his commitment to trying to restore some fiscal discipline to our Nation's government.

You know, when you hear about the Blue Dogs, this group of fiscally conservative Democrats, a lot of people think we are all from the South, and they all think we sound kind of like I do. And that is not the case at all. We stretch from California to Long Island.

Mr. Speaker, at this time I am pleased to yield as much time as the gentleman from New York (Mr. ISRAEL) might consume. The gentleman from New York will talk more about this crisis that we find ourselves in, and in a little bit we will be coming back as a group to talk more about this 12-point plan that we have to try and help get us out of this hole that we find ourselves. But at this time I yield to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank my good friend, the gentleman from Arkansas (Mr. ROSS). The gentleman and I were elected in the same class, in 2000. I thank the gentleman for his leadership for so ably representing the conservative values of his district. I do not agree with every one of his positions, but nobody advocates more fearlessly for the interests of his district than the gentleman from Arkansas (Mr. ROSS).

Mr. Speaker, I also want to thank the gentleman from Tennessee (Mr. DAVIS). I am honored to be on the floor with both of them this evening.

The gentleman from Arkansas (Mr. ROSS) noted that I am from New York, from Long Island, New York. One of the wisest decisions that I ever made in coming to Congress with the gentleman was to join the Blue Dogs. And,

in fact, most of the Blue Dogs do come from the South. I am probably the only Blue Dog who speaks with a distinct New York accent. Sometimes we need a translator to figure each other out.

But it really does not matter whether you are from the Deep South or the south shore of Long Island. What binds Blue Dogs are principally two issues: Number one, a sense of fiscal responsibility. We believe that we ought to play by the same rules on the floor of the House that every American family has to play by at their kitchen tables. You have got to balance the books. Those folks do not have the ability to simply print money in their basements. They have got to balance their books. They have got to reconcile their checkbooks. We believe the same.

The second thing that we believe is that we have got to have a strong and robust military, something I agree with passionately.

Now, I have the privilege of serving with the gentleman from Tennessee (Mr. COOPER) on the Armed Services Committee. There are only two New Yorkers who serve on the Armed Services Committee. I am the only New York Democrat on that committee. And I call myself a Harry Truman Democrat. I believe in a strong and robust defense. I spend most of my time on this floor in this Congress thinking about how to keep our country stronger and safer. And what I want to talk about just for a few minutes this evening is the linkage between this $7 trillion debt and our national security, our national defense, because this figure does not make us stronger in the long run.

Think about what happened on the floor of the House just a few hours ago. We spent the day debating a Defense authorization approaching $500 billion. And at the end of that debate, our Blue Dog colleague, the gentleman from Mississippi (Mr. TAYLOR), stood up and suggested that we make a simple, but important, change in the budget that was about to pass. He said to our colleagues on both sides of the aisle, it does not matter whether you are Republican or Democrat; let us do the right thing for our Guard and Reserves. Let us provide them with health care. Let us not tell a single American Guard or Reservist that if you are going to go fight for us in Iraq or Afghanistan, 40 percent of our military in Iraq, Guard and Reserve, if you are going to do that, when you come home we are not going to abandon you, abandon your families with respect to health care. If you need health care, we will take care of it. If you are willing to sacrifice yourself for us, we are willing to take care of your health care, your health insurance, not just while you are fighting, but after.

And what was the response that we heard? It is the same response that we hear time after time after time on the floor of the House. It is not that anybody is against our Guard and Reserve. It is not that anybody is against providing health care for our military. It is just that we cannot afford it because of this number.

Mr. ROSS. Will the gentleman yield?

Mr. ISRAEL. I will be happy to yield to the gentleman.

Mr. ROSS. The gentleman is telling us that we, tonight, the majority in this Chamber refused to provide health insurance every day of the week, every week of the month, every month of the year for our men and women who have gone to Iraq, who are going to Iraq, or who have been to Iraq, because they said we could not afford it

Mr. ISRAEL. That is exactly what happened.

Mr. ROSS. And it was going to be a billion a year.

Mr. ISRAEL. The gentleman is correct, a billion a year.

Mr. ROSS. And this is the same crowd that gave us a budget this year that includes $106 billion in new tax cuts.

Mr. ISRAEL. These are the Members of this body who argue that we can afford to make every single penny of tax cuts permanent, but we cannot afford to provide health care for Members of the National Guard and the Reserve who are fighting for survival around the world.

Mr. ROSS. If the gentleman would yield, so what you are telling me is that the majority on the floor of the U.S. House this evening decided it was more important to maintain $106 billion in tax cuts and not provide health insurance year round for our Reservists and Guardsmen that have either been to Iraq, are going to Iraq, or just got back from Iraq or are in Iraq today. They were not willing to take $106 billion in tax cuts and make it $105 billion so they could take care of our men and women in uniform?

Mr. ISRAEL. If the gentleman would yield, the gentleman is precisely correct. That is the decision that was made tonight. But it gets worse, because many of us on the Armed Services Committee approached our colleagues and said, you know, if somebody is willing to go to Iraq and they lose their life, we ought to be able to take care of their life insurance. We ought to pay for their life insurance.

□ 2310

The answer was, great idea, we cannot afford it. After all, we have a $7 trillion debt. Nobody ever says, we do not care about our troops; nobody ever says, we do not care about our military.

It all comes down to this: We used to have a $5.6 trillion surplus. Maybe in those days we could support our military and our military families, but now we have got into deep debt. We have got to make tough decisions so we can improve life insurance for our troops, our military families. We can pay a very modest amount in health care for our Guard and Reserve because of this debt, but also because we want to make sure we can make those tax cuts permanent. Now, that is fundamentally unfair. That is just bad priority.

Meanwhile, as we are telling our Guard and Reserves that we cannot afford their health care, which does not make us stronger, for 2 years, as we told military families that we could not take care of their life insurance, increase their life insurance, increase the death gratuity.

Meanwhile, we continue to engage in reckless fiscal policies with the enemies that we are told that we will have in the future, namely, the Chinese. Every time you have a briefing they tell you, you have to start worrying about China, but meanwhile we are allowing them to finance our debts.

So the adversaries that we are told we should worry about in the next few years are keeping the lights on in the House of Representatives, are running our Humvees in Iraq. How can you have a coherent national security policy when you have to rely on the adversaries that you expect to finance your Treasury, when they own 40 percent of your debt? It makes absolutely no sense whatsoever.

The final point I want to make is this: This is bad enough. The decisions that are made on the floor of the House with respect to our military are bad enough, but think about what our children are going to have to deal with when they are here on the floor of the House, when they have to figure out how they are going to pay their taxes, balance their checkbooks.

We have a $2.5 trillion budget right now. In 10 years when my kids are approximately my age or approaching my age, think about what that budget is going to do to them. Their defense budget, the gentleman from Tennessee (Mr. COOPER) probably knows this, will likely approach $600 billion. Interest on the debt which they have to pay will likely approach $500 billion. And everything else, whatever is left in the budget will be allocated to all of their needs, Social Security, and Medicare, the FBI, education, environmental protection, crime reduction.

That is an intolerable budget that we are inflicting on them.

One of the things that the Blue Dogs emphasize is our fundamental responsibility to be fiscally conservative, but to give our kids a better, safer, stronger world than we have today. What we are doing with these numbers, with these policies is raising our kids' taxes, straining their military, mortgaging them to our potential adversaries.

And I am reminded of the very profound words of one of our distinguished colleagues, another member of the Tennessee delegation, the gentleman from Tennessee (Mr. TANNER), who last spring said to a gathering of Blue Dogs that no nation in the history of humankind has ever been strong, free and bankrupt.

If nothing else, our obligation in Washington, DC., in the administration, in the House of Representatives, is to put politics aside and agree to make sure that we are strong, free and not bankrupt. And all we have done

over the past several years is to strain our military, deny military families the basic, decent conditions they need, the health care they need, the life insurance they need; and end up owing more to the adversaries we are told to worry about more and more every day.

We have an obligation to treat our military families better, to treat our troops better, to treat our kids better. Thank goodness the Blue Dogs take that obligation seriously. I thank the gentleman for giving me this time.

Mr. ROSS. Mr. Speaker, I would advise the gentleman to continue to join us if he will.

The gentleman speaks to us on these veteran issues and these military issues with a lot of authority as a member of the House Committee on Armed Services. And I want to thank the gentleman for what he does for our veterans and our men and women in uniform as we continue to try and advance health insurance around the clock for our men and women in the National Guard and our Reservists.

I think what the gentleman from Long Island has basically summed up for us this evening is about priorities. It is about, do we want another $106 billion in tax cuts when we borrow 45 percent of that money from Japan and China and the Caribbean banking centers and Korea and the OPEC nations and Germany and Taiwan and Mexico? Or do we want to do right by our men and women in uniform, by our veterans?

Do we want to build the kind of roads we need to create jobs and economic opportunities for the future and do we want to fix Medicare? All this talk about Social Security, if we do not touch it, the first reduction in benefits happens when I am 91 years of age. And yet Medicare, which is what our seniors count on to stay healthy and get well, is bankrupt in 14 years. And yet no one is talking about that.

These are priorities that are important to those of us in the Blue Dog Coalition. And we understand that as long as we continue to borrow money from foreign countries, as we continue to borrow money to the tune of $1.1 billion per day, think about that, as a Nation we are spending $1.1 billion a day more than we are taking in.

It is about priorities. And until we get our fiscal house in order, we are not going to be able to meet the needs of our children, our grandchildren and the future of this great country.

Mr. Speaker, I would like to yield at this time to the gentleman from Tennessee (Mr. COOPER), the cochair for policy for the Blue Dog Coalition. I thought we could engage in a colloquy to discussing the 12-point reform plan. We do not just want to beat up the Republicans for bankrupting this country. We want to offer a solution, and we have got one.

Mr. COOPER. Mr. Speaker, I appreciate the gentleman yielding. There are several ways out of this terrible dilemma that we are in an as a Nation.

First, we have to acknowledge that we have Republican cosponsors for our proposal. Particularly the Republican Study Committees deserves great thanks for their lending a hand to our proposal. A number of us have cosponsored their proposals. The solution out of this has to be bipartisan.

Our 12-point plan includes the following elements: It includes a balanced budget amendment to the Constitution of the United States. Remember, that was part of the Republican Contract with America, but somehow they have forgotten about it these last 10 years. We need to have a balanced budget amendment to the Constitution.

Mr. ROSS. Mr. Speaker, this is important to note, and the gentleman from New York (Mr. ISRAEL) mentioned it earlier this evening, those of us with families, we get around the kitchen table and we have to balance the family budget. My wife and I own a small-town family pharmacy with 12 employees back home. We have to have a balanced budget. Forty-nine States in America, I was in the State Senate in Arkansas for 10 years; 49 States in America require a balanced budget.

Is it asking too much of the politicians in Washington to give the citizens of this country a balanced budget? That is what we are talking about doing here.

Mr. COOPER. The gentleman is correct. Our balanced budget amendment would completely protect Social Security so it would not in any way be endangered by this. It would also require a three-fifths majority of this House in order to raise the debt limit. So it would really do a lot to control the spending binge we are on.

Another key element of the plan is, pay as you go. In other words, this Congress could no longer buy on credit. We would take up the national credit card, cut it up, put it away.

Alan Greenspan, the Chairman of the Federal Reserve, says this is probably the single most important policy reform we could undertake. Why does he say that? Because we had it for 12 years and it worked brilliantly. We had it in place from 1990 to 2002. And under Republican leadership they let it expire, so the pay-as-you-go principle no longer operates. We need to reinstate PAYGO.

Mr. ROSS. So the gentleman is saying that under President Clinton that we had what was called pay-as-you-go rules in place, which meant that if you are going to raise spending, you have got to cut spending somewhere else, which led to the first balanced budget in 40 years; and now that no longer applies to the House here?

□ 2320

Mr. COOPER. The gentleman is exactly correct. And if you cut taxes, you have to make up the lost revenue, either through spending cuts or other taxes. And it is an important way to live within your means, by cutting up the credit cards so you are no longer borrowing more than you can afford. It is a key principle.

Another element of the Blue Dog spending plan is to put spending caps on spending, so that we live within our means; so that we live within our own budget; so that the budget does not become a joke, as it so often does within this House.

Another element of the Blue Dog reform plan is to require our Federal agencies to live within their means and get their fiscal houses in order, because so many Federal agencies are not auditable. They do not know how to account for the money that they are charged with, and it is very important that they live within their means just as any family or business has to do in this country.

Mr. ROSS. If the gentleman will yield for a moment there, I want to go back and make sure I understand. When you talk about requiring agencies to put their fiscal houses in order, you are talking about Federal agencies?

Mr. COOPER. Exactly.

Mr. ROSS. It is my understanding that the Government Accounting Office found that 16 of 23 major Federal agencies cannot even issue a simple audit of their books.

Mr. COOPER. They would be pretty much out of business if they were a public company in this country, and they are all large enough to be giant public companies. And the Federal Government simply cannot find $24 billion. They do not know where it went.

This is an outrage. And guess what the worst offending Federal agency happens to be? The U.S. Pentagon. And it is not because we are at war. Even during peacetime, the Pentagon has not been able to account for the money it is spending.

Mr. ROSS. That is the agency that spends $800 on a hammer and $600 on a commode seat?

Mr. COOPER. That has been true in the past. We hope that is not true today.

Mr. ROSS. So you are saying, if the gentleman will continue to yield, that the Federal Government cannot account for $24.5 billion that it spent in 2003; and what this plan would do is it would say to those agencies that we are going to freeze your budget until you learn how to be fiscally responsible?

Mr. COOPER. We have heard their excuses for too long. So this would freeze them until they learned how to behave and learned how to count the money they are entrusted with.

Another key element of the plan is that Congress has to tell taxpayers back home how much we are spending, because right now many bills go through this body with a voice vote, with no cost estimate. So we are proposing, just as a place to start, not that this is a perfect number, but any bill that spends more than $50 million we will have to have a recorded vote on so that the taxpayers back home will

know who voted for what; so there is finally some accountability in this body.

Mr. ROSS. So if the gentleman will yield, right now, with the leadership in this House, under the gentleman from Texas (Mr. DELAY), they will allow a voice vote without an actual rollcall vote on millions, if not billions, of dollars of taxpayer money being spent; and what we are saying here is, if you are going to spend $50 million or more of taxpayer money to fund our government, it requires a vote of the full Congress?

Mr. COOPER. A recorded vote so that people back home can tell how we behave up here.

Mr. ISRAEL. Would the gentleman yield?

Mr. COOPER. I would be delighted to yield to the gentleman from New York.

Mr. ISRAEL. I thank the gentleman for yielding. Does the gentleman recall when the House of Representatives voted on the entire $2.5 trillion budget resolution?

Mr. COOPER. That was some 3 weeks ago we had the budget resolution. They rammed it through here in 2 hours.

Mr. ISRAEL. And would the gentleman state how long Members of Congress actually had to read that $2.5 trillion budget?

Mr. COOPER. The gentleman asks an interesting question. I am on the Committee on the Budget, and we were only allowed 2 hours from first glance of the document, and this is a complex document, any document would be that spends $2.6 trillion, and 2 hours later, final passage and you never see it again.

That is an outrage to ram through a budget like that. No responsible board of directors in America, no responsible businessman or woman would tolerate that situation, yet it has become commonplace in the U.S. House of Representatives under Republican leadership.

And lest this be viewed as partisan, check again the Cato Institute report. They say that government accountability has suffered terribly under our all-Republican government because there are no checks and balances any more. There is nobody calling them to task, and so we have got to restore fiscal sanity to this Nation.

Another key element of the Blue Dog spending plan is to set aside a real rainy day fund. We know that emergencies and tragedies are going to occur. Let us set aside a little money in advance so that not everything becomes an emergency here.

We spend tens, sometimes hundreds, of billions of dollars a year here because it is a so-called emergency. And some of them are. But in the most recently past emergency supplemental bill of $82 billion, a lot of that was for our troops in Iraq, and we are all for that; but a lot of it was for other stuff that powerful Congressmen and Senators snuck in the bill because they knew they could get away with it.

Mr. ROSS. If the gentleman will yield on that, I think it is so important that we do have a rainy day fund. We have had natural disasters every year since I have been here. We either have droughts or floods, and sometimes both depending on where you live; and we have to be there for our farm families if we want to have a safe and reliable source for food and fiber, which I believe is every bit as important to our national security as oil.

But what is so important about the need for a rainy day fund, I believe, is it helps stop the deficit spending. You have money set aside in a fund knowing that something is going to happen.

And the gentleman raised the issue of the $82 billion supplement. Most folks think that went to support our troops. I supported it, because a large part of it did go to our support our troops. But the reality is during that same week on the floor of the House we did two things: we passed a budget that included $500 million in cuts to farm families in this country, and in the same week we passed $82 billion, and most people think it was all to support our troops. I supported it because part of it was and I support our troops, but what most people do not know is that that bill included a $266 million buyout, you have heard of tobacco buyouts, to do a buyout of opium farmers in Afghanistan.

Now if we cannot find Osama bin Laden hiding in the hills over there in Afghanistan, how in the world are we going to police what thousands of Afghan farmers are or are not growing? Just one example of what the gentleman is talking about that goes on that I believe people need to be held accountable for.

Mr. COOPER. The gentleman is exactly correct. The other elements of the Blue Dog reform plan, point number seven, would be let us have real votes, recorded votes, on raising the debt ceiling for this country.

A lot of Americans think we vote on that here. Well, we used to, in the good old days. But now, under Republican leadership, if you voted for Speaker HASTERT, you also voted to make debt ceiling votes disappear. They no longer happen anymore.

And to put it in perspective, it took the first 204 years of our Nation's history to run up the first $1 trillion in debt, and now we are doing it about every year or two. That is an outrage. And no one is recorded in their votes when we do that. Every year or two it is another trillion; we raise the debt ceiling. And that vote has simply disappeared.

Mr. ROSS. If the gentleman will yield, he is absolutely right. It took 200 years to go $1 trillion in debt, and now we do it every 20 months in this Nation. But in terms of raising the debt limit, it is my understanding that what the gentleman means by that is it is kind of like a credit card with a credit limit. And when the Federal Government reaches its limit, the Congress has to vote either by voice vote or rollcall to raise the debt limit before we can exceed whatever it was before.

And it is my understanding that we exceeded the debt limit back in October of 2004, but we really did not want to bring attention to it. The leadership here did not want to bring attention to the fact. They did not want to bring us back to raise the debt limit weeks before the election, so they literally used Federal employees' 401(k) savings contributions to fund our government for 2 or 3 weeks, to buy time until the election was over and bring us back up here.

As a small business owner, if I do that with my employees' 401(k) plans, I go to the Federal pen. And yet it is my understanding that is how we ran our government in late October and early November of 2004.

Mr. COOPER. Sadly, Mr. Speaker, the gentleman is exactly correct.

In the little time we have remaining, let me make sure we finish the remaining Blue Dog points here.

We have to admit that Congress likes to spend money on its own pet projects. It is called earmark spending. We do not ban that, but we require a written justification for every project, so that things like Senator CHARLES GRASSLEY's $50 million indoor rain forest in Iowa would no longer happen without written justification. The Wall Street Journal reported ''it would be cheaper to fly everyone in Iowa to a real rain forest rather than build a fake one somewhere in Iowa.''

Another key element of the Blue Dog reform plan is to give us the 3 days that we have under House rules to read these bills so that we have a chance to know what is going on; so we have a chance to share with our constituents back home what is in these bills so we can get their ideas. That is the best way to represent them, instead of ramming things through here, like our budget 3 weeks ago in 2 hours, or other legislation they rammed through in 1 day under what they call the martial law rule. That is not a pejorative; that is what they call it, a martial law rule for running our democracy.

Another key element of the Blue Dog reform plan is let us get an honest cost estimate for every bill. I mentioned earlier let us have a recorded vote for the larger bills, but we need to know what each bill costs so we have some idea what we are spending.

□ 2330

Most Americans back home are probably shocked that after 200-plus years of this great democracy, we still do not know what bills cost.

Finally, we need to make sure that each piece of legislation fits within the budget, so we do not routinely bust the budget. Last year, I think four or five of the appropriations bills busted the budget.

Finally, Congress needs to make sure that we do a better job of keeping tabs on government programs. This Congress has failed miserably, and even the most partisan Republican would admit that. Most of the oversight subcommittees have been abolished. They

do not exist anymore. There is no one to hold hearings to make sure that the taxpayers' money is being well spent. Those are the key points in the 12-point Blue Dog reform plan.

We have bipartisan support for this. Many of the elements are shared with the Republican Study Committee Plan. Many of us have also supported their reform efforts. We need to work together to form a bipartisan majority, much as our Senate colleagues did to avert the nuclear showdown on judicial nominations, get the sensible center of this Congress to come together and do the right thing for the American taxpayer.

We are so close because if just 10 or 20 of the Republicans would break from their leadership, they could do as the CATO Institute report suggests, start reforming the budget process in this House. All it takes is 10 or 20 renegades on their side to stand up for the American taxpayer. We can get budget reform. It may be the Republican Study Committee that does it. It may be the Mainstream Republicans, or the Tuesday Group that does it, but I believe the Blue Dog Democrats will be there to make sure that sensible fiscal policy is restored to this Nation.

I appreciate the gentleman holding this special order.

Mr. ROSS. Mr. Speaker, I would thank the gentleman from Tennessee.

Mr. Speaker, one of the 12 points is to ensure that the Congress reads the bills we are voting on. We cannot pass a law to make Members of Congress read a bill, but several examples have been given this evening of what we are talking about here.

Last year, before the election, there were 13 spending bills that had to pass to fund our government. Two were passed before the election. They brought us back up here after the election, saying that they could roll all 11 into one and call it the omnibus spending bill and pass it in 3 or 4 days, and they did.

The gentleman from Texas (Mr. DELAY), the majority leader, did. It was over 1,000 pages, over 12,000 local spending projects. We had just a few hours to read it. Sure enough, it was full of errors, including allowing congressional staffers to look at people's tax returns. And so all 435 Members had to fly back up here to fix that, among other things.

That is just one of 12 common-sense budget reform steps that we think have to happen before Democrats or Republicans can provide a truthful, meaningful budget again.

Mr. ISRAEL. Mr. Speaker, just one concluding point. This Blue Dog 12-point plan is not radical or inventive. It is what every American family has to abide by every single day. All this plan says is, we will play by the same rules that our businesses are supposed to play by and our families are supposed to play by. I do not know of a single American family that can just decide to go beyond their means and tell their bank, I want to borrow more. We should play by the same rules.

Mr. Speaker, I thank the gentleman from Arkansas (Mr. ROSS) and the gentleman from Tennessee (Mr. COOPER) for their stalwart leadership on fiscal responsibility and common sense.

Mr. ROSS. Mr. Speaker, in the hour that we have discussed the debt and the deficit, our Nation has borrowed $48 million. On top of that, our Nation has paid $18 million in interest on the national debt. That is $66 million that our Nation has spent during the 60 minutes we have been here.

It is about priorities. That money could have gone for better education, better roads, and better veterans' benefits.

Mr. Speaker, I raise these issues because my grandparents left this Nation better than they found it for my parents. And my parents left this Nation better than they found it for our generation, and I believe we have a duty and an obligation to try and leave this country just a little bit better than we found it for our children and grandchildren.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. DELAY) for today and May 26 on account of the death of Marie Hahn, mother of the late Representative Bill Emerson.

Mr. GINGREY (at the request of Mr. DELAY) for today through 2:30 p.m. on account of his accompanying the BRAC commissioners on a site visit of NAS Atlanta.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. BEAN, for 5 minutes, today.

(The following Members (at the request of Mr. GIBBONS) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, May 26.

Mr. POE, for 5 minutes, May 26.

Mr. FRANKS of Arizona, for 5 minutes, May 26.

Mr. GINGREY, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

ADJOURNMENT

Mr. ROSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, May 26, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2143. A letter from the Inspector General, Department of Defense, transmitting the annual report of the results of the assessment of voting assistance programs, pursuant to 10 U.S. C. 1566 Public Law 107–107, section 1602; to the Committee on Armed Services.

2144. A letter from the Chairman, Vice Chairman, and Commissioners, Commission on Review of Overseas Military Facility Structure, transmitting a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate, pursuant to 10 U.S.C. 111 note, Pub. L. 108-132, Section 128(b)(3)(A) (117 Stat. 1383); to the Committee on Armed Services.

2145. A letter from the Director, Defense Finance and Accounting Service, transmitting a letter updating the May 9, 2003 notification that the DFAS planned to start an A-76 competition of the Marine Corps accounting function in which DFAS has decided not to conduct a competition at this time, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2146. A letter from the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2004, pursuant to 50 U.S.C. 1521(g); to the Committee on Armed Services.

2147. A letter from the Chief of Staff, Comptroller of the Currency, transmitting four issues of the Quarterly Journal for CY 2003 and one issue for CY 2004, the annual reports for FY 2003 and 2004, and a review of the actions the Office has taken during CY 2003 and 2004 with regard to the applicability of state law to national banks, pursuant to 12 U.S.C. 14 12 U.S.C. 36(f)(1)(C); to the Committee on Financial Services.

2148. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2149. A letter from the Vice Chairperson, Advisory Committee on Student Financial Assistance, transmitting the Committee's final report of the special study of simplification of need analysis and application for Title IV aid, entitled ''The Student Aid Gauntlet: Making Access to College Simple and Certain,'' pursuant to the FY 2004 Consolidated Appropriations Act; to the Committee on Education and the Workforce.

2150. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2151. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of

State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2152. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13338 of May 11, 2004, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on International Relations.

2153. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on International Relations.

2154. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on International Relations.

2155. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement,'' together known as the Migration Accords, pursuant to Public Law 105–277, section 2245; to the Committee on International Relations.

2156. A letter from the Investment Manager, Treasury Division, Army & Air Force Exchange Service, transmitting the annual report on Federal Pension Plans for the year ended 31 December 2003, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

2157. A letter from the Federal Co-Chairman, Delta Regional Authority, transmitting a report describing the activities of the Delta Regional Authority for 2004, entitled ''Promises Made/Promises Kept,'' pursuant to 7 U.S.C. 1921, et seq; to the Committee on Government Reform.

2158. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Virginia Regulatory Program [VA-121-FOR] received April 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2159. A letter from the Deputy Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Chickasaw National Recreational Area, Personal Watercraft Use (RIN: 1024-AC98) received April 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2160. A letter from the Deputy Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Delaware Water Gap National Recreation Area, Pennsylvania and New Jersey; U.S. Route 209 commercial vehicle fees. (RIN: 1024-AD14) received April 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2161. A letter from the Deputy Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Rocky Mountain National Park Snowmobile Routes (RIN: 1024-AD15) received April 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2162. A letter from the Biomass and Forest Health Program Manager, Department of the Interior, transmitting the Department's final rule — Woody Biomass Utilization (RIN: 1084-AA00) received May 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2163. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ozark, MO. [Docket No. FAA-2005-20061; Airspace Docket No. 05-ACE-3] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2164. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 041105A] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2165. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 040805C] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2166. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 0411263332-5039; I.D. 040805B] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2167. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Correction [Docket No. 040830250-5109-04; I.D. 081304C] (RIN: 0648-AS27) received May 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2168. A letter from the Director, NMFS, National Oceanic and Atmospheric Administration, transmitting a report, covering FY 2003 and 2004 as required by the Interjurisdictional Fisheries Act of 1986, also containing information for FY 2003 and 2004 about grants authorized by the Anadromous Fish Conservation Act of 1965, pursuant to 16 U.S.C. 4106, as amended 16 U.S.C. 757(d), as amended; to the Committee on Resources.

2169. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the sentencing guidelines, policy statements, and official commentary, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

2170. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, may exceed $5 million for the response to the emergency declared as a result ofthe record/near record snow on December 21-23, 2004, in the State of Indiana, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

2171. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, may exceed $5 million for the response to the emergency declared as a result ofthe record and/or near record snow on January 22-23, 2005, in the Commonwealth of Massachusetts, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

2172. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River-Eastern Branch, Norfolk, VA [CGD05-04-209] (RIN: 1625-AA09) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, Virginia [CGD05-05-031] (RIN: 1625-AA09) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2174. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD [CGD05-05-023] (RIN: 1625-AA08) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; National Maritime Week Tugboat Races, Seattle, WA [CGD13-05-004] (RIN: 1625-AA08) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago Sanitary and Ship Canal, Chicago, IL [CGD09-05-009] (RIN: 1625-AA00) received May 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2177. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace, Cocoa Beach Patrick AFB, FL [Docket No. FAA-2004-19911; Airspace Docket No. 04-ASO-20] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2178. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Boonville, MO. [Docket No. FAA-2005-20576; Airspace Docket No. 05-ACE-13] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2179. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas

Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; and Model DC-9-81 (MD-81) and DC-9-82 (MD-82) Airplanes [Docket No. FAA-2004-18774; Directorate Identifier 2003-NM-212-AD; Amendment 39-14027; AD 2005-07-03] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2180. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, and -300 Series Airplanes; and Model 747SR and 747SP Series Airplanes [Docket No. FAA-2004-19495; Directorate Identifier 2003-NM-180-AD; Amendment 39-14019; AD 2005-06-11] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2181. A letter from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting the Department's final rule — Rail Fixed Guideway Systems; State Safety Oversight [Docket No. FTA-2004-17196] (RIN: 2132-AA76) received May 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2182. A letter from the Chairman, Advisory Committee for Trade Policy Negotiations, transmitting pursuant to Section 2103(c)(3)(A) of the Trade Act of 2002, the Committee's report on the Extension of Trade Promotion Authority; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GINGREY: Committee on Rules. House Resolution 298. Resolution providing for consideration of the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept 109–97). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DAVIS of Florida (for himself, Mr. FLAKE, Mr. MCDERMOTT, Mr. DELAHUNT, Mr. OLVER, Mr. RUSH, Ms. SOLIS, Mr. SHAYS, Mr. CONYERS, Mr. FARR, Mr. OBERSTAR, Mrs. BONO, Ms. KILPATRICK of Michigan, Mrs. EMERSON, Mr. LYNCH, Mr. GORDON, Mr. TOWNS, Mr. PAUL, Mr. SPRATT, Mr. OTTER, Ms. BALDWIN, Mr. RANGEL, Mr. MCGOVERN, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. MORAN of Virginia, Ms. LEE, Mr. BERRY, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. RAMSTAD, Ms. WATERS, Mr. BERMAN, Ms. WOOLSEY, Ms. DELAURO, and Mr. MEEK of Florida):

H.R. 2617. A bill to bar certain additional restrictions on travel and remittances to Cuba; to the Committee on International Relations.

By Mr. RENZI (for himself, Mr. PASTOR, Mr. KOLBE, Mr. HAYWORTH, Mr. SHADEGG, Mr. FLAKE, and Mr. FRANKS of Arizona):

H.R. 2618. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 2619. A bill to waive copayments and deductibles for military personnel who qualify for TRICARE and use other health insurance as their primary form of coverage; to the Committee on Armed Services.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CONYERS, Mr. RANGEL, Mr. TOWNS, Mr. PAYNE, Mr. WYNN, Mr. CLEAVER, Mr. RUSH, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Ms. WOOLSEY, Mr. FATTAH, Mr. JEFFERSON, Ms. WATSON, Mr. JACKSON of Illinois, and Mr. OWENS):

H.R. 2620. A bill to increase the evidentiary standard required to convict a person for a drug offense, to require screening of law enforcement officers or others acting under color of law participating in drug task forces, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2621. A bill to clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2622. A bill to amend title II of the Social Security Act to provide monthly benefits for certain uninsured children living without parents; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2623. A bill to require States to conduct DNA tests to ascertain the degree of genetic relatedness between two or more persons in accordance with a national standard; to the Committee on Ways and Means.

By Mr. BOEHNER:

H.R. 2624. A bill to suspend temporarily the duty on certain items and to reduce temporarily the duty on certain items; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. LEVIN, Mr. STARK, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. BECERRA, Mr. EMANUEL, Mr. ALLEN, Ms. BALDWIN, Mr. BERMAN, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CASE, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. LEE, Mr. MARKEY, Mr. MCGOVERN, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. RYAN of Ohio, Mr. SABO, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STRICKLAND, Ms. SOLIS, Mr. TAYLOR of Mississippi, Mr. TIERNEY, Mrs. JONES of Ohio, Ms. WATERS, and Mr. WAXMAN):

H.R. 2625. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses by disallowing tax benefits claimed to arise from transactions without substantial economic substance, and for other purposes; to the Committee on Ways and Means.

By Mr. EDWARDS (for himself and Mr. BONILLA):

H.R. 2626. A bill to amend titles XVIII and XIX of the Social Security Act to prohibit coverage under the Medicare and Medicaid Programs of sex-enhancing drugs for individuals convicted of a sex offense; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 2627. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H.R. 2628. A bill to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Ms. WASSERMAN SCHULTZ, Mr. STARK, and Mr. OWENS):

H.R. 2629. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD (for himself, Mr. HASTERT, Mr. RUSH, Mr. LIPINSKI, Mr. WELLER, Mr. JOHNSON of Illinois, Mr. DAVIS of Illinois, Mr. HYDE, Mr. EMANUEL, Mr. KIRK, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. SHIMKUS, Mr. COSTELLO, Mr. EVANS, Ms. BEAN, Mr. JACKSON of Illinois, Mrs. BIGGERT, and Mr. MANZULLO):

H.R. 2630. A bill to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''; to the Committee on Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. LEACH, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Mr. PAYNE, Mr. PAUL, Mr. MCDERMOTT, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Mr. BROWN of Ohio, Mr. OWENS, Mr. TOWNS, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Ms. WOOLSEY, Mr. RUSH, Mr. FARR, Mr. DEFAZIO, Mr. RANGEL, Mr. MORAN of Kansas, Mr. DELAHUNT, Mr. SERRANO, Ms. BALDWIN, Mr. CUMMINGS, Mr. JACKSON of Illinois, Mr. WATT, Mr. CONYERS, Ms. NORTON, Mr. DAVIS of Illinois, Ms. MCKINNEY, and Mr. STRICKLAND):

H.R. 2631. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 2632. A bill to suspend temporarily the duty on 3,3'-Dichlorobenzidine Dihydrochloride; to the Committee on Ways and Means.

By Mr. MATHESON:

H.R. 2633. A bill to provide for preservation by the Department of Defense of historical radiation records; to the Committee on Armed Services.

By Mr. MELANCON (for himself, Mr. BAKER, Mr. MCCRERY, Mr. JEFFERSON, Mr. ALEXANDER, Mr. BOUSTANY, Mr. JINDAL, and Mr. BONNER):

H.R. 2634. A bill to amend the Submerged Lands Act to make the seaward boundaries of the States of Louisiana, Alabama, and Mississippi equivalent to the seaward boundaries of the State of Texas and the Gulf Coast of Florida; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. ALLEN):

H.R. 2635. A bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities; to the Committee on Armed Services.

By Mr. NADLER (for himself, Mr. SANDERS, Mr. OBERSTAR, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, Mr. CUMMINGS, Mr. CLEAVER, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SLAUGHTER, Ms. ESHOO, and Mr. STARK):

H.R. 2636. A bill to authorize the Secretary of Housing and Urban Development to make grants to States to supplement State assistance for the preservation of affordable housing for low-income families; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. WILSON of South Carolina, Mr. WELDON of Pennsylvania, Mr. PETRI, Mr. BURTON of Indiana, Mr. FOLEY, Mr. LAHOOD, Mr. BROWN of South Carolina, Mr. WALSH, Mr. WHITFIELD, Mr. BOOZMAN, Mr. BOEHLERT, Mr. MENENDEZ, Mr. RANGEL, Mr. SKELTON, Mr. PALLONE, Mr. ANDREWS, Mrs. MCCARTHY, Mr. OWENS, Mr. HINCHEY, Mr. MARSHALL, Mr. HOLT, Ms. BORDALLO, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. CLAY, Mr. HOLDEN, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. GRIJALVA, and Mrs. MALONEY):

H.R. 2637. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RENZI:

H.R. 2638. A bill to allow the waiver of certain terms contained in a deed of conveyance to the City of Williams, Arizona; to the Committee on Transportation and Infrastructure.

By Mr. RUSH:

H.R. 2639. A bill to establish a pilot program to provide low interest loans to nonprofit, community-based lending intermediaries, to provide midsize loans to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. RUSH:

H.R. 2640. A bill to make improvements to the microenterprise programs administered by the Small Business Administration; to the Committee on Small Business, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. PAUL, Mr. DELAHUNT, Ms. HERSETH, and Mr. TAYLOR of Mississippi):

H.R. 2641. A bill to require the Defense Base Closure and Realignment Commission to take into consideration the homeland security contributions and value of military installations when the Commission conducts its review and analysis of the list of military installations recommended for closure or realignment by the Secretary of Defense; to the Committee on Armed Services.

By Mr. TANNER (for himself, Mr. COOPER, Mr. CHANDLER, Mr. COSTA, Mr. CARDOZA, Mr. BOYD, Mr. CASE, Mr. MOORE of Kansas, Mr. SCHIFF, Mr. FORD, and Mr. MATHESON):

H.R. 2642. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. WEINER (for himself, Mr. ACKERMAN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. CUMMINGS, Mr. DEFAZIO, Ms. DELAURO, Mr. ENGEL, Mr. EVANS, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Ms. LEE, Mrs. MALONEY, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PAYNE, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. STARK, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WAXMAN, and Mr. WYNN):

H.R. 2643. A bill to protect innocent parties from certain fees imposed by depository institutions for dishonored checks, and for other purposes; to the Committee on Financial Services.

By Mr. WYNN:

H.R. 2644. A bill to amend the Servicemembers Civil Relief Act to extend from 90 days to one year the period after release of a member of the Armed Forces from active duty during which the member is protected from mortgage foreclosure under that Act; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WYNN introduced a bill (H.R. 2645) for the relief of Web's Construction Company, Incorporated; which was referred to the Committee on the Judiciary.

ADDITONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. WU and Mr. DAVIS of Kentucky.

H.R. 23: Mr. ENGEL.

H.R. 94: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GERLACH, and Mrs. MCCARTHY.

H.R. 115: Mr. PRICE of North Carolina.

H.R. 195: Mr. SOUDER.

H.R. 222: Mr. SOUDER.

H.R. 303: Mr. CARDIN, Mrs. LOWEY, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. ANDREWS, and Ms. MCCOLLUM of Minnesota.

H.R. 389: Mr. MILLER of Florida.

H.R. 528: Mr. PAYNE.

H.R. 558: Mr. LOBIONDO.

H.R. 582: Mr. LATOURETTE and Mr. OWENS.

H.R. 602: Mr. MENENDEZ and Mr. DELAHUNT.

H.R. 615: Ms. WOOLSEY.

H.R. 669: Mr. SCHWARZ of Michigan.

H.R. 670: Mr. KUHL of New York, Mr. YOUNG of Alaska, Mr. JEFFERSON, and Mr. CARNAHAN.

H.R. 676: Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. WEINER, Mr. NADLER, and Mr. LEWIS of Georgia.

H.R. 747: Mr. PUTNAM, Mr. CLAY, Mr. WYNN, Mr. AL GREEN of Texas, Ms. SOLIS, and Ms. HARMAN.

H.R. 759: Mr. THOMPSON of California.

H.R. 761: Mr. RADANOVICH.

H.R. 772: Ms. BORDALLO, Ms. JACKSON-LEE of Texas, and Mr. JEFFERSON.

H.R. 819: Mr. NUSSLE and Mr. WELLER.

H.R. 823: Mr. PLATTS and Mr. RYUN of Kansas.

H.R. 880: Mr. PAYNE.

H.R. 887: Mr. CUMMINGS.

H.R. 893: Mr. RANGEL and Mr. STARK.

H.R. 896: Mr. ROGERS of Michigan.

H.R. 908: Mr. VAN HOLLEN.

H.R. 925: Mr. BRADLEY of New Hampshire and Mrs. MYRICK.

H.R. 952: Mr. MEEHAN.

H.R. 997: Mrs. KELLY and Mr. WALSH.

H.R. 1002: Mr. STUPAK.

H.R. 1079: Mr. HERGER.

H.R. 1120: Mr. ENGLISH of Pennsylvania.

H.R. 1126: Mr. BISHOP of New York and Mr. CASTLE.

H.R. 1153: Mr. MCGOVERN, Ms. BERKLEY, Mr. VAN HOLLEN, and Ms. ROS-LEHTINEN.

H.R. 1176: Mr. BISHOP of Georgia and Mr. CONAWAY.

H.R. 1219: Ms. HERSETH.

H.R. 1242: Mr. DELAHUNT.

H.R. 1249: Mr. CARDIN, Mr. HIGGINS, and Mr. DEFAZIO.

H.R. 1288: Mr. MCHUGH, Mr. PUTNAM, Mr. KINGSTON, Mr. WALDEN of Oregon, Mr. ROGERS of Alabama, Mr. SMITH of Texas, Mr. HENSARLING, Mr. FEENEY, Mr. CARTER, Mr. TANCREDO, Mr. BOYD, Mr. PETERSON of Minnesota, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1298: Mr. MOORE of Kansas.

H.R. 1302: Mr. EMANUEL and Mr. MEEHAN.

H.R. 1304: Mr. EMANUEL and Mr. MEEHAN.

H.R. 1313: Mr. TANCREDO.

H.R. 1352: Mr. DEFAZIO and Mr. CLAY.

H.R. 1384: Mr. BISHOP of Utah.

H.R. 1386: Mrs. DAVIS of California.

H.R. 1397: Mr. WELDON of Pennsylvania.

H.R. 1409: Mr. PRICE of North Carolina.

H.R. 1421: Mr. GORDON.

H.R. 1445: Mr. CLAY.

H.R. 1448: Mr. SCHWARZ of Michigan and Mr. CAMP.

H.R. 1492: Mr. JEFFERSON and Ms. MCCOLLUM of Minnesota.

H.R. 1505: Mr. DAVIS of Tennessee.

H.R. 1554: Ms. ESHOO.

H.R. 1591: Mr. CALVERT.

H.R. 1602: Mr. RUPPERSBERGER, Mr. SCHIFF, Mr. CASE, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. FRANKS of Arizona, and Mr. FORBES.

H.R. 1615: Mr. GREEN of Wisconsin.

H.R. 1648: Mr. GONZALEZ, Mr. FILNER, and Mr. CLEAVER.

H.R. 1652: Mr. STRICKLAND, Mrs. NAPOLITANO, Ms. WATSON, and Mr. TIERNEY.

H.R. 1671: Mr. SNYDER and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1689: Mr. BEAUPREZ, Ms. BERKLEY, Mr. SESSIONS, Mr. ISSA, Mr. HAYWORTH, Mr. WILSON of South Carolina, Mr. WESTMORELAND, Mr. HASTINGS of Florida, Mr. BONILLA, Mr. ACKERMAN, Ms. WATSON, Mr. MCHENRY, and Mr. TANCREDO.

H.R. 1696: Mr. MEEKS of New York.

H.R. 1770: Ms. HARRIS.

H.R. 1870: Mr. WELDON of Florida.

H.R. 1876: Mr. JEFFERSON.

H.R. 1955: Mr. HOLT.

H.R. 1973: Mr. LYNCH and Mr. CONYERS.

H.R. 1974: Mr. COOPER.

H.R. 1993: Mr. STARK and Mr. TOWNS.

H.R. 1994: Mr. CONYERS.

H.R. 2018: Mr. GREEN of Wisconsin.

H.R. 2037: Ms. SCHWARTZ of Pennsylvania.

H.R. 2057: Mr. SCHWARZ of Michigan and Mr. PRICE of Georgia.

H.R. 2058: Mr. DELAHUNT, Mr. GONZALEZ, and Mr. HINCHEY.

H.R. 2060: Mr. KIRK, Mr. REICHERT, Mr. WALSH, Mr. BOEHLERT, Mr. BRADY of Texas,

Mr. EHLERS, Mr. PUTNAM, Mr. HAYWORTH, Mr. GILCHREST, Mr. WICKER, Mr. WILSON of South Carolina, Ms. FOXX, Mr. SHUSTER, Mr. THOMPSON of Mississippi, Ms. DELAURO, Ms. ZOE LOFGREN of California, Mr. SKELTON, Mr. BISHOP of Georgia, Ms. HOOLEY, Mr. BUTTERFIELD, Mr. SCOTT of Virginia, Mr. BOREN, Mr. HIGGINS, Mr. BARROW, Mr. COSTELLO, Mr. STRICKLAND, Mr. SABO, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. MILLER of North Carolina, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Mr. MICHAUD, Mr. MOORE of Kansas, and Mr. MCNULTY.

H.R. 2076: Mr. GOODE.

H.R. 2106: Mr. BARROW, Mr. MARSHALL, and Mr. SIMMONS.

H.R. 2109: Ms. KILPATRICK of Michigan.

H.R. 2123: Mr. INGLIS of South Carolina and Mrs. NORTHUP.

H.R. 2193: Mr. PAYNE.

H.R. 2209: Mr. PETERSON of Minnesota, Mr. GORDON, and Mr. GOODE.

H.R. 2230: Mr. ISRAEL.

H.R. 2231: Mr. MENENDEZ, Mr. ANDREWS, Mr. LOBIONDO, Mr. FARR, Ms. ROS-LEHTINEN, Mr. HIGGINS, Mr. DOYLE, Ms. MOORE of Wisconsin, Mr. WEINER, Mr. MCHUGH, Mr. HOLT, Mr. MCGOVERN, Mr. GRIJALVA, Mr. RUPPERSBERGER, Mr. MOORE of Kansas, Ms. SCHAKOWSKY, Mr. BISHOP of New York, Mr. GUTIERREZ, Ms. BORDALLO, Mr. BOSWELL, Ms. SOLIS, Mr. WAXMAN, Mr. BOUCHER, Mr. LATHAM, Mr. HINCHEY, Mr. MEEKS of New York, Mr. BRADLEY of New Hampshire, Mr. PETRI, Mr. MCDERMOTT, Mr. ENGEL, Mr. THOMPSON of California, Mr. COOPER, and Mr. UDALL of Colorado.

H.R. 2234: Mr. MCCOTTER, Mr. BOUCHER, Mr. MOORE of Kansas, Mr. FORD, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Mr. SNYDER, Mr. SCHIFF, Mr. HIGGINS, Mr. MARCHANT, Ms. HARMAN, Mr. PLATTS, Ms. WASSERMAN SCHULTZ, Mr. SESSIONS, and Mr. SMITH of Washington.

H.R. 2238: Mr. CARDOZA, Mr. LYNCH, Mr. MEEK of Florida, Mr. LARSON of Connecticut, Mr. CLAY, Mr. MCINTYRE, and Ms. MILLENDER-MCDONALD.

H.R. 2239: Mr. SHAW and Mr. NEUGEBAUER.

H.R. 2291: Mr. WEXLER,

H.R. 2321: Mr. ACKERMAN and Mr. LANTOS.

H.R. 2327: Ms. MCCOLLUM of Minnesota, Ms. CARSON, Mr. LIPINSKI, and Ms. DEGETTE.

H.R. 2344: Ms. SCHAKOWSKY and Mr. GUTIERREZ.

H.R. 2347: Mr. SCHIFF.

H.R. 2355: Miss MCMORRIS.

H.R. 2359: Mr. GRIJALVA.

H.R. 2423: Mr. WELLER and Mr. MARIO DIAZ-BALART of Florida.

H.R. 2427: Mr. TAYLOR of Mississippi and Mrs. CAPITO.

H.R. 2565: Mr. SWEENEY, Mr. MARCHANT, and Mrs. MILLER of Michigan.

H.R. 2574: Mr. GUTKNECHT and Mr. DEAL of Georgia.

H.J. Res. 12: Mr. PASTOR.

H.J. Res. 37: Mr. SWEENEY and Mr. COOPER.

H.J. Res. 38: Mr. HINCHEY.

H. Con Res. 71: Ms. MOORE of Wisconsin.

H. Con Res. 90: Mrs. MALONEY and Mr. HOLT.

H. Con Res. 99: Mr. CLAY.

H. Con Res. 144: Mr. MURPHY, and Ms. SCHWARTZ of Pennsylvania.

H. Con Res. 162: Mr. TANCREDO, Mr. BISHOP of New York, and Mr. ANDREWS.

H. Res. 85: Mr. SHAYS.

H. Res. 146: Mr. WELDON of Florida, Mr. ISTOOK, Mrs. CUBIN, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Mr. HERGER, Mr. CHOCOLA, Mr. BEAUPREZ, Mr. CANTOR, Mr. RYAN of Wisconsin, and Mr. BRADY of Texas.

H. Res. 199: Mr. FORTENBERRY, Mrs. JO ANN DAVIS of Virginia, Mr. MCCOTTER, Mr. BOOZMAN, Mr. WYNN, Mr. OBERSTAR, Mr. KENNEDY of Rhode Island, and Mr. EVANS.

H. Res. 220: Mr. LAHOOD, Mr. DOGGETT, and Miss MCMORRIS.

H. Res. 245: Mr. PAYNE.

H. Res. 246: Mr. BAIRD.

H. Res. 276: Mrs. BIGGERT, Mr. KUHL of New York, Mr. WILSON of South Carolina, Ms. ROYBAL-ALLARD, Ms. BORDALLO, and Mr. BOEHLERT.

H. Res. 279: Mr. LYNCH, Mr. SHIMKUS, Mr. HASTINGS of Florida, Mr. SALAZAR, Mr. SHERMAN, Mr. VAN HOLLEN, and Mr. GRIJALVA.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2528

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 1: Page 17, line 17, after the dollar amount insert the following: ''(reduced by $15,000,000) (increased by $15,000,000)''.

H.R. 2528

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 2: Page 9, line 22, insert after the dollar amount the following: ''(increased by $351,000,000)''.

Page 10, line 6, insert after the dollar amount the following: ''(reduced by $351,000,000)''.

H.R. 2528

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 3: Page 9, line 22, insert after the dollar amount the following: ''(increased by $55,000,000)''.

Page 10, line 6, insert after the dollar amount the following: ''(reduced by $55,000,000)''.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, MAY 25, 2005 *No. 71*

Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign God, fountain of light, Your Senators still face deep valleys and challenging mountains. Please don't remove their mountains, but give them the strength to climb them. May they discover that the power required for life's low and high places will come from You. Remind them to greet those two imposters—success and failure—with the same equanimity and faith. Help them to see that the race is not to the swift and the battle not to the strong, but true victory comes only from You. Take from them distracting worries, and give them more trust.

Lord, empower each of us today to keep our hearts pure, to keep our minds clean, to keep our words true, and to keep our deeds kind.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, following the leader time, we will begin a 1-hour period of morning business. After morning business, we will resume postcloture debate on the nomination of Priscilla Owen to be a U.S. circuit judge for the Fifth Circuit. Yesterday, the Senate invoked cloture by a vote of 81 to 18. Today at noon, we will vote up or down on the Owen nomination. Following that vote, it is my intention to proceed to the Bolton nomination. There has been a request for a large amount of time, so we would like to begin those statements right away. We will finish the Bolton nomination before the end of the week, and I thank my colleagues in advance for their participation in that important debate and the opportunity to complete that nomination confirmation this week.

JUDICIAL FILIBUSTERS

Mr. FRIST. Mr. President, the confirmation over judicial filibusters is, I believe, the greatest single constitutional issue to confront the Senate in our lifetime. That is because this issue involves the very special and unique relationship between the Senate and the Presidency and the special relationship between the Senate and the courts. It involves all three branches of government. In addition, it involves the interaction between the minority and majority parties within the Senate.

The Senate confronts so many significant issues every month, every year, but none of them touches the grand institutions of American democracy the way this one does. The President has the constitutional obligation to appoint judges, and the Senate has the constitutional responsibility to offer its advice and consent.

For 214 years, the Senate gave every nominee brought to the floor a fair up-or-down vote. Most we accepted; some we rejected. But all of those nominees got a vote.

In the last Congress, however, the minority leadership embarked on a new and dangerous course. They routinely filibustered 10 of President Bush's appellate court nominees and threatened filibusters on 6 more. Organized and fueled by the minority leadership, these filibusters could not be broken. By filibuster, the minority denied the nominees a confirmation vote and barred the full Senate from exercising its obligation to advise and consent.

The purpose of those filibusters was clear. It was not only to keep the President's nominees off the bench; it was to wrest control of the appointments process from the President. Anyone who did not pass the minority leadership's ideological litmus test would be filibustered. That meant a minority would dictate whom the President should appoint, if he expected that nominee to get a confirmation vote in this body. That was a power grab of unprecedented proportions.

With more filibusters threatened for this Congress, the power grab would become even bolder. It would become even more entrenched. Fundamental

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

constitutional principles were called into question. They included the separation of powers, checks and balances, the independence of the judiciary, and the negation of the Senate's right to advise and consent. The minority claimed the right to impose a 60-vote threshold before a nominee could pass muster, for that is the number needed to invoke cloture and to break a filibuster. The Constitution doesn't say that. It only requires a majority to confirm. But for a minority spinning novel constitutional theories, the real Constitution took a back seat.

The Republican majority tried first to invoke cloture on each of the judicial nominees, but driven by the minority leadership, the filibusters proved resilient to cloture. Then we introduced a filibuster reform proposal and, with regular order, took it through the Rules Committee, but it died without action because it was sure to be filibustered as well.

So then we turned to the voters in November. The election strengthened our majority. But the minority ignored the election and even dug their heels in further. Faced with the certainty that the minority would expand its filibusters, we faced a critical choice: either accept the filibuster power grab as the new standard for the Senate or restore the tradition of fair up-or-down votes on nominees.

We, as Republican leadership, decided to stand for a principle. That principle is simple and clear. It is clear without equivocation, without trimming. Every judicial nominee brought to the floor shall get a fair up-or-down vote—a simple principle.

The Constitution specifically gives the Senate the power to govern itself. We were fully committed to use that power to establish a process by which a confirmation vote would occur after reasonable debate. This approach has a lot of precedent. We were prepared to use this approach. The minority attempted to demean it by calling it the nuclear option, surrounding it with threats of closure of government and stopping this body from working. But realistically, the nuclear option is what they did. It is what they did when they detonated this filibuster power grab in the last Congress.

The proper term for our response is the ''constitutional option'' because we would rely on the Constitution's power of self-governance to restore Senate traditions barring judicial filibusters. Against their unprecedented power grab by filibuster—that is what I would call the nuclear option—there is only one antidote that is certain, that would absolutely be effective, and that is the constitutional option.

The moment of truth was to have come yesterday on May 24, but, as we all know, that action was preempted by an agreement among seven Democrats and seven Republicans to forestall use of the constitutional option in exchange for confirmation votes on just three nominees and a promise that filibusters would occur only under what are called in the agreement ''extraordinary circumstances.'' I was not a party to that agreement, nor was our Republican leadership. It stops far short of guaranteeing up-or-down votes on all nominees. It stops far short of the principle on which this leadership stands. It leaves open the question of whether someone such as Miguel Estrada, who came to this country as a 17-year-old immigrant from Honduras, worked his way to the top of college and law school, and tried 15 cases at the Supreme Court, who was filibustered again and again and again, filibustered 7 times, would be an extraordinary circumstance.

Now we move on to a new and an uncertain phase. Today, the Senate will happily confirm Priscilla Owen to the Fifth Circuit Court of Appeals. Some of the other nominees will follow her. Priscilla Owen is a gentlewoman, an accomplished lawyer, and a brilliant Texas jurist. She was unconscionably denied an up-or-down vote for not just a few months or a year or 2 years but for 4 years. It was over 4 years ago that she was nominated to this position. The minority has distorted her record. They have cast aspersions on her abilities. They have rendered her almost unrecognizable. She had the fortitude to see the process through. Very late, too late, but finally, she will receive an up-or-down vote and will be confirmed.

Without the constitutional option, Priscilla Owen would have never come to a vote today. Neither would any of the other nominees. The other side made it clear that they would filibuster. Without the constitutional option, judicial filibusters would have become a standard instrument of minority party policy.

The agreement among those 14 is based on trust, a trust that casual use of judicial filibusters is over. Without the constitutional option, the minority would have adhered to the path it was on, and deal brokers would have had no deal to broker.

I am very hopeful now and optimistic, but I am curious what ''extraordinary circumstances'' will mean.

I am wary, but as Ronald Reagan was fond to say, ''Trust but verify.'' If nominees receive up or down votes and the sword of the filibuster is sheathed, then the Republican leadership can be proud that its focused direction on the constitutional option arrested a dangerous and destructive trend.

If filibusters erupt under circumstances other than extraordinary, we will put the constitutional option back on the table and will implement it. Abraham Lincoln once said that when it is not possible to do the best, it is best to do what is possible. Standing firm for the principle of fair up-or-down votes, we have made real progress. That is something I think we can all celebrate with the up-or-down vote Priscilla Owen receives today. That principle will be our guidepost as the rest of this great constitutional drama unfolds.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

MOVING FORWARD

Mr. REID. Mr. President, I am sorry I was unable to be on the floor for the entire statement of the Republican leader. I think we should just move on. Filibusters are only under extraordinary circumstances. That is when you filibuster. I have been involved in two filibusters during my career of almost 19 years in the Senate. That is two more than most people have been involved in. Filibusters don't happen very often. I think we should move beyond this and get the business of the country done. Let's not talk about the nuclear option any more. Let the Senate work its will. Let's get over this. I have said it is good that it is over with, done.

I wish the distinguished majority leader and I could have worked something out on our own. We didn't. It was done by 14 people, 7 Democrats and 7 Republicans. We have important things to do. There is no question that these five people—actually that is what it boiled down to—are important, but keep in mind they all had jobs. They were all working. It is not as if they were in a bread line someplace. It is unfortunate that during the last 12 years there have been problems with these judges, and I would say problems we never had before.

During the Clinton years, we had more than 60 nominees that never even got a hearing. We talked yesterday about what happened in the Bush years. Let's put that behind us and move on. Let's forget about it and have the Senate work its will. If a problem comes up with a judge, there will be discussions between the Senator from Tennessee and me. If it is necessary, there will be extended debate, and we will talk about it. That is not going to happen very often. We know that. So let's just go about our business. I had a wonderful conversation with the Attorney General of the United States yesterday. He acknowledged, let's move on. I said, fine, let's move on. Let's just move on and not talk about this any more.

I have had extended conversations with the distinguished Republican leader, and the next matter that the Senate is going to be involved in is the Bolton nomination. We are clear on the Democratic side to move forward. I think it would be in the best interest of everybody if we get this agreement made as quickly as possible and we can move forward. That is why I hope my friend from Montana—if somebody comes to the floor and we can clear this in the next little bit, that should be done. I don't want us being blamed

for not being able to go forward with the Bolton nomination.

Mr. FRIST. Mr. President, I appreciate the comment of the Democratic leader. We have agreed on the schedule for the week, and it is really to get to the Bolton nomination as soon as we possibly can. He is talking to Senators on his side, and I have to talk to some on our side. We are both eager to get on to the nomination, which we plan to do today.

I appreciate the Democratic leader coming to encourage us along. We will work things out here shortly on the plans to proceed to the Bolton nomination after the Owen nomination.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Montana is recognized.

NOMINATION OF WILLIAM MYERS

Mr. BURNS. Mr. President, now that we have established the ''new'' guidelines—which have always been there—confirming or rejecting the appointment of judges to the Federal appellate courts, I have come to the floor today to speak in support of William Myers, who is the President's nominee to the Ninth Judicial Circuit. He, as nominees Owen, Brown, and Pryor, deserves a straight up-or-down vote on the floor of the Senate.

I got a call last night from a constituent in Montana who didn't understand what an up-or-down vote was on the floor of the Senate. So I explained to her that it is a ''yea'' or a ''nay,'' and whoever gathers the most votes wins. That is as simple as I could put it. Of course, she understood.

Bill Myers is a native of Idaho and is a highly respected attorney who is nationally recognized for his work. He is an expert in the area of natural resources, public lands, water and water law and, most importantly, environmental law.

Mr. Myers has been nominated to the Ninth Circuit Court of Appeals, which covers my State, along with Arizona, California, Hawaii, Idaho, Nevada, Oregon and also Guam and the Northern Marianas—by far, the largest of all of the appellate district courts. It is huge. The caseload is huge. And always the caseload has burdened them to where we don't get a verdict very quickly in the Ninth. Most of us subscribe to the view that justice delayed is justice denied.

From July 2001 to October 2003, Mr. Myers served as Solicitor of the Interior, the chief legal officer and third ranking official in the Department of the Interior. He was confirmed by the Senate to serve as Solicitor of the Interior by unanimous consent.

Before coming to the Department, Mr. Myers practiced at one of the most respected law firms in the Rocky Mountain region, where he participated in an extensive array of Federal litigation involving public lands and natural resource issues.

From 1992 to 1993, he served in the Department of Energy as Deputy General Counsel for Programs, where he was the Department's principal legal adviser on matters pertaining to international energy, Government contracting, civilian nuclear programs, power marketing, and intervention in State regulatory proceedings. He really earned his stripes there.

Prior to that, he was assistant to the Attorney General of the United States from 1989 to 1992. In this capacity, he prepared the Attorney General for his responsibilities as chairman of the President's Domestic Policy Council.

Before entering the Justice Department, Mr. Myers served 4 years on the staff of the Honorable Alan Simpson of Wyoming, where he was a principal adviser to the Senator on public land issues. Everyone, in my memory, remembers with great fondness Senator Simpson of Wyoming.

Mr. Myers is an avid outdoorsman. He is a person who is totally committed to conservation, having served over 15 years of voluntary service to the National Park Service, where he did all the menial jobs—trail work, campsites, and visitor areas, understanding our Park Service and its role in American life.

He has also received widespread support from across the ideological political spectrum. For example, former Democratic Governor of Idaho, and good friend, Governor Cecil Andrus, stated that Myers possesses ''the necessary personal integrity, judicial temperament, and legal experience,'' as well as ''the ability to act fairly on matters of law that will come before him on the court.''

Former Democratic Wyoming Governor Mike Sullivan endorsed Mr. Myers saying that he ''would provide serious, responsible, and intellectual consideration to each matter before him as an appellate judge and would not be prone to the extreme or ideological positions unattached to legal precedents or the merits of a given matter.''

That is a pretty high recommendation by two outstanding Governors. By the way, they are Democrats and are good friends of mine.

In addition, in 2004, Mr. Myers was endorsed by 15 State attorneys general, including the current Senator Ken Salazar of Colorado, as well as the Democratic attorneys general of Oklahoma and Wyoming. These chief law enforcement officers stated that Mr. Myers ''would bring to the Ninth Circuit strong intellectual skills, combined with a strong sense of civility, decency, and respect for all.''

Finally, in 2004, the Governors of Montana, Alaska, Hawaii, Idaho, and Nevada—five States in the Ninth Circuit—strongly backed Mr. Myers, writing that he had the ''temperament and the judicial instincts to serve on the Ninth Circuit.''

The Ninth Circuit needs more judges just to get their work done, to clear out the backlog. They can use some good old rural common sense on that bench as well. He brings that kind of common sense, that kind of balance, those values that are dear to the West.

Out of the Ninth Circuit, we have seen many rulings that have been very troubling to most Americans and some really radical rulings. They are the court that ruled the words ''under God'' in the Pledge of Allegiance were unconstitutional. Now, to a lot of us, that doesn't make a lot of sense. But I will tell you, it was evidenced by the continual overturning of many of the Ninth Circuit rulings. That court has been overturned more than any court in the land.

Bill Myers is a man of strong character, who would reestablish balance in the Ninth Circuit by accurately reflecting those commonsense values—in other words, that old country lawyer that came to town who understands people. He will reflect the population from those States, such as my State of Montana, which make up the Ninth Circuit.

I am committed to making sure he gets the vote he deserves on the floor of the Senate.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 16 minutes 23 seconds remaining.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, we have taken one step forward in the last few days on our advise and consent responsibility in the Senate. I am here today to say we are doing the right thing by one nominee, and that is to have a fair up-or-down vote on Judge Priscilla Owen to be a justice on the Fifth Circuit Court of Appeals after 4 years of waiting for this day.

During this entire process, she has continued to serve on the Texas Supreme Court, demonstrating judicial temperament beyond anything I have ever seen. She has waited patiently, showing courage, determination, and a quiet spirit, the likes of which I have never seen before.

This is a person who would have been confirmed by the Senate four times, though she has never been able to take

her rightful place on the bench. On May 1, 2003, she received 52 votes in a cloture motion; on May 8, 2003, 52 votes; on July 29, 2003, 53 votes; and on November 14, 2003, 53 votes.

She has waited, and she is going to be rewarded. She will get over 50 votes, and she will take her place on the bench. Justice Owen ought to receive 100 votes. Anyone who has looked at her record and who has seen her experience knows she is a judge who does not believe in making law from the bench. She believes in interpreting law, trying to determine what the Supreme Court has said on this subject, trying to determine what the legislature intended, as it is her responsibility to do. To depict Justice Owen as a judicial activist is absolutely wrong. President Bush is trying to put jurists on the bench who have a strict constructionist view of the Constitution, who interpret as opposed to making laws from the bench.

Justice Owen, as has been said so many times, has bipartisan support in Texas. Fifteen State bar presidents—Republicans and Democrats—have come out in her favor. The American Bar Association gave her a unanimous well-qualified rating, the highest they give. She was reelected to the Texas Supreme Court with 84 percent of the vote. Priscilla Owen has had distortions of her record. She has had innuendoes about what she believes, no one speaking from knowledge, and yet she has never lashed out, she has never shown anger or bitterness, always a judicial demeanor, always respect for the Senators as they were questioning her.

I believe it is an important time in the Senate that we are now voting on someone who has been held up for four years, and I hope this is a time that is never repeated in Senate history. I hope we will go forward with all of the judges who should have the respect given to people willing to serve, people who have taken an appointment with the honest view that they can do a good job for our country and, in many cases, taking pay cuts to do so. I hope they will be treated by the Senate in the future with respect. I hope we can debate their records according to the different views. But in the end, I hope they will get an up-or-down vote, not only for these nominees, but out of respect for the President of the United States. Our President, George W. Bush, has had fewer circuit court of appeals nominees confirmed by the Senate than any President in the history of our country—69 percent. Every other President of our country has had confirmation rates in the seventies, eighties, and even Jimmy Carter in the nineties, and yet our President has not had his right under the Constitution for appointment of judges who would get an up-or-down vote by the Senate.

I hope that period in the history of the Senate is at an end today. I hope this is the first day of going back to the traditions of over 200 years, except for that brief 2-year period in the last session of Congress. I think the people of our country also agree this period should end. They agreed by the votes they cast for Senators who are committed to up-or-down votes. There were Democrats who ran on that platform and won, and there were Republicans who ran on that platform and won.

I hope very much that today we will end a dark period in the Senate and return to the traditions of the past 200 years and not only confirm Priscilla Owen, as we are going to do today, but start the process of giving up-or-down votes to the other nominees who have come out of committee after thorough vetting and after debate of any length of time that is reasonably necessary to bring everything to the table and to the attention of the American people. In the end, every one of these people has reputations and experience and they deserve the respect of an up-or-down vote.

Priscilla Owen, I have to say, is the perfect person to be first in line to break a bad period in the history of the Senate because she is a person of impeccable credentials. She is a person with a great record of experience, showing what a smart, honorable judge can be. She is a person who graduated at the top of her class at Baylor Law School. She is a person who received the highest score on the State bar exam. She is a person who practiced law for over 15 years and was so well regarded that she was asked to run for the Texas Supreme Court, and she did so. She is a person who was reelected with 84 percent of the vote and endorsed by every major newspaper in Texas. No one ever said anything bad about Priscilla Owen as a person. Her record has been distorted, but she is a person of impeccable credentials.

I was able to talk with Priscilla in the last few days. She is so happy that she is going to finally have this opportunity because she certainly has withstood so much. This is going to be a bright day in her life. And Priscilla Owen deserves a bright day.

I said in one of my earlier speeches that the classmates of her father at Texas A&M, the class of 1953, have a reunion every year. They realized at their reunion 2 years ago that one of their classmates who died very early had a legacy. The class newsletter came out saying, with a headline: ''Pat Richman's Legacy,'' and it told the story of Priscilla Owen. It related back to her dad in the class of 1953 at Texas A&M when it was an all-male school, and almost every member of the Corps of Cadets went into the service after graduation, as did Pat Richman.

Pat Richman served in Korea. He left his sweetheart, whom he had just married, pregnant, as he took off for Korea. Priscilla was born while he was gone. He came back to see her for the first time when she was 7 months old. Pat Richman died of polio 3 months later. His daughter, of course, never remembered anything about him, but he was a star in the class of 1953.

When the newsletter came out, they decided to invite Priscilla Owen to their last reunion this spring, and she went. She told me she learned things about her dad she had never heard before because, of course, it was from the perspective of his college classmates.

I ended that speech by saying I hope Priscilla Owen will be able to go to this year's reunion of the class of 1953 and that she would be able to go as a Fifth Circuit Court of Appeals judge.

In about 2 hours, this Senate is going to finally do the right thing for this woman of courage, conviction, and quiet respect for the rule of law and for our President, quiet respect for the Senate that I do not think has merited that respect in her individual case, although I love this institution. But she does respect the institution, the process, and most especially the judiciary of our country. Priscilla Owen is finally going to be treated fairly by the Senate. I know the class of 1953 is going to invite her back, and I know she will attend as a judge on the Fifth Circuit Court of Appeals to once again hear stories about her dad, Pat Richman, a man she never met but who is so respected by those classmates because he was one of the class stars.

It is time that Priscilla Owen has that opportunity. I am pleased the Senate is finally going to give her what is rightfully due and long overdue, and that is an up-or-down vote, where I am confident she will be confirmed. She will make America proud because she will undoubtedly become one of the best judges on the Federal bench in the United States of America.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA'S NUCLEAR NONPROLIFERATION POLICY

Mr. OBAMA. Mr. President, we have been spending a considerable amount of time in this body debating the so-called nuclear option. Today I want to spend a little bit of time talking about an issue that poses a more significant threat to our Republic.

Throughout the last half of the 20th century, one nation more than any other on the face of the Earth, defined and shaped the threats posed to the United States. This nation, of course, was the Soviet Union and its successor state, Russia.

While many have turned their attention to China or other parts of the world, I believe the most important threat to the security of the United States continues to lie within the borders of the former Soviet Union in the form of stockpiles of nuclear, biological, and chemical weapons and materials.

We are in a race against time to prevent these weapons from getting in the hands of international terrorist organizations or rogue states. The path to this potential disaster is easier than anyone could imagine. There are a number of potential sources of fissile material in the former Soviet Union in sites that are poorly secured. The material is compact, easy to hide, and hard to track. Weapons designs can be easily found on the Internet.

Today, some weapons experts believe that terrorist organizations will have enough fissile material to build a nuclear bomb in the next 10 years—that is right, 10 years.

I rise today to instill a sense of urgency in the Senate. I rise today to ask how are we going to deal with this threat tomorrow, a year from now, a decade from now?

The President has just completed an international trip that included a visit to Russia. I commend him for taking this trip and making our relationship with Russia a priority.

During the Cold War, the United States and the Soviet Union produced nearly 2,000 tons of plutonium and highly enriched uranium for use in weapons that could destroy the world several times over. To give an idea of just how much this is, it takes only 5 to 10 kilograms of plutonium to build a nuclear weapon that could kill the entire population of St. Louis. For decades, strategic deterrence, our alliances, and the balance of power with the Soviet Union ensured the relative safety of these weapons and materials.

With the end of the Cold War and the collapse of the Soviet Union, all this has changed. Key institutions within the Soviet national security apparatus have crumbled, exposing dangerous gaps in the security of nuclear weapons, delivery systems, and fissile material.

Regional powers felt fewer constraints to develop nuclear weapons. Rogue states accelerated weapons programs.

And while this was happening, international terrorist organizations who are aggressively seeking nuclear weapons gained strength and momentum.

Now, thanks to the leadership of former Senator Nunn and Senator LUGAR in creating the Cooperative Threat Reduction Program at the Department of Defense, there is no question that we have made some great progress in securing these weapons.

These same two leaders continue to work tirelessly on this issue to this day—Senator Nunn, through the Nuclear Threat Initiative, and Senator LUGAR, through his chairmanship of the Foreign Relations Committee.

The situation in Russia and the rest of the former Soviet Union is drastically different than it was in 1991 or even 1996 or 2001. But, the threat is still extremely dangerous and extremely real.

In March of this year, a senior Russian commander concluded that 39 of 46 key Russian weapons facilities had serious security shortcomings. Many Russian nuclear research sites frequently have doors propped open, security sensors turned off, and guards patrolling without ammunition in their weapons.

Meanwhile, the security situation outside of Russia continues to be of grave concern. Fanatical terrorist organizations who want these weapons continue to search every corner of the Earth resorting to virtually any means necessary. The nuclear programs of nations such as Iran and North Korea threaten to destabilize key regions of the world. We are still learning about the tremendous damage caused by A.Q. Khan, the rogue Pakistani weapons scientist.

Looking back over the past decade and a half, it is clear that we could and should have done more.

So as the President returns from his trip to Russia, we should be thinking—on a bipartisan basis—about the critical issues that can guide us in the future to ensure that there are no more missed opportunities.

The first question we should be thinking about is what is the future of the Cooperative Threat Reduction Program? What is our plan? I believe the administration must spend more time working with Congress to chart out a roadmap and a strategic vision of the program.

There are two things the President can do to move on this issue. First, in the National Security Strategy to Combat Weapons of Mass Destruction of 2002, the administration said the National Security Council would prepare a 5-year governmentwide strategy by March of 2003. To my knowledge, this has not been completed. In addition, Congress required the administration to submit an interagency coordination plan on how to more effectively deal with nonproliferation issues. This plan is due at the end of this month.

Completing these plans will help the United States better address critical day-to-day issues such as liability, resource allocation, and timetables. Having a better strategic vision will also help us work more efficiently and effectively with other international donors who have become increasingly involved and are making significant contributions to these efforts. This is very important, as the contribution of other donors can help us make up valuable lost time.

Mr. President, my second question concerns the U.S.-Russian relationship. Where is this relationship heading? Will Russia be an adversary, a partner, or something in between?

We do not ask these questions simply because we are interested in being nice and want only to get along with the Russians. We have to ask these questions because they directly impact our progress towards securing and destroying stockpiles of nuclear weapons and materials.

In the last few years, we have seen some disturbing trends in Russia: the rapid deterioration of democracy and the rule of law, bizarre and troubling statements from President Putin about the fall of the Soviet Union, the abuses that have taken place in Chechnya, and Russian meddling in the former Soviet Union—from the Baltics to the Ukraine to Georgia.

The Russians must understand that their actions on some of these issues are entirely unacceptable.

At the same time, I believe we have to do a better job of working with the Russians to make sure they are moving in the right direction. This starts by being thoughtful and consistent about what we say and what we do. Tone matters.

Some of the statements by our own officials have been confusing, contradictory, and problematic. At times I have been left scratching my head about what exactly our policy is and how administration statements square with this policy.

Another issue is the level of sustained engagement with Russia. I am glad the President and Secretary of State have made several trips to Russia, but as these trips are only a few days every year or so this is only one aspect of the relationship.

An additional component, which has suffered in recent years, is our foreign assistance programs to Russia and the rest of the former Soviet Union. These programs are absolutely essential in maintaining our engagement with Russia. These programs are not giveaways. They are programs that advance U.S. interests by strengthening Russian democracy and civil society, enhancing economic development and dealing with international health issues—in addition to curbing the nonproliferation threat.

At a time when these programs are desperately needed, their budgets have been cut dramatically. At a time when we should be doing more to engage and shape the future of Russia, we seem to be doing the exact opposite.

The nonproliferation threat does not exist in a vacuum. The issue I just mentioned, along with other important issues such as our own strategic nuclear arsenal, must be considered as we move forward.

Finally, Mr. President, I would like my colleagues to consider how our relationship with Russia, and our efforts to secure and destroy weapons and materials inside the former Soviet Union, fits in with our broader nonproliferation goals.

Russia is a major player in the two biggest proliferation challenges we currently face—Iran and North Korea. Russia's dangerous involvement with Iran's nuclear program has been well documented, and there is no question their actions will be pivotal if the President is to successfully resolve this deteriorating situation.

The Russians are also an important voice in trying to make progress on the deteriorating situation in North Korea. The Russian city of Vladivostok is

home to 590,000 people and is very close to the North Korean border, putting the Russians smack in the middle of the crisis that we need to resolve.

In addition to all this, Russia holds a seat on the Security Council of the United Nations, which could consider Iranian and North Korean issues in the very near future.

Developing bilateral and multilateral strategies that deal with Russia's role in these growing crises will be extremely important, both in terms of resolving these crises, advancing our non-proliferation goals within the former Soviet Union, and our long-term relationship with Russia.

I realize that, at this time, none of us have all the answers to these extraordinarily difficult questions. But if we hope to successfully fight terror and avoid disaster before it arrives at our shores, we have to start finding these answers. We have a lot of work to do.

I believe it is worth putting in place a process, one that involves senior administration officials, a bipartisan group of Members of Congress, as well as retired senior military officers and diplomats, in an effort to dramatically improve progress on these issues.

I am interested in hearing from the President about his trip. I am also interested in hearing if he believes that an idea similar to the one I put forward is worth considering.

Delay is not an option. We need to start making more progress on this issue today. I urge my colleagues to act.

Despite all the distractions we have had with the so-called nuclear option and judicial nominations, this is literally a matter of life and death. I hope we start paying more attention to it in this Senate Chamber and in the debates that are going to be coming in the coming months.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

JUDICIAL NOMINATIONS

Mr. SCHUMER. Mr. President, let me thank my colleague and friend from Illinois for his incisive comments on a very important topic.

I am here to discuss the vote we will take at noon on the nomination of Priscilla Owen to the U.S. court of appeals. We all know a lot has changed in the last 48 hours. The Senate has stepped back from the precipice of a constitutional crisis. Our robust system of checks and balances has been saved from an unprecedented attack. Fourteen moderates came together and said we are not going to tolerate a nuclear option and that we are asking the President to come and talk to us before he makes a nomination.

While the compromise reached by 14 Senators has dramatically changed the outlook for the Senate, one thing has not changed, the record of Justice Priscilla Owen. I want to spend some time talking about that record, though it speaks for itself.

There is no question that Justice Owen attended fine schools and clearly is a very bright woman. But there is also no question that she is immoderate, she is a judicial activist, and she puts her own views ahead of the law's views. In case after case, Justice Owen comes to conclusions that are simply not justified by the facts or by the law. These decisions consistently come down against consumers, against workers, against women seeking to exercise their constitutional rights.

In choosing judges, in voting for judges, I have one standard and one standard alone. It is not a litmus test on any one issue. It is simply this: Will judges interpret law or not? Will judges do what the Founding Fathers said they should do—because, after all, they are not elected—and interpret what the legislature and the President have wanted and the Constitution requires, not put their own views above the people's views?

If there was ever a judge who would substitute her own views for the law, it is Justice Owen. Her record is a paper trail of case after case where she knows better than 100 years of legal tradition. It does not matter how brilliant a nominee is, or what a great education or career she has had; if she puts her own views above the law's views, she does not belong on the bench. It is as simple as that. In case after case, that is just what Justice Owen has done.

She thinks she knows better than the 100 years of established law tradition. She thinks she knows better than what the people have wanted, as enunciated by their legislators. Her own views take precedence over all other views. That is why she does not belong on the bench.

Let me go over a few cases, a few of many, where she has done this. In one case, In re Jane Doe, Judge Owen's dissent came under fire from her colleagues of the Texas supreme court. They referred to her legal approach as an effort to ''usurp legislative function.''

Even more troubling, Attorney General Alberto Gonzales, who sat on the same court as Judge Owen at the time, wrote a separate opinion. He went out of his way to write a separate opinion to chastise the dissenting judges, including Justice Owen, for attempting to make law, not interpret law from the bench.

Here is what Judge Gonzales said. He said that to construe the law as the dissent—that is what Priscilla Owen did—would be ''an unconscionable act of judicial activism.'' How ironic. The very same conservatives who rail against judicial activism are putting at the top of their pantheon a judge who, by Alberto Gonzales's own testimony, is an activist, somebody who thinks, ''I know better.''

Activism does not mean left or right. Activism means putting your own views above the law. That is not what the Founding Fathers wanted.

Let's look not at my words but at those of Judge Gonzales. They are words of a man who served for 4 years as President Bush's White House counsel. He is now the Attorney General. He is a distinguished conservative. Some of my colleagues have tried to suggest that Mr. Gonzales was not referring to Justice Owen by his caustic comment. Who are we kidding? It was brought up at her hearing originally. He didn't say a peep. Only now that she is controversial, people said: Well, explain yourself. I am sure he was pressured.

I direct my colleagues to a New York Times article by Neil Lewis last week which reported that Attorney General Gonzales specifically admitted he was referring to Justice Owen's dissent, among others, in his written opinion.

Let's take another case, Montgomery Independent School District v. Davis. There the majority, also including Judge Gonzales, ruled in favor of a teacher who had wrongly been dismissed by her employer. Justice Owen dissented, deciding against the employee. That is what she typically does.

The majority, which included Judge Gonzales, ruled in favor of a teacher who had been wrongly dismissed by her employer. Justice Owen dissented, siding against the employee. The majority, including Judge Gonzales once again, wrote that:

> Nothing in the statute requires what the dissenters claim.

They went on to say:

> The dissenting opinion's misconception stems from its disregard of the rules that the legislature established. . . .

And that:

> The dissenting opinion not only disregards procedural limitations in the statute but takes a position even more extreme than argued by the employer.

There is Justice Owen. She looks very nice. But here is another case where she not only put her own view on the table, but she went further even than the defendant employer did. That is why she does not belong on the bench. She always does that, time and time again.

A third case, Texas Department of Transportation v. Able, again Justice Gonzales took Owen to task for her activism.

I am not going to get into all these cases but they are clear. Justice Owen, yes, she has a good education; yes, she has had a distinguished, long career; and, yes, she just does not belong on the bench because she thinks her views are better, more important, and superseding the views of the law, the views of the legislature, the views of the people.

I want to speak for the few more minutes I have left about the agreement and where we go from there. It is one thing to put on the bench mainstream conservatives, who do not adhere to an extreme agenda. I have voted for many, many of the judges we have confirmed so far. Many of them have views on choice or other things quite different from my own. Where we have a duty is to stand up and oppose

nominees who are outside the mainstream. We have a duty to the Constitution and a duty to the American people not simply to rubberstamp the President's picks. Mark my words, we are going to fulfill those duties as long as we have to. That is our constitutional obligation.

But there is not a single Senator on our side of the aisle who wants these fights. There is not a single Senator on our side of the aisle who wants to oppose even one of the President's nominees. We would be a lot happier if we could all come together. We have done that on the district courts in New York. They are all filled. I consulted with the White House, with the Governor, and we came to agreements. We can do it. If the White House and I can come to an agreement, so can the Senate and the White House on who should be judges.

But there is an important point here. How did we solve the problems in New York? The President and the White House consulted with the Senators and with the Senate. As the compromise of 2005 sets out, President Bush must consult with the Senate in advance of nominating appellate judges to the bench. ''Advise and consent.'' To get the consent, you need the ''advise.''

So I again call on the President, once and for all, to tell him we can solve this problem by coming together, by him consulting. I really believe we can solve this problem. But we are not going to find common ground when we keep seeking nominees who will be activists on the Federal bench. We are not going to solve this problem if the President stands like Zeus on Mt. Olympus and hurtles judicial thunderbolts down to the Senate. He has to consult. He has to ask us, as President Clinton did.

Why did President Clinton's Supreme Court nominees have no trouble in the Senate? I would argue because the President proposed a number of names to ORRIN HATCH, hardly his ideological soulmate, and ORRIN HATCH said this one won't work and that one won't work, but this one will and this one will. President Clinton heeded Senator HATCH's advice. As a result, Justice Breyer and Justice Ginsburg didn't have much of a fight. Some people may have voted against them, but it didn't get to the temperature that importuned my colleagues to filibuster—which they did on some other judges, although unsuccessfully: Judge Paez, Judge Berson, et cetera.

Mr. President, this is a plea to you. Let us take an example from the group of 14. Please, consult with us. You don't have to do what we say, but at least seek our judgment. If we say this judge would be acceptable and that judge will not—take our views into consideration. What will happen is it will decrease the temperature on an awfully hot issue. But second, and more importantly, it will bring us together so we can choose someone if the Supreme Court should have a vacancy, and we can continue to choose people when the courts of appeal have vacancies, without a real fight.

It can work. It has worked in New York between this White House and this Senator. It has worked at the national level, at the Supreme Court level, when President Clinton consulted with Republicans in the Senate, who were in the majority. It can work now. The ball is in President Bush's court. If he continues to choose to make these judgments completely on his own, if he continues to stand like Zeus on Mt. Olympus and just throw thunderbolts at the Senate, we will not have the comity for which the 14 asked.

A very important part of their agreement was for the President to start paying attention to the advise, in the ''advise and consent.''

Again, the ball is in his court. If the President starts doing that, I am confident this rancor on judges will decline, the public will see us doing the people's business, and the generally low view that the public has had of this body because of the partisan rancor will be greatly ameliorated.

Mr. President, again, you can change the way we have done these things, but only you can. Please, consult the Senate. Bring down hot temperatures that now exist.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mr. REID. Mr. President, we are going to move forward with a vote on Priscilla Owen. It is well that the Senate is moving. There are other judges who are waiting and have waited a long time. We have three judges from Michigan. There is no reason we can't move those four very quickly. They were held up as a result of an intractable procedural matter. That is no longer. We can do those judges in a very short timeframe.

We also have a person Senator HATCH has been wanting to have for some time now, way into last year, a man by the name of Griffith. We are willing to move him. There were some problems. Some Senators will vote against him. There is no question about that. Senator LEAHY, the ranking member of the Judiciary Committee, has made a number of negative speeches about Griffith. We will agree to a very short timeframe on his nomination and move it on. That would be four appellate court judges very quickly. I hope we can do it in the immediate future. We could clear four judges today or tomorrow.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both Senators SPECTER and LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I come to the floor to speak briefly about the compromise agreement reached on judicial nominees and about the pending circuit court nominees.

Let me begin by saying that I am pleased that, through the agreement reached this week, we were able to protect the rights of the minority in this body to have our voices heard. That is consistent with the best traditions of the Senate. I certainly believe it is consistent with the constitutional principle that gave each State two Senators, regardless of their number of citizens. So, for example, California has 36 million people and Wyoming has a little more than 500,000 citizens. But our forefathers saw to it, in an effort to protect the rights of the minority, that each State would have two Senators to represent their interests.

I also believe that the agreement, at least at this time and place, preserves our constitutional system of checks and balances. So I compliment my 14 colleagues who reached this agreement and, in so doing, protected two of the most essential principles of American government—the rights of the minority and our system of checks and balances.

Let me also say that I am particularly proud of Senator REID's leadership in pushing towards this compromise.

That said, my enthusiasm for this compromise is tempered by the reality that I see before us. For while I am cautiously optimistic about the immediate outcome, I am aware that, like in so many things, the devil is in the details. Time will test the meaning of the term, ''extraordinary circumstances'',

that was included in the compromise agreement but has not been explicitly defined. And as we all know, compromises come with many challenges and I am certain that this compromise will be tested through the course of time.

Indeed, I have been deeply troubled by what has been said by some of my colleagues on the Senate floor, including comments made by the majority leader, that the so-called nuclear option is still on the table. I was also distressed by the suggestion made by some of my colleagues that judicial nominees in the future may only be blocked if they have personal or ethical problems. I look at the agreement and come to a very different conclusion about what the term ''extraordinary circumstances'' means. So I am deeply troubled when I hear that the nuclear option is still on the table, except under circumstances where the nominee has personal or ethical issues. I believe that interpretation is inconsistent with the spirit and intent of this delicate compromise. And, I note that the agreement specifically—and clearly—states that it is up to each individual Senator—using his or her own discretion—to decide when a filibuster is appropriate and what constitutes extraordinary circumstances. So I believe it requires a lot of vigilance and attention as we go forward with judicial nominations for appellate and Supreme Court vacancies, jobs that come with lifetime appointments. We must ensure that our courts retain the independence that has been, and should continue to be, the hallmark of our judiciary. The stakes could not be any higher.

Mr. President, let me now turn specifically to the nominees who are before the Senate. I believe many of these individuals are outside the mainstream of legal thought. That is why I have opposed them, and that is why I supported the filibuster. I believe these individuals—and I recognize that they may be very good individuals on a personal level—have demonstrated, through their judicial records and their public communications, that they are outside of the mainstream and that they have taken positions that may be fairly labeled, in my view, as extremist.

Likewise, these judicial nominees have shown a willingness to put their own political views before the rule of law as set forth in established precedent. We need judges who are fair and impartial and are absolutely committed to maintaining the credibility and independence of our judicial branch. What we do not need are judges who substitute their own political views for fact, law, and precedent. That would undermine the federal courts and remove the impartiality, independence, and fairness that American citizens have come to expect in our democracy.

It is essential that we look for these very qualities—impartiality, independence, and fairness—in our judges. We have not seen that, unfortunately, in many of the nominees currently before the Senate. I believe strongly that we need to oppose these nominations because of that—not because of their personal character—but because, in my view, they have operated outside of the mainstream and endeavored, through judicial activism, to inappropriately alter the law.

As to Priscilla Owen, I intend to vote against her because of her activist judicial opinions. She has consistently voted to throw out jury verdicts favoring consumers against corporate interests and she has also dismissed suits brought by workers for job-related injuries, discrimination, and unfair employment practices. Her record demonstrates that Judge Owen operates outside of the mainstream. She is outside of the mainstream, both in Texas and in the United States as a whole. I note that some of her colleagues on the Texas Supreme Court have taken issue with her attempts to disregard generally accepted legal precedents and to interfere with the authority of the state legislature.

In addition, I intend to vote against Janice Rogers Brown, William Pryor, and William Myers. I intend to vote against them not because of their character or their ability to think through problems but because of what I believe is their espousal of a legal theory that is far outside the mainstream—called the Constitution in Exile theory. This theory has been very eloquently argued by a number of jurists but, in my belief, falls far outside of the mainstream of legal thought in this country. Basically, it is an intent to roll back many of the socially progressive actions flowing out of the New Deal and to rescind Government protections that have been well established under the law.

And it is important, in my view, that we consider an individual's legal philosophy when we talk about extraordinary circumstances, and particularly when we are debating the nomination of someone who intends to use that philosophy as a vehicle to change the law. That is judicial activism and I believe that it is inappropriate. I also believe that this level of judicial activism in a nominee justifies the use of the filibuster as we go forward. Not everyone will agree, but I think it is absolutely essential that we take this into consideration as we debate these nominees.

I hope we can all move forward within the framework of the compromise, which I am very pleased we were able to reach. The compromise agreement encourages increased consultation between the White House and Republicans and Democrats in the Senate with regard to judges. I sincerely hope this will come about. In New Jersey, we have been fortunate to have had a good dialogue with the White House on judges and have been able to reach a consensus on both district and circuit court judges. We currently have additional vacancies—four on the district court and one on the circuit court—and I hope we will be able to have the same kind of dialogue so that we may reach a consensus on these nominees. I am hopeful that we can agree upon judges of whom we can all be proud. That is what advise and consent is all about.

If we follow that spirit, the compromise stands a much better chance of working. Again, we need to make sure—and I certainly will be making the case—that legal philosophy is taken into consideration when we discuss extraordinary circumstances in the future and that we are not limited to using the filibuster only when a nominees has personal or ethical problems.

Finally, I am pleased that my colleagues worked so hard—and I again compliment all 14 Senators who were a part of that process—to make certain that we can get back to working on the issues that the folks I know in New Jersey care about. They are getting a little hot under the collar about gas prices. They are very concerned as we see the number of men and women who have come home either injured or who have sacrificed their lives for our country.

We are about to go into Memorial Day to say thank you to all those who throughout the years have protected our country. We have hundreds of thousands of individuals now on the ground in Iraq and Afghanistan who are protecting us. People want us to be focused on what we are doing regarding national security, homeland security, making sure we are doing everything we can to keep those troops safe, and trying to ensure affordable health care. So I am pleased that we may now open up the floor for debate on those issues.

For a lot of reasons, I am very grateful about this compromise, but I do hope that, as we go forward, there is a true commitment to allowing for real debate on the meaning of extraordinary circumstances.

I appreciate very much the opportunity to speak on this and look forward to our continuing debates in the days and weeks ahead.

Mr. BYRD. Mr. President, yesterday I voted to invoke cloture on the nomination of Priscilla Owen to sit on the U.S. Court of Appeals for the Fifth Circuit. Today I shall vote to confirm her nomination by an up-or-down vote.

I voted to invoke cloture on this nominee and have committed to do so on a number of other pending nominees to preserve the right of extended debate in the Senate. For 200 years, Senators have enjoyed the right to speak at length on matters dear to them. This essential right has been rightfully employed for generations to protect minority rights—both in the Senate and nationwide.

It would have been a travesty to have permitted this cherished right of extended debate to be extinguished simply as the result of a political squabble

over a handful of judges. While passions over these seven judges have run high, it is necessary for the Senate to look at the bigger picture and stop this partisan bickering over these few judges. Now is the time for logic and reason. Now is the time for cooler heads to prevail to address the truly weighty matters that confront our nation—matters like the need of every American to obtain necessary health care, sufficient pension benefits, and affordable energy.

I voted four times previously not to invoke cloture on Priscilla Owen because I respected the right of the Senate to hear further debate concerning her qualifications, her philosophy, her temperament, and exactly what she would be like if she were confirmed to fill this lifetime position on the Federal bench. Having examined these aspects, as well as her prior record as a justice on the Texas Supreme Court, I shall vote in support of her nomination.

I know that some critics assail Justice Owen's belief that, in certain circumstances, minors should be required to notify their parents prior to obtaining an abortion. However, I cannot help but believe that in many, but perhaps not all, cases, young women would do well to seek guidance from their parents or legal guardians, who would have their best interests at heart when these young women are confronted with making such a difficult decision—a life-altering decision that carries with it extraordinary consequences. I have a long history of support for parental notification in these kinds of difficult circumstances. For example, in 1991, I supported legislation that would have required entities receiving grants under title X of the Public Health Service Act to provide parental notification in the case of minor patients who seek an abortion. Based on my examination of the totality of circumstances that surround this nomination, I have decided to support the nomination of Priscilla Owen to the Fifth Circuit Court of Appeals.

Mrs. CLINTON. Mr. President, while I commend my Senate colleagues for their success at averting an unnecessary showdown over the so-called nuclear option, the fact remains that Justice Priscilla Owen is still ill suited to serve a lifetime appointment on the Fifth Circuit Court of Appeals. While I voted to invoke cloture on her nomination, this was done in the spirit of compromise and comity. I remain steadfastly opposed to her appointment and note that nothing that has transpired in the last 24 hours has changed her record of judicial activism or extremism, nor has it changed the fact that she consistently and conveniently ignores justice and the rule of law in order to promote a conservative political agenda. For these stated reasons, I cannot vote in favor of her confirmation, and I urge my colleagues to do the same.

The American people deserve judges—be they conservative or liberal—who are dedicated to an even-handed application of our laws, free of political constraints and considerations. Justice Owen's record is littered with examples that demonstrate a lack of respect for these values. In case after case, Justice Owen shows her willingness to make law from the bench rather than follow the language and intent of the legislature.

Justice Owen consistently votes to throw out jury verdicts favoring workers and consumers against corporate interests and dismisses suits brought by workers for job-related injuries, discrimination and unfair employment practices.

For example, in Fitzgerald v. Advanced Spine Fixation Sys., the Texas Supreme Court responded to a certified question from the federal Fifth Circuit. Then Texas Supreme Court Justice and current Attorney General Alberto Gonzales wrote the majority decision holding that a Texas law required manufacturers of harmful products to indemnify sellers who defend themselves from litigation related to their sales of these and similar products. A dissent authored by Justice Owen would have effectively rewritten Texas law to preclude such third-party relief in some cases. Gonzales wrote that adopting the manufacturer's position, as Owen argued, would require the court to improperly ''judicially amend the statute.''

Justice Owen has also authored many opinions that severely restrict or even eliminate the rights of workers. For example, in Montgomery Independent School District v. Davis, the 6–3 majority affirmed the finding of the lower courts that the school district had to reinstate a teacher after finding there was insufficient basis not to renew the teacher's contract.

As she often does, Justice Owen dissented from the majority—a majority which included Gonzales and two other Bush nominees. Owen's dissent sets forth an interpretation of the statute that was contrary to the plain language of the law. The majority rightly points out that Owen's dissent, ''not only disregards the procedural limitations in the statute but takes a position even more extreme than that argued for by the board . . .''

In another case, Austin v. Healthtrust Inc., Justice Owen held that employees in Texas could be fired for whistle blowing or refusing to act illegally. She held that whistle blowers—heroes, as Time Magazine entitled them in the wake of the Enron debacle—have no protection in her courtroom.

In a time such as this, we rely on our nation's workers to report acts of illegality and provide much needed oversight of corporations. Our courts and judges should acknowledge the important role that these people play. But, again, Justice Owen does not believe that these brave women and men should have access to the courts or a remedy in the law.

I could go on and on. These cases make clear that Justice Owen is ready and willing to take extreme positions that run contrary to the facts and the law in order to favor businesses and government.

Apart from all of the above questionable opinions favoring business, Justice Owen has also expressed a particular hostility to women's constitutionally protected right to reproductive choice.

In Texas, there is a law that is constitutional under Supreme Court precedent. This law mandates that a minor woman who seeks an abortion must notify her parents. The law provides for three exceptions that allow a court to offer what's called a ''judicial bypass.'' The law is very clear about these three circumstances, yet Justice Owen routinely advocates adding additional obstacles to the process and making it much harder for a young pregnant woman to exercise her constitutionally protected freedom of choice.

In re Jane Doe I, Justice Owen advocated requiring a minor to show an awareness of the ''philosophic, moral, social and religious arguments that can be brought to bear'' before obtaining judicial approval for an abortion without parental consent, ignoring the explicit requirements of the statute.

This and other opinions prompted Justice Gonzales to criticize Owen for attempting to rewrite Texas' parental notification statute, calling her opinions In re Jane Doe ''an unconscionable act of judicial activism.''

As her record unequivocally demonstrates, Justice Owen lacks the impartiality and dedication to the rule of law to separate her conservative political agenda from her judicial opinions. Time after time, when presented with an opportunity to cite precedent, Justice Owen has instead chosen to interject her own political ideology, doing the litigants before her and the rule of law a tremendous injustice. Our federal courts and our constituents deserve better.

Finally, Mr. President, as has been noted by many of my colleagues over the last several weeks, the Constitution commands that the Senate provide meaningful Advice and Consent to the President on judicial nominations. I encourage the President to heed the call of our Senate colleagues who brokered the deal that spared this body from the nuclear option—consult with both Democratic and Republican Senators before submitting judicial nominations to the Senate for consideration. Only then can our Constitutional mandate of Advice and Consent be properly honored.

In the immediate case of Justice Priscilla Owen, after reviewing her judicial opinions and examining her qualifications for a lifetime appointment on the Fifth Circuit Court of Appeals, I feel it is my Constitutional duty to deny her nomination my consent, and I urge my Senate colleagues to join me in opposing her appointment.

Mr. LEAHY. Mr. President, 3 years ago I first considered the nomination of Priscilla Owen to be a judge on the United States Court of Appeals for the Fifth Circuit. After reviewing her record, hearing her testimony and evaluating her answers I voted against her confirmation and explained at length the strong case against confirmation of this nomination. Nothing about her record or the reasons that led me then to vote against confirmation has changed since then.

Now that the Republican leadership's misguided bid for one-party rule, the nuclear option, has been deterred, we have arrived at a moment when every one of the 100 of us must examine Priscilla Owen's record and decide for him or herself whether it merits a lifetime appointment to the Fifth Circuit.

I believe Justice Owen has shown herself over the last decade on the Texas Supreme Court to be an ends-oriented judicial activist, intent on reading her own policy views into the law. She has been the target of criticism by her conservative Republican colleagues on the court, and not just in the context of the parental notification cases that have been discussed so often before, but in a variety of types of cases where the law did not fit her personal views, including in cases where she has consistently ruled for big business and corporate interests in cases against worker and consumers. This sort of judging ought not to be rewarded with such an important and permanent promotion.

In 2001, Justice Owen was nominated to fill a vacancy that had by that time existed for more than four years, since January 1997. In the intervening 5 years, President Clinton nominated Jorge Rangel, a distinguished Hispanic attorney from Corpus Christi, to fill that vacancy. Despite his qualifications, and his unanimous rating of Well Qualified by the ABA, Mr. Rangel never received a hearing from the Judiciary Committee, and his nomination was returned to the President without Senate action at the end of 1998, after a fruitless wait of 15 months.

On September 16, 1999, President Clinton nominated Enrique Moreno, another outstanding Hispanic attorney, to fill that same vacancy. Mr. Moreno did not receive a hearing on his nomination either—over a span of more than 17 months. President Bush withdrew the nomination of Enrique Moreno to the Fifth Circuit and later sent Justice Owen's name in its place. It was not until May of 2002, at a hearing presided over by Senator SCHUMER, which the Judiciary Committee heard from any of President Clinton's three unsuccessful nominees to the Fifth Circuit. At that time, Mr. Moreno and Mr. Rangel, joined by a number of other Clinton nominees, testified about their treatment by the Republican majority. Thus, Justice Owen's was the third nomination to this vacancy and the first to be accorded a hearing before the Committee.

In fact, when the Judiciary Committee held its hearing on the nomination of Judge Edith Clement to the Fifth Circuit in 2001, during the most recent period of Democratic control of the Senate, it was the first hearing on a Fifth Circuit nominee in 7 years. By contrast, Justice Owen was the third nomination to the Fifth Circuit on which the Judiciary Committee held a hearing in less than 1 year. In spite of the treatment by the former Republican majority of so many moderate judicial nominees of the previous President, we proceeded in July of 2001—as I said that we would—with a hearing on Justice Owen.

Justice Owen is one of among 20 Texas nominees who were considered by the Judiciary Committee while I was Chairman. That included nine District Court judges, four United States Attorneys, three United States Marshals, and three Executive Branch appointees from Texas who moved swiftly through the Judiciary Committee.

When Justice Owen was initially nominated, the President changed the confirmation process from that used by Republican and Democratic Presidents for more than 50 years. That resulted in her ABA peer review not being received until later that summer. As a result of a Republican objection to the Democratic leadership's request to retain all judicial nominations pending before the Senate through the August recess in 2001, the initial nomination of Justice Owen was required by Senate rules to be returned to the President without action. The committee nonetheless took the unprecedented action of proceeding during the August recess to hold two hearings involving judicial nominations, including a nominee to the Court of Appeals for the Federal Circuit.

In my efforts to accommodate a number of Republican Senators—including the Republican leader, the Judiciary Committee's ranking member, and at least four other Republican members of the committee—I scheduled hearings for nominees out of the order in which they were received that year, in accordance with longstanding practice of the committee.

As I consistently indicated, and as any chairman can explain, less controversial nominations are easier to consider and are, by and large, able to be scheduled sooner than more controversial nominations. This is especially important in the circumstances that existed at the time of the change in majority in 2001. At that time we faced what Republicans have now admitted had become a vacancy crisis in the federal courts. From January 1995, when the Republican majority assumed control of the confirmation process in the Senate, until the shift in majority, vacancies rose from 65 to 110 and vacancies on the Courts of Appeals more than doubled from 16 to 33. I thought it important to make as much progress as quickly as we could in the time available to us that year, and we did. In fact, through the end of President Bush's first term, we saw those 110 vacancies plummet to 27, the lowest vacancy rate since the Reagan administration.

The responsibility to advise and consent on the President's nominees is one that I take seriously and that the Judiciary Committee takes seriously. Justice Owen's nomination to the Court of Appeals has been given a fair hearing and a fair process before the Judiciary Committee. I thank all members of the committee for being fair. Those who had concerns had the opportunity to raise them and heard the nominee's response, in private meetings, at her public hearing and in written follow-up questions.

I would particularly like to commend Senator FEINSTEIN, who chaired the hearing for Justice Owen, for managing that hearing so fairly and evenhandedly. It was a long day, where nearly every Senator who is a member of the committee came to question Justice Owen, and Senator FEINSTEIN handled it with patience and equanimity.

After that hearing, I brought Justice Owen's nomination up for a vote, and following an open debate where her opponents discussed her record and their objections on the merits, the nomination was rejected. Her nomination was fully and openly debated, and it was rejected. That fair treatment stands in sharp contrast to the way Republicans had treated President Clinton's nominees, including several to the Fifth Circuit.

That should have ended things right there, but it did not. Priscilla Owen's nomination was the first judicial nomination ever to be resubmitted after already being debated, voted upon and rejected by the Senate Judiciary Committee.

When the Senate majority shifted, Republicans reconsidered this nomination and sent it to the Senate on a straight, party-line vote. Never before had a President resubmitted a circuit court nominee already rejected by the Senate Judiciary Committee, for the same vacancy. And until Senator HATCH gave Justice Owen a second hearing in 2003, never before had the Judiciary Committee rejected its own decision on such a nominee and granted a second hearing. And at that second hearing we did not learn much more than the obvious fact that, given some time, Justice Owen was able to enlist the help of the talented lawyers working at the White House and the Department of Justice to come up with some new justifications for her record of activism. We learned that given six months to reconsider the severe criticism directed at her by her Republican colleagues, she still admitted no error. Mostly, we learned that the objections expressed originally by the Democrats on the Judiciary Committee were sincerely held when they were made and no less valid after a second hearing. Nothing Justice Owen said about her

record—indeed, nothing anyone else tried to explain about her record—was able to actually change her record. That was true then, and that is true today.

Senators who opposed this nomination did so because Priscilla Owen's record shows her to be an ends-oriented activist judge. I have previously explained my conclusions about Justice Owen's record, but I will summarize my objections again today.

I am not alone in my concerns about Justice Owen. Her extremism has been evident even among a conservative Supreme Court of Texas. The conservative Republican majority of the Texas Supreme Court has gone out of its way to criticize Justice Owen and the dissents she joined in ways that are highly unusual, and in ways which highlight her ends-oriented activism. A number of Texas Supreme Court Justices have pointed out how far from the language of statute she strays in her attempts to push the law beyond what the legislature intended.

One example is the majority opinion in Weiner v. Wasson. In this case, Justice Owen wrote a dissent advocating a ruling against a medical malpractice plaintiff injured while he was still a teenager. The issue was the constitutionality of a State law requiring minors to file medical malpractice actions before reaching the age of majority, or risk being outside the statute of limitations. Of interest is the majority's discussion of the importance of abiding by a prior Texas Supreme Court decision unanimously striking down a previous version of the statute. In what reads as a lecture to the dissent, then-Justice JOHN CORNYN explains on behalf of the majority:

Generally, we adhere to our precedents for reasons of efficiency, fairness, and legitimacy. First, if we did not follow our own decisions, no issue could ever be considered resolved. The potential volume of speculative relitigation under such circumstances alone ought to persuade us that stare decisis is a sound policy. Secondly, we should give due consideration to the settled expectations of litigants like Emmanuel Wasson, who have justifiably relied on the principles articulated in [the previous case]. . . . Finally, under our form of government, the legitimacy of the judiciary rests in large part upon a stable and predictable decisionmaking process that differs dramatically from that properly employed by the political branches of government.

According to the conservative majority on the Texas Supreme Court, Justice Owen went out of her way to ignore precedent and would have ruled for the defendants. The conservative Republican majority, in contrast to Justice Owen, followed precedent and the doctrine of stare decisis. A clear example of Justice Owen's judicial activism.

In Montgomery Independent School District v. Davis, Justice Owen wrote another dissent which drew fire from a conservative Republican majority—this time for her disregard for legislative language. In a challenge by a teacher who did not receive reappointment to her position, the majority found that the school board had exceeded its authority when it disregarded the Texas Education Code and tried to overrule a hearing examiner's decision on the matter. Justice Owen's dissent advocated for an interpretation contrary to the language of the applicable statute. The majority, which included Alberto Gonzales and two other appointees of then-Governor Bush, was quite explicit about its view that Justice Owen's position disregarded the law:

The dissenting opinion misconceives the hearing examiner's role in the . . . process by stating that the hearing examiner 'refused' to make findings on the evidence the Board relies on to support its additional findings. As we explained above, nothing in the statute requires the hearing examiner to make findings on matters of which he is unpersuaded. . . .

The majority also noted that:

The dissenting opinion's misconception of the hearing examiner's role stems from its disregard of the procedural elements the Legislature established in subchapter F to ensure that the hearing-examiner process is fair and efficient for both teachers and school boards. The Legislature maintained local control by giving school boards alone the option to choose the hearing-examiner process in nonrenewal proceedings. . . . By resolving conflicts in disputed evidence, ignoring credibility issues, and essentially stepping into the shoes of the factfinder to reach a specific result, the dissenting opinion not only disregards the procedural limitations in the statute but takes a position even more extreme than that argued for by the board. . . .

This is another clear example of Justice Owen's judicial activism.

Collins v. Ison-Newsome, is yet another case where a dissent, joined by Justice Owen, was roundly criticized by the Republican majority of the Texas Supreme Court. The Court cogently stated the legal basis for its conclusion that it had no jurisdiction to decide the matter before it, and as in other opinions where Justice Owen was in dissent, took time to explicitly criticize the dissent's positions as contrary to the clear letter of the law.

At issue was whether the Supreme Court had the proper ''conflicts jurisdiction'' to hear the interlocutory appeal of school officials being sued for defamation. The majority explained that it did not because published lower court decisions do not create the necessary conflict between themselves. The arguments put forth by the dissent, in which Justice Owen joined, offended the majority, and they made their views known, writing:

The dissenting opinion agrees that ''because this is an interlocutory appeal . . . this Court's jurisdiction is limited,'' but then argues for the exact opposite proposition . . . This argument defies the Legislature's clear and express limits on our jurisdiction. . . . The author of the dissenting opinion has written previously that we should take a broader approach to the conflicts-jurisdiction standard. But a majority of the Court continues to abide by the Legislature's clear limits on our interlocutory-appeal jurisdiction.

They continue:

[T]he dissenting opinion's reading of Government Code sec. 22.225(c) conflates conflicts jurisdiction with dissent jurisdiction, thereby erasing any distinction between these two separate bases for jurisdiction. The Legislature identified them as distinct bases for jurisdiction in sections 22.001(a)(1) and (a)(2), and section 22.225(c) refers specifically to the two separate provisions of section 22.001(a) providing for conflicts and dissent jurisdiction. . . . [W]e cannot simply ignore the legislative limits on our jurisdiction, and not even Petitioners argue that we should do so on this basis.

Again, Justice Owen joined a dissent that the Republican majority described as defiant of legislative intent and in disregard of legislatively drawn limits. This is yet another clear example of Justice Owen's judicial activism.

Some of the most striking examples of criticism of Justice Owen's writings, or the dissents and concurrences she joins, come in a series of parental notification cases heard in 2000. They include:

In In re Jane Doe 1, where the majority included an extremely unusual section explaining its view of the proper role of judges, admonishing the dissent, joined by Justice Owen, for going beyond its duty to interpret the law in an attempt to fashion policy.

Giving a pointed critique of the dissenters, the majority explained that, ''In reaching the decision to grant Jane Doe's application, we have put aside our personal viewpoints and endeavored to do our job as judges—that is, to interpret and apply the Legislature's will as it has been expressed in the statute.''

In a separate concurrence, Justice Alberto Gonzales wrote that to construe the law as the dissent did, ''would be an unconscionable act of judicial activism.'' A conservative Republican colleague of Justice Owen's points squarely to her judicial activism. I know that the Attorney General now says that when he wrote that he was not referring to her, and I don't blame him for taking that position. After all, he is the Attorney General charged with defending her nomination. But there is no way to read his concurring opinion as anything other than a criticism of the dissenters, Owen included. Listen to the words he wrote:

The dissenting opinions suggest that the exceptions to the general rule of notification should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature. And I find nothing in this statute to directly show that the Legislature intended such a narrow construction. As the Court demonstrates, the Legislature certainly could have written [the law] to make it harder to by pass a parent's right to be involved. . . But it did not. . . . Thus, to construe Parental Notification Act so narrowly as to eliminate bypasses or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism.

Owen is one of two justices who wrote a dissent, so she is naturally included in the ''dissenting opinions'' to which he refers. It doesn't get much clearer than this. But you don't have to take my word for it. Mr. Gonzales himself has acknowledged as much.

Twice before Justice Owen's first hearing in the Judiciary Committee, he and his spokesperson admitted that his comments referred to a disagreement between justices. The New York Times of April 7, 2002, reported that, ''a spokesman for Mr. Gonzales, minimized the significance of the disagreement, [saying] ''Judge Gonzales's opinion and Justice Owen's dissent reflect an honest and legitimate difference of how to interpret a difficult and vague statute.'' On July 22, 2003, the New York Times reported that in an interview he had with the then-White House Counsel, ''Mr. Gonzales sought to minimize the impact of his remarks. He acknowledged that calling someone a 'judicial activist' was a serious accusation, especially among Republicans who have used that term as an imprecation against liberals.''

Of course, Mr. Gonzales went on to tell the reporter that he still supported Justice Owen for the Fifth Circuit, and I expect he would. He works for the President and supports his efforts to fill the federal courts with ideologues and activists, and I appreciate his honesty. It was only years later, when he was before the Judiciary Committee for his own confirmation to be Attorney General that he told us his comments did not refer to Justice Owen, rather to himself, and what he would be doing if he expressed an opinion like that of the dissent. So, I will take the Attorney General at his word, but I will take his original writing and his earliest statements as the best evidence of his view of Justice Owen's opinion in Doe 1, and leave his later, more politically influenced statements, to others.

Jane Doe 1 was not the only one of the parental consent cases where Justice Owen's position was criticized by her Republican colleagues. In In re Jane Doe 3, Justice Enoch writes specifically to rebuke Justice Owen and her fellow dissenters for misconstruing the legislature's definition of the sort of abuse that may occur when parents are notified of a minor's intent to have an abortion, saying, ''abuse is abuse; it is neither to be trifled with nor its severity to be second guessed.''

In one case that is perhaps the exception that proves the rule, Justice Owen wrote a majority opinion that was bitterly criticized by the dissent for its activism. In In re City of Georgetown, Justice Owen wrote a majority opinion finding that the city did not have to give The Austin American-Statesman a report prepared by a consulting expert in connection with pending and anticipated litigation because such information was expressly made confidential under other law—namely, the Texas Rules of Civil Procedure.

The dissent is extremely critical of Justice Owen's opinion, citing the Texas law's strong preference for disclosure and liberal construction. Accusing her of activism, Justice Abbott, joined by Chief Justice Phillips and Justice Baker, notes that the legislature, ''expressly identified eighteen categories of information that are 'public information' and that must be disclosed upon request . . . [sec. (a)] The legislature attempted to safeguard its policy of open records by adding subsection (b), which limits courts' encroachment on its legislatively established policy decisions.'' Id. at 338. The dissent further protests:

[b]ut if this Court has the power to broaden by judicial rule the categories of information that are 'confidential under other law,' then subsection (b) is eviscerated from the statute. By determining what information falls outside subsection (a)'s scope, this Court may evade the mandates of subsection (b) and order information withheld whenever it sees fit. This not only contradicts the spirit and language of subsection (b), it guts it.

Finally, the opinion concluded by asserting that Justice Owen's interpretation, ''abandons strict construction and rewrites the statute to eliminate subsection (b)'s restrictions.''

Yet again, her colleagues on the Texas court, cite Justice Owen's judicial activism.

These examples, together with the unusually harsh language directed at Justice Owen's position by the majority in the Doe cases, show a judge out of step with the conservative Republican majority of the Texas Supreme Court, a majority not afraid to explain the danger of her activist views.

Justice Owen makes bad decisions even when she is not being criticized by her colleagues. Among these decisions are those where she skews her decisions to show bias against consumers, victims and just plain ordinary people in favor of big business and corporations. As one reads case after case, particularly those in which she was the sole dissenter or dissented with the extreme right wing of the Court, her pattern of activism becomes clear. Her legal views in so many cases involving statutory interpretation simply cannot be reconciled with the plain meaning of the statute, the legislative intent, or the majority's interpretation, leading to the conclusion that she sets out to justify some pre-conceived idea of what the law ought to mean. This is not an appropriate way for a judge to make decisions. This is a judge whose record reflects that she is willing and sometimes eager to make law from the bench.

Justice Owen's activism and extremism is noteworthy in a variety of cases, including those dealing with business interests, malpractice, access to public information, employment discrimination and Texas Supreme Court jurisdiction, in which she writes against individual plaintiffs time and time again, in seeming contradiction of the law as written. In fact, according to a study conducted last year by the Texas Watch Foundation, a non-profit consumer protection organization in Texas, in the last six years, Owen has not dissented once from a majority decision favoring business interests over victims, but has managed to differ from the majority and dissent in 22 of the 68 cases where the majority opinion was for the consumer.

One of the cases where this trend is evident in FM Properties v. City of Austin, I asked Justice Owen about this 1998 environmental case at her hearing. In her dissent from a 6–3 ruling, in which Justice Alberto Gonzales was among the majority, Justice Owen showed her willingness to rule in favor of large private landowners against the clear public interest in maintaining a fair regulatory process and clean water. Her dissent, which the majority characterized as ''nothing more than inflammatory rhetoric,'' was an attempt to favor big landowners.

In this case, the Texas Supreme Court found that a section of the Texas Water Code allowing certain private owners of large tracts of land to create ''water quality zones,'' and write their own water quality regulations and plans, violated the Texas Constitution because it improperly delegated legislative power to private entities. The court found that the Water Code section gave the private landowners, ''legislative duties and powers, the exercise of which may adversely affect public interests, including the constitutionally-protected public interest in water quality.'' The court also found that certain aspects of the Code and the factors surrounding its implementation weighed against the delegation of power, including the lack of meaningful government review, the lack of adequate representation of citizens affected by the private owners' actions, the breadth of the delegation, and the big landowners' obvious interest in maximizing their own profits and minimizing their own costs.

The majority offered a strong opinion, detailing its legal reasoning and explaining the dangers of offering too much legislative power to private entities. By contrast, in her dissent, Justice Owen argued that, ''[w]hile the Constitution certainly permits the Legislature to enact laws that preserve and conserve the State's natural resources, there is nothing in the Constitution that requires the Legislature to exercise that power in any particular manner,'' ignoring entirely the possibility of an unconstitutional delegation of power. Her view strongly favored large business interests to the clear detriment of the public interest, and against the persuasive legal arguments of a majority of the court.

When I asked her about this case at her hearing, I found her answer perplexing. In a way that she did not argue in her written dissent, at her hearing Justice Owen attempted to cast the FM Properties case not as, ''a fight between and City of Austin and big business, but in all honesty, . . .

really a fight about . . . the State of Texas versus the City of Austin.'' In the written dissent however, she began by stating the, ''importance of this case to private property rights and the separation of powers between the judicial and legislative branches . . .'', and went on to decry the Court's decision as one that, ''will impair all manner of property rights.'' At the time she wrote her dissent, Justice Owen was certainly clear about the meaning of this case property rights for corporations.

Another case that concerned me is GTE Southwest, Inc. v. Bruce, where Justice Owen wrote in favor of GTE in a lawsuit by employees for intentional infliction of emotional distress. The rest of the court held that three employees subjected to what the majority characterized as ''constant humiliating and abusive behavior of their supervisor'' were entitled to the jury verdict in their favor. Despite the court's recitation of an exhaustive list of sickening behavior by the supervisor, and its clear application of Texas law to those facts, Justice Owen wrote a concurring opinion to explain her difference of opinion on the key legal issue in the case whether the behavior in evidence met the legal standard for intentional infliction of emotional distress.

Justice Owen contended that the conduct was not, as the standard requires, ''so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency '' The majority opinion shows Justice Owen's concurrence advocating an inexplicable point of view that ignores the facts in evidence in order to reach a predetermined outcome in the corporation's favor.

Justice Owen's recitation of facts in her concurrence significantly minimizes the evidence as presented by the majority. Among the kinds of behavior to which the employees were subjected—according to the majority opinion—are: Upon his arrival the supervisor, ''began regularly using the harshest vulgarity . . . continued to use the word ''f—'' and ''motherf—r'' frequently when speaking with the employees . . . repeatedly physically and verbally threatened and terrorized them . . . would frequently assault each of the employees by physically charging at them . . . come up fast . . . and get up over (the employee) . . . and yell and scream in her face . . . called (an employee) into his office every day and . . . have her stand in front of him, sometimes for as long as thirty minutes, while (the supervisor) simply stared at her . . . made (an employee) get on her hands and knees and clean the spots (on the carpet) while he stood over her yelling.'' Id. at 613–614. Justice Owen did not believe that such conduct was outrageous or outside the bounds of decency under state law.

At her hearing, in answer to Senator Edwards's questions about this case, Justice Owen again gave an explanation not to be found in her written views. She told him that she agreed with the majority's holding, and wrote separately only to make sure that future litigants would not be confused and think that out of context, any one of the outrages suffered by the plaintiffs would not support a judgment. Looking again at her dissent, I do not see why, if that was what she truly intended, she did not say so in language plain enough to be understood, or why she thought it necessary to write and say it in the first place. It is a somewhat curious distinction to make to advocate that in a tort case a judge should write a separate concurrence to explain which part of the plaintiff's case, standing alone, would not support a finding of liability. Neither her written concurrence, nor her answers in explanation after the fact, is satisfactory explanation of her position in this case.

In City of Garland v. Dallas Morning News, Justice Owen dissented from a majority opinion and, again, it is difficult to justify her views other than as being based on a desire to reach a particular outcome. The majority upheld a decision giving the newspaper access to a document outlining the reasons why the city's finance director was going to be fired. Justice Owen made two arguments: that because the document was considered a draft it was not subject to disclosure, and that the document was exempt from disclosure because it was part of policy making. Both of these exceptions were so large as to swallow the rule requiring disclosure. The majority rightly points out that if Justice Owen's views prevailed, almost any document could be labeled draft to shield it from public view. Moreover, to call a personnel decision a part of policy making is such an expansive interpretation it would leave little that would not be ''policy.''

Quantum Chemical v. Toennies is another troubling case where Justice Owen joined a dissent advocating an activist interpretation of a clearly written statute. In this age discrimination suit brought under the Texas civil rights statute, the relevant parts of which were modeled on Title VII of the federal Civil Rights Act—and its amendments—the appeal to the Texas Supreme Court centered on the standard of causation necessary for a finding for the plaintiff. The plaintiff argued, and the five justices in the majority agreed, that the plain meaning of the statute must be followed, and that the plaintiff could prove an unlawful employment practice by showing that discrimination was ''a motivating factor.'' The employer corporation argued, and Justices Hecht and Owen agreed, that the plain meaning could be discarded in favor of a more tortured and unnecessary reading of the statute, and that the plaintiff must show that discrimination was ''the motivating factor,'' in order to recover damages.

The portion of Title VII on which the majority relies for its interpretation was part of Congress's 1991 fix to the United States Supreme Court's opinion in the Price Waterhouse case, which held that an employer could avoid liability if the plaintiff could not show discrimination was ''the'' motivating factor. Congress's fix, in Section 107 of the Civil Rights Act of 1991, does not specify whether the motivating factor standard applies to both sorts of discrimination cases, the so-called ''mixed motive'' cases as well as the ''pretext'' cases.

The Texas majority concluded that they must rely on the plain language of the statute as amended, which could not be any clearer that under Title VII discrimination can be shown to be ''a'' motivating factor. Justice Owen joined Justice Hecht in claiming that federal case law is clear—in favor of their view—and opted for a reading of the statute that would turn it into its polar opposite, forcing plaintiffs into just the situation legislators were trying to avoid. This example of Justice Owen's desire to change the law from the bench, instead of interpret it, fits President Bush's definition of activism to a ''T''.

Justice Owen has also demonstrated her tendency toward ends-oriented decision making quite clearly in a series of dissents and concurrences in cases involving a Texas law providing for a judicial bypass of parental notification requirements for minors seeking abortions.

The most striking example is Justice Owen's expression of disagreement with the majority's decision on key legal issues in Doe 1, which I discussed earlier in a different context. She strongly disagreed with the majority's holding on what a minor would have to show in order to establish that she was, as the statute requires, ''sufficiently well informed'' to make the decision on her own. While the conservative Republican majority laid out a well-reasoned test for this element of the law, based on the plain meaning of the statute and well-cited case law, Justice Owen inserted elements found in neither authority. Specifically, Justice Owen insisted that the majority's requirement that the minor be ''aware of the emotional and psychological aspects of undergoing an abortion'' was not sufficient and that among other requirements with no basis in the law, she, ''would require . . . [that the minor] should . . . indicate to the court that she is aware of and has considered that there are philosophic, social, moral, and religious arguments that can be brought to bear when considering abortion.''

In her written concurrence, Justice Owen indicated, through legal citation, that support for this proposition could be found in a particular page of the Supreme Court's opinion in Planned Parenthood v. Casey. However, when one looks at that portion of the Casey decision, one finds no mention of requiring a minor to acknowledge religious or moral arguments. The passage talks instead about the ability of a State to ''enact rules and regulations designed

to encourage her to know that there are philosophic and social arguments of great weight that can be brought to bear,'' Justice Owen's reliance on this portion of a United States Supreme Court opinion to rewrite Texas law was simply wrong.

As she did in answer to questions about a couple of other cases at her hearing, Justice Owen tried to explain away this problem with an after-the-fact justification. She told Senator CANTWELL that the reference to religion was not to be found in Casey after all, but in another U.S. Supreme Court case, H.L. v. Matheson. She explained that in ''Matheson they talk about that for some people it raises profound moral and religious concerns, and they're talking about the desirability or the State's interest in these kinds of considerations in making an informed decision.'' Transcript at 172. But again, on reading Matheson, one sees that the only mention of religion comes in a quotation meant to explain why the parents of the minor are due notification, not about the contours of what the government may require someone to prove to show she was fully well informed. Her reliance on Matheson for her proposed rewrite of the law is just as faulty as her reliance on Casey. Neither one supports her reading of the law. She simply tries a little bit of legal smoke and mirrors to make it appear as if they did. This is the sort of ends-oriented decision making that destroys the belief of a citizen in a fair legal system. And most troubling of all was her indication to Senator FEINSTEIN that she still views her dissents in the Doe cases as the proper reading and construction of the Texas statute. In these cases, Priscilla Owen tried to insert requirements into the law that the Texas legislature had not included in the law. Simply put, Justice Owen engaged in judicial activism. In fact, as I've said, it was in one of these cases that Attorney General Alberto Gonzales, referred to Owen's position in the case as ''an unconscionable act of judicial activism.''

Senators have criticized Justice Owen's activism in the parental notification cases. We have not criticized the laws themselves. In fact, some Democratic Senators have noted their support for these kinds of statutes. Republicans have strayed far from the issue. What is relevant here is that Priscilla Owen tried to insert requirements into the law that the Texas legislature had not included. A State legislature can enact constitutional parental notification laws. A judge is not supposed to rewrite the law but to apply it to the facts and to ensure its constitutionality.

If she wants to rewrite the law, she should leave the bench and run for a seat in the state legislature.

At her second, unprecedented hearing in 2003, Justice Owen and her defenders tried hard to recast her record and others' criticism of it. I went to that hearing, I listened to her testimony, and I read her written answers, many newly formulated, that attempt to explain away her very disturbing opinions in the Texas parental notification cases. But her record is still her record, and the record is clear. She did not satisfactorily explain why she infused the words of the Texas legislature with so much more meaning than she can be sure they intended. She adequately describes the precedents of the Supreme Court of the United States, to be sure, but she simply did not justify the leaps in logic and plain meaning she attempted in those decisions.

I read her responses to Senator HATCH's remarks at that second hearing, where he attempted to explain away cases about which I had expressed concern at her first hearing. For example, I heard him explain the opinion she wrote in F.M. Properties v. City of Austin. I read how he recharacterized the dispute in an effort to make it sound innocuous, just a struggle between two jurisdictions over some unimportant regulations. I know how, through a choreographed exchange of leading questions and short answers, they tried to respond to my question from the original hearing, which was never really answered, about why Justice Owen thought it was proper for the legislature to grant large corporate landowners the power to regulate themselves. I remained unconvinced. The majority in this case, which invalidated a state statute favoring corporations, did not describe the case or the issues as Senator HATCH and Justice Owen did. A fair reading of the case shows no evidence of a struggle between governments. This is all an attempt at after-the-fact, revisionist justification where there really is none to be found.

Justice Owen and Chairman HATCH's explanation of the case also lacked even the weakest effort at rebutting the criticism of her by the F.M. Properties majority. In its opinion, the six justice majority said, and I am quoting, that Justice Owen's dissent was ''nothing more than inflammatory rhetoric.'' They explained why her legal objections were mistaken, saying that no matter what the state legislature had the power to do on its own, it was simply unconstitutional to give the big landowners the power they were given. No talk of the City of Austin v. the State of Texas. Just the facts.

Likewise, the few explanations offered for the many other examples of the times her Republican colleagues criticized her were unavailing. The tortured reading of Justice Gonzales' remarks in the Doe case were unconvincing. He clearly said that to construe the law in the way that Justice Owen's dissent construed the law would be activism. Any other interpretation is just not credible.

And no reasons were offered for why her then-colleague, now ours, Justice CORNYN, thought it necessary to explain the principle of stare decisis to her in his opinion in Weiner v. Wasson. Or why in Montgomery Independent School District v. Davis, the majority criticized her for her disregard for legislative language, saying that, ''the dissenting opinion misconceives the hearing examiner's role in the . . . process,'' which it said stemmed from, ''its disregard of the procedural elements the Legislature established . . . to ensure that the hearing-examiner process is fair and efficient for both teachers and school boards.'' Or why, in Collins v. Ison-Newsome, a dissent joined by Justice Owen was so roundly criticized by the Republican majority, which said the dissent agrees with one proposition but then ''argues for the exact opposite proposition . . . [defying] the Legislature's clear and express limits on our jurisdiction.''

These examples, together with the unusually harsh language directed at Justice Owen's position by the majority in the Doe cases, show a judge out of step with the conservative Republican majority of the Texas Supreme Court, a majority not afraid to explain the danger of her activist views. No good explanation was offered for these critical statements last year, and no good explanation was offered two weeks ago. Politically motivated rationalizations do not negate the plain language used to describe her activism at the time.

I also briefly set the record straight about a number of mischaracterizations of the opposition to Justice Owen's nomination. Earlier in this debate, at least one Senator said that opposition Senators, are ''discriminating against people of faith.'' Sadly, these statements follow a pattern of despicable accusations, made often by the radical interest groups backing these nominations and made too frequently here by those repeated these slurs. The assertion that any Senator opposes someone because she is a Sunday school teacher is a new low, however. Even President Bush has disavowed that attack.

I oppose Priscilla Owen, not because of her faith, which I respect, but because she is an ends-oriented judicial activist who is so far outside of the mainstream that she has often been criticized harshly by the Texas Supreme Court's conservative majority. In case after case, Justice Owen's opinions make clear that she is a judge willing to make law from the bench rather than follow the language and intent of the legislature or judicial precedent. While some of the clearest examples of her judicial activism come in her dissents in cases involving the parental notification law, there are, as I have explained, many other examples in cases having nothing to do with abortion.

Justice Owen's position as a frequent dissenter on the Texas Supreme Court shows how extreme she can be and how far from the letter of the law she strays in her attempts to push her own political and ideological agenda. Not

only has the majority of that conservative court criticized her dissents on numerous occasions, but the majority's criticisms of her opinions are unusual for their harsh tone. Surely the Republican members of the Texas Supreme Court criticized Priscilla Owen not because she is a person of faith, but because she insists on impermissibly legislating from the bench. I concur.

Senators oppose Priscilla Owen's confirmation because she has attempted to substitute her own views for those of the legislature. What is relevant is that she is writing law, rather than interpreting law, as evidenced in the opinions in which she would have added requirements that the Texas legislature did not put into the law.

An evaluation of Priscilla Owen's decisions shows that it is she who is results-oriented; she crafts her decisions in order to promote business interests over individuals and to advance various social agendas, rather than simply following the law and evaluating the facts of a given case. Justice Owen has been broadly and repeatedly criticized by her fellow Republican Texas Supreme Court Justices for disregarding statutes and the intent of the legislature, instead, pursuing her own activist results. In many cases in which she has dissented and been criticized by the majority, her opinions were to benefit corporate interests including numerous companies that contributed to her campaign.

For instance, in FM Properties Operating Co. v. City of Austin, which I have already discussed, where she ruled to let a single developer dodge Austin's water quality rules, Justice Owen received $2,500 in campaign contributions from one of the FM Properties company's partners and over $45,000 from the company's lawyers.

It is worth noting that my Democratic colleagues and I do not stand alone in opposing Priscilla Owen's nominations. We are in the good company of a broad array of newspaper editorial boards, prominent organizations, and individuals throughout the country and in Justice Owen's home state of Texas.

The groups opposing Justice Owen range from the AFL–CIO and the Leadership Conference on Civil Rights to the Endangered Species Coalition and the National Partnership for Women and Families. Texas opposition to the Owen nomination has come from a wide variety of groups including the American Association of University Women of Texas, Texas Lawyers for a Fair Judiciary, and the Texas chapters of the National Organization for Women and the Mexican American Legal Defense and Education Fund, MALDEF, just to name a few. Among the many citizens who have written to oppose Justice Owen's nomination are dozens of attorneys from Texas and elsewhere, as well as C.L. Ray, a retired Justice of the Texas Supreme Court, who wrote, ''I have rarely seen a public servant show so much contempt for the laws of this State.''

Lawyers who appear in front of Justice Owen in Texas Supreme Court rate her poorly as well. The most recent results of the Houston Bar Association's Judicial Evaluation Poll shows that 45 percent of the respondents rated Justice Owen ''poor,'' more than gave that lowest rating to any other justice. She was in last place in the ''acceptable'' category, with only 15 percent, and in second-to-last place among her colleagues in receiving a rating of ''outstanding'', with only 39 percent giving her that review.

I have heard Senator CORNYN say that Justice Owen has been supported by major newspapers in Texas, but that support must have been for her election to the Texas Supreme Court because, to the contrary, a number of major newspaper editorial boards in Texas have expressed their opposition to Justice Owen's confirmation to the federal appellate bench.

The San Antonio Express News criticized Owen because ''[o]n the Texas Supreme Court, she always voted with a small court minority that consistently tries to bypass the law as written by the Legislature.''

The Houston Chronicle cited complaints about Owen ''run from a penchant for overturning jury verdicts on tortuous readings of the law to a distinct bias against consumers and in favor of large corporations,'' and the newspaper concluded that she ''has shown a clear preference for ruling to achieve a particular result rather than impartially interpreting the law. Anyone willing to look objectively at Owen's record would be hard-pressed to deny that.''

The Austin American-Statesman wrote that Owen is ''out of the broad mainstream of jurisprudence'' and ''seems all too willing to bend the law to fit her views, rather than the reverse.'' The newspaper continued, ''Owen also could usually be counted upon in any important case that pitted an individual or group of individuals against business interests to side with business.''

Editorial boards throughout the country echo the opinions of Owen's home state newspapers. Newspapers from the Palm Beach Post and the Charleston Gazette to the Los Angeles Times and the Detroit Free Press have spoken out against this extreme nomination. The Atlanta Journal-Constitution wrote that Owen ''has a lopsided record favoring large corporations,'' while the Minneapolis Star-Tribune wrote that ''[e]ven her court colleagues have commented on her habit of twisting law to fit her hyperconservative political views'' and that ''Owen's ethical compass is apparently broken.'' Educated observers who review Priscilla Owen's record recognize that she is an ends-oriented judicial activist who is not an appropriate nominee for a lifetime appointment to one of the most important courts in the land.

When he nominated Priscilla Owen, President Bush said that his standard for judging judicial nominees would be that they ''share a commitment to follow and apply the law, not to make law from the bench.'' He said he is against judicial activism. Yet he has appointed judicial activists like Priscilla Owen and Janice Rogers Brown.

Under President Bush's own standards, Justice Owen's record of ends-oriented judicial activism does not qualify her for a lifetime appointment to the federal bench.

The President has often spoken of judicial activism without acknowledging that ends-oriented decision-making can come easily to extreme ideological nominees. In the case of Priscilla Owen, we see a perfect example of such an approach to the law, and I cannot support it. The oath taken by federal judges affirms their commitment to ''administer justice without respect to persons, and do equal right to the poor and to the rich.'' No one who enters a federal courtroom should have to wonder whether he or she will be fairly heard by the judge.

Justice Priscilla Owen's record of judicial activism and ends-oriented decisionmaking leaves me with grave doubt about her ability to be a fair judge. The President says he opposes putting judicial activists on the Federal bench, yet Justice Priscilla Owen unquestionably is a judicial activist. I cannot vote to confirm her for this appointment to one of the highest courts in the land.

I have said time and time again that if somebody walks into a federal court, they should not have to wonder whether they will be treated fairly based on whether they are a Republican or a Democrat, a defendant or a plaintiff, rich or poor. They should know that they are going to be treated fairly no matter who they are and that their case will be determined on the merits. In Priscilla Owen's case, her record shows that litigants cannot be sure of that. The President may well get the votes to put Priscilla Owen on the Fifth Circuit today, but would it not have been better to have nominated someone with a record of fairness and impartial judging who could be confirmed by a united, not a divided Senate.

Mr. LAUTENBERG. Mr. President, I am pleased for our country and for this body that the Senate soundly rejected an abuse of power that would have done irreparable harm to Congress and to our Nation's system of checks and balances. I salute my Republican colleagues who were able to stand up to their leadership and my Democratic colleagues who labored long and hard to prevent the majority from launching the so-called nuclear option. I am especially thankful for our Democratic leader, HARRY REID, who showed a steady leadership hand through these troubling days.

As part of the agreement reached Monday night, Priscilla Owen, President Bush's nominee for the United States Court of Appeals for the Fifth Circuit, will get an up-or-down vote. It

appears that she will be confirmed, which I hoped would not take place.

Consistent with my voting record, while I respect my colleagues who worked hard to preserve the filibuster, I voted against invoking cloture on the Owen nomination yesterday and today I will vote against confirming her and urge my colleagues to do the same.

I want to make it clear that I have nothing against her personally. Too often, Members on the other side of the aisle have depicted opposition to their radical nominees as a personal animus or a bias based on the nominees' sex or race or religion. That could not be further from the truth, which is obvious if one looks at my voting record. I want to try to keep Priscilla Owen off the bench because she has a troubling record on civil rights, reproductive rights, employment discrimination, and the rights of consumers.

Our Federal courts touch the lives of every American and ensure that our individual rights are upheld. It is imperative that all nominees for the Federal bench are individuals of distinction with a record of fairness and impartiality. Unfortunately, Ms. Owen just has not demonstrated those qualities while on the Texas Supreme Court.

Ms. Owen has routinely dissented on rulings regarding the rights of employees, including the right to be free from invidious discrimination. She joined in dissenting opinions which effectively tried to rewrite a key Texas civil rights law. If she had prevailed, she would have made it much more difficult for workers to prove employment discrimination. Ms. Owen has sought to override jury verdicts, and to diminish and undermine their role in cases involving consumer protections. She has repeatedly and—in my estimation—unfairly ruled in favor of big business at the expense of workers and consumers. She has gone so far as to write and join in a number of opinions that severely limit the ability of working people to recover damages under lawsuits involving on-the-job injuries. In almost every reproductive rights case decided by the Texas Supreme Court during her time there, Ms. Owen has sought to restrict a woman's right to make her own personal decisions.

Ms. Owen's views are far outside of the judicial mainstream—even by the standards of the conservative Texas Supreme Court. President Bush's own White House Counsel, Alberto Gonzales, who was a fellow Justice on the Texas Supreme Court, referred to one of Ms. Owen's dissenting opinions as ''an unconscionable act of judicial activism.''

On September 5, 2002, the Judiciary Committee wisely rejected reporting Ms. Owen's nomination to the full Senate. I have seen no evidence in the intervening time that makes her more suitable now than she was in 2002 for a lifetime appointment to such an important position.

The Federal courts play a critical role in upholding the fundamental rights and protections of all Americans. It is imperative that nominees to the Federal courts have a clear understanding of the importance of constitutional rights and statutory protections, and of the role and responsibility of the Federal courts in upholding these rights and protections. She has not exhibited that understanding. Consequently, I do not believe she is an appropriate nominee for the Fifth Circuit. Accordingly, I will vote against her confirmation.

It would be relatively easy for President Bush to send judicial nominees to the Senate who would enjoy overwhelming or even unanimous support. I hope he will stop trying to pack the Federal courts with extremists such as Priscilla Owen. Until he does, I have no choice but to do my duty to uphold the Constitution and oppose them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand the time on our side has expired. While we are waiting for the distinguished Republican leader to come to the floor, I ask to continue until he arrives. Of course, I will yield to him as soon as he seeks recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. That we have terminated the debate and are now voting on this controversial nomination demonstrates our good will in light of the agreement reached two days ago to avoid triggering the Republican leadership's bid for one-party rule. Fourteen of our colleagues came to us with a bipartisan plan to avoid the Majority leader's nuclear option, which was a short-sighted effort to change the more than 200 years of Senate tradition, precedent and rules by destroying minority rights.

While we may not all agree with every part of the agreement, by our votes yesterday and today Democrats are showing that we are prepared to move on. I urge the Republican leader not to be captive of the narrow special interest that have moved and pushed so much the effort toward the nuclear option. We have a great deal of work to do in this body, work that can be accomplished easily by Republicans and Democrats working together, not by those who want simply partisan rules.

I expect that in due course the Senate will consider each of the three controversial nominees mentioned in Part I. A. of that Memorandum of Understanding. I do not expect there to be any repeat by Democrats of the extraordinary obstruction by Republicans of President Clinton's judicial nominees. For example, I do not expect any of the tactics used by Republicans during the extensive delay in Senate consideration of the Richard Paez nomination. Judge Paez waited more than four years before we were able to get a vote on his confirmation longer than the Priscilla Owen nomination has been pending. I recall some Republicans mounting an extraordinary motion after the filibuster of his nomination was broken to indefinitely postpone the vote; a last-ditch, unprecedented effort that was ultimately unsuccessful. Of course, Judge Helene White never got a vote or even a hearing in more than four years. Republicans denied her a hearing for a period longer than the Owen nomination has been pending. Like more than 60 of President Clinton's moderate and qualified judicial nominations, she was subjected to the Republican pocket filibuster.

In this connection I should also note that last night the Senate, with Democratic cooperation, entered into unanimous consent agreement to govern the consideration and vote on three additional circuit court nominees, Tom Griffith, Richard Griffin, and David McKeague. Those are nominations that will be debated and voted upon when the Senate returns from Memorial Day. The Democratic Leader deserves great credit for forging significant progress on these matters.

I have seen reports that the vote today of the nomination of Priscilla Owen is the ''first'' of this President's controversial nominees. That is not true. This administration has sent divisive nominee after divisive nominee to the Senate. Several controversial judicial nominees have already been voted upon by the Senate. Among the 208 judges already confirmed are some who were confirmed with less than 60 votes, some with more than 40 negative votes. The President's court-packing efforts are not new but continuing. Moreover, his penchant for insisting on divisive nominations is not limited to the judiciary, as will be demonstrated, again, when the Senate turns to the nomination of John Bolton following the vote on the Owen nomination.

As for the nomination of Priscilla Owen, after reviewing her record, hearing her testimony and evaluating her answers I am voting against her confirmation. I believe Justice Owen has shown herself over the last decade on the Texas Supreme Court to be an ends-oriented judicial activist, intent on reading her own policy views into the law. She has been the target of criticism by her conservative Republican colleagues on the court in a variety of types of cases where the law did not fit her personal views, including in cases where she has consistently ruled for big business and corporate interests in cases against worker and consumers. This sort of judging ought not to be rewarded with such an important and permanent promotion. She skews her decisions to show bias against consumers, victims and just plain ordinary

people in favor of big business and corporations.

As one reads case after case, particularly those in which she was the sole dissenter or dissented with the extreme right wing of the Court, her pattern of activism becomes clear. Her legal views in so many cases involving statutory interpretation simply cannot be reconciled with the plain meaning of the statute, the legislative intent, or the majority's interpretation, leading to the conclusion that she sets out to justify some pre-conceived idea of what the law ought to mean. This is not an appropriate way for a judge to make decisions. This is a judge whose record reflects that she is willing and sometimes eager to make law from the bench.

Justice Owen's activism and extremism is noteworthy in a variety of cases, including those dealing with business interests, malpractice, access to public information, employment discrimination and Texas Supreme Court jurisdiction, in which she writes against individual plaintiffs time and again, in seeming contradiction of the law as written. In fact, according to a study conducted last year by the Texas Watch Foundation, a non-profit consumer protection organization in Texas, in the last six years, Owen has not dissented once from a majority decision favoring business interests over victims, but has managed to differ from the majority and dissent in 22 of the 68 cases where the majority opinion was for the consumer.

It is worth noting that the opposition to Priscilla Owen's nomination includes a broad array of newspaper editorial boards, prominent organizations, and individuals throughout the country and in Justice Owen's home state of Texas. Groups opposing Justice Owen range from the AFL–CIO and the Leadership Conference on Civil Rights to the Endangered Species Coalition and the National Partnership for Women and Families. Opposition to the Owen nomination has come from a wide variety of groups in Texas including the American Association of University Women of Texas, Texas Lawyers for a Fair Judiciary, and the Texas chapters of the National Organization for Women and the Mexican American Legal Defense and Education Fund (MALDEF), just to name a few. Among the many citizens who have written to oppose Justice Owen's nomination are dozens of attorneys from Texas and elsewhere, as well as C.L. Ray, a retired Justice of the Texas Supreme Court, who wrote, ''I have rarely seen a public servant show so much contempt for the laws of this State.''

Lawyers who appear in front of Justice Owen in Texas Supreme Court rate her poorly as well. The most recent results of the Houston Bar Association's Judicial Evaluation Poll shows that 45 percent of the respondents rated Justice Owen ''poor,'' more than gave that lowest rating to any other justice. She was in last place in the ''acceptable'' category, with only 15 percent, and in second-to-last place among her colleagues in receiving a rating of ''outstanding,'' with only 39 percent giving her that review.

I have heard Senator CORNYN say that Justice Owen has been supported by major newspapers in Texas, but that support must have been for her election to the Texas Supreme Court because a number of major newspaper editorial boards in Texas have expressed their opposition to Justice Owen's confirmation to the federal appellate bench.

When he nominated Priscilla Owen, President Bush said that his standard for judging judicial nominees would be that they share a commitment to follow and apply the law, not to make law from the bench. He said he is against judicial activism. Yet he has nominated judicial activists like Priscilla Owen. Under President Bush's own standards, Justice Owen's record of ends-oriented judicial activism does not qualify her for a lifetime appointment to the federal bench.

I have said time and time again that if somebody walks into a federal court, they should not have to wonder whether they will be treated fairly based on whether they are a Republican or a Democrat, a defendant or a plaintiff, rich or poor. They should know that they are going to be treated fairly no matter who they are and that their case will be determined on the merits. In Priscilla Owen's case, her record shows that litigants cannot be sure of that. The President may well get the votes to put Priscilla Owen on the Fifth Circuit today, but would it not have been better to have nominated someone with a record of fairness and impartial judging who could be confirmed by a united, not a divided Senate?

Mr. President, I see the distinguished Republican leader now on the floor of the Senate. I will close—so that he may be recognized—by saying, again, when somebody walks into a Federal court, they should not have to ask themselves: Is this a Republican court or Democratic court? This is an independent judiciary.

I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a few moments, the Senate will finally vote up or down on the nomination of Justice Priscilla Owen to the Fifth Circuit Court of Appeals. Four years—it has been a long road for Justice Owen, much longer than anyone would have or could have anticipated when she was nominated about 4 years and 2 weeks ago.

She has endured 4 years of delay, 9 hours of committee hearings, hundreds of questions, and more than 100 hours of debate on this Senate floor. In fact, it is interesting, the Senate has debated Justice Owen more days than all the sitting Supreme Court Justices combined. Today she will get the fair up-or-down vote she deserves.

Justice Owen has withstood an orchestrated partisan attack on her record as a judge and, indeed, at times on her character. Only a few days ago, opponents unfairly labeled her as too extreme to serve on the Federal bench, but those unfair attacks have not succeeded. Justice Owen, as we all know, is a distinguished mainstream jurist. She has exhibited extraordinary patience and courage in the face of continuous and sometimes vicious criticism. But today finally she will get that fair up-or-down vote, and I am confident she will be confirmed.

Today does mark a triumph of principle over politics, results over rhetoric. For far too long on judicial nominees, the filibuster was used to facilitate partisanship and to subvert principle. Through this debate, we have exposed the injustice of judicial obstruction in the last Congress and advanced those core constitutional principles that all judicial nominees deserve a fair up-or-down vote.

This vote should mark—will mark, I hope—a new beginning in the Senate, a step forward for principle, a step forward for fairness and the Constitution, but we cannot stop at this single step. I look forward to confirming other previously blocked nominees. I look forward to reading about partisan judicial obstruction only in the history books, and I hope the constitutional option does not become necessary.

I urge my colleagues to join me in support of the confirmation of Justice Owen.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. STEVENS (after having voted in the affirmative). Mr. President, on this vote, I voted ''yea.'' If the distinguished Senator from Hawaii (Mr. INOUYE) were present, he would vote ''nay.'' Therefore, I withdraw my vote.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 128 Ex.]

YEAS—55

Alexander	Bunning	Cochran
Allard	Burns	Coleman
Allen	Burr	Collins
Bennett	Byrd	Cornyn
Bond	Chambliss	Craig
Brownback	Coburn	Crapo

DeMint	Inhofe	Shelby
DeWine	Isakson	Smith
Dole	Kyl	Snowe
Domenici	Landrieu	Specter
Ensign	Lott	Sununu
Enzi	Lugar	Talent
Frist	Martinez	Thomas
Graham	McCain	Thune
Grassley	McConnell	Vitter
Gregg	Murkowski	Voinovich
Hagel	Roberts	Warner
Hatch	Santorum	
Hutchison	Sessions	

NAYS—43

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Corzine	Levin	Stabenow
Dayton	Lieberman	Wyden
Dodd	Lincoln	
Dorgan	Mikulski	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED

Mr. Stevens, for

NOT VOTING—1

Inouye

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

Mr. FRIST. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF JOHN ROBERT BOLTON TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

Mr. FRIST. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 103, the nomination of John Bolton, to be U.N. ambassador; provided further that the debate up to 6:30 this evening be equally divided between the chairman and ranking member; I further ask that if a cloture motion is filed on the nomination, notwithstanding the provisions of rule XXII, that vote occur at 6 p.m. on Thursday with a live quorum waived; provided further that when the Senate resumes debate on the nomination on Thursday, all time until 6 p.m. be equally divided as stated above; further, that if cloture is invoked on the nomination, the Senate then proceed to a vote on the confirmation of the nomination with no further intervening action or debate; provided further that following that vote, the President be immediately notified of the Senate's action and the Senate resume legislative Senate; finally, I ask consent during the debate on the nomination, Senator VOINOVICH be in control of 1 hour of debate.

Mr. REID. Reserving the right to object, could we have some assurance from the distinguished majority leader that we will have an early time in the morning to come to work and we do not spend all the morning on morning business.

Mr. FRIST. Madam President, calling upon my earlier cardiac surgical days, we will start as early in the morning as the Democratic leader would like.

In all seriousness, we will agree upon a time in the morning so that we will have plenty of time.

Mr. REID. I also say if, in fact, there is more time needed tonight, would the distinguished leader allow Members to move past 6:30 tonight on debate.

Mr. FRIST. Madam President, we would be happy to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Indiana.

Mr. LUGAR. Mr. President, the Senate meets today to debate the nomination of John Bolton to be U.S. Ambassador to the United Nations. In this capacity, he would play an important role in securing greater international support for the national security and foreign policy objectives of the United States. It is my judgment that Secretary Bolton should be confirmed as U.S. Ambassador to the United Nations.

In recent years, the Foreign Relations Committee has made a special effort to work in a bipartisan manner. For 3 straight years, we have reported out foreign affairs authorization bills by unanimous votes. During the last Congress, we met 247 times, which was 50 percent more frequently than any other committee in the Senate. In almost every case, the subject of the meeting and the selection of witnesses enjoyed bipartisan support.

We have undertaken the cooperative path, not because we always agree, but because we know the stakes are high for our country in the international arena. We face severe threats capable of undermining our national security and our economic well-being. We believe we should strive to approach these questions with as much unity as possible.

On the John Bolton nomination, our committee could not develop a consensus position. From the start, members had widely divergent views of Secretary Bolton and his suitability for the U.N. ambassadorship. Members formed different opinions about the nominee based on their assessment of the role of the United Nations, their interpretation of Secretary Bolton's statements, their judgments on the testimony of many witnesses, their perspectives on managerial conduct, their philosophy on how much latitude a President should have in nominating subordinates, and many other factors.

On top of these different perspectives, allegations were raised about Secretary Bolton that led to an expanded inquiry. Republicans and Democrats differed on some procedural aspects related to this inquiry, as well as on the relevance of some allegations and documents. Despite these substantive disagreements, we were able to work together in an effort that represents one of the most intense and most far-reaching examinations of a nominee in my experience.

The Foreign Relations Committee has interviewed 29 witnesses, producing approximately 1,000 pages of transcripts. We have received and reviewed more than 830 pages of documents from the State Department, from USAID, and the CIA regarding the Bolton nomination. We have questioned Secretary Bolton in person for 7 hours, and we have received responses to nearly 100 questions for the record, many containing numerous subparts. The depth and breadth of the 11-week inquiry is particularly notable, given that Secretary Bolton has been confirmed 4 times by the Senate already and that most of us have had personal experiences with him.

I thank both Democrat and Republican members of our Foreign Relations Committee for their patience and their perseverance throughout this process. Although we disagree in our conclusions, we share the view that the committee must work together even when we have different perspectives. We also agreed that the nomination has provided an opportunity for debate on larger issues related to the conduct of U.S. foreign policy.

At the core of any nomination process is the question of whether the nominee is qualified to undertake the task for which he or she is nominated. I have no doubt Secretary Bolton is extremely well qualified. He has just served 4 years in a key under secretary position that technically outranks the post for which he is being nominated. He has succeeded in several high-profile negotiation settings. He was the primary negotiator in the creation of the successful Proliferation Security Initiative and the landmark Moscow Treaty. He played a large role in the agreement with Libya on the surrender of that nation's weapons of mass destruction program and the ''10 Plus 10 Over 10'' agreement that resulted in $10 billion in pledges from other G–8 countries to secure former Soviet Union weapons of mass destruction arsenals. These are among the Bush administration's most important and indisputable foreign policy successes.

Opponents have argued that Secretary Bolton's personality will prevent him from being effective at the U.N., but his diplomatic successes over the last 4 years belie that expectation. Few in Government have thought more about U.N. reform than has John

Bolton. He served 4 years as the Assistant Secretary of State overseeing international organizations under the first President Bush. He has written and commented extensively on that subject.

During his confirmation hearing, Secretary Bolton demonstrated an impressive command of issues related to the United Nations. Senator BIDEN acknowledged to the nominee at his hearing that:

There is no question you have extensive experience in UN affairs.

Deputy Secretary Rich Armitage recently told reporters:

John Bolton is eminently qualified. He's one of the smartest guys in Washington.

Secretary Bolton also demonstrated his ability to get things done prior to becoming Under Secretary of State. Perhaps the best example is his initiative to repeal U.N. Resolution 3379, which equated Zionism with racism.

In May 1991, as Assistant Secretary of State for International Organizations, John Bolton refused to accept the common wisdom that repealing this infamous resolution was impossible. He and his staff initiated a campaign to change votes in the General Assembly, even though they were advised they would not be successful. Within a few months, they had made substantial progress. By the fall, the State Department put its full weight behind that effort. On December 16, 1991, the U.N. General Assembly voted to repeal the resolution by a vote of 111 to 25.

In the private sector, Secretary Bolton made some blunt statements about the United Nations. Many of these statements were made in academic or think-tank settings where debate on these subjects was encouraged. Many of the quotes that have been repeated by opponents came in the context of much larger speeches that were more nuanced. The fact that he has strong views and a long record of commentary on the job that he is about to undertake should not be disqualifying.

During our hearing with Secretary Bolton, he spoke of the United Nations important role in international security. He has emphasized that he wants the institution to work well on behalf of international security and the interests of the United States.

Beyond qualifications, we should recognize that Secretary Bolton has the confidence of the President of the United States and the Secretary of State. The President has made it clear this is not a casual appointment. He wants a specific person to do a specific job. President Bush has a reform agenda in mind at the U.N. This reform agenda is generally supported by the U.N. Secretary General who has put forward a reform plan of his own. The President wants John Bolton, an avowed and knowledgeable reformer, to carry out that reform agenda. Kofi Annan has welcomed John Bolton's appointment.

I would emphasize that Secretary Bolton is being appointed to a position that is within the chain of command of the President and the Secretary of State. The Ambassador to the United Nations reports directly to the President and to the Secretary of State. In fact, historically this ambassadorship has reflected directly on the President. The ambassador is seen as the President's voice at the U.N. Consequently, there are few positions in Government where the President should have more latitude in choosing his nominee. In my judgment, it would take absolutely extraordinary circumstances for the Senate to tell the President he cannot have his choice to carry out his directives at the U.N., even though the nominee is highly experienced and knowledgeable about U.N. affairs.

At times during this process, opponents have suggested that Secretary Bolton sits outside the mainstream in the Bush administration. The problem with this assertion is that President Bush is telling us this is not so. President Bush is telling us Secretary Bolton accurately reflects his views about the U.N. and how that institution should be reformed. President Bush is saying Secretary Bolton is his considered choice to implement his policies and diplomatic initiatives at the United Nations.

Some observers who want a different program than the President's may not agree with the President's choice, but the results of the 2004 election give the President the responsibility and the right to nominate like-minded representatives and to define who a like-minded representative is.

We have ample evidence that the United Nations is in need of reform. The Foreign Relations Committee held the first congressional hearing on the U.N. oil-for-food scandal more than a year ago. Since that time, through the work of Paul Volcker, our own colleague on the committee, Senator COLEMAN, and many others, we have learned much more about the extent of the corruption and mismanagement involved. This knowledge has supported the case for reform.

We know billions of dollars that should have been spent on humanitarian needs in Iraq were siphoned off by Saddam Hussein's regime through a system of surcharges, bribes, and kickbacks. This corruption depended upon members of the U.N. Security Council who were willing to be complicit in these activities. It also depended on U.N. officials and contractors who were dishonest, inattentive, or willing to make damaging compromises in pursuit of a compassionate mission.

The U.N. reform is not a new issue. The structure and the role of the United Nations have been debated in our country almost continuously since the U.N. was established in 1945. But in 2005 we may have a unique opportunity to improve the operations of the U.N. The revelations of the oil-for-food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, and many other international problems have created momentum in favor of constructive reforms at the U.N.

Secretary General Kofi Annan has proposed a substantial reform plan that will provide a platform for further reform initiatives and discussions. The United States must be a leader in the effort to improve the United Nations, particularly its accountability. At a time when the United States is appealing for greater international help in Iraq, in Afghanistan, and in troubled spots around the world, a diminishment of U.N. credibility because of scandal reduces United States options and increases our own burdens.

Secretary Bolton has become closely associated with the U.S. efforts to reform the U.N. If he goes to the U.N. and helps achieve reform, the U.N. will gain in credibility, especially with the American people. If reform moves forward, Secretary Bolton will be in an excellent position to help convince skeptics that reform has occurred and that the United Nations can be an effective partner in achieving global security. If we reject Secretary Bolton, President Bush's hand will be weakened at the U.N. We will recover, but we will have wasted time. And we will have strengthened the position of reform opponents.

In the days immediately following Secretary Rice's March 7 announcement of Secretary Bolton's nomination, most Democratic members of the Foreign Relations Committee expressed their opposition to the nomination on policy grounds. A March 8 Associated Press report states:

Almost immediately after Bolton's nomination was announced, Democrats objected.

The March 8 edition of the Baltimore Sun said:

Reaction from Senate Democrats promised contentious confirmation hearings for Bolton when he goes before the Foreign Relations Committee.

In several cases, the statements by Democrats were unequivocal in opposition. In several other cases, statements were very negative, leaving open only the smallest of possibilities that the Senator would ultimately support the nominee. In all of these cases, objections were based on Secretary Bolton's supposed attitudes toward the United Nations.

Senator DODD said that Secretary Bolton's ''antipathy to the U.N. will prevent him from effectively discharging his duties as our ambassador.''

Senator KERRY said that the Bolton nomination was ''the most inexplicable appointment the President could make to represent the United States to the world community.''

Senator BOXER said of Secretary Bolton:

He's contemptuous of the U.N.

By March 31, still almost 2 weeks before the first Bolton hearings, a Los Angeles Times report noted:

Democrats are likely to vote unanimously against John R. Bolton when his nomination to be United States ambassador to the United Nations comes before the Senate Foreign Relations Committee . . . according to Democratic and Republican lawmakers and aides.

Senators have the right to oppose a nominee because of his substantive views and his past statements. However, it is important to acknowledge that the ethical inquiry into Secretary Bolton's background has been pressed by Members who had planned to vote against him even before we began interviewing witnesses. They have the right to ask questions, and the committee of jurisdiction has a responsibility to follow up on credible allegations. But we should also understand that at times the inquiry has followed a more prosecutorial path than most nominees have had to endure.

Our committee staff has worked long and hard to run down the salvo of allegations that were levied at Secretary Bolton. The end result is that many of the accusations have proven to be groundless or, at worst, overstated. New information has cast others in a different light. There is no doubt that Secretary Bolton has been blunt and combative in defense of his perspectives. Indeed, this is one of the qualities that President Bush and Secretary Rice have cited as a reason for their selection of this nominee.

As I have said previously, Secretary Bolton's blunt style alienated some colleagues. Our review showed that on several occasions he made incorrect assumptions about the behavior and motivations of subordinates. A few other times he failed to use proper managerial channels or unnecessarily personalized internal disputes. But there is no evidence that he has broken laws or engaged in serious ethical misconduct. The picture is one of an assertive policymaker with an intense commitment to his missions—missions that, in fact, were supported by President Bush.

With regard to the most serious charge, that Secretary Bolton sought to improperly manipulate intelligence, the insights we have gained do not support the conclusion. He may have disagreed with intelligence findings, but in the end he always accepted the final judgment of the intelligence community, and he always delivered speeches in their cleared form.

During this inquiry, there has been an implication that if the nominee challenged or opposed the conclusions of intelligence analysts, he somehow committed an ethical violation. I think we need to be very precise that arguing in favor of one's own reading of intelligence within the context of an internal policy debate is not wrongdoing. Intelligence reports are not sacrosanct. They involve interpretation. They are intended to stimulate debate.

Many Senators participate in classified briefings. The word ''briefing'' is a misnomer because, as Senators, we spend much of the time during briefings questioning the panel. We probe to determine not just what analysts think but why they think it, and often we challenge their conclusions.

Earlier this year, for example, the Senate Foreign Relations Committee held a highly classified briefing on North Korea in which one of our members pointedly disputed the conclusions of the briefer. There was a blunt exchange of views, and no resolution to this disagreement was achieved. I am doubtful that any of us who have attended a good number of intelligence briefings have not done the same thing on occasion. My point is that the act of challenging or disputing intelligence conclusions is not in and of itself wrong.

Some have appeared shocked that Secretary Bolton might have challenged intelligence conclusions or advanced alternative interpretations, even though the same thing happens every day in multiple departments and agencies. Congress has the benefit of something called the ''speech and debate clause.''

Article I, section 6 of the Constitution states that Members of Congress ''shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.''

The Founders put this extraordinary provision in the Constitution because they saw the value of debate. The context surrounding arguments within an administration over intelligence is different, but the principle is the same. Policymakers should be free to exert opinions and interpretations during the policymaking process. Clearly, there are lines that should not be crossed. Some may argue that Secretary Bolton crossed these lines. But the proof is in the result. After fighting for his interpretation, Secretary Bolton conformed to the clearance process and gave the speeches as they had been approved.

It has been charged that Secretary Bolton sought to retaliate in some way against analysts and others with whom he disagreed. Our inquiry looked into these cases thoroughly, and in each one I believe the allegations are overstated.

In the case of Christian Westermann, the INR analyst whom the committee heard about from Carl Ford, the dispute was over a procedural issue, and Mr. Westermann continued in his job.

We should recall that the focus of Mr. Ford's complaint was that Mr. Bolton should not have raised his objections directly with Mr. Westermann, not that Mr. Bolton was wrong to raise the issue. Our Democratic colleagues last month made much of the fact that after this incident Secretary Powell had to go all the way down to INR to boost morale. But we heard from Secretary Powell's chief of staff that such visits were not uncommon. It was part of the Secretary's leadership style to visit with staff in the ''bowels of the building,'' including INR.

In the case of the NIO for Latin America, e-mails the committee staff has viewed make it clear that Secretary Bolton's primary objection was over disparaging and inaccurate comments the analyst made to Members of Congress about a speech. Secretary Bolton took his complaint to the CIA. Although the NIO has said he feels his career was damaged by Secretary Bolton, his superiors fully backed him at the time, and other witnesses have told the committee that if he did not get the promotions he felt he deserved, it was for other reasons. Again, as far as Secretary Bolton was concerned, the dispute was procedural. There was no attempt to fabricate intelligence.

Other allegations related to managerial style show the same pattern upon examination—disagreement over procedure, not policy. In the case of Rexon Ryu, a mid-level civil servant in the non-proliferation bureau under Secretary Bolton, no policy issues were involved at all. Secretary Bolton believed—incorrectly, according to Mr. Ryu's supervisor—that Mr. Ryu had deliberately neglected to share information with Bolton's office. Some months later, Mr. Ryu was up for a job that would have required him to work closely with Secretary Bolton. Secretary Bolton, perhaps regrettably, expressed his opposition to working with Mr. Ryu. Mr. Ryu was given another prized post instead, an assignment to the deputy secretary.

The case of the State Department attorney, also raised by the other side, is even more off the mark. This attorney fully supported what Secretary Bolton wanted to do. It was only because of miscommunication that Secretary Bolton thought the attorney had given out wrong information on a case involving sanctions against a Chinese company. The State Department Legal Advisor, Will Taft, told our staff that he quickly straightened things out. The attorney stayed on the case, and he even wrote the affidavit that Secretary Bolton later submitted to court.

Staff also looked at a new case that came up. Secretary Bolton's chief of staff, we learned, went to an INR analyst to complain that he had inappropriately attached to a CIA document a cover memo that took exception to some of the CIA's findings regarding China. No action was sought against the analyst and none was taken. The issue was procedural, no intelligence was manipulated, and Secretary Bolton was not even directly involved, because he was out of the country at the time.

Secretary Bolton's credibility has also been called into question regarding his testimony before our committee on April 11. Senator BIDEN questioned whether Mr. Bolton really went to the CIA to learn about the National Intelligence Council. Stuart Cohen, the acting head of the NIC, said that while he could not recall why Secretary

Bolton wanted to come, it was ''perfectly reasonable'' to believe that was the reason. In fact, he added, ''I was delighted at the prospect that somebody would come out wanting to know more about the NIC.'' He also said that Secretary Bolton only talked about reassigning, not firing, the NIO just as Mr. Bolton testified. Our investigation has found nothing contrary to Secretary Bolton's claim that his dispute with Mr. Westermann was over procedure, not policy.

Former Ambassador to South Korea, Thomas Hubbard, called the committee after Secretary Bolton's testimony about a controversial speech he gave in South Korea. Secretary Bolton testified that Ambassador Hubbard had thanked him for the speech afterwards. The ambassador told us he indeed had thanked Secretary Bolton afterwards, but only for making certain changes in the speech that he had requested. Ambassador Hubbard told our staff that he wanted to correct the record on that point, but he was not accusing Secretary Bolton of being deliberately misleading.

That speech was one of several by Secretary Bolton that opponents of the nomination have questioned. Our investigation showed that many of these speeches and congressional testimony were preceded by strong policy debates within the administration. As one witness told our staff, ''That's how good policy is made.'' In each case we found that, in the end, Secretary Bolton delivered a speech that was properly cleared and that expressed official U.S. policy.

One of the most sensationalized accusations against Secretary Bolton is that 11 years ago, he chased a woman around a Moscow hotel throwing things at her. This is problematic first because the behavior described seems so out of place. But secondly, because it has been very difficult for our staffs, despite many hours of interviews on this matter, to ascertain just what happened.

The woman, Melody Townsel, who lives in Dallas, admits that she is a liberal Democrat who worked for Mothers Opposing Bush in the last election. Ms. Townsel also told our staffs that her original accusation, contained in a letter that was made public, may have been too strong in some places. She said: '' 'Chasing' may not be the best word.'' What she meant was that Secretary Bolton would approach her whenever he saw her at the hotel where they were both staying because, as she describes it, she did not want to meet with him over a legal matter. It is important to remember that Secretary Bolton was a private lawyer at that time. He was not representing the U.S. Government. He was working for a company against which Ms. Townsel had made some very serious charges—charges which proved unfounded—that could have cost his company an important USAID contract in the former Soviet Union.

Ms. Townsel provided no eyewitnesses to the incidents, which are said to have occurred in public or open areas of the hotel. Moreover, although she claimed this was a highly traumatic encounter and that she told several people about it, staff had difficulty finding others who knew about it. Three people whom Ms. Townsel identified as having heard her complaints at the time of the events told staff that they had no recollection of Ms. Townsel mentioning Mr. Bolton. Her boss, Charles Black, of Black, Manafort, Stone and Kelly, who hired her for the post, said she never mentioned it to him. Neither did her immediate supervisor back in Washington. An employee of a sister company who assisted Ms. Townsel in making her charges against the prime contractor on her project and with whom she said she was in close touch at the time, also knows nothing about it. Staffs talked to three representatives of the contractor, a small Virginia firm which has long experience working for USAID overseas. Those officials also heard nothing about this encounter. They said that Secretary Bolton was in Moscow at that time, but he was working as a consultant for a health project they were involved in, not doing legal work for them. We did find one of her friends and co-workers from that time, who was not in Moscow, who recalls talking with her by telephone about it, as well as a subordinate of hers in a later USAID-funded project who recalls her mentioning it.

Ultimately, Ms. Townsel went on to another USAID project in the former Soviet Union, and the company she accused of mismanagement was awarded more USAID contracts and continues to be well regarded.

The original charge against Secretary Bolton is uncorroborated and overstated. On the basis of what we do know, there is nothing to offset Secretary Bolton's long record of public service in several administrations. It has been charged that collectively the allegations against Secretary Bolton form an unacceptable pattern of behavior. This is an unfortunate argument by opponents because it depends on doubts arising from an intense investigation of accusations, many of which had no substantiation. By its nature, it also discounts the dozens of positive testimonials on Secretary Bolton's behalf from former coworkers who attest to his character and his effectiveness.

We need to think clearly about the context of the allegations leveled against Secretary Bolton. First, this has been an extremely public inquiry. By its nature, it has encouraged anyone with a grudge or disagreement with Secretary Bolton, stretching back to 1983, to come forward and tell their story. There have been no thematic limits on the allegations that opponents of the nominee have asked to be investigated.

I simply submit that no one working in Washington in high-ranking positions for that long would come out unscathed from such a process. Any assertive policymaker will develop opponents based on stylistic differences, personal disputes, or partisan disagreements. Most Members of the Senate have been in public life for decades. If we were nominated for a similar position of responsibility after our terms in the Senate, how many of us would want the same standard to be applied to our confirmation process? How many of us would want any instance of conflict or anger directed at our staffs or our colleagues to be fair game?

Second, as mentioned, the oldest allegation dates back all the way to 1983. Thus, we are subjecting 22 years of Secretary Bolton's career to a microscope. This included service in many Government jobs, as well as time spent in the private sector. Given the length of John Bolton's service in high-ranking positions, it is inevitable he would have a conflict with coworkers of various ranks and political persuasions. He would have had literally thousands of contacts, meetings, and issues to deal with during his career. In this context, the volume of alleged incidents is not that profound.

Third, in John Bolton's case, unsubstantiated charges may seem more material than they are because he has a reputation for being an aggressive and blunt negotiator. But this should not be a disqualifying factor, especially for posts that historically have included a number of blunt, plain-spoken individuals, including Jeane Kirkpatrick and our former colleague, Daniel Patrick Moynihan. In fact, President Bush has cited John Bolton's direct style as one of the reasons he has picked him for this particular job.

It is easy to say any inquiry into any allegation is justified if we are pursuing the truth, but as Senators who are frequently called upon to pass judgment on nominees, we know reality is more complicated than that. We want to ensure that nominees are qualified, skilled, honest, and open.

Clearly, we should pursue credible reports of wrongdoing, but in doing so, we should understand that there can be human and organizational costs if the inquiry is not focused and fair.

We have all witnessed quality nominees who have had to endure a contentious nomination process that opened them up to any charge leveled from any direction. Both Republicans and Democrats have been guilty of employing prosecutorial tactics to oppose nominees with whom they did not agree. Some would say that nominees are fair game. If they accept appointment, they enter the public arena where no quarter will be given. But we need capable people who are willing to serve our Government and the American people.

Among all the other qualifications, it seems we have required nominees to subject themselves and their families to partisan scrutiny. This has implications well beyond this current nomination.

Our Democratic colleagues have recognized this fact when they have defended Democratic nominees in the past. With respect to one nominee in October 1993, Senator BIDEN said:

The Senate does nothing to fulfill its responsibility to advice and consent on Presidential nominations and does nothing to enhance its reputation as the world's greatest deliberative body by entertaining a long and disagreeable litany of past policy disagreements, nor by entertaining anonymous and probably false allegations.

With regard to a troubled 1999 nomination, Senator DODD quite insightfully stated:

I am one, Mr. Chairman, who worries deeply about our ability to attract the best our society can produce to serve our country. It is not easy to submit yourselves and your families to the kind of public scrutiny that a nomination of this magnitude involves. We have got to sort out some ways in which we can go through this process without making it so discouraging to people that those who watch the process who think one day they might like to serve their country will be discouraged from doing so in any administration, and I am deeply worried that if we do not get a better handle on this, that will be the net result of what we accomplish.

Senator DODD also provided comments for a March 1, 1997, Washington Post article about the travails of a different nominee. He said:

It's getting harder and harder to get good people to serve in government. Advice and consent does not have to be abuse.

In an investigation of this type, we constantly have to ask, where do you draw the line? Where does legitimate due diligence turn into partisanship? Where does the desire for the truth turn into a competition over who wins and who loses? Not every line of the inquiry is justified by our curiosity or even our suspicions.

The Foreign Relations Committee has focused a great deal of energy examining several accusations against the nominee. This may leave some observers with the false impression that John Bolton's service has been dominated by discord and conflict. We need to acknowledge that a great many officials with whom he has worked have endorsed him and many subordinates have attested to his managerial character. I would like to cite just a few of the comments received by the committee in support of Secretary Bolton.

Former Secretaries of State James Baker, Larry Eagleburger, Alexander Haig, Henry Kissinger, and George Shultz, former Secretaries of Defense Frank Carlucci and James Schlesinger, former Ambassadors Jeane Kirkpatrick and Max Kampelman, former National Security Adviser Richard Allen, former Arms Control and Disarmament Agency Director Kenneth Adelman, former Assistant Secretary of State David Abshire and former Department of State Counselor Helmut Sonnenfeldt strongly endorsed Secretary Bolton in a letter to the committee. They said:

It is a moment when we must have an ambassador in place whose knowledge, experience, dedication and drive will be vital to protecting the American interest in an effective, forward-looking United Nations. . . . Secretary Bolton, like the administration, has his critics of course. Anyone as energetic and effective as John [Bolton] is bound to encounter those who disagree with some or even all of the administration's policies. But the policies for which he is sometimes criticized are those of the President and the Department of State which he has served with loyalty, honor and distinction.

Andrew Natsios, the current USAID administrator and M. Peter McPherson, a former USAID administrator, along with 37 officials who worked with John Bolton during his year at USAID wrote:

We know John to be a forceful policy advocate who both encourages and learns from rigorous debate. We know him to be a man of balanced judgment. And we know him to have a sense of humor, even about himself. John leads from in front with courage and conviction—especially positive qualities, we believe, for the assignment he is being asked to take on. He is tough but fair. He does not abuse power or people. John is direct, yet thoughtful in his communication. He is highly dedicated, working long hours in a never-ending quest to maximize performance. Yet he does not place undue time demands on his staff, recognizing their family obligations. What he does demand from his staff is personal honesty and intellectual clarity.

Another letter from former Attorneys General Ed Meese and Dick Thornburgh; former Governors William Weld and Frank Keating; former counsels to the President C. Boyden Gray and Arthur Culvahouse Jr.; and 39 other distinguished Officials stated:

Each of us has worked with Mr. Bolton. We know him to be a man of personal and intellectual integrity, deeply devoted to the service of this country and the promotion of our foreign policy interests as established by this President and Congress. Not one of us has ever witnessed conduct on his part that resembles that which has been alleged. We feel our collective knowledge of him and what he stands for, combined with our own experiences in government and in the private sector, more than counterbalances the credibility of those who have tried to destroy the distinguished achievements of a lifetime.

Another letter came from 21 former officials who worked with John Bolton in his capacity as Assistant Secretary of State for International Organization Affairs. It states:

Despite what has been said and written in the last few weeks, John has never sought to damage the United Nations or its mission. Quite the contrary—under John's leadership the organization was properly challenged to fulfill its original charter. John's energy and innovation transformed IO from a State Department backwater into a highly appealing work place in which individuals could effectively articulate and advance U.S. policy and their own careers as well.

A letter also arrived from 43 of John Bolton's former colleagues at the American Enterprise Institute. It stated:

As we have followed the strange allegations suddenly leveled at Mr. Bolton in recent days and reflected among ourselves on our own experiences with him, we have come to realize how much we learned from him, and how deep and lasting were his contributions. . . . Contrary to the portrayals of his accusers, he combines a temperate disposition, good spirit, and utter honesty with his well-known attributes of exceptional intelligence and intensity of purpose. This is a rare combination and, we would think, highly desirable for an American ambassador to the United Nations.

Former British Prime Minister Margaret Thatcher wrote in a recent letter to Secretary Bolton:

To combine, as you do, clarity of thought, courtesy of expression and an unshakeable commitment to justice is rare in any walk of life. But it is particularly so in international affairs. A capacity for straight talking rather than peddling half-truths is a strength and not a disadvantage in diplomacy. Particularly in the case of a great power like America, it is essential that people know where you stand and assume that you mean what you say. With you at the UN, they will do both. Those same qualities are also required for any serious reform at the United Nations itself, without which cooperation between nations to defend and extend liberty will be far more difficult.

During consideration of the Bolton nomination, we have spent a good deal of time scrutinizing individual conversations and incidents that happened several years ago. Regardless of how each Senator plans to vote, we should not lose sight of the larger national security issues concerning UN reform and international diplomacy that are central to this nomination.

The President has tapped Secretary Bolton to undertake this urgent mission. Secretary Bolton has affirmed his commitment to fostering a strong United Nations. He has expressed his intent to work hard to secure greater international support at the UN for the national security and foreign policy objectives of the United States. He has stated his belief in decisive American leadership at the UN, and underscored that an effective United Nations is very much in the interest of U.S. national security.

I believe that the President deserves to have his nominee represent him at the United Nations. I am hopeful that we will vote to send this nominee to the United Nations without further delay and with a maximum amount of enthusiactic support.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I ask that the time now be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that quorum calls be charged equally against both sides for the duration of the debate on the Bolton nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I rise today to state what is obvious to the Chair and my colleagues, that I will oppose the nomination of John Bolton to be U.S. representative to the United Nations. I regret, frankly, we are even debating this nomination while the administration continues to withhold relevant material about Mr. Bolton that the committee has requested, and for which no reasonable explanation has been given as to why it has not been provided other than they do not think the information is ''relevant'' to our inquiry. I will return to that issue later today.

The job to which Mr. Bolton has been nominated is one of the most important ambassadorships the President fills. It is, in fact, the most important one. In the past, it has often held Cabinet rank. Leading figures of their day have held that job, people such as Republican Henry Cabot Lodge, Democrat Adlai Stevenson, President George Herbert Walker Bush, Daniel Patrick Moynihan, Jeane Kirkpatrick, Richard Holbrooke, Senator Jack Danforth. Aside from the President and the Secretary of State, the U.N. ambassador is the best known face of American diplomacy.

It is a job that in my view requires a person with diplomatic temperament, a person willing to listen to other points of view, and blessed with the power to be able to persuade, such as President Bush's father George Herbert Walker Bush was.

It is a job that requires a person of great credibility, such as Governor Adlai Stevenson.

It is a job that requires a person who is not an ideologue, such as Senator Daniel Patrick Moynihan, a Democrat who served a Republican President as ambassador to the United Nations.

And it is a job, in my view, that requires a person who has the complete confidence of the President of the United States and Secretary of State, such as Jeane Kirkpatrick did.

Mr. Bolton is not that person. He is no diplomat, as evidenced by his contempt for opposing views and his inability or unwillingness to listen. His credibility is in grave doubt, as evidenced by his repeated efforts to distort facts to fit preformed views. He is an ideologue—a bright ideologue, but nonetheless an ideologue, as evidenced by his long record both in and out of Government. And he lacks the trust and confidence of his superiors, as evidenced by the fact that the Secretary of State has felt the need to assure Senators in this Chamber that Mr. Bolton will be ''closely supervised.'' As one of our colleagues said, why in the Lord's name would you send someone to the United Nations who had to be ''closely supervised?''

The job of U.N. ambassador is important, to state the obvious, because of the many challenges the United States confronts in the year 2005. I would argue it is a more important post than at any time since 1962 and the Cuban missile crisis. We confront a monumental threat by radical Islamic fundamentalists bent on destroying America and our allies. We confront a radical regime in North Korea and a theocracy in Iran that seek nuclear weapons and the means to deliver them. We confront the challenge of building democratic states in Iraq and Afghanistan, two countries that have known mostly dictatorship and suffering for generations. We confront the challenges of the AIDS pandemic, war and humanitarian catastrophes across the African continent, and the threat of instability in every continent.

Despite our vast economic and military power we cannot—or I should say more appropriately, we need not—face these challenges alone. America's security is enhanced when we work with our allies, and the United Nations is one of the places we can find them. Our security is enhanced when even those who are not considered our allies understand that the threat that we are concerned about is common to all of us, to them as well as us, to almost all nation states.

For better or worse, the United Nations is an essential forum for the advancement of U.S. foreign policy and national security interests in the year 2005—a troublesome forum but in fact a necessary forum. For better or worse, the U.N. Security Council makes decisions that affect international security and stability. Granted, they cannot make any decision without the United States signing off—we can veto it—but they have the ability to isolate us instead of isolating those who should be isolated.

For better or worse, the United Nations provides a means for the United States to gain international support for difficult missions it seeks to undertake, not only in our interest but in the interest of others, allowing us to share the cost and burdens with others and not put it all on the back of the American taxpayer.

The United Nations is not perfect, as the Presiding Officer well knows—far from it. It needs significant reform—again as the Presiding Officer knows. But let's not equate reform of the United Nations with John Bolton, as some of our colleagues have attempted to do. We have, under the leadership of Jesse Helms and with my help, passed the Helms-Biden legislation reforming portions of the United Nations. Much more needs to be done.

I would note that when we had John Danforth, an incredibly well respected ambassador, up until a couple of months ago, and before him Mr. Negroponte, there was not all this talk about the primary responsibility being reform. They were fully capable of dealing with reform.

I would point out that not even the Secretary of State, Condoleezza Rice, believes John Bolton is necessary for reforming the United Nations. Four days after the Bolton nomination was announced, Dr. Rice appointed another person, Dr. Shirin Tahir-Kheli, ''to serve as the Secretary's senior advisor and chief interlocutor on United Nations reform.'' The State Department press release announcing the appointment made no mention of Mr. Bolton.

Mr. Bolton was not picked because his job was United Nations reform. That is the job of every U.S. ambassador to the U.N., or part of the job. No, this debate is not about U.N. reform or U.N. interests; it is about whether the appointment of Mr. Bolton is in the national interests of the United States of America. I firmly believe, as my friend from Ohio, Mr. VOINOVICH, does, that it is not in the U.S. interests.

There are four reasons to vote no on Mr. Bolton. Each, standing alone, in my view, would justify a negative vote, but taken together they provide an overwhelming case. What is even more extraordinary is that much of the evidence for this case comes from senior officials in the Bush administration who worked with Mr. Bolton. The bulk of the evidence to make the cases I am about to make came from senior Republican administration officials who worked with Mr. Bolton. They had nothing to gain and a good deal to lose by appearing before our committee, but everyone came voluntarily. No one had to be subpoenaed. We asked and they came.

The first reason Mr. Bolton should, in my view, be denied the ambassadorship to the United Nations is that Mr. Bolton repeatedly sought to remove intelligence analysts who disagreed with him. Mr. Bolton was not content to fight the normal policy battles. He had to crush people, even if they were just doing their jobs.

One analyst was Christian Westermann, an expert on biological and chemical weapons with a 20-year career in the U.S. Navy who worked in the State Department's Bureau of Intelligence and Research after retiring from the U.S. military.

In February of 2002, Mr. Westermann was asked by Mr. Bolton's staff, which is standard operating procedure, to begin the intelligence community clearance process for three sentences that Mr. Bolton wanted to put in a speech about the biological weapons effort of Cuba. The speech was not made

yet; the speech was in the making. What is a normal operating procedure in this State Department, the last State Department, and the ones before that, is that when a policymaker wishes to include in a speech intelligence data or assertions that the U.S. government or the intelligence community believes thus and so, it has to be cleared first by the intelligence community.

Mr. Westermann, the State Department's intelligence analyst for biological weapons, had two roles in this process of clearing these three sentences. One was to transmit the material to a clearance coordinator at the CIA who would then seek clearance from all the other intelligence agencies in the Government—Defense Intelligence, et cetera, a whole panoply of the intelligence community. The second function Mr. Westermann had as the intelligence officer at the State Department for biological weapons was to provide the substantive comments of his Bureau—that is, INR—on Mr. Bolton's text to this clearance coordinator; in other words, in addition to what the other intelligence agencies thought about these three sentences, to say what the intelligence analysts in the State Department thought about these three sentences.

In performing that latter function, Mr. Westermann proposed alternative language to the three sentences submitted by Mr. Bolton's staff, a standard means of trying to help a policymaker say something about classified matters so that the sources and methods are not compromised and so that the statement is consistent with the intelligence community's judgments on that point being spoken to. When Mr. Bolton found out that Mr. Westermann suggested alternative language, he hit the roof. He summoned Mr. Westermann to his office and gave him a tongue lashing.

Look, Mr. Westermann does not work directly for Mr. Bolton. There is within the State Department Mr. Bolton's operation, the people who work directly for him, and then there is the intelligence operation, INR, headed at the time by a guy named Carl Ford. At the bottom of the food chain is the guy in charge of biological weapons as an intelligence analyst; that is, Mr. Westermann.

Mr. Bolton summoned Mr. Westermann into his office and, according to Mr. Westermann, Bolton was ''red faced'' and yelling at him. When Mr. Westermann tried to explain what he had done, Mr. Bolton threw him out of his office.

Then, over the course of the next 6 months, Mr. Bolton tried on three separate occasions to have Mr. Westermann removed from his position. During the committee hearing, Mr. Bolton grudgingly conceded that he sought to remove Mr. Westermann from his portfolio, but he tried to minimize his involvement. Mr. Bolton suggested that he asked one of Mr. Westermann's supervisors to give Mr. Westermann a new portfolio, but then, he said, ''I shrugged my shoulders and moved on.'' But the evidence is clear that Mr. Bolton did not, as he said, ''move on.'' He tried twice more to remove Mr. Westermann, the biological weapons expert. A few days later, he tried to remove him, and then several months later.

My friend from Indiana—and as we say here, he is my friend—argues this does not matter. Mr. Westermann kept his job, no harm, no foul—my words. But the system had to work overtime to counteract the harmful effects of this episode. Don't take my word for it. Listen to Carl Ford, the former Assistant Secretary of State for INR, who says he supports the President and, in his words, is a huge fan of Vice President CHENEY, and not anyone who has ever been accused of being a liberal Democrat.

Mr. Ford testified that the analysts in his Bureau were ''very negatively affected by this incident—they were scared.'' Ford said that after the Westermann incident, he tried to make the best of a bad situation by using the incident as a training vehicle to explain to his people how to handle similar situations if they came up. At Ford's request, Secretary Powell made a special trip to speak to the INR analysts, where Mr. Powell singled out Mr. Westermann and told the analysts they should continue to ''speak truth to power.'' They had to do this because Mr. Bolton was allergic to people delivering news that his proposed language was not supported by the evidence.

As one of Mr. Westermann's supervisors recounted, Mr. Bolton declared ''he wasn't going to be told what he could say by a mid-level munchkin analyst.'' At the U.N., the special representative has to listen to a lot of people who disagree with him and then report back faithfully on what they are saying. Is Mr. Bolton capable of doing that?

The second analyst Mr. Bolton tried to remove from his position is a more remarkable case for two reasons: The analyst worked in another agency; and his portfolio did not involve Mr. Bolton's area of responsibility, which was arms control and weapons of mass destruction.

The analyst was the National Intelligence Officer for Latin America. He disputed language on Cuba that was used in a speech Mr. Bolton had given, and that he then wanted to give again in congressional testimony.

During the committee hearing, Mr. Bolton again tried to minimize his actions, stating that his effort to remove this individual was ''one part of one conversation with one person, one time . . . and that was it, I let it go.''

The evidence shows that he did not let it go but, rather, that he and his staff actively discussed the removal of this National Intelligence Officer over the course of 4 months.

In early June of 2002, an aide to Mr. Bolton circulated a draft letter from Mr. Bolton and Ambassador Otto Reich, Assistant Secretary of State for Latin America. The draft was addressed to Director of Central Intelligence Agency, Mr. George Tenet.

The draft letter urged the immediate replacement of the National Intelligence Officer and indicated that Bolton and Reich would take several measures on their own, including banning the National Intelligence Officer from official meetings at the State Department and from official travel in the Western Hemisphere.

A response to the e-mail from a colleague reported that he discussed the same matter with Mr. Bolton, whom he said ''would prefer at this point to handle this in person with [Mr.] Tenet.''

The following month—again, going to the issue of whether he tried to get this guy removed—Mr. Bolton traveled to the CIA headquarters to meet with Mr. Stuart Cohen, the Acting Chairman of the National Intelligence Council, where he asked that the National Intelligence Officer be removed from his position.

Mr. Cohen, the Acting Chairman of the National Intelligence Council, said he did not remember many details about the meeting with Mr. Bolton other than Mr. Bolton's intent was clear: He wanted the National Intelligence Officer for Latin America removed.

Later that month—again, remember, Mr. Bolton said: I did not try to get this guy. I let it alone—a senior aide to Mr. Bolton told a senior aide to Mr. Reich that Bolton wanted to meet Reich to ''discuss the draft letter to CIA on our favorite subject'' and said that ''John doesn't want this to slip any further.''

The next day, the same aide to Mr. Bolton e-mailed Secretary Reich and his aide and had a new draft to the letter. He said that the draft ''relies on John's tough talk with [Mr.] Cohen ''about the national intelligence officers.

So much for not trying to get him removed.

Two months later, in September, another draft letter urging the removal of the National Intelligence Officer was exchanged between Mr. Bolton's office and Mr. Reich's office.

Now, does that sound like he ''let it go,'' as he said he did? Remember, his staff said Mr. Bolton said he doesn't want to let this matter ''slip any further.'' If you ask me, this was more than ''one part of one conversation . . . one time,'' as Mr. Bolton said. It was a campaign, a vendetta, against a person Mr. Bolton had never met and whose work Mr. Bolton acknowledges he cannot recall ever reading, all because he questioned Mr. Bolton.

If this is how Mr. Bolton reacts to someone he has never met, how will he control himself in New York? Secretary Rice, the Secretary of State, told the Senator from Ohio that Mr. Bolton will be ''closely supervised.''

How much energy at the State Department will be diverted to supervising Mr. Bolton?

Thankfully, senior management at CIA had the good sense to rebuff Mr. Bolton's attempts to remove the National Intelligence Officer. The former Deputy Director of Central Intelligence, John McLaughlin, remembers that when the issue was raised with him, he adamantly rejected it. Here is what the Deputy Director of the CIA said:

Well, we're not going to do that, absolutely not. No way. End of story.

Mr. McLaughlin, at the CIA, explained why he so strongly opposed Mr. Bolton's proposal to get rid of this national intelligence officer. And I quote from Mr. McLaughlin, formerly at the CIA:

It's perfectly all right for a policymaker to express disagreement with an . . . analyst, and it's perfectly all right for them to . . . challenge their work vigorously. But I think it's different to then request, because of the disagreement, that the person be transferred. And . . . unless there is malfeasance involved here—and, in this case, I had high regard for the individual's work; therefore, I had a strong negative reaction to the suggestion about moving him.

He is speaking of the National Intelligence Officer.

That, all by itself, is reason to vote against Mr. Bolton—thoroughly outrageous conduct as it related to two intelligence officers who disagreed with him.

A second reason to oppose Mr. Bolton is that he frequently sought to stretch the intelligence—the available intelligence—to say things in speeches and in testimony that the intelligence community would not support. The committee report lays out this allegation in extensive detail, and it is there for every Senator to see. There is ample evidence that Mr. Bolton sought to cherry-pick, as one analyst said, cherry-pick intelligence; sought to game the system, to get the clearances he wanted, or simply sought to intimidate intelligence analysts to get them to say what he wanted.

Again, don't take my word for it. Take the word of an administration appointee, Mr. Robert Hutchings, the Chairman of the National Intelligence Council from 2003 to 2004. Chairman Hutchings said, in the summer of 2003, that Mr. Bolton prepared a speech on Syria and weapons of mass destruction that ''struck me as going well beyond . . . where the evidence would legitimately take us. And that was the judgment of the experts on my staff, as well.''

Now, remember, this is 2003. We had 160,000 troops in Iraq and in Afghanistan. There was all kinds of talk on the floor of the Senate and in the Nation about whether we would invade Syria next. There was all kinds of discussion and supposition that the weapons of mass destruction that were never found in Iraq—and we later learned had not existed after 1991 or 1995—had been smuggled, for hiding, into Syria. It was a very delicate moment, in which if, in fact, a senior administration official came forward and said there was evidence that there was a nuclear weapons program in Syria, we might have had a war.

Mr. Bolton wanted to make a speech about that, and here is the guy who headed up the National Intelligence Council, the chairman. He said that what Bolton wanted to say ''struck me as going well beyond . . . where the evidence would legitimately take us. And that was the judgment of the experts on my staff, as well.''

This is not minor stuff. I remind the American people and my colleagues that an awful lot of Senators voted to go to war in Iraq on the assertion that Iraq had weapons of mass destruction, which now the administration itself acknowledges they did not have. Mr. Bolton, according to the chairman of the National Intelligence Council, wanted to say things about Syria and weapons of mass destruction that struck him and his experts as going beyond what could legitimately be stated.

Chairman Hutchings said that Bolton took ''isolated facts and made much more of them to build a case than I thought the intelligence warranted.''

Does that sound familiar to you? Remember aluminum tubes, offered by the Vice President as evidence that Iraq had a gas centrifuge system, had reconstituted their nuclear capability, when, in fact, the most informed elements of the intelligence community said those tubes—because they were anodized—couldn't be used for a gas centrifuge system? Facts taken out of context to make a case that didn't exist got us into war prematurely.

Here we now have Mr. Bolton, when people are talking about going to war with Syria, and the head of the National Intelligence Council says Mr. Bolton took ''isolated facts and made much more of them to build a case than I thought the intelligence warranted. It was a sort of cherry-picking of little factoids and little isolated bits that were drawn out to present the starkest-possible case.''

Let me take you back to aluminum tubes, out of context, an isolated fact, drawn out to present the starkest possible case that Iraq had ''reconstituted its nuclear capability.''

There used to be an expression my dad used to say in World War II: Loose lips sink ships. Cherry-picking little factoids and little isolated bits drawn out to present the starkest-possible case can cause wars.

Listen to Larry Wilkinson, who served as Secretary of State Colin Powell's Chief of Staff, a military man himself. He told us that because of the problems that the State Department was having with Mr. Bolton's speeches not always being properly cleared by the State Department offices and officials—think of this now, the Chief of Staff, a military man himself, I think a colonel, working for the former chairman of the Joint Chiefs of Staff, then Secretary of State, said that because Mr. Bolton didn't properly clear his speeches with the appropriate authorities and experts within the State Department—the Deputy Secretary of State, the No. 2 man, Secretary Armitage ''made a decision that John Bolton would not give any testimony, nor would he give any speech that wasn't cleared first by Rich [Armitage].''

Think of that. Here is the guy, head of the arms control and nonproliferation piece of the President's operation at the State Department who needs, as much as anyone, classified information and accurate intelligence, and he has to be told by the No. 2 man at the State Department that he is no longer authorized to make any speech without it first being cleared by the No. 2 man at the State Department. I don't do that with my senior staff. I don't have to. It is truly remarkable.

This may have occurred with one of the six other Presidents with whom I have served since I have been here, but if it has, I am unaware of it, and I would like to know.

Powell's Chief of Staff later told the New York Times, referring to what I just talked about—restrictions that Mr. Bolton could not make a speech without it being cleared by the No. 2 man at the State Department—that ''if anything, the [restrictions] got more stringent'' as time went on. ''No one else''—I assume he means in the entire State Department—''was subjected to these tight restrictions.''

Consider this: we have the chairman of the National Intelligence Organization, the Chief of Staff for the President, Secretary of State, the former Deputy Director of Central Intelligence, the former head of an office within the CIA named Mr. Cohen, and the former head of the intelligence apparatus at the State Department—all of them, nary a Democratic appointee in the crowd, pointing out how Mr. Bolton overreached, cherry-picked, had to be disciplined, had to be overruled, had to be supervised. And here Mr. Bolton was, an Assistant Secretary of State, and we want to send him now to the No. 2 job in diplomacy after the Secretary of State?

Listen to Mr. Bolton's own loyal staff. After being told that the intelligence community could not support a statement Mr. Bolton wanted to make on Cuba, a member of Mr. Bolton's staff wrote to a CIA official and said that ''several heavy hitters are involved in this one, and they may choose to push ahead over the objections of the CIA and INR . . . unless there is a serious source and methods concern.''

We have all been around here. Let's translate that. This is Mr. Bolton's staff writing to a CIA official, when CIA is telling Mr. Bolton that he cannot say what he wants to say. Mr. Bolton's staff writes to the CIA official who said Mr. Bolton could not do that:

''Several heavy hitters are involved in this one.''

I am sure no staff on the floor of the Senate could possibly be intimidated to maybe reconsider a recommendation they made if, in fact, the Chief of Staff of the majority leader or the minority leader, or chairman of the Foreign Relations Committee, or the ranking member sent out an e-mail or a letter to them saying: Look, Jack, I know what you said, but let me tell you something, there are several heavy hitters here who may go beyond you. Translated: Are you sure you want to say he cannot do this? You would have had to have your head in a rain barrel for the past 20 years not to understand what the message was that was being communicated.

Mr. Bolton's staff was saying that Mr. Bolton might make statements in the name of the Government, or at least with the claim that they were supported by U.S. intelligence, despite the analysts' views that these statements were not justifiably based on the evidence. That is more than mere arrogance. It suggests a willingness to defraud the American people, and it suggests that there is a price that will be paid by you, you not-so-senior person, if you raise a ruckus about this.

That e-mail I described was not a one-time event. Mr. Bolton's staff later informed the intelligence community that they wanted to change the rules for reviewing proposed speeches to limit their objections to only those objections related to sources and method.

Let me translate that. I see my friend from Maryland on the floor. If he were an intelligence officer in the United States government who found out that another country was supporting an al-Qaida undertaking and my friend from Maryland was a CIA operative in that other country, if I were to expose the fact that that country was cooperating with the CIA, I might inadvertently disclose who the source of that intelligence is and, by doing so, maybe get my friend killed. Or if that information is picked up by a bugging device placed in a meeting room, if I were to say on the floor that we have a recording saying that Official A of Country A met with al-Qaida, clearly, they might be able to figure out how we knew that, what the method of picking up the information was.

So we are very fastidious in this Senate—those of us who deal with intelligence matters—not to ever reveal a source or a method, and even though the information revealed may not be so classified that we are told by the Agency you cannot say this for fear of revealing a source or a method of picking up this information, we do not disclose it.

There is a second type of intelligence, and that is the intelligence analysis that says: Syria does not have nuclear weapons. That is an analysis by experts in our intelligence community who reached the conclusion, from all kinds of sources and methods, that Syria doesn't have nuclear weapons, if that were the conclusion.

Now, Mr. Bolton had been stopped repeatedly by various intelligence agencies from saying things that the intelligence did not support. I am making this up. Let's assume Mr. Bolton wanted to say that Syria has nuclear weapons and the CIA analysis says it doesn't. Under the present rules, CIA can say to Mr. Bolton that he cannot say that. So what does Mr. Bolton do? He goes back and says to the intelligence community, through his staff, we want to change the rule. You cannot tell me, I say to my friend from Maryland, what I can say about whether or not they have nuclear weapons. I can say they do, even though you say they don't.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BIDEN. First, let me finish this point. But, his staff says, you can tell Mr. Bolton he cannot say it only if it will reveal a source or a method. In other words, his staff was seeking carte blanche to allow Mr. Bolton to cherrypick, as the former chairman of the National Intelligence Council said, factoids in isolation to make a case that didn't exist.

I will yield to my friend for a question.

Mr. SARBANES. It is my understanding that if a policymaker wants to make a statement reflecting an intelligence judgment, representing the position of the Government—not his own personal position, but the position of the Government—the standard practice is for the statement to be submitted to the intelligence community for clearance, to be certain that the statement accurately reflects the judgment of the intelligence community; is that correct?

Mr. BIDEN. That is absolutely correct.

Mr. SARBANES. So you don't have policymakers making assertions about intelligence matters that are not supported by the intelligence community. If you stop and think about that, it seems to me that is a very wise rule. Otherwise, policymakers can run around making all kinds of assertions about intelligence matters, portraying them as representing the considered judgment of the Government and, therefore, the considered judgment of the intelligence community. That is the kind of review that the intelligence community—in addition to the sources and methods review—was undertaking to do.

As I understand it, it is standard operating procedure for any policymaker——

Mr. BIDEN. If I may interrupt the Senator, any administration official who wishes to purport that he speaks for the administration, which includes the intelligence community, has to have his or her statement cleared on that specific point, yes. That is standard operating procedure.

Mr. SARBANES. And that was the very thing that Bolton not only complained about, but for which he sought to have certain intelligence analysts punished; is that right?

Mr. BIDEN. That is absolutely right. When an intelligence analyst said to him, on two occasions—Mr. Westermann being one—no, Mr. Secretary, you cannot say that because the intelligence community doesn't believe that, the intelligence community doesn't think what you are about to say is accurate, you cannot say it, what did Mr. Bolton do? He tried to get that intelligence analyst fired for doing nothing but his job and telling him, no, boss, you cannot say that; that is not what the intelligence community believes.

That is different than if Mr. Bolton had said: I am going to go out and say, You know, the intelligence community doesn't agree with me, but I, John Bolton, I believe these are the facts. He probably would get fired by the President for doing that, but that is not a violation of any procedure. He is not purporting to speak for the intelligence community when he does that.

Mr. SARBANES. If the Senator will yield for a further question, I understand that the analyst with whom Bolton had this confrontation said that what Bolton was seeking to say didn't represent the judgment of the intelligence community. In other words, the analyst was stating correctly the position of the intelligence community which Mr. Bolton was, in effect, seeking to ignore or go against. So it is not as though the analyst was seeking to impose his own personal opinion. His judgment corresponded with the vetted judgment of the broader intelligence community; is that correct?

Mr. BIDEN. If the Senator will yield, not only the community he worked for, but the entire community. This National Intelligence Officer, who remains nameless because he is undercover, did not give his own opinion. He gave the opinion of what was the consensus of the intelligence community.

The Deputy Director of Central Intelligence, Mr. McLaughlin, said: No, my guy, my CIA officer is right; Mr. Bolton is wrong, and it is wrong to try to get him fired.

In addition to both of these intelligence analysts being backed up by their bosses at the highest level—one at INR, the intelligence operation within the State Department, and one in CIA—in addition to being backed up by them, they got backed up by the policymakers who are their bosses—the Secretary of State of the United States of America and the Deputy Secretary of State of the United States of America—both of whom were superior in terms of authority to Mr. Bolton.

So it is Mr. Bolton who was chastised by the Deputy Secretary of State as a consequence of these encounters, because the Deputy Secretary of State said: Hey, look, John, in addition to the analysts being correct, you are no longer authorized to make any speech that is not cleared by me; you are no

longer authorized to give any testimony before the Congress that is not cleared by me.

So not only were these analysts backed up by their superiors in the intelligence hierarchy, they were backed up by the policymakers.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. BIDEN. Surely.

Mr. SARBANES. I apologize if I am anticipating his statement. As I understand it, when a policymaker requests the transcripts of intelligence intercepts, let's say the intercept of a conversation, the documents that are provided identify the foreign source but they do not usually identify the American; is that how it usually works?

Mr. BIDEN. Let me restate in my own words, so the Senator from Maryland understands. Let's assume there is the country of Xanadu and an American is meeting with the President of Xanadu. In all probability, an American official is meeting with the President of Xanadu. The National Security Agency—with the ability to intercept conversations by multiple methods—picks up a conversation, or somebody's report of a conversation, between an American and the President of Xanadu. That gets reported back, based on subject matter, to the appropriate officer within the State Department or the Defense Department who they feel should know about this conversation because maybe the President said to the American: You know, we have right here in our country 47 al-Qaida operatives. That should go to the person who has that responsibility.

So a lot of stuff went to Mr. Bolton because he is the guy in charge of dealing with nonproliferation and other matters. He would get these NSA, National Security Agency, intercept reports. But in order to protect the identity of the American, for privacy reasons, he would get a statement and it would say: On such and such a date at such and such a time, the President of Xanadu met with an American. They discussed the following things. Here is what they said, here is the conversation.

That is what I understand to be—I know to be—the way in which NSA intercept reports treat a case involving an American.

Mr. SARBANES. It is my understanding that what Mr. Bolton had requested to know, although it was not revealed when they initially provided him the intercepts, was who were the Americans in each of these instances; is that correct?

Mr. BIDEN. At least in 10 instances. On 10 different occasions, when he got access to an NSA intercept that mentioned ''an American,'' Mr. Bolton went back to NSA, and, as I understand it—and I ask to be corrected by my staff—but as I understand it, Mr. Bolton has to say to the head of NSA: I want to know more about this intercept, and I want to know the name of the American in order to better understand the intercept. He did that 10 times.

Mr. SARBANES. And he got the name, presumably.

Mr. BIDEN. To the best of our knowledge, he got the name of the American.

Mr. SARBANES. I understand in trying to do due diligence on the Bolton nomination on the part of the committee, the very able Senator from Delaware, who has had extensive experience on investigatory matters, requested that we be provided with the names of the Americans that Bolton had received from the intelligence agency; is that correct?

Mr. BIDEN. If the Senator will yield, that is correct. Not only did I ask that, but the chairman of the committee asked that, and it was resolved that we were not asking it to be made public, we were not asking those names to necessarily be made available to the whole Foreign Relations Committee, although that was the chairman's preference, and ultimately the chairman concluded it should not even be provided directly to me or the chairman, but it should be made available to the chairman of the Senate Intelligence Committee and the ranking member or vice chairman of the Senate Intelligence Committee, and they should decide how our committee would review the information.

I think the information should be provided to me and to Senator LUGAR, as well, but the way this was parsed out, it was going to be that the National Security Agency was going to come and brief the Senate Intelligence Committee, of which I am no longer a member, and—I thought—tell them the names of these Americans. I might add further, the reason for that is, there are unsubstantiated—I emphasize ''unsubstantiated''—allegations that Mr. Bolton may have been seeking the names of these Americans to seek retribution; that it may have been intelligence analysts with whom he disagreed or policymakers against whom he was trying to make a case in terms of the direction of American foreign policy. I do not know that to be the case. The question is why did he need the names.

Mr. SARBANES. It seems to me a further question is that if Mr. Bolton went back to get those names for some reason—he must have had a reason for doing so—why the committee, in deciding whether to confirm him, should not have access to that same information so that we are in a position to ascertain what, if anything, may have been in play by these requests.

Mr. BIDEN. If the Senator will yield, to the best of my knowledge, there is absolutely no substantive reason why information that was provided to an Under Secretary of State down the food chain, and the Under Secretary of State's staff, to the best of my knowledge, why the information provided to them could not be provided to a Senator who has served 28 years, as the Senator has, in the Senate.

Mr. SARBANES. And Senators who are charged with making this very important decision about whether this nominee should be confirmed for this very important position. It seems to me clearly relevant in reaching some judgment about the nominee to have this information provided to those who have to render the judgment.

Mr. BIDEN. If my friend from Maryland will further yield, Senator LUGAR, the Republican chairman of the committee, and I received a letter today dated May 25, addressed to both him and me, from the vice chairman of the Intelligence Committee, saying: It is important to note, however, that our committee did not interview Mr. Bolton, so I am unable to answer directly the question of why he—Mr. Bolton—felt it necessary for him—Mr. Bolton—to have the identity information—that is, the name of the Americans—in order to better understand the foreign intelligence contained in the report. Furthermore, based on the information available to me—the vice chairman of the Intelligence Committee—I do not have a complete understanding of Mr. Bolton's handling of the identity information after he received it.

Continuing quoting: The committee—the Intelligence Committee—has learned during its interview of Mr. Frederick Fleitz, Mr. Bolton's acting chief of staff, that on at least one occasion Mr. Bolton is alleged to have shared the un-minimized identity information he received from the NSA with another individual in the State Department. In this instance, the NSA memorandum forwarding the requested identity—meaning the memorandum forwarding the names of the Americans to Mr. Bolton—to State/INR—that is the State Department's intelligence agency—included the following restriction: ''Request no further action be taken on this information without prior approval of NSA.''

Continuing to quote the vice chairman of Intelligence:

I have confirmed with the NSA that the phrase ''no further action'' includes sharing the requested identity of U.S. persons with any individual not authorized by the NSA to receive the identity.

Continuing from the Intelligence Committee vice chairman:

In addition to being troubled that Mr. Bolton may have shared U.S. person identity information without required NSA approval, I am concerned that the reason for sharing the information was not in keeping with Mr. Bolton's requested justification for the identity in the first place. The identity information was provided to Mr. Bolton based on the stated reason that he needed to know the identity in order to better understand the foreign intelligence contained in the NSA report.

According to Mr. Fleitz—

Mr. Bolton's acting chief of staff—

Mr. Bolton used the information he was provided in one instance in order to seek out the State Department official mentioned in the report . . .

It goes on. But my point is, on the one case that Senator ROCKEFELLER

knows of, Mr. Bolton apparently violated the restriction which was imposed upon him when he requested the information, and used that information for a purpose different than he requested.

Having said all of that, even the Intelligence Committee was not provided the names of the Americans, which is a critical issue.

Mr. SARBANES. Would the Senator yield on that point?

Mr. BIDEN. Yes, I will.

Mr. SARBANES. These are the very names that were provided to Mr. Bolton; is that right?

Mr. BIDEN. And his staff, yes.

Mr. SARBANES. And his staff?

Mr. BIDEN. And his staff.

Mr. SARBANES. But there is a refusal to provide them to the committee which now has to make a judgment as to whether Mr. Bolton should be confirmed to be the American ambassador to the United Nations?

Mr. BIDEN. If the Senator would yield, not only a refusal to provide them to our committee that has that responsibility, refusal to provide them even to the Intelligence Committee that is once removed from this process—the same information that was made available to one of several Under Secretaries in the State Department and his staff.

Mr. SARBANES. Well, what rationale is advanced, if any, for this backhanded treatment of the institutions of the Senate, these two important committees, the Intelligence Committee and the Foreign Relations Committee, both of which are trying to conduct due diligence on this nominee?

I might say to my colleague, I remember when we held the nomination hearings for John Negroponte and Richard Holbrooke. That investigation went over an extended period of time and probed very deeply. The end result, of course, was that questions that had been raised were answered satisfactorily, and the body was able to come to a consensus about those nominees.

I cannot think of a rationale that can be offered that would warrant a withholding of this information.

Mr. BIDEN. There is no institutional, constitutional, or previously asserted rationale that has been offered in denying access of the Intelligence Committee or, for that matter, the Foreign Relations Committee chairman and ranking member to this information. I do not remember the exact quote. It may apply to the information we are seeking on Syria—I am not sure—saying that they did not think it was relevant, but I do not recall.

I say to my friend from Maryland, there was no assertion on the part of the NSA, that I am aware of, that asserted that it was executive privilege or even that it was extremely sensitive. We have access to incredibly sensitive information. That is the reason we have an Intelligence Committee. That is the reason we on the Foreign Relations Committee have cross-pollination on that committee. So there is no reason—the Senator asked why they would deny it. The Senator's speculation is as good as mine. It seems to me they can end this thing very quickly. The only request being made is that Senator LUGAR, Senator ROBERTS, chairman of the Intelligence Committee, Senator ROCKEFELLER, and I sit down in a room on the fourth floor of this building that is totally secure, have someone from the National Security Agency come in and say: Here are the 10 intercept reports and the U.S. person names.

I know more about—I will date myself—I know more about the PSI of an SS–18 Soviet silo, which is highly classified information. Why am I not able to get information in the execution of my responsibilities under the Constitution that is available to a staff member of an Under Secretary of State? Members can guess for themselves. I do not know why. I know it is just not appropriate.

Mr. SARBANES. I thank the Senator for yielding. I just underscore this raises, I think, very fundamental and difficult questions about how we are supposed to carry out our responsibilities, in terms of advice and consent, if we are not allowed to get what appears to be relevant information or what might well be relevant information.

The request is fairly limited, as I understand it, in terms of what is being sought. It seems to me that information ought to be provided to the Senate, or the appropriate agents or organs of the Senate, in order to put us into a position to at least address that aspect of this situation.

There are many other aspects of the Bolton situation that I want to speak to later. But this one, it seems to me, is clearly an instance in which we are simply being blocked or frustrated from having information which is important to us carrying out our task, and is in such contrast with the inquiries that were made about other nominees to be U.S. Ambassadors to the United Nations. Of course, I mentioned two of those. The inquiries there went over quite a sustained period of time.

We heard these complaints that Bolton is being held up. His nomination only came to us in March, I believe, of this year—March. Ambassador Holbrooke was nominated in June of 1998. He was finally confirmed in August of 1999. In the interim, these extensive investigations were run. I do not have the exact dates on Ambassador Negroponte, but I know that period of time extended well beyond what is already involved with respect to John Bolton.

Mr. BIDEN. If the Senator will yield, I think Negroponte was nominated in May and confirmed in September.

Mr. SARBANES. Well, there you are. That underscores the point I am trying to make.

I thank the Senator for yielding.

Mr. BIDEN. Let me continue.

Mr. ALLEN. Mr. President, if I may ask the Senator from Delaware how much longer he expects to be?

Mr. BIDEN. I will be about another 12 to 15 minutes.

Mr. ALLEN. OK.

Mr. BIDEN. Mr. President, while my friend from Maryland is here, I want to point out, first of all, the request is very limited. We are looking for the names in 10 reports. It is totally circumscribed, the request as relates to this issue which you so painstakingly went through, explaining what it was that worried everybody—and worries everybody—about Mr. Bolton and the use of intelligence information, even after he has been proscribed, prevented, from being able to speak without clearance, which is—you and I have been here a long time—fairly remarkable. That may have happened to other people in the State Department. I can't recall it happening.

Mr. SARBANES. If the Senator will yield, this is an Under Secretary of State. This is like the No. 4 person in the Department.

Mr. BIDEN. That's right. Now, after that occurs, or in the process of this occurring, Mr. Bolton's Chief of Staff contacts the CIA on a disputed issue about what can be said, and says—I don't know if you were here when I said this. To tell you the truth, I thought I knew all this, but I was surprised when my staff pointed this out. Mr. Bolton's acting Chief of Staff said Mr. Bolton wanted to make a statement on Cuba, and they didn't want to let him make that statement.

Mr. Bolton's staff gets back to the CIA and says: Several heavy hitters are involved in this one, and they may choose to push ahead over your objections and the objections of INR, unless there is serious source and method concerned.

Remember, going back to our discussions?

Mr. SARBANES. Yes.

Mr. BIDEN. Then he, this staff member, goes and contacts the CIA and says: You know, we would like to change the ground rules. We can say the intelligence community thinks the following, even if you disagree. We don't have to clear it with you. The only thing we have to clear with you is whether or not we are exposing a source or a method. Let's have that new deal.

Mr. SARBANES. Of course, that represented a sharp departure from previous practice.

Mr. BIDEN. A complete departure. But the point I am trying to make is he keeps pushing the envelope, he keeps pushing the envelope.

Mr. SARBANES. I take it, if the Senator will yield—I take it this is of such importance now because we are dealing with this problem as to whether intelligence is being misused.

Mr. BIDEN. Yes.

Mr. SARBANES. Decisions are being made by policymakers that reflect their policy attitude—

Mr. BIDEN. Right.

Mr. SARBANES. Not substantiated or backed up by the findings of the intelligence community. We have been through this issue. It seems to me a critically important issue.

Mr. BIDEN. Right. I would argue it is being pushed by a person whom everyone would acknowledge is an ideologue, or at least confirmed in what his views are and who seeks facts to sustain his opinion.

Look, the big difference, I say to my friend from Maryland, is that every time he tried to do that, repeatedly tried to do that in his job, his present job—every time he tried to push the envelope, every time he tried to intimidate, fire, cajole an intelligence officer to change his reading to comport with his prejudice, there was somebody there to intervene to stop him beyond the intelligence officer. There was the intelligence officer's boss, the deputy head of the CIA; the head of INR; the Deputy Secretary of State, the No. 2 man; the Secretary of State. That was bad enough.

But now where is Bolton going? Bolton is going to be the equivalent of the Secretary of State at the U.N. Bolton has, I don't know how large the embassy is, but a very large contingent of Americans working for him in New York City—I am told there are about 150 people there. No one, in that operation, can control the day-to-day, moment-to-moment assertions he is making. No one can say: You cannot do that, John. He's his own boss.

Now there is only one person who can do that. Well, the President can always do that. There is only one other person who can do that, and that is the Secretary of State.

Go back to the comment our friend from Ohio made, our Republican friend, in the committee. He said, when he spoke to the Secretary of State, she said, and I am paraphrasing: Don't worry. We will control him. Acknowledging that even though you are sending this guy up to what has been a Cabinet-level position, another Cabinet-level officer is going to have to control him. I would respectfully suggest our Secretary of State has her hands full as it is, without having to babysit Mr. Bolton so he doesn't get America in trouble—America; I don't care about John Bolton; I don't even care about the U.N. in this regard; I care about America.

This isn't complicated. Anybody can figure this out. Everybody acknowledges this guy is a loose cannon. Everybody acknowledges this guy has done things that, if he were able to do them unfettered, not overruled, would have at least raised the ante in the tension and the possibility of conflict with at least Syria and Cuba, among other places. And everybody acknowledges that he so far stepped out of line in the State Department that the Republican head of the State Department, Colin Powell, had to go down to analysts and say, basically: Don't pay attention to him. You did the right thing.

And then the No. 2 man at the State Department, a former military man himself, says: By the way Mr. Bolton, no more speeches by you unless I sign off on them.

Now we are going to take this guy, we are going to send him to the single most important ambassadorial spot in all of America's interests, and to make us feel confident, the Secretary of State says: Don't worry, we will supervise him.

Come on.

Mr. SARBANES. Will the Senator yield on one other point I would like to make?

Mr. BIDEN. Please.

Mr. SARBANES. First of all, I want to pay tribute to the intelligence analysts and their superiors who stood up to this pressure to which the Senator has referred. They were put in an extremely difficult situation, and they performed admirably.

It is asserted by some that no harm resulted from the pressure Mr. Bolton and his staff were placing on these people because they did not do what Mr. Bolton wanted them to do.

That seems to me to be an upside down argument. The fact that they had the strength to resist this is a tribute to them, but it is certainly no excuse for Mr. Bolton and his staff engaging in this behavior. And the fact they resisted—which is a credit to them—is still a detriment to Mr. Bolton and his staff for engaging in this practice.

So the argument that Mr. Bolton and his staff did not succeed in their efforts does not absolve them of responsibility for having tried.

Mr. BIDEN. It is as though I try to rob a bank and it turns out they shipped all the money out and there was no money there. I walk out and I get arrested. I say: Wait a minute, no harm, no foul, I didn't get any money. I went in to rob the bank, that is true, but I didn't get any money. So what is the problem? What is the problem?

Look, I told you about Mr. Bolton's staff, I assume with Mr. Bolton's authority, trying to get the intelligence community to change the groundrules. I gave the one example.

There is a second example. He did not just do this once. The e-mail I just described was not a one-time event. Later, Mr. Bolton's staff informed the intelligence community they wanted to change the rules for the review of Mr. Bolton's proposed speeches and to have the CIA and the intelligence community limit their objections only to matters related to the source and methods. They go on, in one meeting with intelligence analysts—a meeting Mr. Bolton called but he was unable to attend at the last minute—his staff informed the assembled analysts that Mr. Bolton wanted to hear only concerns relating to sources and methods from them or ideas that would strengthen his argument. But if his arguments were merely wrong, he did not want to hear about it.

Got that? I am not making this up. He, Bolton, calls the meeting of the CIA types, the INR types, to come into his office—he calls them into his office, and I guess he got called away and could not attend. But his staff says: The boss wants to make it clear there are only two things he wants to hear from you. If he wants to say the Moon is made of green cheese, the only thing he wants to hear from you is: You cannot say that because you will give away the fact that we have eyes. We have a source and a method that we do not want to release. Or he wants to hear from you how we can bolster the argument that the Moon is made of green cheese. But he does not want to hear from you if he is wrong. He does not want to hear from you if you do not believe the Moon is made of green cheese. That is none of your business. He does not want to hear that.

Look, I don't know how you define an ''ideologue.''

Mr. SARBANES. That is a pretty good definition.

Mr. BIDEN. I think it is pretty close. It is like that famous expression in a different context of Justice Holmes. He said prejudice is like the pupil of the eye. The more light you shine upon it, the tighter it closes.

It seems the more information you gave Mr. Bolton that conflicted with his predetermined ideological notion, the less he wanted to hear it. If you persisted in giving it to him, which was your job, he would try to get you fired.

This is not a minor deal. At the very moment when whoever we have as our ambassador to the United Nations is going to be the man, unfortunately, or woman, who will have to stand up before the whole world and say, We have evidence that North Korea is about to do the following; or, We have evidence that Iran has pursued their nuclear option to a point they are violating the NPT—let me ask the Senator, are we going to send John Bolton to a place where we have already squandered our credibility by saying something that we did not know, or saying things we thought we knew that were wrong, are we going to send John Bolton up to be the guy to make a case relating to our national security?

I ask my friend a rhetorical question—if, in fact, we fail to convince the Security Council, if we fail to convince our allies and those with a common interest that a threat exists and they do not come along, what are our options? Our options are to do nothing about it or to act alone. That is what I mean when I say I am concerned about U.S. interests.

There is a story I first heard from Zbigniew Brzezinski that I have used many times since. The Senator knows it as well. During the Cuban missile crisis, the very time when Adlai Stevenson stood up and said, don't tell me that, we know the President of the United States, John Kennedy, desperately needed—although we could have done it alone—desperately needed the support of the rest of our allies in the world for what we were about to do,

confront the Soviet Union. And he sent former Secretary of State Dean Acheson to Paris to meet with then-President Charles de Gaulle. I am told this is not an apocryphal story; it is historically accurate. Acheson walked in to the Presidential palace, the President's office, and made his case. Then, after making his case, allegedly, he leaned over to pick up the satellite photographs to show President de Gaulle that what he spoke of was absolutely true, and he had pictures to show it.

At that moment, paraphrasing, to the best of my knowledge, de Gaulle put up his hands and said: You need not show me the evidence. I know President Kennedy. And I know he could never tell us anything that could take us to war that wasn't true.

Do you think there is anyone, anyone, anyone—including our own delegation in the United Nations—who would accept an assertion from John Bolton on the same grounds?

Now, my friend, the chairman and others, will argue: Well, Joe, if it is that critical, he will not be making the case. That is probably true. It may be the Secretary of State making the case, who has great credibility. It may be the President of the United States. But there are a thousand little pieces that lead up to building coalitions that relate to our self-interest, based upon an ambassador privately sitting with another ambassador and assuring him that what he speaks is true.

This is absolutely the wrong man at the wrong time for the most important job in diplomacy that exists right now.

Mr. President, I ask my colleagues, is John Bolton a man in the tradition of Adlai Stevenson or Jack Danforth or any number of people I can name?

There is a third reason to oppose Mr. Bolton.

This is one that has animated the interest and concern of my friend from Ohio even more than it has me; and that is, that Mr. Bolton engages in abusive treatment of colleagues in the State Department, and he exercises frequent lapses of judgment in dealing with them.

Again, do not take my word for it. Carl Ford, the former Assistant Secretary of State for Intelligence, described Mr. Bolton—and I am using Carl Ford's colorful language, I guess it is an Arkansas expression; he is from Arkansas—he said Mr. Bolton is a ''quintessential kiss-up, kick down kind of guy.''

He also objected, Mr. Ford did, in strong terms, to the treatment of one of his subordinates, Mr. Westermann. He said:

> Secretary Bolton chose to reach five or six levels below him in the bureaucracy, bring an analyst into his office, and give him a tongue lashing. . . . he was so far over the line that [it's] one of the sort of memorable moments in my 30-plus year career.

Listen to Larry Wilkerson, Secretary Powell's chief of staff, who referred to Mr. Bolton—I am not making up these phrases—he referred to Bolton as a ''lousy leader.'' And he told the committee that he—Wilkerson had an open-door policy. Some Senators and others have that policy. They literally keep their door open so anyone in the organization can feel free to walk in and say what is on their mind. He said his open-door policy—this is the chief of staff for the Secretary of State—he said his open-door policy led to a steady stream of senior officials who came into his office to complain about Mr. Bolton's behavior.

Listen to John Wolf, a career Foreign Service Officer for 35 years, who worked under Mr. Bolton as the Assistant Secretary of State for Nonproliferation. Mr. Wolf said that Mr. Bolton blocked an assignment of a man he—Mr. Wolf—described as a ''truly outstanding civil servant,'' some 9 months after that civil servant made an inadvertent mistake.

And Mr. Wolf says that Mr. Bolton asked him to remove two other officials because of disagreements Mr. Bolton had over policy, and that Mr. Bolton ''tended not to be enthusiastic about alternative views.''

If that is not a quintessentially State Department, career Foreign Service Officer phrase: he ''tended not to be enthusiastic about alternative views.''

Listen to Will Taft, a man whose name became known here in the investigations relating to Abu Ghraib and the treaties that were discussed about the treatment of prisoners. Mr. Taft served in the State Department as legal adviser under Secretary Powell during the tenure of Mr. Bolton. And before that, he was general counsel in two other Government Departments, as well as Deputy Secretary of Defense, and formerly an ambassador to NATO—significant positions.

Mr. Taft told our committee he had to take the extraordinary step of going to his boss—Mr. Taft's boss—to rein in Mr. Bolton after Bolton refused to work with the State Department attorney on a lawsuit in which the State Department was a defendant.

This resulted—I will skip a little bit here—this incident caused the Deputy Secretary of State, Mr. Armitage, to write to Mr. Bolton a memo reminding him that the rules applied to him, as well as others in the State Department, and that he was required—Mr. Bolton was required—to work with State Department lawyers.

There is a fourth reason, beyond his treatment of individuals—and I could go on for another hour citing examples of his alleged mistreatment of subordinates and colleagues at the State Department and in other endeavors—there is a fourth reason that, all by itself, would justify Mr. Bolton not being confirmed; and that is, Mr. Bolton gave testimony to the Foreign Relations Committee under oath that at best was misleading.

Again, do not take my word for it. It is true that I think Mr. Bolton should not go to the United Nations, and I am of a different party. But do not take my word for it. Listen to Tom Hubbard, referred to by the chairman earlier today. Mr. Hubbard is a retired Foreign Service Officer whose last post was as Ambassador to South Korea. During our hearing on April 11, Senator CHAFEE asked Mr. Bolton about a speech that Mr. Bolton gave in Seoul, South Korea, in 2003.

Let me give you some context. This was on the eve of the President's initiative to begin what is referred to as the Six-Party Talks: the two Koreas, Japan, Russia, the United States, and China—a very delicate moment. Mr. Bolton has made it clear, in many speeches he has made, what he thinks of Kim Jong Il, and that is not inappropriate. And he has made it pretty clear that he rejected the idea proffered by me, and I believe even by Senator LUGAR, and by other Senators here, several years ago that we should talk to the North Koreans—not negotiate, talk with them—and find out what it would take to make a deal and let them know what our bottom line was.

Mr. Bolton is not the architect of, but a disciple of, the policy of containing and putting the North Korean regime in a position where he thinks if enough pressure is put on them they would topple. And we are going back to when he was making a speech in Seoul, South Korea, in 2003, on the eve of the first Six-Party Talks.

The speech was filled with inflammatory rhetoric, even though it may be true, about the North Korean leadership. The result of him having given the speech was that the talks were almost scuttled.

Mr. Bolton, in reply to Senator CHAFEE of our committee regarding that speech, said:

> I can tell you [Senator] what our Ambassador to South Korea, Tom Hubbard, said after the speech.

Meaning his speech.

> He said [to me], ''Thanks a lot for that speech, John. It'll help us a lot out here.''

Got this, now: He makes what is termed an inflammatory speech. He is asked: Wasn't that inflammatory, and didn't that cause us real trouble in pursuing the foreign policy objectives of the President to get these talks underway? And Bolton, in effect, says: No. And then the Senator, in effect, says: Well, didn't our Ambassador to South Korea think it was damaging? And he says: No. He not only didn't think it was damaging, he said to me: ''Thanks a lot for that speech, John. It'll help us a lot out here.''

Now, you would draw from that exchange that this speech was totally consistent with the administration's policy, that it was something that was helpful, and that Bolton was doing a good job.

Now, we didn't call Ambassador Hubbard. I may be mistaken, but I think the Republican majority staff got a call from Mr. Hubbard, the former ambassador to South Korea, who I guess saw this on C–SPAN. I don't know what

exactly prompted it. Maybe he read it in the newspaper. And he says: I want to talk to you guys. And in an interview which was totally appropriate, without minority staff there, he paints a very different story, accurately reported by the majority staff.

Ambassador Hubbard remembers that little exchange about the Bolton 2003 speech on the eve of the Six-Party Talks quite differently. The day after the committee hearing, Hubbard voluntarily contacted the committee to make clear that he disagreed at the time with the tone of the speech and thought the speech was unhelpful to the negotiating process and—this is the important part—and that he, Bolton, surely knew that, that I, Hubbard, thought it was unhelpful and was damaging.

Hubbard then told the Los Angeles Times that although he had talked to Mr. Bolton and thanked him for removing from his speech some of the attacks on South Korea. Remember this now, the speech was about North Korea. The only thing the ambassador was able to convince Bolton to do was take out some of the stuff that attacked our ally South Korea, whom, I might note parenthetically, if, God forbid, there is a war, we need on our side. We have 30,000 American troops there. Bolton is making a speech characterized as an inflammatory speech about North Korea and is going to attack our ally South Korea, as well.

And our ambassador says: Please don't do that stuff about South Korea. And so Hubbard says: It is true. I thanked him for removing some of the attacks he was about to make on South Korea.

Then he went on to say, but ''it's a gross exaggeration to elevate that [statement] to praise for the entire speech and approval of it.''

I don't know how you can comport how those two statements work out. Bolton saying: Remember that the ambassador said, thanks a lot for that speech, John. It helps us a lot out here. And the ambassador is saying that Mr. Bolton knows better. That is a gross exaggeration.

In other testimony, Mr. Bolton frequently tried to claim he had not sought to fire or discipline the INR intelligence analyst, Mr. Westermann.

He said:

I never sought to have [him] fired.

He later said:

I, in no sense, sought to have any discipline imposed on Mr. Westermann.

And finally, he said:

I didn't try to have Mr. Westermann removed.

This is incredibly disingenuous. It is just not true. The record is clear that Bolton sought on three occasions that I referenced earlier to have Mr. Westermann removed from his position and given another portfolio. And by the way, you don't get another portfolio. If the only job you do in a restaurant is cook and they say you can't cook anymore, there are not many jobs left for you. This guy's expertise was dealing with chemical and biological weapons. Mr. Bolton wanted him taken off the case.

As a lawyer, Mr. Bolton surely knows that civil servants have job protections and can't be readily fired. By asking repeatedly that this man be moved from his established area of expertise, he was endangering the man's career and sending a message of intimidation that was heard loud and clear throughout the Intelligence and Research Bureau. Mr. Bolton did not have the honesty or the courage to admit that fact to the Foreign Relations Committee. Where is this straight talker we hear so much about?

The President has said that in his second term, one of his priorities is ''to defend our security and spread freedom by building effective multinational and multilateral institutions and supporting effective multilateral action.'' If this is a serious objective, he sure is sending the wrong man to put together these kinds of coalitions.

It is manifestly not in our interest to send John Bolton to the United Nations.

It is not in our interest to have a person who is ''a lousy leader'' in charge of a mission of 150 professionals who need leadership.

It is not in our national interest to have a conservative ideologue who doesn't listen to others trying to rebuild frayed alliances at the United Nations.

It is not in our national interest to have a man with a reputation as a bully trying to construct coalitions necessary to achieve U.N. reform.

It is not in our interest to have someone with a reputation for taking factoids out of context, exaggerating intelligence information, as our spokesman in New York during the crises to come with Iran and North Korea, when we will have to convince the world to take action to stop nuclear weapons programs.

Is this the best the President of the United States can do? Is this the best among the many tough-minded, articulate, conservative Republican foreign policy experts?

The record presented by the Foreign Relations Committee is clear. The documents we have uncovered; the interviews with those who had to pick up the pieces at INR and CIA, in the office of the Secretary of State, and in South Korea; the testimony of former Assistant Secretary of State Carl Ford, a conservative Republican; all of this record has given us clear warning that Mr. Bolton is the wrong man for this job.

Mr. Bolton's nomination is not—I emphasize ''not''—in the interest of the United States of America. I don't know that I have ever said this before on the floor, but I believe that if this were a secret ballot, Mr. Bolton would not get 40 votes in the Senate. I believe the President knows that. I wish the President had taken another look at this and found us someone—I am not being facetious and I am not the first one to say this, I say to my friend from Virginia, the single best guy we could send to the United Nations right now at this critical moment is former President Bush. I cannot think of anybody better. He would get absolutely unanimous support on this side of the aisle.

Mr. Bolton is no George Herbert Walker Bush. I guess not many people are. But this guy should not be going to the U.N.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, in the years I have been privileged to serve in this Chamber, I have so thoroughly enjoyed working with my good friend from Delaware. We have done a lot of things together. I listened carefully to his framework and remarks. I respectfully disagree, and I will so state my reasons momentarily.

But I wondered if we could discuss for a few minutes the following. Before we start, I think it would be advisable for both sides to have from the Presiding Officer the time remaining on both sides for the record, so Senators listening will have an idea.

The PRESIDING OFFICER. The majority has 116 minutes remaining of time, and the minority has 64 minutes.

Mr. WARNER. I thank the Chair.

Mr. BIDEN. Parliamentary inquiry: Is that for today?

The PRESIDING OFFICER. Yes.

Mr. BIDEN. And there is additional time tomorrow, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. I thank the Chair.

Mr. WARNER. Mr. President, to my good friend from Delaware, one of the interesting aspects of what has occurred in the Senate over the last week or so is an impetus to go back and do a lot of historical research. I went back and looked at the Articles of Confederation and the Founding Fathers and what they had to say about this provision of advise and consent in the Constitution.

It is interesting. I was very taken aback with how they went about modifying. If the Senator and others will indulge me, I would like to discuss that for a moment or two because I think it poses a question I would like to put to my good friend. That begins at this juncture.

You may ask why it is particularly appropriate for the Senate to be in executive session today, because on this day in 1787, 218 years ago, our Founding Fathers of the United States Constitution first reached a quorum so that the Constitutional Convention could draft our Constitution and they could proceed. It took several years to get it done. George Washington had been calling for such a convention for years, but it was not until this day, 218 years ago, that the convention finally began.

From May 25, 1787, straight through the summer, 55 individuals gathered in Philadelphia to write our Constitution. It was a hot summer, with long and arduous debate, and many drafts went back and forth. Careful consideration was given. Finally, in mid-September, it was over. It was a monumental achievement, one that would enable the United States today, 200-plus years later, to become the oldest, continuously surviving republic form of Government on Earth today.

I mention all this because one of the key compromises our Founding Fathers made throughout the Constitutional Convention was with respect to the advise and consent clause. Our Framers labored extensively over this section of the Constitution, deferring final resolution of the clause for several months. Some of the Framers argued that the President should have total authority to appoint. Others thought both the House of Representatives and the Senate should be involved in the process. Ultimately, a plan that was put forth by James Madison—if I may say proudly—of Virginia, won the day, where the President would nominate judges and executive nominees, and the Senate would reject or confirm them.

In Federalist Paper No. 76, in 1788, Alexander Hamilton explains in detail exactly why this compromise was so important. Let me read a portion of Hamilton's quote:

It has been observed in a former paper that ''the true test of a good government is its aptitude and tendency to produce a good administration.'' If the justness of this observation be admitted, the mode of appointing the offices of the United States contained in the foregoing clauses must, when examined, be allowed to be entitled to particular commendation. It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling the offices of the Union.

I presume he wasn't looking into the future, so I will add ''women.''

Today, this great compromise can be found, unmodified, in article II, section 2 of the Constitution. This section of the Constitution reads in part as follows:

The President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States. . . .

Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the responsibility to nominate, and the Senate has the responsibility to render advice and consent on the nomination.

While article II, section 2 of the Constitution doesn't explicitly make a distinction between the Senate's role with respect to executive branch nominees and judicial nominees of the other branch of Government, the tradition of the Senate, in recognition of the Constitution, dictates otherwise.

Traditionally, a President, especially after taking office following an election, is given greater latitude in selecting individuals to serve in the executive branch of Government. This is in recognition of the fact that the Constitution treats Senate-confirmed executive branch nominees far differently than Senate-confirmed judges.

In contrast to Federal judicial nominees who, once confirmed under the Constitution, serve a lifetime appointment in the third branch of Government, independent of the President, executive branch nominees serve under the President solely at the pleasure of the President. That phrase, ''at the pleasure of the President,'' is paramount. This time-honored phrase, ''at the pleasure of the President,'' has been used by Presidents throughout American history to show the American people that the President is the final arbiter of accountability for executive nominees.

I say that because I have fought hard here recently to deal with this question of the judicial nominees, along with some others. I am not here to seek whether we did right or wrong; history will judge that. But it was a magnificent experience to go back and study the process and listen to many scholarly people and to read extensively. But it is clear to me there is a difference between the judicial nominee who goes for life on the third independent branch—independent of Congress and the executive branch—and the President's right to select those individuals who he, together with his fellow Cabinet officers and others in the administration, feels are best suited to do the job. Would you agree there is a difference in that? I yield for the purpose of answering the question.

Mr. BIDEN. Mr. President, I will answer the question. Let me say to my friend that regarding Federalist No. 76, I suffer from teaching the subject. For the last 16 years, I have taught a course in the separation of powers. I wrote a treatise, an entire book, on this subject. There is another phrase in Federalist No. 76 the Senator didn't read that I think is appropriate to mention.

Federalist No. 76 was about the issue—remember, the Federalist Papers were trying to convince a public that didn't have a television set or a radio that their legislative body should ratify the Constitution. It was sort of pamphleteering. That is what they were doing. They were taking arguments against the Constitution and framing them, setting them up, knocking them down, and making the case. The issue in Federalist No. 76 was whether the President would have undue influence on the Senate. Would he not be able to pressure the Senate because he was chief executive officer? Hamilton said: Don't worry about that. He went on to explain that there could be no better system than the one that was arrived at.

The compromise he is talking about, by the way, is the Connecticut Compromise. It was not until shortly before that the Founders decided—this is the only reason this got resolved—that the great State of Virginia with, I think, the first or second largest population at the time, could only have two Senators, and the small State of Delaware would have two Senators. That was the Connecticut Compromise. That is what it was about.

The reason it came about was that is they wanted to make sure that the minority would be able to be protected. He used the phrase—and I compliment and associate myself with my friend from Virginia; I know that is not why he sought recognition and why he asked the question, but what he did yesterday with Senator BYRD is what Alexander Hamilton was talking about—Alexander Hamilton in Federalist 76 used the following phrase in rebutting the argument that the President would be able to pressure the Senate. He said there will always be a sufficient number of men of rectitude to prevent that from happening. The Senator from Virginia demonstrated yesterday that there always is a sufficient number of men of rectitude—he and Senator BYRD—in averting a showdown that may have literally, not figuratively——

Mr. WARNER. Together with 14 in total.

Mr. BIDEN. It is true.

Mr. WARNER. Coequal.

Mr. BIDEN. The Senator from Virginia, Mr. WARNER, and Senator BYRD were the catalyst that came along and rescued something that had been attempted and written off, at least by the six Democrats with whom I had been talking, as failed until the two of them came along. This in no way is to denigrate the significant efforts of the others.

Mr. WARNER. The leadership of Senators MCCAIN, BEN NELSON, and everybody else.

Mr. BIDEN. The reason I say this is that, in the debates in the Constitutional Convention on this nominating process, on three occasions I believe it was Governor Wilson of Pennsylvania—I am not positive of that—proposed a motion that the President of the United States should have the power alone to appoint his Cabinet and inferior officers in the court. It never got, to the best of my knowledge, more than seven votes. The only consideration that almost passed twice was that only the Senate, without the President even in on the deal, could make those appointments. If we look at the constitutional history, the President was an afterthought in the nominating process. That is what Madison's notes show. That is what the history of the debate in the State legislative bodies shows.

So here we are, the Connecticut Compromise comes along guaranteeing that small States will be able to have an impact on these choices, but go back and look, and I think it is Federalist 77—do not hold me to that—but it is Hamilton's treatise on why there was a need

to have the Senate involved in choosing not only judges but appointments to the Federal Government. There was the fear that what happened in the British Parliament would be repeated; that, in fact, the King and the leaders of the majority would appoint incompetent people, such as their brothers-in-law, their friends, to be surrounding them in their Cabinets, in the lesser offices of the Federal Government.

So it was a genuine concern and a clear understanding—I think the phrase in Federalist 76 is; this is off the top of my head—if by this we are limiting the President, so be it; that is our intention.

To the specific question, yes, there is more deference given to the President of the United States in the appointment of his Cabinet than there is to his appointments to the Supreme Court, district court, any lower court, or any other appointed office in the Government. But the single exception that was intended by the Framers, if you read what they said, in terms of even appointing those around him, if the persons he would pick, notwithstanding that they would reflect the President's political views, if the appointment inures to the detriment of the United States, they should be opposed.

There have not been many occasions when I have opposed nominees to the President's Cabinet or Cabinet-level positions, and I imagine there have not been many my friend from Virginia has opposed. But I opposed two in the Clinton administration. I opposed one in the Carter administration. I think I opposed two in the Reagan administration. In each case, my opposition—and this would be only the second one I have opposed in this administration—is because the appointment of that individual, notwithstanding the fact that he or she is the choice of the President, would have the effect of negatively affecting the standing, security, or well-being of the United States.

So there are exceptions, and I would argue Mr. Bolton, as my friend from Ohio, I suspect, is going to make a compelling case, falls into the category of, yes, the President gets who he wants, unless the appointment of that person would inure to the detriment of the United States.

That is the central point I am trying to make. I understand my friend does not agree with me, but I honestly believe Mr. Bolton going to the U.N. will inure to the detriment of the United States, notwithstanding the President's judgment that it would not do that.

Mr. WARNER. Mr. President, I thank my colleague for the colloquy. We did settle clearly that greater latitude is given to the President.

Mr. BIDEN. That is right; I acknowledge that.

Mr. WARNER. And the Senator from Virginia does not infer that latitude is a rubberstamp, that everyone goes through. Clearly—and I know my good friend from Delaware speaks as a matter of clear conscience—I speak as a matter of clear conscience.

Mr. BIDEN. If the Senator will yield, I am confident that is true about the Senator.

Mr. WARNER. Correct, and we have a difference of views as it relates to our conscience.

Mr. BIDEN. If the Senator will yield, I respect that difference.

Mr. WARNER. I thank my friend. I would also go back to Federalist 76 and read the following provision dated Tuesday, April 1, 1788, author Alexander Hamilton:

> The President is ''to nominate, and, by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and other officers of the United States whose appointments are not otherwise provided for in the Constitution. But the Congress may by law vest the appointment of such inferior offices as they think proper in the President alone, or in the courts of law, or in the heads of departments. The President shall have the power to fill up all vacancies which may happen during the recess of the Senate, by granting commissions. . . .

This is the operative paragraph to which I wish to refer:

> It has been observed in a former paper that ''the true test of a good government is its aptitude and tendency to produce a good administration.''

I said that.

> If the justness of this observation be admitted, the mode of appointing the officers of the United States contained in the foregoing clauses, must, when examined, be allowed to be entitled to particular commendation. It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling the offices of the Union; and it will not need proof, that on this point must essentially depend the character of its administration.

Mr. President, our distinguished President has served in office 4 years. He was reelected with a clarity by the votes. He is now putting together his administration for these coming years. The nomination of John Bolton, with whom I have had considerable experience in work, in whom I have a strong sense of confidence—he has chosen this individual, I might say by and with the consent of his Secretary of State, a very able and most credible individual, in my experience, in working with the distinguished current Secretary of State.

The President, together with his principal Cabinet officers, has put together an extraordinary national security team. John Bolton will be a valuable addition to this team.

The President and his Secretary of State, Condoleezza Rice, have been clear in their belief that John Bolton has the experience and skills to represent the United States at the United Nations and to carry out the President's priorities to strengthen and reform the United Nations. I agree with the confidence they place in this nominee.

John Bolton has had a long and distinguished career in public service and in the private sector. Most recently, he has served for the past 4 years as the Under Secretary of State for Arms Control and International Security Affairs. In that capacity, Secretary Bolton worked to build a coalition of over 60 countries to help combat the spread of weapons of mass destruction through the Proliferation Security Initiative, PSI. He was a leader in creating the G–8 Global Partnership, which invited other nations to support the Nunn-Lugar nuclear threat reduction concept. As a result, many other nations are now participating with the United States in helping to eliminate and safeguard dangerous weapons and technologies which remain in the countries of the former Soviet Union.

Previously, John Bolton has served as Assistant Secretary of State for International Organization Affairs, as an Assistant Attorney General in the Department of Justice, and many years ago he held several senior positions in the Agency for International Development. He has also had a distinguished legal career in the private sector.

It is no secret that Mr. Bolton has at times advocated or represented positions which have sparked controversy. He has done so with a frankness and assertiveness that demonstrate his strongly held beliefs. As the Senate considers this nomination, we should keep in mind the words of Secretary Rice. She stated:

> The President and I have asked John Bolton to do this work because he knows how to get things done. He is a tough-minded diplomat, he has a strong record of success and he has a proven track record of effective multilateralism. Secretary Rice concluded her remarks by saying, and I quote again: John, you have my confidence and that of the President.

Given the enormity of problems facing the U.N. today, we have an obligation to send a strong-minded individual to help constructively to solve these problems and to build the confidence of the American people in the U.N.

I share the President's and the Secretary's belief that John Bolton will enthusiastically advance the President's goal of making the United Nations a stronger, more effective international organization.

I urge my colleagues to support this nomination and to send Mr. Bolton to the U.N. to represent our Nation and to advance the President's agenda of reform. Such reform is necessary to restore American confidence in the U.N. and to ensure that the U.N. will remain a vital and respected international organization in the years to come.

Mr. President, I ask unanimous consent to print in the RECORD two articles from the New York Times and the Washington Post with regard to the Bolton nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 11, 2005]

THE BEST MAN FOR THE JOB

(By James A. Baker III and Edwin Meese III)

The image that critics are painting of John Bolton, President Bush's nominee to be our

representative at the United Nations, does not bear the slightest resemblance to the man we have known and worked with for a quarter-century.

While we cannot speak to the truthfulness of the specific allegations by his former colleagues, we can speak to what we know. And during our time with Mr. Bolton at the Justice and State Departments, we never knew of any instance in which he abused or berated anyone he worked with. Nor was his loyalty to us or to the presidents we served ever questioned. And we never knew of an instance in which he distorted factual evidence to make it fit political ends.

At the heart of the claims made by Mr. Bolton's critics is the charge that he was imperious to those beneath him and duplicitous to those above. The implication is that Mr. Bolton saw himself as something of a free agent, guided by nothing more than his own notions of what he thought good policy might be. Woe be to those who might dare to disagree, according to these critics, be they lower-level analysts or cabinet members.

In our experience, nothing could be further from the truth. John Bolton was as loyal as he was talented. To put it bluntly, he knew his place and he took direction. As cabinet members, we took our direction from our presidents, and Mr. Bolton was faithful to his obligations as a presidential appointee on our respective teams. In his service as assistant attorney general and assistant secretary of state, we had complete confidence in him—and that confidence turned out to have been well placed. In our view he would be no different in fulfilling his duties as our United Nations ambassador.

In any administration there are going to be disagreements over process and policy, both in formulation and execution. It is not uncommon to have battle lines within any administration drawn between idealists and pragmatists. But what has made John Bolton so successful in the posts he has held, and what makes him so well suited for the position at the United Nations, is that he exhibits the best virtues of both idealists and pragmatists.

Mr. Bolton's political principles are not shaped by circumstances or by appeals to the conventional wisdom. He knows, as Abraham Lincoln once put it, that ''important principles may and must be inflexible.'' He also knows that those principles often have to be fought for with vigor.

On the other hand, he understands from his long experience at the highest levels of government that in order to succeed, one has to work with those whose views may differ; he knows the importance of principled compromise in order to make things happen.

A most fitting example was his contribution, when serving as an assistant secretary of state, in getting the United Nations General Assembly in 1991 to abandon its morally noxious doctrine that Zionism was a form of racism. This took extraordinary diplomatic skill, combining the clear articulation of the philosophic position of the United States and his own personal persuasiveness. That this effort succeeded where earlier efforts had failed came as no surprise to anyone who had worked with Mr. Bolton. The power of his mind and the strength of his convictions make him a most formidable advocate.

These skills have been on display more recently in his current position as undersecretary of state for arms control and international security. Not even his detractors deny, for example, that he was instrumental in building a coalition of 60 countries for President Bush's Proliferation Security Initiative to combat the spread of nuclear weapons technology.

At a time when all sides acknowledge that fundamental reform is needed at the United Nations lest it see its moral stature diminished and its possibilities squandered, we need our permanent representative to be a person of political vision, intellectual power and personal integrity. John Bolton is just that person.

[From the Washington Post, April 24, 2005]

BLUNT BUT EFFECTIVE

(By Lawrence S. Eagleburger)

President Bush's nomination of John Bolton as U.S. ambassador to the United Nations has generated a bad case of dyspepsia among a number of senators, who keep putting off a confirmation vote. That hesitation is now portrayed as a consequence of Bolton's purported ''mistreatment'' of several State Department intelligence analysts. But this is a smoke screen. The real reasons Bolton's opponents want to derail his nomination are his oft-repeated criticism of the United Nations and other international organizations, his rejection of the arguments of those who ignore or excuse the inexcusable (i.e., the election of Sudan to the U.N. Human Rights Commission) and his willingness to express himself with the bark off.

As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him in the State Department I never saw or heard anything to support such a charge. Nor do I see anything wrong with challenging intelligence analysts on their findings. They can, as recent history demonstrates, make mistakes. And they must be prepared to defend their findings under intense questioning. If John pushed too hard or dressed down subordinates, he deserves criticism, but it hardly merits a vote against confirmation when balanced against his many accomplishments.

On Dec. 16, 1991, I spoke to the U.N. General Assembly on behalf of the United States, calling on the member states to repeal the odious Resolution 3379, which equated Zionism with racism. As I said then, the resolution ''labeled as racist the national aspirations of the one people more victimized by racism than any other.'' That we were successful in obtaining repeal was largely due to John Bolton, who was then assistant secretary of state for international organizations. His moral outrage was clearly evident as he brilliantly led and managed the successful U.S. campaign to obtain sufficient votes for repeal. The final vote, 111 to 25, speaks volumes for the success of his ''direct'' style.

Bolton's impressive skills were also demonstrated at the time of the Persian Gulf War, when he steered a critical series of resolutions supporting our liberation of Kuwait through the U.N. Security Council. During this period we negotiated some 15 resolutions up to and through the removal of Saddam Hussein's forces from Kuwait. Adoption of the key Security Council document, Resolution 678, was not a foregone conclusion and faced the possibility of a Chinese veto until the final vote. While our diplomacy to obtain this and other council votes was conducted on a global scale, Bolton was deeply engaged in managing this worldwide effort.

These are but two examples of why I believe Bolton possesses the substantial qualifications necessary to be our ambassador to the United Nations. By now it should be obvious to all that the halcyon days when our advice was sought and our leadership welcomed because the security of others depended on the protection we gave are no more. I recognize that John's willingness to speak bluntly has raised questions. Perhaps there was a time when those concerns had merit—but not now. Given what we all know about the current state of the United Nations, it's time we were represented by someone with the guts to demand reform and to see that whatever changes result are more than window dressing.

It is clear that the future of the United Nations and the U.S. role within that organization are uncertain. Who better to demonstrate to the member states that the United States is serious about reform? Who better to speak for all Americans dedicated to a healthy United Nations that will fulfill the dreams of its founders?

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). THE CLERK WILL CALL THE ROLL.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I recently sent my colleagues a letter regarding the nomination of John Bolton. I realize that they are all busy and likely they have not had an opportunity to read the letter. I will begin my remarks today by reading the letter to my colleagues so that it will be a part of the RECORD.

Dear colleague: Throughout my time in the Senate, I have been hesitant to push my views on my colleagues. However, I feel compelled to share my deep concerns with the nomination of John Bolton to be Ambassador to the United Nations. I strongly feel that the importance of this nomination to our foreign policy requires us to set aside our partisan agenda and let our consciences and our shared commitment to our nation's best interests guide us. At a time when the United States strives to fight terrorism globally, to build a stable and free Iraq, to find a peaceful resolution to the nuclear ambitions of Iran and North Korea, to spread democracy in the place of oppressive regimes, and to enact needed reforms at the United Nations, it is imperative that we have the support of our friends and allies internationally. These strong international relationships must be built upon robust and effective public diplomacy.

I applaud our President for understanding this and for his leadership on U.S. public diplomacy. He and Secretary Rice have taken important steps to reach out to the international community and strengthen relationships.

Additionally, I applaud the President's decision to appoint Karen Hughes to enhance U.S. public diplomacy at the State Department and recently to get even the First Lady involved in these important efforts to promote public diplomacy [and improve the world's opinion of the United States of America].

However, it is my concern that John Bolton's nomination sends a negative message to the world community and contradicts the President's efforts. In these dangerous times, we cannot afford to put at risk our nation's ability to successfully wage and win the war on terror with a controversial and ineffective Ambassador to the United Nations. I worry that Mr. Bolton could make it more difficult for us to achieve the important U.N. reforms needed to restore the strength of the institution. I strongly believe that we need to reform the U.N., make it a viable institution for world security, and remove its anti-Israel bias. However, I question John Bolton's ability to get this job done.

I know that you are very busy, but I would appreciate it if you would review my edited statement before the Foreign Relations Committee as to why I think we can do much better than John Bolton . . .

In my closing words I stated this:

Mr. Chairman, I am not so arrogant to think that I should impose my judgment and perspective of the U.S. position in the world community on the rest of my colleagues. We owe it to the President to give Mr. Bolton an up or down vote on the floor of the U.S. Senate. My hope is that, on a bipartisan basis, we send Mr. Bolton's nomination to the floor without recommendation and let the Senate work its will.

I plead with my colleagues in the Senate that if this nomination gets to the floor—

And we are here today—

to consider this decision and its consequences carefully, to read all the pertinent material, and to ask themselves several pertinent questions: Is John Bolton the best possible person to serve as the lead diplomat to the United Nations? Will he be able to pursue the needed reforms at the U.N., despite his damaged credibility? Will he share information with the right individuals, and will he solicit information from the right individuals, including his subordinates, so that he can make the most informed decisions? Is he capable of advancing the President's and the Secretary of State's efforts to advance our public diplomacy? Does he have the character, leadership, interpersonal skills, self discipline, common decency, and understanding of the chain of command to lead his team to victory? Will he recognize and seize opportunities to repair and strengthen relationships, promote peace and uphold democracy—as a team—with our fellow nations?

I mentioned in my letter the Senate faces today a very important decision, whether to send John Bolton to New York to be the next U.S. Ambassador to the United Nations. I believe we can do better, and we owe it to the United States of America, the U.S. State Department, our soldiers overseas, our children, and our grandchildren to do better than Mr. Bolton. This is not my opinion alone. The overwhelming opinion of the colleagues I have talked to about John Bolton is that he is not an ideal nominee; that they are less than enthusiastic about him and many were surprised at the decision. Many of my colleagues have said that the only reason they are going to vote for him is because he is the President's nominee. I agree with my colleague, Senator BIDEN. I think if we had a secret vote on John Bolton, he would not get 50 votes from the Senate.

I want to explain to my colleagues here today why it is I think Mr. Bolton should not be confirmed. One of my deepest concerns about this nomination involves the big picture of U.S. public diplomacy and the President's acknowledged need to improve it. It was not too long ago when America's love of freedom was a force of inspiration to the rest of the world, and America was admired for its democracy, generosity, and willingness to help others in need of protection. Today, the United States is criticized for what the world calls arrogance, unilateralism, for failure to listen and seek support of its friends and allies. There has been a drastic change in the attitude of our friends and allies in such organizations such as NATO and the countries' leaders whom we need to rely upon for help.

I discovered this personally during a trip I took to London, Serbia, Montenegro, and Italy last year, where I met with several individuals from various international backgrounds and attended the NATO parliamentary meeting in Venice. In London I met with several individuals from the Atlantic Partnership, chaired by Lord Powell, who told me that the United States needed to do something to improve its public diplomacy with countries where leaders are under a great amount of pressure. They mentioned Tony Blair, who has put his neck on the line to support the United States and needed the United States to improve its public diplomacy to meet the concerns of his constituency.

We all know that Tony Blair lost a significant number of parliamentary seats because of these concerns. The group emphasized that we needed to do more in public diplomacy to reach out to our friends and allies so that we could work together to accomplish the daunting tasks before us.

In Venice I attended the NATO Parliamentary Assembly. I could not believe some of the comments that were being made about the United States—from our allies. It was a stark contrast to the parliamentary meetings I attended in Budapest in 2000, when our allies voiced the concern: What about this Bush who is running for President? Is he an isolationist?

In Venice I heard their concerns that the United States is very much involved in international affairs but acts unilaterally, without any concern by the United States of its allies and friends.

I have traveled a great deal in my career, and I have met with leaders and academics in the international community during previous wars. There has never been as drastic a shift in the international community's perception as there has been during the last 2 or 3 years. The countries that previously admired the United States for its values and principles of democracy and freedom, encouraging other nations to develop their own democracies and speak out against injustices, now criticize the United States for its failure to respect their views and opinions.

It troubles me deeply that the United States is perceived this way in the world community. I am troubled because the United States will face a deeper challenge in achieving its objectives without their support. We will face more difficulties in conducting the war on terrorism, promoting peace and stability worldwide, and building democracies, without help from our friends to share the responsibilities, leadership, and costs.

Even as recently as last night, the former President of the Czech Republic and champion of democracy, Vaclav Havel, told me over dinner that the United States needs to improve its public diplomacy, that we have become isolated in too many instances.

If the United States wants to win the war on terrorism, win the peace in Iraq, promote freedom globally, and prevent new conflicts, we need to have the help of our friends. In order to have the help of our friends we need to have robust public diplomacy. For if we cannot win over the hearts and minds of the world community, we are not going to be able to create the team that we need and our goals will be more difficult to achieve.

Additionally, we will be unable to reduce the burdens on our own resources, the most important of which is the lives of the men and women in our Armed Forces who are leaving their families every day to serve this country overseas.

Now, 1,700 U.S. men and women—over that—have given their lives in Iraq and Afghanistan; over 12,000 have been wounded.

Nothing can compare to the cost of human lives, but the financial costs of the conflict in Iraq and Afghanistan are also placing a tremendous human resources burden on our country. Weeks ago we passed the $82 billion supplemental bill for our operations in Afghanistan and Iraq. I understand that we will need at least $50 billion next year. The costs of this war are not going down anytime soon.

We need the help of other countries to share the financial burden that is adding to our national debt, and the human resource burden that our Armed Forces, National Guardsmen, contractors, and their families are bearing so heavily now. The key is public diplomacy.

As I say, I applaud the President and the Secretary of State for understanding that public diplomacy is an important objective and beginning this new term with an emphasis on repairing relationships. I applaud the President and Secretary Rice for reaching out to our friends in the world community and articulating that the United States does respect international law and protocol.

The President's recent visits to Latvia, the Netherlands, Moscow, and Georgia, underscore the priority he places on strengthening U.S. public diplomacy. The way that he embraced the Russian people will serve the country well as we negotiate with President Putin to improve nuclear security cooperation and support U.S. positions on Iran and North Korea.

The President has also enlisted the added value of the First Lady in pursuing an agenda to improve U.S. public diplomacy in the Middle East, an important initiative. I also applaud the President's decision to appoint Karen Hughes to help lead the public diplomacy effort at the State Department.

Let's send Karen Hughes to be the next ambassador to the United Nations. There is someone who would

really make a difference for us, and deal with the challenge that we have in public diplomacy.

The President clearly understands the importance of renewing our relationships and making clear that we want to work with our friends to achieve our many foreign policy goals. It is important to send a message that, though the United States may have differences with our friends at times, and though we may need to be firm about our positions, we are willing to sit down, talk about them, discuss our reasoning, and work for a solution.

It is my strong belief in the need to improve U.S. public diplomacy and in the efforts of the President that has caused me to pause and reflect so deeply on the nomination of Mr. Bolton because, I asked myself, what message are we sending to the world community? In the same breath we are considering a nominee for ambassador to the United Nations who has been accused of being arrogant, of not listening to his friends, of acting unilaterally, and of bullying those who do not have the ability to properly defend themselves. These are the very characteristics we are trying to dispel in the court of world opinion.

We must understand, next to the President, Vice President, and Secretary of State, the most prominent public diplomat is our ambassador to the United Nations. It is my concern that the confirmation of John Bolton would send a contradictory and negative message to the world community about U.S. intentions. I am afraid that his confirmation will tell the world we are not dedicated to repairing our relationships or working as a team but that we believe only someone with sharp elbows can deal effectively with the international community.

I want to make it clear that I do believe that the U.N. needs to be reformed if it is to be relevant in the 21st century. We need to pursue its transformation aggressively, sending the strong message that corruption will not be tolerated. The corruption that occurred under the Oil for Food Program made it possible for Saddam's Iraq to discredit the U.N. and undermine the goals of its members. This must never happen again, and severe reforms are needed to strengthen the organization. And, yes, I believe it will be necessary to take a firm position so that we can succeed. But it will take a special individual to succeed in this endeavor, and I have great concerns with the current nominee and his ability to get the job done.

To those who say a vote against John Bolton is a vote against reform of the United Nations, I say nonsense. Frankly, I am concerned that Mr. Bolton would make it more difficult for us to achieve the badly needed reforms to this outdated institution. I believe there could be even more obstacles to reform if Mr. Bolton were sent to the U.N. than if it were another candidate. Those in the international community who do not want to see the U.N. reformed will act as a roadblock, and I fear Mr. Bolton's reputation will make it easier for them to succeed.

I believe that some member nations in the U.N. will use Mr. Bolton as part of their agenda to further question the credibility and integrity of the United States of America and to reinforce their negative U.S. propaganda.

If we send Mr. Bolton to the United Nations, the message will be lost because our enemies will do everything they can to use Mr. Bolton's baggage to drown his words. The issue will be the messenger—the messenger and not the message.

Another reason I believe Mr. Bolton is not the best candidate for the job is his tendency to act without regard to the views of others and without respect to chains of command. We have heard Mr. Bolton has a reputation for straying off message. He is reported to have strayed off message more often than anyone else holding a responsible position at the State Department during Secretary Powell's years as Secretary of State.

U.S. Ambassador to South Korea Thomas Hubbard testified that Bolton rejected his request to soften the tone of a July 2003 speech on North Korea policy and stated that the speech hurt, rather than helped, efforts to achieve the President's objectives.

Here is the question from a committee staffer:

And what was your impression of the speech when you first read it, the day before it was going to be delivered? Did you suggest changes in it?

We are talking now of the question to Ambassador Hubbard.

I think our most important comment was that we thought the tone was way too strong, that he used derogatory terms about Kim Jung Il . . . throughout the speech, in virtually every sentence. And I and my staff argued that was counterproductive to our interest in getting the North Koreans back into the talks [on their reducing their nuclear threat.]

Committee staffer:

And was Mr. Bolton aware of the South Korean request to avoid inflammatory language that might complicate the Six-Party process?

Ambassador Hubbard:

Yes.

Committee staffer:

Did he make all the changes [in the July 2000 speech] that had been suggested?

Ambassador Hubbard:

No, I don't believe so. You know, I think that—to be very clear, we didn't go through the speech, scratching out the word ''dictator'' every time we saw it—you know, that—we made an overall comment . . . that we felt that was counterproductive and overblown.

Committee staffer:

Did you believe the speech advanced the President's objective of achieving a peaceful denuclearization of the Korean Peninsula through negotiations? Or, if not, why not?

Ambassador Hubbard:

No, I don't think it advanced the process . . . In my view, the invective . . . gave the North Koreans another excuse or pretext not to come back to the committee.

Committee staffer:

Did Bolton advance President Bush's North Korea policy?

Ambassador Hubbard:

My belief is that his actions hurt.

According to reliable sources at the State Department, it was after that speech that it was made clear to Mr. Bolton he would have to clear any future speeches through the Secretary or Deputy Secretary and that he would be put on a very short leash. This was just one of the many times he was called on the carpet.

In fairness to Mr. Bolton, the sources have said to me, once reprimanded, Bolton got back on track but that he needed to be kept on a short leash.

Who is to say that Bolton will not continue to stray off message as ambassador to the U.N.? Who is to say he will not hurt, rather than help, United States relations with the international community and our desire to reform the United Nations?

When discussing all of these concerns with Secretary Rice—John Bolton's propensity to get off message, his lack of interpersonal skills, his tendency to abuse others who disagree with him—I was informed by the Secretary of State she understood all these things and in spite of them still feels John Bolton is the best choice. She assured me she would be in frequent communication with him and that he would be supervised very closely.

My private thought, and I should have shared this with the Secretary of State, is why in the world would you want to send someone to the United Nations who requires such supervision?

I am also concerned about Mr. Bolton's interpersonal skills. I understand there will be several vacant senior posts on the staff when Mr. Bolton arrives in his new position. As a matter of fact, I understand all the top people are leaving. I understand one of the most respected and qualified people at the U.N., Anne Patterson, will be leaving her post, and others will be departing, as I mentioned.

As such, Mr. Bolton will face a challenge of inspiring, leading, and managing a new team, a staff of roughly 150 individuals, perhaps more, whom he is going to need to rely upon to get the job done. As we know, all of us are only as good as the team we have surrounding us. We are all aware of the testimony and observations related to Mr. Bolton's interpersonal and management skills.

With that record in mind, I have concern about Mr. Bolton's ability to inspire and lead a team so he can be as effective as possible in completing the important tasks before him. And I am not the only one. The Senate Foreign Relations Committee received letters from 102 U.S. diplomats who served under administrations for both sides of the aisle saying Mr. Bolton is the wrong man for the job.

Colin Powell's chief of staff, Colonel Lawrence Wilkerson, testified before the committee that Mr. Bolton would make ''an abysmal ambassador,'' and that ''he is incapable of listening to people and taking into account their views.''

I would like to read some of Mr. Wilkerson's testimony.

Mr. Wilkerson:

I would like to make just one statement. I don't have a large problem with Under Secretary Bolton serving our country. My objections to what we've been talking about here—that is, him being our ambassador at the United Nations—stem from two basic things. One, I think he's a lousy leader. And there are 100 to 150 people up there that have to be led; they have to be led well, and they have to be led properly. And I think, in that capacity, if he goes up there, you'll see the proof of the pudding in a year.

I would also like to highlight the words of another person I myself respect and who worked closely with Mr. Bolton. He told me if Bolton were confirmed, he would be ok for a short while, but within 6 months his poor interpersonal skills and lack of self-discipline would cause major problems. He told me Mr. Bolton is unable to control his temper.

I would like to read some quotes from the testimony of Christian Westermann, the analyst from the Bureau of Intelligence and Research, and Tom Fingar, Assistant Secretary of State for Intelligence and Research, about Mr. Bolton's patterns of losing his temper and getting angry.

Mr. Westermann:

He was quite upset that I had objected and he wanted to know what right I had trying to change an Under Secretary's language.

This was in a speech and Mr. Westermann had to send that speech over to the CIA and then it came back from the CIA.

And what he would say, or not say or something like that. And I tried to explain a little bit of the same things about the process of how we clear language. And I guess I wasn't really in a mood to listen and he was quite angry and basically told me I had no right to do that.

By the way, Mr. Westermann did not work in Mr. Bolton's section of the State Department. He worked in INR, another department, another department, not under his direct supervision.

And he [Mr. Bolton] got very red in the face, shaking his finger at me and explaining to me I was acting way beyond my position, and for someone who worked for him. I told him I didn't work for him.

Staffer:

And when [Bolton] threw you out of the office, how did he do that?

Committee staffer:

He just told me to get out and get Tom Fingar, he was yelling and screaming and red in the face, and wagging his finger. I'll never forget the wagging of the finger.

Committee staffer:

Could you characterize your meeting with Bolton? Was he calm?

Mr. Tom Fingar:

No, he was angry.

Additionally, I want to note my concern that former Secretary of State Colin Powell, the person to whom Mr. Bolton answered over the last 4 years, was conspicuously absent from a letter signed by former Secretaries of State recommending Mr. Bolton's confirmation. Of all the people who worked with Mr. Bolton, Powell is the most qualified person to judge the man and his ability to serve as the Secretary's ambassador to the U.N. and he did not sign the letter.

In fact, I have learned that several well-respected leaders in our foreign policy community were shocked by Mr. Bolton's nomination because he is the last person thought to be appropriate for the job.

There are several interesting theories on how Mr. Bolton got the nomination. I am not going to go into them in the Senate. If anyone would like to talk to me about that, I am happy to discuss it with them; otherwise, I urge you to get in touch with senior members of the Foreign Relations Committee and ask them.

We are facing an era of foreign relations in which the choice of our ambassador to the United Nations should be one of the most thoughtful decisions we make. The candidate needs to be both a diplomat and a manager. He must have the ability to persuade and inspire our friends, to communicate and convince, to listen, to absorb the ideas of others. Without such virtues, we will face more efforts in our war on terrorism, to spread democracy and to foster stability globally.

The question is, is John Bolton the best person for the job? The administration says they believe he is the right man. They say despite his interpersonal shortcomings, he knows the U.N., he can reform the organization and make it more powerful and more relevant to the world.

There is no doubt John Bolton should be commended and thanked for his service and his particular achievements.

He has accomplished some important objectives against great odds. As the sponsor of legislation that established an office on global anti-Semitism in the State Department, I am particularly impressed by his work to repeal the U.N. legislation equating Zionism with racism. I wholeheartedly agree with Bolton that we must work with the U.N. to change its anti-Israel bias, and I applaud his work on this issue.

In 2003, I sent a letter to Secretary General Kofi Annan of the United Nations to express my profound concern about the appalling developments in the U.N. and the Palestinian Observer's equation of Zionism with Nazism and ask that the United Nations condemn the remarks and maintain a commitment to human rights.

Further, I am impressed by Mr. Bolton's achievements in the area of arms control, specifically on the Moscow Treaty, the G8 ''10-Plus-10-Over-10'' Global Partnership Fund, and the President's Proliferation Security Initiative.

Now, it has been suggested that we should vote for Mr. Bolton because of his achievements and qualifications despite his reputation as a ''bully'' and his poor interpersonal skills.

I agree that Mr. Bolton has had some achievements, but I am dubious that Mr. Bolton's record of performance has been so overwhelmingly successful that we should ignore his negative pattern of behavior and credibility problems with the international community.

For the last 4 years, Mr. Bolton served as the top arms control and nonproliferation official for the State Department. The most pressing nonproliferation issues affecting U.S. national security today involve the threat of Iran's nuclear ambitions, the threat of North Korea's nuclear ambitions, and the need to expand and accelerate our cooperation with the Russian Federation to secure and dismantle Russia's nuclear and WMD infrastructure to keep it out of the hands of would-be terrorists or proliferant nations.

The United States has not had significant success on these issues in the last 4 years. In the case of North Korea, they have withdrawn from the Nonproliferation Treaty and the situation has become more critical during Bolton's watch. Our U.S. Ambassador to South Korea, Thomas Hubbard, stated that Mr. Bolton's approach on North Korea was damaging to U.S. interests. With regard to our cooperation with Russia to secure its WMD infrastructure and fissile material, I have read several reports that Mr. Bolton also hurt efforts to move beyond the legal holdup of ''liability'' that has stymied our programs.

On May 16, a Newsweek article reported that for several years, the disposal of Russia's 134-ton hoard of plutonium has been stymied by an obscure legal issue in which Washington has sought to free U.S. contractors from any iability for nuclear contamination during cleanup. It says that: Bolton bore a very heavy responsibility for festering the plutonium issue. It reports that a former State Department official said: In 2004, Bolton quashed a compromise plan by his own nonproliferation bureau, even after other agencies had approved it.

I must say I am unimpressed by Mr. Bolton's failure to secure a compromise during his 4 years that would enable us to move forward to secure this material from terrorists.

The situation in Iran is also very concerning and has only worsened in the last 4 years.

Among our accomplishments in nonproliferation, there is no doubt that Libya's decision to dismantle its WMD infrastructure was one of the largest successes of the last 4 years.

We really rejoiced over that. However, there is credible reporting that Mr. Bolton was sidelined from the negotiations by the White House and that some believed he might hurt their chances of succeeding with Libya. Additional reports indicate that Mr.

Bolton was sidelined at the request of British officials working on the issue, because they felt he was a liability during the negotiations.

Mr. Bolton has also been given a great deal of credit for his work on getting Article 98 agreements with several countries and important military partners. Article 98 agreements secure U.S. military officers from prosecution under the International Criminal Court while conducting operations or military exercises in a foreign country.

I support the efforts to secure Article 98 agreements and protect U.S. Forces against what could be a politically driven trial in a foreign country. However, I understand that Mr. Bolton worked to secure these agreements by putting a hold on all U.S. military education and training assistance to these countries—understanding that the last seven countries we brought into the United Nations never signed that Article 98 treaty.

This assistance that we provide to these countries provides education to military officials about U.S. and Western military doctrine, the importance of a civilian-run military, civil-military relations, and respect for human rights. It provides basic leadership training and other important training that enables foreign troops to interoperate with U.S. forces and international forces—such as English language training and general combat training. This is very important assistance at a time when we are fighting with a coalition in Afghanistan and a coalition in Iraq. But at the very same time that we were seeking additional supporters in Iraq, some military officials arriving at U.S. airports to receive the military education training were turned away because of Mr. Bolton's strong-arming tactics.

As I understand it, several different State Department officials asked Mr. Bolton to remove the holds because of the negative impact they were having on our allies, and he refused to listen to their views.

I ran into this when I was in Croatia a couple weeks ago. I talked to the new Prime Minister of Croatia, Ivo Sanader, and he was saying: I have to sign Article 98. If I don't get it, then we get no help whatsoever in terms of advice about how we civilianize our Army and so forth. And there are people in the Defense Department who think it is a good idea. And I think it is a good idea because we have to be concerned, in some of those countries that have gone democratic, that if things get bad, we do not want to see a coup d'etat come from the military part of their operation. So we should be doing everything we can to civilianize it. But, no, can't do it. Mr. Bolton doesn't want to do it.

Mr. President, how are we supposed to persuade our friends and allies to join us in Iraq and Afghanistan when we are cutting off the English-language training and other military training that would enable them to send troops to serve with us?

In fact, the policy is contradictory to U.S. public diplomacy efforts as well as efforts to secure support in Iraq and Afghanistan, but Mr. Bolton did not listen to the views of his staff who told him that the policy was damaging our bigger picture interests.

For this reason, I question the suggestion that Mr. Bolton's qualifications and his record of performance is so outstanding that we should vote for him, despite his negative pattern of behavior.

But this is another issue that is deeply concerning to me. We cannot deny that Mr. Bolton's record shows a pattern of behavior that is contradictory to that of an effective Ambassador.

I would like to read to you a quote by Mr. Carl Ford, who headed the Bureau of Intelligence and Research, INR, in the State Department from 2001 to 2003. He testified that Mr. Bolton is a ''kiss up and kick down'' leader who does not tolerate those who disagree with him and goes out of his way to retaliate for their disagreement.

Here is what Mr. Ford said:

Unfortunately, my judgment, my opinion, he's a quintessential ''kiss-up, kick-down'' sort of guy . . . I'm sure you've met them. But the fact is that he stands out, that he's got a bigger kick and it gets bigger and stronger the further down the bureaucracy he's kicking.

Others who have worked closely with Mr. Bolton have stated that he is an ideologue and that he fosters an atmosphere of intimidation and does not tolerate disagreement, does not tolerate dissent, and that he bullies those who disagree with him.

I would like to read some excerpts from the testimony of the Ambassador to South Korea, Thomas Hubbard, and Mr. John Wolf, Assistant Secretary of the Nonproliferation Bureau, who worked directly under Mr. Bolton.

COMMITTEE STAFFER. There have been press reports—one in December of 2003, in USA Today, that—I'll just read you the quote from that story. Quote, ''In private, Bolton's colleagues can be scathing. One high-level coworker calls Bolton 'an anti-diplomat who tries to intimidate those who disagree with his views.' Another diplomat says, 'No one in the Department dares to criticize Bolton on the record, because he has support at the highest levels of the Administration. Despite his often blunt public pronouncements, he's never publicly chastised or contradicted,' the diplomat says.'' Does that sound like the John Bolton you know?

AMBASSADOR HUBBARD. It sounds, in general, like what I experienced.

COMMITTEE STAFFER. Did that—did Mr. Bolton prevent those views of debate [on policy issues from the Nonproliferation Bureau] from getting up to the Deputy Secretary?

MR. WOLF, [Assistant Secretary of Nonproliferation]: There were long and arduous discussions about issues before they got to the Secretary.

COMMITTEE STAFFER. And, in those discussions, how would you characterize Mr. Bolton's demeanor and professionalism in listening to alternative points of views or listening to those who disagreed with his point of view? Did he have an open mind?

MR. WOLF. He tended to hold on to his own views strongly, and he tended not to be—he tended not to be enthusiastic about alternative views.

MR. WOLF. He did not—he did not—he did not encourage differing views. And he tended to have a fairly blunt manner of expressing himself.

COMMITTEE STAFFER. Would you go so far as to say that he discouraged alternative views through his demeanor and through his response when people presented alternative views to him?

MR. WOLF. He did not encourage us to provide our views to the Secretary . . . our alternative views.

Colin Powell's chief of staff Lawrence Wilkerson testified that Mr. Bolton tended to focus on accomplishing his own goals as a matter of ''bean-counting'' and refused to consider the repercussions of his methods on the greater policy objectives of the United States.

I would like to quote from Colonel Wilkerson's testimony:

Second, I differ from a lot of people in Washington, both friend and foe of Under Secretary Bolton, as to his, quote, ''brilliance,'' unquote. I didn't see it. I saw a man who counted beans, who said ''98 today, 99 tomorrow, 100 the next day,'' and had no willingness—in many cases, no capacity—to understand the other things that were happening around those beans. And that is just a recipe for problems at the United Nations. And that's the only reason that I said anything.

Mr. Wilkerson again:

My prejudice and my bias will come out here, because I think one of the number-one problems facing the country right now—and, you know, I'm here because of my country—

This is Wilkerson. He volunteered. We didn't go out and get him. He volunteered.

—not because of anybody else—is North Korea . . . So when people ignore diplomacy that is aimed at dealing with that problem in order to push their pet rocks in other areas, it bothers me, as a diplomat, and as a citizen of this country.

And I have citations on all of this in the testimony.

Wilkerson again:

It was the same thing with nonproliferation. The statistic I mentioned before, which I think Under Secretary Bolton mentioned in his speech in Tokyo on February the 7th, if I remember right—I still keep up with this stuff, Northeast Asia—and he said the Clinton Administration, in eight years, had sanctioned China eight times, and the Bush Administration, in four years, had sanctioned China 62 times. As I used to say, what's the measurement of effectiveness here? What's it done? Is the sanctioning of 62 times an indication that China is proliferating more? Or is it an indication that we're cracking down? I'd love to see the statistic for the next four years, if Bolton were to remain Under Secretary. It would be 120 or 140. And what is the effectiveness of this? Are we actually stopping proliferation that was dangerous to our interest? Or are we doing it, and ignoring other problems that cry out for cures, diplomatic? And no one sits and says, you know, ''Okay, that's correct, that's correct, this is correct, this is what's effective, this isn't effective.'' The one time I had a conversation with John about this, I asked him, ''How do you go beyond sanctions, John? War?'' [Bolton's implied answer was:] ''Not my business.'' [In other words, that was not his problem.]

Former Assistant Secretary of the Intelligence and Research Bureau Carl Ford testified he had never seen anyone behave as badly in all his days at

the State Department and that he would not have even testified before the Committee if John Bolton had simply followed protocol and simple rules of management.

Mr. FORD. I can guarantee you . . . that if Secretary Bolton had chosen to come to see me, or in my absence, my Principal Deputy, Secretary Tom Fingar, I wouldn't be here today. He could have approached me in the same tone, and in the same attitude—shaking his finger, red in the face, high tone in his voice—and I wouldn't be here today. If he had gone to Secretary Powell, or Secretary Armitage, and complained loudly about the poor service that he was receiving from INR and the terrible treatment that he had been stabbed in the back by one of INR's analysts, I wouldn't be here today. The fact is, it is appropriate, if someone is unhappy with the service they're getting from one of the services or organizations in a bureaucracy, that they should complain. They should yell as loud as they want to. But, instead of doing any of those three things, Secretary Bolton chose to reach five or six levels down below him in the bureaucracy—

By the way, a bureaucracy he was not in charge of

—bring an analyst into his office, and give him a tongue lashing, and I frankly don't care whether he sang scat for five minutes, the attitude, the volume of his tone, and what I understand to be the substance of the conversation—he was so far over the line . . . That is, I've never seen anybody quite like Secretary Bolton . . . I don't have a second and a third or fourth, in terms of the way he abuses his power and authority with little people . . . There are a lot of screamers that work in government, but you don't pull somebody so low down in the bureaucracy that they're completely defenseless. It's an 800 pound gorilla devouring a banana. The analyst was required simply to stand there and take it, and Secretary Bolton knew when he had the tirade that, in fact, that was the case.

I want to note that in Mr. Bolton's testimony, he justifies his anger and retaliatory actions against Mr. Westermann by citing an apologetic e-mail from Mr. Tom Fingar, Assistant Secretary of the Intelligence Bureau. And when I met privately with Mr. Bolton, he said: Right after it happened, I received this apologetic e-mail from Mr. Fingar. So we asked Mr. Fingar and Mr. Ford about the e-mail.

COMMITTEE STAFFER. You said . . . that what Mr. Westermann did was entirely within the procedure, he was never disciplined, it was perfectly normal, that the only failure of his was lack of prudence. And then here [in the e-mail to Bolton] you say it's ''entirely inappropriate,'' and ''we screwed up, it won't happen again.'' That seems like a rather different assessment.

Mr. FINGAR. Well, I knew I was dealing with somebody who was very upset, I was trying to get the incident closed, which I didn't regard as a big deal. I know John [Bolton] was mad. I assumed, when people are mad, they get over it. So, did I lean over in the direction of ''Sure, we'll take responsibility?'' He thanked me for it, at least as far as I'm concerned, in my dealings with Bolton, that closed it.

So basically it was, somebody is mad. You send them back an e-mail and say our guy didn't do what he was supposed to do. You hope they will get off your butt and it will be over with. But it wasn't over. He kept going after him. We have to move this guy. We have to bring somebody else in here. I can't deal with him. That is the way he acts.

Mr. FORD:

. . . knowing him [Fingar] well, I'm assuming it simply was, as you said, this guy [Bolton] was furious, he could potentially do great damage to the bureau, and he [Fingar] was just trying to put him back in the box and keep him from doing any more harm. And I can't fault him for that.

I also want to point out that Carl Ford, Lawrence Wilkerson, and almost all of the witnesses who came before our committee are appointees of the Bush administration. These are loyal Republicans who say: I am a conservative Republican. I am loyal to the President, that they could not abide Mr. Bolton's nomination because of their concern for his conduct and his erratic, often unprofessional, behavior.

That is what this is about.

I have to say that after pouring over the hundreds of pages of testimony and speaking with many individuals, I believe John Bolton would have been fired if he had worked for a major corporation. That is not the behavior of a true leader who upholds the kind of democracy President Bush is seeking to promote globally. This is not the behavior that should be endorsed as the face of the United States to the world community at the United Nations.

It, rather, is my opinion that John Bolton is the poster child of what the diplomatic corps should not be. I worry about the signal we are sending to the thousands of individuals under the State Department who are serving their country in foreign service and civil service, living in posts across the world and in some cases risking their lives, all so they can represent our country, promote diplomacy, and contribute to the safety of Americans everywhere.

What are we saying to these people? And I care about human capital. I have been working on it now for over 6 years. When we say to these people that we look to confirm an individual with this record to one of the highest positions in the State Department, what are we saying to these people? I was in Croatia. I was in Slovenia. They can't believe it.

I want to emphasize that I have weighed Bolton's strengths carefully. I have weighed the fact that this is the President's nominee. All things being equal, it is my proclivity to support the President's nominee, as most of us. However, in this case, all things are not equal. It is a different world today than it was 4 years ago. Our enemies are Muslim extremists and religious fanatics who have hijacked the Koran and have convinced people that the way to get to Heaven is through Jihad and against the world, particularly the United States. We must recognize that to be successful in this war, one of our most important tools is public diplomacy, more than ever before—intelligence and public diplomacy. After hours of deliberation, telephone calls, personal conversations, reading hundreds of pages of transcripts, and asking for guidance from above, I have come to the determination that the United States can do better than John Bolton. We need an ambassador who understands the wisdom of Teddy Roosevelt's policy to walk softly and carry a big stick. The U.S. needs an ambassador who is interested in encouraging other people's points of view and discouraging any atmosphere of intimidation. The world needs an American ambassador to the U.N. who will show that the United States has respect for other countries and intermediary organizations, that we are team players and consensus builders and promoters of symbiotic relationships.

In moving forward with the international community, we should remember the words of the Scot poet Bobbie Burns who said:

Oh, that some great power would give me the wisdom to see myself as other people see me.

And when thinking of John Bolton earlier today, I thought of one—I don't know whether it is a fairy tale, or whatever, called ''The Emperor Has No Clothes.'' We are going to vote tomorrow, and I am afraid that when we go to the well, too many of my colleagues are not going to understand that this appointment is very important to our country. At a strategic time when we need friends all over the world, we need somebody who is going to be able to get the job done. Some of my friends say: Let it go, George. It is going to work out.

I don't want to take the risk. I came back here and ran for a second term because I am worried about my kids and my grandchildren. I just hope my colleagues will take the time before they get to this well and do some serious thinking about whether we should send John Bolton to the United Nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I wanted to take a second to say to my friend and colleague from Ohio, I have been through a lot of this debate over the last several weeks and months. A lot of things are going on today, but I hope my colleagues and others—if they have not had a chance to listen to my colleague from Ohio—will read his comments. They are heartfelt. I know the feeling. I remember several occasions, but there was a time when I was one of two Democrats to support John Tower many years ago, when he was being considered for the nomination as Secretary of Defense. I supported John Ashcroft to be Attorney General from the previous administration.

I know when you are being different and standing up and going against the tide from people on your own side, it can be a lonely moment. I know what it feels like to be there. If you do it out of conviction and belief and because of how important these issues are, then I think all of us, regardless of where you

come out on the issue, appreciate the courage and the determination of a Member who does it.

I am comfortable with my colleagues' remarks, with his position. As I told him the other day, I have been here a long time now—24 years in the Senate—and there are moments like this when I am deeply proud to serve with my colleagues. GEORGE VOINOVICH and I don't agree on a lot of issues. We are of different political persuasions and parties. But my respect for him as a Member of this body is tremendous. Whether you agree with GEORGE VOINOVICH or not, this is a Senator.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I deeply respect my colleague from Ohio, and I deeply respect the passion that he brings to his concern about this nomination.

I also bring passion and concern. I have been involved as chairman of the Permanent Subcommittee on Investigations and have been looking at the U.N. and the oil for food scandal—a scandal which allowed Saddam Hussein to rebuild his military capacity, to bribe individuals close to the leadership of member states of the Security Council, to fund terrorism. I have looked at the U.N. over recent years, at the scandals of sexual abuse and child prostitution in Africa, where U.N. officials were not responded to for months and months. I have looked at the world in which we live, and the challenges we face, and I realize the United States cannot be the world's sole policeman, the world's sole humanitarian provider. We cannot do it on our own. We need partners and we need a U.N. that is strong and credible.

This President has made a decision that the person who can best do the heavy lifting that is required for U.N. reform is John Bolton. He does that by looking at the record of John Bolton. I respect the President for that commitment to reform the United Nations, and as I look at this dangerous world in which we live, I think it is essential that we seize this moment of opportunity now. I think it is essential that we confirm this nomination.

The reality is that John Bolton is a man of strong conviction. Clearly, there are some differences of perspective even in the State Department. There was an editorial in the Washington Post on May 12 of this year in which the writer said:

> The committee interviews have provided some colorful details without breaking new ground on what has long been a well-understood split in the first Bush administration, a split between those who saw themselves as the pragmatic diplomats, (the Powell camp) and those, like Mr. Bolton, who saw themselves as more willing to bruise feelings here and abroad in standing up for U.S. interests.

In the end, the Post concludes:

> The nominee is intelligent and qualified; we still see no compelling reason to deny the president his choice.

Former Secretary of State—perhaps the model of the Secretaries of State—Lawrence Eagleburger, a career foreign service officer, said in an April 22 Washington Post op-ed:

> The real reasons Bolton's opponents want to derail his nomination are his oft-repeated criticism of the United Nations and other international organizations, his rejection of the arguments of those who ignore or excuse the inexcusable (i.e., the election of Sudan to the Human Rights Commission) . . .

And a couple weeks ago the election of Zimbabwe.

> As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him at the State Department, I never saw or heard anything to support such a charge. Nor do I see anything wrong with his challenging intelligence analysts on their findings.

My colleague from Ohio and my colleagues across the aisle talked about an incident with an analyst—Westermann—in which Bolton had a speech that he was preparing on the issue of Cuba's capacity to develop biological weapons. That speech then was supposed to be sent to analysts in the process. That is the process—send it around to analysts and they come back and tell you whether you can say what you want to say. In the end, the speeches have to get cleared.

What happened with Mr. Westermann is this. What you have heard so far is that John Bolton was angry at Mr. Westermann. My colleague from Ohio said he was quite upset as to why he would change language. That is what happened. What happened is not that Westermann sent something around and then got it back, and then Bolton had a concern with the conclusion. What happened is that when Bolton gave the document with the language to Westermann, he sent it on. What he told Bolton's chief of staff was: I sent your language to the CIA intact and only at its source citations.

What really happened, and what the record shows and demonstrates, is that what Westermann did is that he had sent it around, but he inserted language that basically said what Bolton wanted to say would not fly. So Bolton doesn't know, when he gets it back, that that piece is out. Clearly, he wanted to say it, but they said he could not. His concern with Westermann—and the testimony reflects this also—was not about policy. He said: I disagree with you going behind my back. I disagree with you not being honest with me, not telling me up front that in fact this is what you did rather than saying I circulated it, but I find out that, in effect, you lied to me.

John Bolton was angry and he said: I have lost confidence in someone who cannot be honest with me, who goes behind my back, and I have to find out about it from another source. That was the conversation he had with Westermann. What you hear and what is portrayed about Mr. Bolton is that somehow there is this pattern of abuse. What is cited is that he had this conversation with Westermann—by the way, after that conversation, Mr. Bolton did check with Westermann's superiors and got an e-mail. We heard about that e-mail. The e-mail said—and this is from Mr. Fingar, one of the superiors of Westermann:

> We screwed up but not for base reasons. It won't happen again.

So Bolton finds out that he has been tooled by somebody who did not tell him the truth about what happened. He checks with his superior and gets an e-mail that says, by the way, we made a mistake, this will not happen again.

My colleague from Ohio says they were just doing that because they found out somebody was upset. But if you are looking at it from John Bolton's perspective, what you see is: I was angry because somebody did something which is confirmed by their source, the senior person there, that, in fact, what they did was wrong.

It is interesting because Fingar basically said it was not a big deal. As far as I am concerned, that closed it.

We get a representation somehow that did not close it, that John Bolton is going around pounding this issue and looking for retribution with Mr. Westermann. In fact, the report shows just the opposite.

What happened here is Bolton was upset. He went to the guy who caused the problem. He also tried contacting his superior. He was not around. He eventually got to Fingar who came back with an e-mail—I use his language—''We screwed up,'' and that is it. That is it.

Then we hear the testimony of Carl Ford, a long-term, good, loyal employee of the State Department, and we hear about Ford and his representations about Mr. Bolton. John Bolton's interaction with Carl Ford was a 2 or 3-minute conversation in front of a water fountain. So it was not a matter of somebody going around to get retribution and they are angry. That was it, literally Bolton ran into Ford at a water fountain. What Ford was upset about was that John Bolton went to his guy. It was his guy on his team. Ford was upset with that. I guess you have two guys with pretty strong feelings. But that was the conversation.

John Bolton did not call the Secretary of State, did not call the Deputy Secretary of State, did not call others in the Department, did not pursue it. If I am angry about something, really angry about something, I want to take care of it and I take care of it, particularly a guy like John Bolton. He is not a soft guy, no question about that. But the interaction regarding Westermann was bumping into someone at a water fountain and having an exchange. Westermann's boss basically said: Don't mess with my guys. And that is Mr. Ford. His experience with John Bolton is essentially that 2-minute conversation—that is it—I think until he leaves.

Then the only other conversation on the record that Mr. Bolton had about Mr. Westermann is a number of months later, he was visiting with another official within the agency and asked how

are things going and is there anything that troubles you? Only when asked that question does he even bring up the incident again, and that is it.

So this image being portrayed about somehow hounding down a lower level employee—by the way, Westermann was a 20-year Navy veteran; he was not a kid wet behind his ears. I have to tell you, if it was the private sector, Mr. Westermann may have been fired for not being honest with his superior, for going behind somebody's back. That is what happened.

I want to go back to the Washington Post article, the Eagleburger comment. Here is what is really happening here. When John Bolton's name was put forward as the nomination by the President, my colleagues on the other side made it very clear they were going to oppose this nomination. The issue then was his comments he made about the United Nations. My colleagues on the other side of the aisle did not think John Bolton was respectful enough of the United Nations and he did not deserve to be confirmed. That was the issue. It was about policy differences between John Bolton and my colleagues on the other side of the aisle.

What happened is because that argument did not sell, they then began an examination of some of these interpersonal exchanges and what became the Westermann issue, what became a series of contacts with John Bolton, with legitimate concerns, characterized as a series of a pattern abuser.

There were concerns raised about North Korea and about John Bolton's comments regarding North Korea, somehow that he was straying off message, that he was saying things that should not have been said, that he gave a speech in July 2000 in which I think he called Kim Jong Il, the North Korean President, a tyrant, which, by the way, he is. The comment was he was straying off message, that he was saying things that should not have been said.

I have a copy of a letter from former Secretary of State Colin Powell. It is dated August 26, 2003, when he was Secretary of State. He is sending a letter to JON KYL of the Senate. He says:

Dear Jon, I am pleased to reply to your recent letter concerning John Bolton's speech in Korea and our reaction.

Undersecretary's Bolton speech was fully cleared within the Department. It was consistent with Administration policy, did not really break new ground with regard to our disdain for the North Korean leadership and, as such, was official.

'' . . . and, as such, was official.'' ''Fully cleared,'' ''was official.''

If one sat here and listened to what was said before, one would think somehow this guy was off there on his own saying things that were disruptive to policy.

That is not the way it works. For the public who may not understand, when we have a senior State Department official making speeches in North Korea, making speeches about Cuba and its policy regarding procurement of biological weapons, these speeches are cleared. There is a process. There is not a single instance in the record where John Bolton is somehow substantiated for having said things that were not policy, said things that were disruptive of policy.

At times did he challenge analysts? Yes, he did, and that is probably a pretty good thing to do. Analysts do not speak from a holy mountain. They come in with a perspective. We have seen enough history now in the last couple of years where analysts had a perspective and they were wrong. John Bolton challenged analysts, but in the end, each and every time, what he did was he delivered the message he was supposed to be delivering.

There was a question concerning Libya and the allegation, by the way, in Newsweek—an allegation in Newsweek. My colleagues quote Newsweek as if it is the Holy Bible. Newsweek—credible reporting that he was sidelined, and then there was a conversation, an anonymous source, that somehow the British Foreign Secretary Jack Straw was complaining to Powell about John Bolton. The anonymous source, according to a Bush official, told them that Secretary of State Powell's Under Secretary for Arms Control was making it impossible to reach allied agreement on Iran's nuclear program. Powell turned to an aide and said: Get a different view on the problem, Bolton is being too tough. Jack Straw flatly rejects this. Here is what Straw's press spokesman is saying:

Conversations between the Foreign Secretary and our U.S. counterpart are private and we do not normally comment on their content. However, the Foreign Secretary has no recollection whatsoever of telling the U.S. administration or any other whom it should or should not put in charge of its business. John Bolton held a senior position in counterproliferation arms control in the last administration and senior UK officials worked closely with him on a range of issues.

The bottom line is Mr. Powell never told Mr. Bolton he was being too tough in dealing with our European allies. Mr. Bolton has continued to represent the Bush administration's firm position that Iran has yet to make their strategic decision not to pursue nuclear weapons capability and, therefore, Iran's violation of its commitments under the Nuclear Nonproliferation Treaty should be referred to the United Nations Security Council.

There was another concern about an article 98 issue. The allegation was that somehow Mr. Bolton blocked military aid for Eastern European NATO candidate countries, even though there are article 98 restrictions, concerns for not agreeing to take U.S. servicemen to the International Criminal Court, have been waived. Bolton wanted to pressure them to sign the article 98 agreements.

Rich Armitage, the No. 2 person at the State Department under Colin Powell, has refuted this claim. He said: I did not consider this unusual at all. Different fiefdoms at State often have different positions and Deputy Secretaries resolve them. It was part and parcel of daily life. Again, allegation made and claim simply not true.

I could go on. I would just like to touch upon a few more. One of them had to do with an allegation that Mr. Bolton, before he worked for the State Department, was involved in a situation where he yelled at a colleague, a woman whom he worked with. I think this conversation was supposed to have taken place in Moscow at the time. This individual said that Bolton had yelled and screamed at her, chased her around.

We had a full committee hearing. The allegation was raised. It was raised in front of the press, raised in front of the media that somehow John Bolton—there was a source that said this woman had complained. It ended up that this woman, a very political woman, one of the leaders of Mothers Against Bush, a liberal activist, had made the claim on liberal Air America. Under questioning, when asked about whether she had been chased or harassed by Mr. Bolton, her testimony was: Well, I may have overstated that.

We then get letters from the president of the company that held the contract for which this woman worked. He said: I certainly did not hear contemporaneously from any other employee in Moscow that anything occurred between Mr. Bolton and Ms. Townsel in Moscow. Consequently, it is difficult to understand how she could make such accusations with any veracity. He then went on to talk about some of her conduct and was very concerned about that. He concluded that he found Bolton to be very intelligent, hard working, loyal, ethical, and there was nothing to this. Ultimately, my colleagues on the other side kind of dropped that but after it was made public, after they discussed it in public, though I believe they had in their hands the same letters, the same rebuttal. That is one of the problems. There are individuals who—John Bolton, by the way, has been before this Senate three and perhaps four times. He has been before this body, been scrutinized, been confirmed three to four times. Now we reach a point, and maybe it is the atmosphere around here, maybe the partisan divide has gotten so great, but what starts out with a concern over policy then slips into attacks on the personal. People's character is disparaged, even though there is no basis for it, disparaged publicly, disparaged in the media.

Folks then rely upon credible reporting in Newsweek magazine, when the sources then who are close to the issue come back and say that credible reporting simply is not very credible. People go through a ringer. If I was listening to some of these allegations, I would come to some conclusions about character, but then when one looks, for instance, at the Westermann incident and hears about serial abuse, they find out it was one conversation because

Mr. Bolton believed he got stabbed in the back; that the other conversation took place over a water fountain and that was it, except when asked, about 6 months later, ''Is there anything that bothered you?'' and he said, ''He has not bothered me.'' But we get a characterization of temperament and loss of temper and somehow being impolitic. It is simply not credible.

I was there for just about every portion of every hearing and heard all the evidence. For all of these claims that are made, if one looks, as they say, at the rest of the story, they find out that they are not credible.

It really gets back perhaps to where we started, that in the end this is about policy. We should end where it began. There are those who simply disagree with Mr. Bolton's approach. When I say ''approach,'' Mr. Bolton has made it very clear that he believes in the institution; that he is committed. He made the commitment—and I am going to take him at his word—to work with the institution. That is what he is going to do.

I think we have to take him at his word, and we have to accept the fact that the President believes that U.N. reform is important and Mr. Bolton has the capacity to do the job. He negotiated the Treaty of Moscow, negotiated the U.N. reversing its position on a resolution that had been in place a number of years which said Israel was a racist state. Everybody said that would be impossible to change, and John Bolton provided the leadership to get the U.N. to reverse itself on that issue. He clearly has the qualifications and the skills. He has the support of the President. He has the support of the Secretary of State. He has my support. I know how important this job is. I know we have this window of opportunity and we have to seize it.

I was a former prosecutor, and I know how it works. In Minnesota, the prosecution gives a closing argument and the defense goes after. There is no prosecution rebuttal. So I would often go in front of the jury and I would say: What you have to watch out for is the ''rabbits in the hat'' approach, that what you are going to hear come out on the other side is they are going to unleash a number of rabbits that are going to come running out of that hat.

In this case, the first rabbit is of positions on the U.N.; the second rabbit is of policy positions; the third rabbit is saying things that should not have been said; the fourth rabbit is personal behavior, et cetera, hoping that somebody on the jury chases one of those rabbits. Instead, what we need folks to do is keep their eye on the main thing. The main thing, as Steve Covey said: One thing is keep the main thing the main thing.

The main thing is that this President has a belief that this U.N. needs reform. The main thing is that John Bolton has a long and distinguished record of service to this country and an ability to get things done. He has the toughness it is going to take to get 191 nations to stop putting Zimbabwe and Sudan on the Human Rights Commission. He has that ability. He has the confidence of the President. In the end, elections matter. The President of the United States won the election. He has chosen someone to carry out that vision, and that person has the record and the ability to do that. There is nothing in this record that undermines that. There is nothing in this record that he ever said he changed intelligence. There is nothing in this record that he ever got anybody fired.

What is in this record is a distinguished record that has been attacked, savaged, and abused. I hope that does not have the chilling effect on others who want to serve this country.

John Bolton is willing to serve this country. He deserves the right to do that, and I hope that my colleagues agree and they support his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I speak as vice chairman of the Senate Intelligence Committee, and I oppose the nomination of John Bolton to be U.S. Ambassador to the United Nations. I purposely highlight that position on the Intelligence Committee because it is Mr. Bolton's pattern of attempting to distort and to misuse intelligence that is primary as a reason for my opposing his nomination. I have many reasons to oppose his nomination, but I will restrict myself to my work on the Intelligence Committee.

Senator BIDEN and other members of the Foreign Relations Committee have walked through some of these facts, although perhaps not all of them yet, related to Mr. Bolton. So I will not go into all of the details. I do intend to provide some background and expand on at least one critical issue. I want to explain why this issue should matter to my colleagues and why Mr. Bolton's actions should disqualify him from this position.

As my colleagues know, beginning in June of 2003, the Senate Intelligence Committee undertook an exhaustive inquiry into the intelligence concerning Iraq prior to the war. After more than a year, the committee unanimously approved a scathing 511 page report describing the intelligence community's systematic failures, particularly on issues related to weapons of mass destruction. One of the central issues to the committee's review was the question of ''whether any influence was brought to bear on anyone to shape their analysis to support policy objectives.''

It was a question so important, in fact, and so fundamental to our committee's oversight role that answering it was one of the four specific tasks laid out by Chairman ROBERTS and me at the beginning of this inquiry.

The issue of maintaining objectivity goes to the very heart of intelligence and intelligence oversight. Our intelligence agencies are charged with gathering information around the world and then objectively analyzing the information and providing it to the rest of the Government. Intelligence consumers, then, rely on that intelligence for a variety of activities. Often, that information forms the foundation of the very national security policies we depend upon to keep our country safe. It is absolutely essential that our intelligence is objective, independent, and accurate. If it is not, then the system does not work, we waste billions of dollars each year, and we end up making a critical national security decision or a series of them based upon flawed assumptions.

In the extreme, intelligence that is manipulated or shaped to fit preconceived conditions could lead the country into a war that we should not be fighting. This, of course, was the concern that many of us had when we began our investigation of prewar intelligence. It was a central point of the committee's review—a central point. It was something we pursued aggressively. In that case, the committee did not find evidence that the administration officials as a whole attempted to coerce, influence, or pressure analysts to specifically change their judgments—specifically change their judgments—relating to Iraq's WMD. I supported that finding, although in my additional views I described what I thought was a more pervasive environment of pressure, created prior to the war, to reach conclusions that supported the administration's policies.

I describe this effort now, however, not to revisit these issues that we investigated but to impress upon my colleagues and the public how serious it is when policymakers are accused of attempting to manipulate the intelligence process. This is behavior we cannot tolerate, and this is the pattern of behavior Mr. Bolton has exhibited during his tenure as Under Secretary of State. As I said, Senator BIDEN, Senator DODD, and others have done a superb job in describing the specific incidents. Let me add a few points to provide context for these episodes.

First, I want everyone to understand that the Intelligence Committee was aware of these allegations long before Mr. Bolton was nominated to this job. These are not incidents dredged up after he had been nominated.

The committee's Iraq report briefly mentions the case of an INR analyst—that is, the State Department intelligence analyst—who had the courage to stand up in a committee hearing and acknowledge what he described as political pressure. When the committee staff interviewed this analyst, they discovered that the instance involved Cuba and not Iraq. That being the case, the committee did not pursue a review because we were doing Iraq, not Cuba.

Unfortunately, the committee's final report described and commented on this incident without conducting a

complete investigation of the facts. It is now clear from the record developed by the Foreign Relations Committee in their excellent work that Under Secretary Bolton attempted to exact retribution against this intelligence analyst because his analysis did not support Mr. Bolton's views.

As with the case of the INR analyst, the State Department analyst, the committee previously was aware of the allegations of politicization related to the former National Intelligence Officer for Latin America. We knew about it. In the course of a briefing to the committee staff in November of 2004, this individual described an effort to have him removed because his analysis was at odds with the views of certain policymakers, including Secretary Bolton. Unfortunately, the committee did not follow up on these allegations until March, when the minority staff on the committee began scheduling interviews. I speak now of the Intelligence Committee, not the Foreign Relations Committee. It is clear from these interviews that the minority staff on the Intelligence Committee did and from the much more extensive work done by the Foreign Relations Committee that Under Secretary Bolton and others, particularly Otto Reich, who was Acting Assistant Secretary of State for Latin America, sought to have the National Intelligence Officer reassigned because his analysis did not support their policies.

These two episodes, in my mind, are enough to disqualify Mr. Bolton from this position. But there is more to this pattern of abusing the intelligence process. During the course of the nomination process, we learned that on at least 10 occasions, Mr. Bolton had sought to learn the identity of 19 U.S. persons—this has been discussed on the Senate floor, but I am going to add something—19 U.S. persons mentioned in intelligence reports. There has been a great deal of speculation as to why he wanted these names, whether it was proper to seek this information.

To answer these questions, Chairman LUGAR asked Chairman ROBERTS and me to solicit information from the appropriate agencies. Eventually—eventually—eventually, the new Principal Deputy Director of National Intelligence, GEN Michael Hayden, briefed Senator ROBERTS and myself. He did not brief Senator LUGAR and Senator BIDEN—Chairman LUGAR and Ranking Member BIDEN. That is a mystery to me. I don't understand that. But he briefed us on the content of the intelligence in question.

Let me be clear. We did not receive the names, the very names provided to Under Secretary Bolton—which is an extraordinary sense of control of one branch of Government over another. We did not receive those names. We read everything associated with those names but not the names themselves. They were not given to us.

Based on my limited review, I noted from the rest of the context nothing improper about the request. That, however, was not the end of the story. As part of our effort to respond to Chairman LUGAR's request for information, the committee staff interviewed several individuals with knowledge of Under Secretary Bolton's request for these names. During one of those interviews, a senior member of his staff described actions Under Secretary Bolton took after he received one of those names.

According to this individual, upon receiving the name from the National Security Agency, the NSA, Under Secretary Bolton shared that information with another State Department official. The reasons for this action are not clear, but it seems inconsistent with the stated reasons for obtaining the name.

Let me explain. I must take a moment to describe the information we are talking about and put Mr. Bolton's action in some context. When a U.S. intelligence agency—in this case, the National Security Agency—receives a report that includes information concerning a U.S. person, that information is, so to speak, minimized—that is the technical term—for privacy reasons, meaning that the U.S. name is replaced with a generic designation such as ''named U.S. Government official,'' or ''named U.S. citizen,'' but that is all. Remember, this is information that is already classified at the highest levels, or it would not receive this treatment—classified at the highest levels and shared with a very limited number of people in order to protect the source of that information. The U.S. name is even more closely guarded and not provided unless an appropriately cleared official reading that intelligence report makes a specific request for it in order to better understand the foreign intelligence, and it is only intelligence that that person can be concerned with.

The rules for dealing with this kind of comprehensive information are very strict. It is only provided on a case-by-case basis at the request of a specific individual. The National Security Agency has a formal and very well established procedure for processing such requests and for providing the names to the requester.

When a decision is made to release the name, it is transmitted with a cover sheet with the following admonition:

> Request no further action be taken on this information without prior approval of the National Security Agency.

Probably that would not have to be there because anybody at that level understands that already, but nevertheless it is there, front and center. This language is clear. This language is unambiguous. But Mr. Bolton apparently disregarded it. Neither the NSA, the National Security Agency, nor the State Department's Bureau of Intelligence and Research has a record of him seeking the necessary approval to further disseminate the name. Now his defenders say he never saw that restriction. I don't know if that is accurate, but I do know that it is entirely irrelevant because he knew about that. Anybody who is experienced to receive intelligence at that level has to know that.

He knew the classification of the intercepts. He knew the sensitivity of information referencing U.S. persons. He knew the special procedures he had to go through to get that name. He knew the requirement to closely guard this information, even if he had not seen the specific language on the transmittal letter. Any attempt to place blame for his action on others is thinly veiled, sad, and wrong.

I still have questions about this episode, but it appears to me on its face that he violated the restrictions placed on this information by the National Security Agency. Even if we discover his actions were technically not a security violation, if by a 1 in 1,000 percent chance it turned out to be true, it emphasizes something even worse, and that is a cavalier attitude to be, therefore, projected into the future in dealing with extremely sensitive intelligence information.

This is part of a pattern which shows a blatant disregard for the importance of the intelligence process which is the spear tip of this Nation's internal security and security around the world and the sensitivity of the information contained in intelligence products.

When viewed collectively, these actions demonstrate Mr. Bolton's unfitness for this position. I thereby urge my colleagues to oppose his confirmation. I thank the Presiding Officer.

Mr. DODD. Will the Senator yield?

Mr. ROCKEFELLER. I yield to the Senator.

Mr. DODD. Let me thank my colleague from West Virginia who holds the very difficult position, along with Senator ROBERTS, of being the ranking member and chairman, respectively, of the Intelligence Committee. It is a very difficult job.

For those who have served some time, we appreciate immensely the tremendous difficulty of trying to manage and handle the information that comes their way. I am particularly grateful to my colleague for his comments here today regarding the issue of the intelligence analysts and the handling of very delicate information.

As my colleague from West Virginia knows, and I state this in the form of a question, Senator BIDEN, obviously, and Senator LUGAR, going back to April 11, have requested information regarding the intercepts that the Senator from West Virginia has just described, along with other information from the State Department regarding testimony that Mr. Bolton was to give before a House committee dealing with weapons of mass destruction in Iraq. We have been unable the last number of weeks to get the necessary information from the administration regarding these allegations.

As such, we are asking the administration today if they would not be forthcoming with that information, to give the chairman and the ranking member of the Intelligence Committee unredacted versions of these intercepts, along with the chairman and ranking member of the Foreign Relations Committee—not all members of the committee, not all Members of the Senate. I believe this is the normal operating procedure when matters like this arise, that requests are made of the administration for information and they go to selected, designated members to review, to determine whether there is something that as Members of this body we ought to be aware of in the consideration—relevant information in the consideration of a nomination.

My question is, Is this an inappropriate request from the Senator from Delaware and the Senator from Indiana, to get unredacted versions, to go to the Intelligence Committee and the Foreign Relations Committee for them to be able to review, to determine whether they would be relevant to this nomination?

Mr. ROCKEFELLER. I say to the Senator from Connecticut it is not only appropriate, but it is necessary. The Senator from Connecticut described the very condition of its sensitivity and its importance and therefore the importance of its place in this nomination consideration.

The fact that only Senator ROBERTS and myself were briefed for a long period of time is part of the way the administration either shares very sensitive information which they do not want other committee members to have—which, of course, makes other committee members furious, as it would me, but they cannot take chances—but what that emphasizes is the importance and the confidentiality and the high degree of sensitivity of the information. When you are putting somebody potentially into the United Nations to effect policy, to reflect the views of the President more directly than the President can do on a daily basis, to reflect the views of the rest of the world toward the United States, this kind of thing must be available to Senator ROBERTS and myself and, just as importantly, to Senator LUGAR as chairman of the Foreign Relations Committee, for Heavens' sake, and Senator JOE BIDEN, the ranking member.

Mr. DODD. Let me further ask my colleague, if I may, as I understand it, when a policymaker requests of the National Security Administration the raw data on an intercept, there must be a written explanation for why the policy center or policymaker is seeking that information; is that not correct?

Mr. ROCKEFELLER. That is correct. And that is not available.

Mr. DODD. That was my second question. Was that available to the ranking member and the chairman of the Intelligence Committee?

Mr. ROCKEFELLER. No, it was not available and it is part of this pattern.

We have to decide if there are two branches of Government or one.

Mr. DODD. I thank my colleague and I appreciate again his comments.

I will be very brief in my comments this afternoon. I notice there are other Members here. I saw my friend from Virginia, Senator ALLEN, in the Chamber. Senator COLEMAN of Minnesota has already spoken, but he may want to speak. I think Senator LEVIN of Michigan may be coming over shortly.

I will reserve for tomorrow further discussion of the nominee himself and the reasons for my objection for this nomination going forward, but, rather, I will focus in these brief minutes, if I may, on where we are and the procedural situation in which we find ourselves.

I say to my colleagues it is awkward. We have just come through a rather contentious period in the history of the Senate over the last number of days dealing with how we deal with executive branch nominees. It would not have been my choice to have this matter come up in the midst of all this or in the wake of all of this. I would have preferred we had dealt with judicial nominations, which I thought was the primary rationale for the crisis we ran into over the extended debate rule.

However, it is clearly the choice and the right of the majority, in my view, to set the agenda. As such, they have set the agenda to bring Mr. Bolton's nomination up before the Senate rather than additional judicial nominations before the Memorial Day recess.

I have been asked and objected to a unanimous consent request that would have allowed for an up-and-down vote on Mr. Bolton at some point tomorrow afternoon. I have said to the majority leader and the minority leader, it is not my intention at all to filibuster this nomination. That is not what I want to have occur at all.

I have suggested we ask the administration, once again, would they be forthcoming and give us this information about the National Security Agency intercepts to go just to Senator ROCKEFELLER, Senator ROBERTS, Senator LUGAR, and Senator BIDEN for review to determine what, if any, information in those 10 intercepts involving 19 names of American citizens that might have some relevancy to the nomination of Mr. Bolton. That request has been rejected since April 11, basically, and there have been numerous requests.

The second request involves a request that Senator BIDEN has expressed a strong interest in detailed information regarding testimony of the weapons of mass destruction in Syria that was to be the subject of congressional testimony by Mr. Bolton. That information is also being sought.

I commend and thank the majority leader, by the way. Earlier today in my conversations with him, I expressed that I had no desire to filibuster this nomination but would he transmit the request—I am not suggesting he support the request—but would he transmit the request to the appropriate personnel at the State Department or the White House regarding this information. Graciously, the majority leader has said he would do so, and I presume he has.

No cloture motion has yet been filed, but it is my understanding, because it is the way I framed the request, that I would not insist upon a normal period of time to expire before a cloture motion could be invoked, or could be raised, nor would I insist that there be an adequate amount of time after the cloture motion, if it were invoked, be required, the 30 hours of debate; but, rather, we would truncate all of that some time tomorrow afternoon to give everyone an exact time to express themselves on either the motion to invoke cloture or on the nomination itself.

If we are unable to get this data, information, which has been requested now for 6 weeks, I will urge my colleagues not to invoke cloture. I would do so most reluctantly, and I urge my colleagues, regardless of feelings about the nominee.

This is what I want to address. We all have had strong views on Mr. Bolton. I see my friend from Virginia. He has been eloquent in his defense of Mr. Bolton, as has my friend from Minnesota.

I listened to the remarkable speech given by our colleagues: Senator VOINOVICH of Ohio, Senator BIDEN, Senator SARBANES, Senator ROCKEFELLER, and others. There are strong feelings about this nomination. But put aside your strong feelings about the nominee and think for a minute about what we are asking for as an institution; that is, data that pertains to this nomination.

I noted with some interest earlier today that one of the newspapers that covers Capitol Hill reported that a House Appropriations Committee, obviously under the control of the Republicans—the majority—was expressing a similar problem in getting information out of the administration on matters they thought were important.

I do not think this desire to deprive the committees of information on Mr. Bolton is unique. I believe it is a pattern that we, as Members of this coequal branch of Government, must defend ourselves on, that if the administration—this administration or any administration—believes they can successfully deprive legitimate requests for information pertaining to a matter that is before us, particularly one that invokes as much debate as this nomination has, then we all suffer. Whether you are for Mr. Bolton or against Mr. Bolton is not the point. The point is, we ought to have a right to have information given to us, under controlled circumstances—not to the availability

of every Member under every circumstance but we have set up mechanisms which allow us to have information to determine its relevancy to something such as this.

Consider, if you will—I am speaking hypothetically now, obviously—that the administration deprives us of this information, the Senate invokes cloture, and there is then a vote to confirm Mr. Bolton and in a matter of days or weeks we discover that the very information requested is so damming that every Member of this body would have been against the nomination had they known the information at the time of the vote. There is the possibility of that, I would suggest to my colleagues, or I would not have requested the information.

How would we feel institutionally at that point if we did not stand up for ourselves as Senators in insisting that this administration—or any administration when there was a legitimate request for information pertaining to a nomination such as this—ought to be forthcoming, and we ought not to have to go through the parliamentary procedures and debates and invoking various tactics in order to put pressure, in order to get this information? It seems to me that ought to be forthcoming. For those reasons, I am grateful to the majority leader for transmitting the request.

I have also said, just to complete this, that if, in fact, cloture is invoked, that then I am prepared to vote immediately thereafter on the Bolton nomination. To make my point, I am not anxious for an extended debate or filibuster beyond cloture. Obviously, if cloture is not invoked, then my assumption would be the matter would go over until after the Memorial Day recess, in which case we might have some additional time to solicit the information we are seeking.

My preference would be we get the information. We still have time. It is only 5:30 in the evening tonight. If the administration would say: Listen, we can give you this information—even if we do not get it until tomorrow morning, there ought to be adequate enough time, from tomorrow morning to the afternoon, by the appropriate committees to go over the unredacted versions of this—by the way, not crossing out the names of the very people we want to know—who they are—in addition to the rationale for the request, so we can make a determination as to whether those intercepts, and the requests of them, have pertained to Mr. Bolton's determination to punish certain people in the intelligence branch of the State Department because of their analysis that Mr. Bolton had some difficulty with.

Also, of course, there is the request that Senator BIDEN is calling upon; that is, whether there was some effort here to cook up the books regarding the weapons of mass destruction or the allegation of weapons of mass destruction in Syria.

That is not going to be that hard. It could be done in a matter of hours, and we could then vote on Mr. Bolton's nomination by tomorrow afternoon, up or down, one way or the other. I would hope my colleagues would join in this effort. If we tell the administration as a body that we have a right to this information, I would wage anything to my colleagues that the administration would be forthcoming with it. It is because they believe there are more than 40 Senators here who will vote to invoke cloture that they will not provide the information. The minute they think we might insist upon seeing it, I think the information will be forthcoming.

There are those who have told me, by the way, as a general matter that while this was an extraordinary request in some sense, in others it may not have been an extraordinary request. I am thinking about Mr. Bolton's request now. So there may very well be there is nothing in these requests that should cause any of us any concern. It may be true, as well, regarding the Syria allegations. If that is the case, then there is nothing to fear by any of this to bring it up. But in the meantime, institutionally, in my view, as Senators representing a coequal branch of Government, when there is a legitimate request for information and an appropriate and proper means by which we receive and handle that information, it ought to be forthcoming. When we fail to insist upon that, in any administration, we weaken the ability of this place to do its job. That is really what is at stake in the debate here more than anything else at this moment.

Now, there will, obviously, be further debate about Mr. Bolton. We all know that. We have been through it. Those of us who serve on this committee have had hours of debate on this issue. I suspect my friends from Virginia and Minnesota could quote my remarks about Mr. Bolton, as I could theirs. We have listened to each other for countless hours about this issue. Our colleagues will soon get the benefit of these remarks as we repeat them again in the next 24 hours or so.

That is not the issue tonight for this Senator. The issue for this Senator tonight is, does the Senate, as a body, when there is a nomination before it—when there is critical information that serious Members of this body believe is pertinent to the debate before us—should we have the ability under controlled circumstances to access that information? If my colleagues believe the answer is no and the administration is not forthcoming, then you ought to invoke cloture. If you believe we ought to have a right to this information, even though you support the nominee, as a matter of principle, as U.S. Senators charged under the Constitution to be responsible for the confirmation of high-level Federal employees and nominees, then it seems to me our answer, despite our views about the nominee, ought to be yes and to say with one voice: We support the nominee—if we do—but, Mr. President, in your administration, it is appropriate that you be forthcoming on the request.

There is the chairman of the Intelligence Committee and the ranking member, and there is the chairman of the Foreign Relations Committee and the ranking Democrat—four Senators. For them to get the unredacted versions of these intercepts and the information regarding Syria is not some breach of intelligence. Remember, Mr. Bolton and his staff had access to this information. They could read those names. They know what is in it. Does some Under Secretary of State have more rights than the Senator from Virginia or the Senator from Minnesota or the Senator from Connecticut or the Senator from Kansas? I don't think so.

The PRESIDING OFFICER. The time of the minority has expired.

Mr. DODD. Mr. President, I will conclude just by saying I would hope my colleagues would consider this, and rather than get to the point tomorrow night of having to invoke cloture, would they not even quietly ask the administration to be forthcoming? We do not need to go through this. We could have a vote on Mr. Bolton up or down tomorrow afternoon, one way or the other, and avoid this precedent-setting circumstance where legitimate information is not forthcoming. That is the point I wanted to make this evening.

I thank the Chair and thank my colleagues.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I will speak very briefly and yield to my colleague from Virginia.

Mr. President, I would note that the chairman of the Intelligence Committee is here, and I suspect he will respond to some of these issues.

There is just one point the distinguished Senator from West Virginia raised again and again, and I just want to make the RECORD very clear; that is, again, he stated that it is clear, in his words, that the Under Secretary criticized this employee ''because his analysis did not support Bolton's view.'' I want to make it clear, the record does not support that. In fact, it was very clear that John Bolton said to the intelligence analyst:

> You are welcome to disagree with me, but not behind my back.

That is what this was about. In fact, the analyst himself gave some conflicting reasons of why he did not tell Bolton that he had tubed his language before he sent it around. He never told him that. That is what this is about. In fact, when the analyst was asked whether he disagreed with the statement ''You are welcome to disagree with me''—it is Bolton speaking to the analyst—''but not behind my back,'' his comment was, ''That does ring a bell.'' So that is what this is about. It is about process, it is not about policy.

The last thing I would note is that we have had 10 hours of hearings, 35 separate staff interviews, 2 business meetings, 29 different people producing 1,000 pages of transcripts and 800 pages of documents from the State Department. This individual has gone through a very thorough review.

I appreciate my colleague from Connecticut not holding us up.

Clearly, if cloture is invoked, we could wait another 30 hours. I thank him for that. But the record is clear it is time to move forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I thank my wonderful colleague from Minnesota, Senator COLEMAN, for his rebuttals of what has been said. As Senator COLEMAN and I have listened to this in the Foreign Relations Committee for many weeks—and all of these different issues and allegations and charges that have been refuted—we understand that what we are now off on are the detours and tangents, avoiding the reality and what is important; that is, John Bolton being the right person to bring accountability, being a watchdog for the $2 billion the American taxpayers send to the United Nations every year. The United Nations ought not to be a front for terrorist organizations or anti-Americanism.

John Bolton has a record of performance that is exemplary, from the Proliferation Security Initiative to repealing the odious resolution that likened Zionism to racism. They don't want to talk about the United Nations and the reform that is needed.

They talk about John Bolton being straightforward. He is straightforward. He is not going to get seduced by the flowery language and pontifications of bureaucrats internationally. He is going to advance freedom and the interests of the United States and get other countries to join us.

Having been a quarterback, there is a key player you always want to put in when you want to refute allegations of the side in opposition. I note that all of these individuals who have been criticizing Mr. Bolton, before they heard any of these allegations about intercepts, anything about the sensibilities of different Government officials being offended by Mr. Bolton, all of them—Senators BIDEN, BOXER, KERRY, DODD, SARBANES, and ROCKEFELLER—in 2001, voted against Mr. Bolton in his position as Under Secretary before they heard any of these allegations.

Now to talk about and to present the facts on this latest fishing expedition that we are hearing from the opposition of Mr. Bolton insofar as the conversations, the perfect person to speak on this and to answer the issue is the chairman of the Intelligence Committee, Senator ROBERTS of Kansas. He will rebut the allegations so far as matters dealing with intelligence are concerned.

The PRESIDING OFFICER. The Senator from Kansas is now recognized.

Mr. ROBERTS. I thank the Chair. I certainly thank the distinguished Senator from Virginia. This is sort of a quandary for me in that sitting in my office listening to the debate, I was having a hard time putting two and two together with my understanding of what the Intelligence Committee determined—not the committee but the vice chairman and myself. And in listening to the statements, they just didn't jibe. It is not my intent to perjure the intent of the distinguished vice chairman, but I sure have a different take on this. I think it is supported by facts.

I am rising in the hope of providing some clarification surrounding one of the issues related to the nomination of John Bolton to be U.S. ambassador to the U.N.

On April 28, the vice chairman and I, Vice Chairman ROCKEFELLER, received a letter from the distinguished chairman of the Foreign Relations Committee, Senator LUGAR. In that letter, the chairman asked the Senate Intelligence Committee to look into all information surrounding the process by which Mr. Bolton, between the years 2001 and 2004, requested the names of U.S. persons that had been redacted from various intelligence products. The Intelligence Committee was asked to solicit all information regarding the process by which Mr. Bolton's requests were handled, the contents of the responses, and the process by which they were communicated, as well as any conclusions reached by the appropriate intelligence agencies or elements thereto as to any violations of procedures or directives or regulations or law by those with knowledge of Mr. Bolton's requests. That was a pretty clear letter. That sets out some pretty clear questions.

It is my understanding that the vice chairman of the committee, the distinguished vice chairman and a person whom I respect, Senator ROCKEFELLER, sent his own letter to Senator BIDEN with a different interpretation of the issues than I have described. I also understand that Senator BIDEN read that letter on the floor this afternoon. I regret that a meeting in the Intelligence Committee did prevent me from responding at that particular time, but since the distinguished vice chairman has made his remarks and his interpretation, perhaps this timing is even better. But what I don't understand is why the distinguished Senator from Delaware read only one of the letters from the vice chairman when he had both in his possession.

Nevertheless, in his letter of April 28, Senator LUGAR asked the Intelligence Committee to assist the Foreign Relations Committee in ascertaining the facts. This is what I attempted to do, and I think my letter certainly speaks for itself. Unfortunately, I believe that the vice chairman's account did omit some important facts which I believe give a much clearer picture of what actually took place.

This morning, I sent a letter back to Senator LUGAR detailing my findings and conclusions. This letter, which was also provided to Senator BIDEN, provides the rest of the story. With your indulgence, I will read my letter into the RECORD, as addressed to the Honorable RICHARD G. LUGAR, chairman of the Committee on Foreign Relations. It reads:

Dear Mr. Chairman:

I write in response to your April 28, 2005 letter asking this committee to examine a number of intelligence-related issues that have been raised during the Committee on Foreign Relations' consideration of the nomination of Under Secretary John Bolton to be the United States Representative to the United Nations. My hope was to respond jointly with Vice Chairman Rockefeller.

While we both agreed there was nothing within the contents of the intelligence reports in question that caused us any concern, we were unable to agree on a final text in response.

This was not for lack of trying. One day, 2 days, 3 days, a week, I think it was 10 days, trying to work out a joint letter. It just didn't happen. So we have two versions. I don't quite understand why, but especially since we both met with General Hayden, who is the Director of National Intelligence and who was the head of the NSA and, as such, is the head of intercepts and signals intelligence.

I might say right now that I really do not like this business of coming to the floor of the Senate and talking about signals intelligence and intercepts. That causes me great concern. It is of the highest classification.

I continued to Senator LUGAR:

Nevertheless, I am going to convey to you my findings and conclusions.

After completing an examination of these issues I have found no evidence that there was anything improper about any aspect of Mr. Bolton's requests for minimized identities of U.S. persons. I further found no violations of procedures, directives, regulations or law by Mr. Bolton. Moreover, I am not aware that anyone involved in handling these requests had any concerns regarding these requests at any point in the process.

State Department records indicate that Under Secretary Bolton's office did request the minimized identities of U.S. persons that are contained in the National Security Agency signals intelligence products on ten separate occasions. Every request was processed by the State Department's Bureau of Intelligence and Research.

The acronym for that is INR.

In each case, INR personnel followed standard procedure by preparing a written request which included a justification for the request.

INR sought the identities on behalf of Secretary Bolton's office in each instance to better understand or assess the foreign intelligence value of the information that was contained in these documents. Senior INR officials were then responsible for determining whether the requests were reasonably related to Under Secretary Bolton's area of responsibility.

Continuing my response to Senator LUGAR:

In every instance, they were so determined and electronically transmitted to the NSA for approval. The NSA approved all ten of

Mr. Bolton's requests and transmitted its responses to [the State Department and the] INR. INR officials then notified Mr. Bolton's staff that they had received the responses and made them available.

Committee staff interviewed INR analysts and NSA officials responsible for processing the requests for the identities of U.S. persons contained in signals intelligence products. None of the individuals interviewed indicated that there was anything improper or inappropriate about Mr. Bolton's request.

We were also briefed by General Michael Hayden, former Director of the NSA and current Principal Deputy Director of National Intelligence—

He is a man who I think gives the best briefing of anybody in the intelligence community, and who was approved in regard to his nomination to that position by unanimous consent by this body.

He also stated that Under Secretary Bolton's requests were not only appropriate, but routine. In fact, INR records indicate that since May 2001, INR submitted 489 other requests for minimized identities.

John Bolton requested 10.

Finally, the Vice Chairman and I reviewed all ten documents—

We reviewed the intercepts. That is what we are supposed to do. That is the job of the Intelligence Committee. It is limited to only us two, and for darn good reason, because of the classified nature of the subject at hand.

—containing the references to U.S. persons that generated Under Secretary Bolton's requests. The documents we received did not contain the actual identities of the minimized U.S. persons. After reviewing the content of each report, however, it was apparent to us both—

This is my recollection of the meeting, and I cannot conceive of any other recollection that is accurate.

—that it was not necessary to know the actual names to determine whether the requests were proper.

Ultimately, I found no basis to question the justification for, or the appropriateness of, Mr. Bolton's requests for the identities of U.S. persons contained therein.

I continue in my letter to Senator LUGAR:

Further, General Hayden informed us that it is not uncommon for senior government officials above the rank of Assistant Secretary to make such requests. It is worth noting that Mr. Bolton did not request the identity of every U.S. person referenced in the documents which would have been his prerogative.

I can remember the distinguished vice chairman's comments indicating they didn't even ask for all of them.

While I found that Mr. Bolton's conduct was entirely appropriate and consistent with the protection of intelligence sources and methods, I did find that there are significant deficiencies in the process by which U.S. person identities are provided to requesters of such information.

We have had a lot of discussion about questioners.

As your committee has now learned, a request for a U.S. person identity is a routine occurrence in the intelligence process. The incidental collection of U.S. person identities is a fact of life in the signals intelligence business. Because U.S. persons are not the targets of foreign intelligence collection, their identities are, as a matter of policy, redacted or minimized to protect their privacy. When an intelligence analyst or policymaker determines that a U.S. person identity is necessary to better understand and assess the intelligence value of the information, they are permitted to request that identity. The NSA evaluates that request and either grants it or denies it. As already discussed, all of Mr. Bolton's requests were reviewed by both the INR and NSA and were granted.

In the course of our review, we found that the Assistant Secretary for INR requested the identities so that they could be passed to Under Secretary Bolton. The NSA provided the U.S. person identities to the INR in the form of Information Memoranda addressed to the Assistant Secretary for INR. We were provided a copy of one of the memoranda, dated 20 February, 2003. This document included a paragraph which stated:

''You may disseminate the information as requested, provided it retains the classification as stated in paragraph two above. Request no further action be taken on this information without prior approval of NSA.''

Now, that is important—''request no further action be taken on this information without prior approval of NSA.''

The NSA confirmed that it uses standard dissemination guidance language in response to customer requests for release of identities. We were also told that Mr. Bolton was not provided the 20 February 2003 Information Memorandum containing this language.

Upon further inquiry, we learned INR does not provide the NSA transmittal sheets containing the U.S. person information, or the handling information contained therein, to the requesters of the identities, nor does it specifically instruct the requester on the handling of such information. The INR passes U.S. person identities verbally, without any further guidance. The NSA expects the INR to provide specific handling instructions at the time INR provides the identity to the requester.

Not only did INR not provide such instructions to Mr. Bolton, it does not provide them to anyone. Also, it has never established any formal procedures to train or educate requesters Department-wide on the appropriate handling of U.S. person identities.

This came as somewhat of a shock to me, and it is something we have to review in the Intelligence Committee.

In fact, in the case of the 20 February 2003 memorandum, the INR did not pass the identity directly to Under Secretary Bolton, but rather passed it to an individual within his office, an action which violated the express dissemination guidance contained in the Information Memorandum. The Assistant Secretary at the time of this violation was Carl Ford.

The NSA did not in this particular instance, and does not as a matter of course, do anything to ensure that its dissemination guidance is actually followed by the Assistant Secretary for INR or any official in any other Department government-wide.

The NSA depends upon the recipient to provide specific handling instructions to the requester and to handle the information appropriately and in accordance with instructions. It appears that Assistant Secretary Carl Ford did neither in this case. The INR's failure to instruct the recipients of U.S. person identities on their proper handling has left the State Department officials essentially to fend for themselves.

During the course of this review, we learned that Mr. Bolton, in the absence of any guidance from INR or the NSA, discussed the U.S. person identity contained in the 20 February 2003 Information Memorandum with one other individual.

This has been pointed out as a big deal by the vice chairman and my good friends across the aisle.

This particular individual was the person referenced in the report.

This person worked directly for Under Secretary Bolton, possessed the necessary security clearances, received and read the same intelligence report in the course of his duties, and understood that he was the U.S. person referred to therein.

I don't see what the problem is in that regard. Is this the big problem here that somebody is alleging illegal activities? By the way, the first time I learned about that was reading about it in the New York Times, as opposed to reading the letter disseminated by Senator ROCKEFELLER to the distinguished vice chairman of the Senate Foreign Relations Committee.

The NSA request that recipients of information about specific identities of U.S. persons take ''no further action'' with regard to the information provided is driven by concerns about the privacy rights of named individuals. These privacy concerns do derive from Attorney General-approved minimization procedures which regulate the collection, processing, retention, and dissemination of information to, from, or about any U.S. persons. The request is also prompted by concerns about protecting intelligence sources and methods.

Not to mention the chilling effect it would have in regards to all intelligence analysts.

Mr. Bolton's actions in this instance would not implicate any of these concerns. He discussed the identity with the actual named person who was not only fully cleared to receive the information, but already possessed the same information. It is also important to note that the NSA's guidance is formulated as a ''request,'' not a mandate. When asked why the NSA ''requests'' rather than requires, that ''no further action'' be taken with a U.S. person identifies without prior approval, the NSA responded by stating that the language is now ''currently under review.''

So it is a pretty nebulous standard we are referring to in terms of any alleged misconduct.

I intend to work closely with the Director of National Intelligence to ensure that our intelligence agencies and elements are doing everything they can to assist and educate the requesters of U.S. person identities in the proper handling and protection of this information. We must do everything we can to not only protect the privacy of our citizens, but to protect and preserve intelligence sources and methods.

I do not think you will find any quarrel among anyone on the Intelligence Committee or the vice chairman or myself on that.

It is for this reason that I was a bit surprised and dismayed when a member of your committee—

Again, this is the letter that I sent to Senator LUGAR—

broached this issue in the course of your public confirmation hearings. Normally, intelligence sources and methods are discussed in closed session to protect our continuing ability to collect the intelligence we all agree is so vital to our Nation's security.

As is often the case, some individuals, who are not familiar with intelligence issues, perceive that something is unusual and concerning when, as in this instance, it is actually very routine. That is why the U.S. Senate created the Intelligence Committee to deal with these issues in an informed, responsible, and secure manner. It is my hope, in the future, intelligence issues will be discussed in executive session so that we can protect what are vital national security assets.

I appreciate your recognition of our unique ability to assist with intelligence-related issues as you consider this very important nomination. We take very seriously our oversight responsibilities and our obligation to protect highly sensitive intelligence information. Your consideration of our duty to protect intelligence sources and methods is greatly appreciated.

Sincerely Pat Roberts, Chairman.

With a copy showing to the Honorable JOSEPH R. BIDEN, Jr.

Mr. President, I said I beg your indulgence in the reading of that entire letter on the floor of the Senate. That is the text of the letter I did send back to Senator LUGAR and obviously copied to Senator BIDEN as of this morning.

Why my colleagues chose to give you only part of the story is a question only they can answer. I have my thinking about that, but I am not going to go into that on the floor of the Senate.

I also would like to add a bit of texture to some of the statements that have been made here today in regards to Mr. Carl Ford of ''kiss up and kick down fame.'' That has been quoted a lot. Mr. Ford has made a number of other statements that I think are relevant to these issues raised by my friends in opposition to Bolton's nomination.

For example, on page 276 of the Senate Intelligence Committee's Iraq WMD report, Mr. Ford addressed the issue of whether it was appropriate for policymakers to view intelligence assessments with skepticism.

I will just tell you that every member of the Intelligence Committee now, after our WMD report, does not take anything at face value, and I think that has helped. We just had a hearing today in which we had a response that I think was certainly more candid: Tell me what you know; tell me what you don't know; tell me what you think. I think there has been a historic change in the intelligence community as a result of our report and the WMD Commission, appointed by the President and the 9/11 Commission, in the interest of all Senators.

Mr. Ford said if a policymaker ''believed everything that the intelligence community told him, including what INR tells him, he'd be a fool. You should know better than anybody that a lot of the stuff we turn out is''—well, I am going to change the name. I am not going to say what is here. I am going to say it is a lot of what we have in our Dodge City feedlots—''and that a policymaker who sticks to that intelligence, I don't even want to be in the same room with. They've got to know the stuff isn't that good. So the notion that they sometimes disagree with us I find fine.''

That is a little slightly different take on what we have been hearing so far. I guess what Mr. Ford meant to say—and he has been before the committee many times; he is a fine man—is that it is fine to disagree with intelligence analysts as long as you are not John Bolton. I only highlight some of the things to emphasize that there seems to be a double standard for this particular nominee.

With the indulgence of my colleagues, I would also like to address some additional misperceptions about the intelligence community that were published as minority views in the Senate Foreign Relations Committee report on Mr. Bolton's nomination. The minority claims that policymakers should be restricted from making public statements that ''defame U.S. intelligence agencies.'' I find this to be a rather absurd concept.

I do not know how one ''defames'' an entire Government agency, but I do know that criticism played a vital role in our collective effort to reform the intelligence community and demand change for failure. I am not aware of any special status that insulates members of the intelligence community from criticism, nor should there be. That should be a slam dunk.

I am also unaware of any special status that prevents intelligence analysts from having their views or actions challenged by policymakers. Intelligence analysis is not an exact science. Intelligence analysts are not infallible and their assessments are not unassailable. While the intelligence community has had many successes in the past few years for which it should, and can, be proud—there are many good things they have done in protecting the homeland and providing real-time intelligence to the warfighters—astounding failures, such as 9/11 and Iraq, should make it clear that the intelligence community does make mistakes.

I often lament that policymakers did not ask enough tough questions about Iraq's suspected WMD programs prior to the war. Let me just say that persistent questioning to an analyst is not viewed by the analysts, in the 250 analysts we interviewed, as being pressured. If anything, we should be asking more questions. If anything, several members of the Intelligence Committee, whom I admire and respect and am very proud to be their chairman, ask more repetitive questions of witnesses every time we have a hearing than people are complaining about in this particular case.

Perhaps, if we all had been more diligent, the intelligence community would have been more attuned to the gaps in its information and more accurate in its judgment. I, for one, now make it a point to repeatedly and persistently question analysts who come before our committee to ensure that I understand their judgments, understand the information upon which they base those judgments, and form my own opinions about gaps in their logic.

The vice chairman and I have agreed on that, to look at every capability we have in regard to national security threats. Do we have the intelligence capability? Do we have the collection? Do we have the analysis? Is there a consensus threat analysis that makes sense? Are there gaps?

We do not want to repeat past mistakes. I am not going to go down the laundry list, starting with Khobar Towers and ending up with 9/11 or the Madrid bombing or whatever it is we are talking about, or the USS *Cole*. We have to put that one in.

So basically I resent any suggestion that this performance of my duty is somehow improper. I do not think that is right. Intelligence is a serious business, dealing with life-and-death issues. In my experience, our intelligence analysts understand this. They know that defending their views is vital to the process and are fully capable of doing so. These are individuals who work every day to defeat terror and defend our national security. They are tough and they are good. They are not delicate, hothouse flowers unable to defend their views or take criticism. They are, however, humans involved in a fundamentally human process. Intelligence analysts can make mistakes and their judgments are not immune from their own biases.

Intelligence assessments should inform policy, not dictate it. Ultimately, as policymakers we need to understand that intelligence is merely a tool that at times can have great value as well as serious limitations.

If we are going to make an informed judgment of Mr. Bolton's fitness for this position, please, I implore my colleagues, let us do it based upon all the facts known to us, not just the facts we like or pick out.

In conclusion, I have looked at the intercept issue and allegations surrounding Mr. Bolton's management style. I have found nothing which would give me pause in voting for his confirmation. I support the Bolton nomination. I urge my colleagues to do the same.

I yield the floor.

Mr. DODD. Will my colleague yield before he leaves the floor?

Mr. ROBERTS. Sure. Why not.

Mr. DODD. I thank my colleague for doing so. Let me preface my question to him by telling him how much—as I said to Senator ROCKEFELLER, I have great admiration and respect for the work the chairman and the ranking member do.

Mr. ROBERTS. I thank the Senator for his comments.

Mr. DODD. It is a very difficult committee and I respect immensely my colleagues' efforts there. I note in my friend's letter which he has provided and read in detail to us, there was a reference—and to be quite candid, I think I am the Senator the Senator is

referencing here because I am the Senator who raised the question during the Foreign Relations Committee confirmation hearing of Mr. Bolton. Here my colleague says, and I am quoting now from page 4, the last paragraph of the Senator's letter to Senator LUGAR, and I am getting down near the end of it, maybe the last sentence of that paragraph: It is for this reason that I was a bit surprised and dismayed when a member of your committee—speaking of this Senator—broached this issue in the course of your public confirmation hearings. Normally intelligence sources and methods are discussed only in closed session.

I will ask unanimous consent that the transcript of the question I raised to Mr. Bolton at that particular time be printed in the RECORD.

The question was basically a very simple one. The question was: I want to know whether you requested to see NSA information about other American officials? That is the question. There was no reference to sources and methods. A simple question: Did you request to see this information, yes or no?

And he went on to answer the question.

Now, I ask the chairman of the Intelligence Committee, is that an inappropriate question to ask of a nominee? It was a simple question: I want to know whether you requested to see NSA information about any other American officials? Mr. Bolton's answer is: Yes, on a number of occasions I can think of, and he goes on to talk about it.

My point of your letter is, there is a discussion that this Senator was acting inappropriately because I was seeking methods and sources. The only question I asked of Mr. Bolton in that public hearing was: Did you make such a request? Does my colleague believe I was violating some procedures regarding the gathering of intelligence by asking that simple question?

Mr. ROBERTS. I would never raise the question about my colleague and friend about acting inappropriately, especially in regard to intent. I am concerned about us talking about intercepts and all of this that I went through in the letter on the Senate floor. I am concerned about many things that have been talked about publicly, quite frankly, leaks that appeared in the press that I find out about later as chairman and have to address. I cannot speak to them because they are classified. It is the classic case of Catch-22, where something appears in the press or perhaps somebody says something on the floor inadvertently—if it is done on purpose, that is another matter. That can be referred to the Ethics Committee—and that certainly is not the case in terms of my distinguished colleague. Then comes sort of a feeding frenzy and we end up with things that should not be in the public discourse that are highly classified, highly compartmented. Signals intelligence is one of the highest compartmented topics we deal with.

Mr. DODD. I agree with my colleague.

Mr. ROBERTS. It was only Senator ROCKEFELLER and myself who were briefed by General Hayden, and that was a very good meeting. We went over virtually every intercept, as it should be. That was my point. That is what the Intelligence Committee does. It is accepted practice for the full committee, which many members of the full committee have trouble understanding, that only the vice chairman and the chairman have access to this kind of highly compartmented material. So when this kind of thing is bandied about on the floor in a generic way, it causes me great concern.

Mr. DODD. Well, I understand that. It is just that this Senator in this—

The PRESIDING OFFICER. The Senator from Kansas controls the time.

Mr. DODD. If he would yield, this sentence in this letter suggests that this Senator—because I am the one who asked the question—crossed the line. Let me read my whole question.

Mr. ROBERTS. I am not referring to the Senator from Connecticut by name. OK?

Mr. DODD. I am the only one who asked the question that day.

Mr. ROBERTS. Pardon me?

Mr. DODD. I am the only one who asked the question of Mr. Bolton. I asked the question in this way: I want to read the question because I want to make sure I do not overstep a line here, and then I asked the question: Did you . . .

My concern is that there is a suggestion, as the one who asked the question, that I had somehow—and I do not disagree with my colleague, by the way.

Mr. ROBERTS. Reclaiming my time, I think I addressed the Senator's personal concern. The Senator knows me well enough to know that when I say I am not accusing him personally of anything that would be inappropriate, I have stated I am talking about open discussion of intelligence information, quite frankly, not only in this nomination process but in the Intelligence Authorization Act in regard to a whole series of other subjects I will not go into, that many people have spoken to on the floor, many people have talked to the press about, and I do not think it is appropriate.

I will say again, I am not accusing the Senator of anything inappropriate. I think from the whole standpoint of this body, subjects such as this should be done in executive session. I think that because of all the problems we have had in regard to leaks and in regard to information that is not helpful to our national security. That is about as far as I will go with it. I could go through quite a laundry list of concerns I have of things that have been made public and what has happened in regard to our adversaries, what has happened in regard to our intelligence capability, and I worry about it. So my concern was basically the continued open discussion of things of this nature, not the Senator from Connecticut.

Mr. COLEMAN. Will my colleague from Kansas yield?

Mr. ROBERTS. I would be happy to yield.

Mr. COLEMAN. I take it my colleague from Kansas was not at the business meeting when the Bolton nomination was discussed. My colleague from Kansas was not at the hearing where the Bolton nomination was discussed. I do not know if it would surprise my colleague to note that in the business meeting, other Senators, not the Senator from Connecticut—this issue of intercept was raised again by another Senator and a similar question was asked. So it is not just the Senator from Connecticut who raised the issue during the questioning of Mr. Bolton.

But, in fact, during the business meeting this came up again and again. I presume my colleague from Kansas must have been informed of that, to raise the level of concern he has.

Mr. ROBERTS. I thank the Senator for his clarification.

Mr. DODD. If my colleague will yield for just one additional point. I agree with respect to General Hayden as well. I noted because I watched the hearing—our colleague from Michigan is here and participated in the hearing—when General Hayden, in his confirmation hearing, was before the Armed Services Committee, there was a rather extensive discussion with General Hayden about the whole issue of intercepts. General Hayden was very forthcoming in that discussion about it. I have great respect for him as well. About the Web site here, I ask unanimous consent to have printed in the RECORD the Web page for the National Security Agency, the page headed, ''Signals Intelligence.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIGNALS INTELLIGENCE

The National Security Agency collects, processes and disseminates foreign Signals Intelligence (SIGINT). The old adage that ''knowledge is power'' has perhaps never been truer than when applied to today's threats against our nation and the role SIGINT plays in overcoming them.

NSA's SIGINT mission protects the nation by:

Providing information in the form of SIGINT products and services that enable our government to make critical decisions and operate successfully.

Protecting the rights of U.S. citizens by adhering to the provisions of the 4th amendment to the Constitution.

Using the nation's resources responsibly, according to the best management processes available.

SIGINT is derived from the signals environment that is described by the graphic above. Other agencies within the Intelligence Community are responsible for other types of intelligence:

Human Intelligence (HUMINT) is primarily the responsibility of the CIA and DIA,

Imagery Intelligence (IMINT) belongs to NGA,

Military Intelligence and Measurement and Signature Intelligence (MASINT) belongs to DIA.

Together, these different yet complementary disciplines give our nation's leaders a greater understanding of the intentions of our enemies.

NSA's SIGINT mission provides our military leaders and policy makers with intelligence to ensure our national defense and to advance U.S. global interests. This information is specifically limited to that on foreign powers, organizations or persons and international terrorists. NSA responds to requirements levied by intelligence customers, which includes all departments and levels of the United States Executive Branch.

The prosecution of the SIGINT mission has evolved from the relatively static, industrial age, Cold War communications environment to the ubiquitous, high speed, multi-functional technologies of today's information age. The ever-increasing volume, velocity and variety of today's communications make the production of relevant and timely intelligence for military commanders and national policy makers more challenging than ever.

NSA has a strong tradition of dedicated, highly qualified people deeply committed to maintaining the nation's security. While technology will obviously continue to be a key element of our future, NSA recognizes that technology is only as good as the people creating it and the people using it. NSA remains committed to its core mission of exploiting the Agency's deep analytical skill and technological capabilities to ensure the nation maintains a significant strategic advantage in the advancement of U.S. interests around the world.

As much as modem telecommunications technology poses significant challenges to SIGINT, the many languages used in the nations and regions of the world that are of interest to our military and national leaders require NSA to maintain a wide variety of language capabilities. Successful SIGINT depends on the skills of not only language professionals but those of mathematicians, analysts, and engineers, as well. The nation is indebted to them for the successes they have won.

SIGINT plays a vital role in our national security by employing the right people and using the latest technology to provide America's leaders with the critical information they need to save lives, defend democracy, and promote American values.

INTRODUCTION TO NSA/CSS

The National Security Agency/Central Security Service is America's cryptologic organization. It coordinates, directs, and performs highly specialized activities to protect U.S. information systems and produce foreign intelligence information. A high technology organization, NSA is on the frontiers of communications and data processing. It is also one of the most important centers of foreign language analysis and research within the government.

Signals Intelligence (SIGINT) is a unique discipline with a long and storied past. SIGINT's modern era dates to World War II, when the U.S. broke the Japanese military code and learned of plans to invade Midway Island. This intelligence allowed the U.S. to defeat Japan's superior fleet. The use of SIGINT is believed to have directly contributed to shortening the war by at least one year. Today, SIGINT continues to play an important role in keeping the United States a step ahead of its enemies.

As the world becomes more and more technology-oriented, the Information Assurance (IA) mission becomes increasingly challenging. This mission involves protecting all classified and sensitive information that is stored or sent through U.S. government equipment. IA professionals go to great lengths to make certain that government systems remain impenetrable. This support spans from the highest levels of U.S. government to the individual warfighter in the field.

NSA conducts one of the U.S. government's leading research and development (R&D) programs. Some of the Agency's R&D projects have significantly advanced the state of the art in the scientific and business worlds.

NSA's early interest in cryptanalytic research led to the first large-scale computer and the first solid-state computer, predecessors to the modern computer. NSA pioneered efforts in flexible storage capabilities, which led to the development of the tape cassette. NSA also made ground-breaking developments in semiconductor technology and remains a world leader in many technological fields.

NSA employs the country's premier cryptologists. It is said to be the largest employer of mathematicians in the United States and perhaps the world. Its mathematicians contribute directly to the two missions of the Agency: designing cipher systems that will protect the integrity of U.S. information systems and searching for weaknesses in adversaries' systems and codes.

Technology and the world change rapidly, and great emphasis is placed on staying ahead of these changes with employee training programs. The National Cryptologic School is indicative of the Agency's commitment to professional development. The school not only provides unique training for the NSA workforce, but it also serves as a training resource for the entire Department of Defense. NSA sponsors employees for bachelor and graduate studies at the Nation's top universities and colleges, and selected Agency employees attend the various war colleges of the U.S. Armed Forces.

Most NSA/CSS employees, both civilian and military, are headquartered at Fort Meade, Maryland, centrally located between Baltimore and Washington, DC. Its workforce represents an unusual combination of specialties: analysts, engineers, physicists, mathematicians, linguists, computer scientists, researchers, as well as customer relations specialists, security officers, data flow experts, managers, administrative officers and clerical assistants.

Mr. DODD. It is on public document and goes on at some length. I am not sure, my colleague may want to look at this. Maybe the agencies might be more careful about what it says here as well.

The point all along here is the simple question whether access to these records will be granted to the appropriate Members here in the Senate. I appreciate immensely what my colleague said here today. He's a remarkable Senator who does a terrific job, and I thank him for engaging with me a bit in this colloquy, but I was concerned when I saw that line as somehow being singled out about raising the question about whether or not Mr. Bolton made a request. That is all I asked that day. I knew it was an important matter, and it ought to be dealt with not in a public setting, that that ought to be done behind closed doors with the Intelligence Committee to go into further detail about what actually went on. That is why I tried to word it very cautiously and caution myself not to go over a line in asking the question.

Mr. ROBERTS. I only wish all Senators would have the same caution. I thank the Senator for his personal comments in my regard.

I think he has made his point. As the farmer said as he crawled through the barbed-wire fence: One more point and we will be through.

I suspect that you are through, and since I yielded back my time about 10 minutes ago, I yield it back one more time.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to proceed for 20 minutes. I am very sorry the Senator from Kansas left. Let me first ask unanimous consent I be allowed to proceed.

Mr. COLEMAN. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent that transcripts of two public hearings where I asked questions of General Hayden, relative to the process of seeking identification of people who are referred to or who participate in intercepted conversations—that those unclassified, public hearing transcripts, or portions thereof, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEVIN. Thank you.

General, this morning's New York Times had an article, which troubled me, about the number of times in which communications that had been intercepted by the NSA were released to John Bolton. I was troubled by the number of times that this happened, frankly.

But since you're here and you're in a position to give us some facts on this subject, I want to ask you a number of questions about it.

I gather that, according to the article, access to names may be authorized by NSA only in response to special requests, and these are not common, particularly from policy-makers. That's the quote in there. Is that an accurate statement?

HAYDEN. I think that's a very accurate description. In fact, I read Doug Jehl's article. And I think Doug laid it out in a very clear way.

The way it works, Senator, is that we are required to determine what is minimized U.S. person identity. Now, there is a whole body of law with regard to protecting U.S. privacy. But in an agency like ourselves, it is not uncommon for us to come across information to, from or about what we would call a protected person—a U.S. person. And then the rules kick in as to what you can do with that information.

The rule of thumb in almost all cases is that you minimize it, and you simply refer to named U.S. person or named U.S. official in the report that goes out.

LEVIN. How often did Mr. Bolton request the names?

[Crosstalk.]

HAYDEN. I don't know.

HAYDEN. We would have a record of it. Interestingly enough, I double-checked this, this morning, after reading the article, just to make sure I had this right. Because I did approve, from time to time, the release of U.S. person identity.

And it's not very often. I have to do it when the identity is released to a U.S. law enforcement agency. Just done for foreign intelligence purposes, it's about three layers below me in the NSA rule chart.

LEVIN. Was there an unusual number of accesses requested by Mr. Bolton compared to requests from other senior officials?

HAYDEN. I don't know that, Senator; I really don't. And the requests from Secretary Bolton were not of such a number that they came to my attention.

LEVIN. In other words, he obviously made requests. You say that someone other than you would have approved those.

HAYDEN. On a normal basis; that's right.

LEVIN. But you do have records as to how often...

HAYDEN. Yes, sir; we would.

LEVIN. Thank you.

HAYDEN. I should add: And that's a formal process. That's just not a phone call.

LEVIN. OK, thank you.

HAYDEN. It's documented.

LEVIN. Thank you, Mr. Chairman.

ROBERTS. Senator Levin, I wanted to let you know that in answer to the number three question that I asked, why the general replied in terms of cooperating with the committee, deal with me to to provide documents or any material requested by the committee in order for it to carry out its oversight and its legislative responsibilities. We didn't put a time frame on it, but you have. And his answer was an emphatic yes.

LEVIN. I appreciate that, Mr. Chairman. Thank you.

4/21/05 SASC NOMINATION HEARING (NSA INTERCEPTS)

LEVIN. The Bolton nomination has raised a question about protected U.S. identities. These are U.S. people who are either participants in a conversation, communication which is intercepted and included in a SIGINT product, where the identity of that person is blocked, or sometimes, as said, is minimized, and is referred to generally as a U.S. person.

There are also many cases where that person is not a participant in the conversation but is referred in a conversation, and the identity of that person is also protected as well.

At the Intelligence Committee hearing with you last week, you said that there's a formal written and documented process for U.S. government officials to request the identity of a U.S. person referred to in a SIGINT process. Is that correct?

HAYDEN. Yes, sir, that's correct.

LEVIN. Now, I take it there are a significant number of requests, a large number of requests which come in for the identity of a U.S. person who's been minimized.

Can you tell us whether the majority of those requests, indeed the vast majority of those requests, are made where the person identified is not the participant in the conversation, but rather is someone who is referred to in the conversation?

HAYDEN. Thank you very much for that question, Senator, because when this comes up—I mean, first of all, to frame the issue for me as director of NSA, I mean, the issue here is the protection of American privacy. And everything then devolves out of that fundamental principle: How do we protect U.S. privacy?

And in the course of accomplishing our mission, it's almost inevitable that we would learn information about Americans, or to or from, in terms of communications.

The same rules apply, though, in protecting privacy, whether it's to, from or about an American. You're correct. In the vast majority of the cases the information is about an American being referred to in communications between individuals that I think the committee would be most enthusiastic that we were conducting our operations against.

LEVIN. And that's a very, very helpful clarification.

My time is up. Can I just perhaps end this line of questioning?

Thank you, Mr. Chairman. Thank you.

I think the press has already indicated that there were apparently 10 requests from Mr. Bolton.

HAYDEN. Yes, sir, I've seen that number.

LEVIN. Ok. Do you know or not the majority of his requests were for persons that were referred to in the conversation or for a participant in the conversation?

HAYDEN. Yes, sir. I would like to respond to that for the record in a classified way.

LEVIN. That's fine.

And the other question that relates not just to him, but I guess to anybody, the person who makes this written application for the information states specifically what that purpose is that they want that information for. Is that correct?

HAYDEN. Yes, sir, Senator. But in all cases the purpose comes down to the fundamental principle: I need to know the identity of that individual to understand or appreciate the intelligence value of the report.

LEVIN. And is that printed there as a purpose, or does that have to be filled in by the applicant?

HAYDEN. Senator, I'm not exactly sure what the form looks like, but I can tell you that's the only criteria on which we would release the U.S. person information.

LEVIN. But you don't know how that purpose is stated in these thousands of applications?

HAYDEN. I'd have to check, Senator.

LEVIN. Or in Mr. Bolton's application?

HAYDEN. Correct.

LEVIN. Ok. And then once the information is obtained, you do not know the use to which that information is put, I gather. Is that correct?

HAYDEN. No, we would report the information to an authorized consumer in every dimension, in terms of both security clearance and need to know, just like we would report any other information.

LEVIN. But then you don't know what...

HAYDEN. No, sir.

LEVIN. . . . that person does with that information.

HAYDEN. No. The presumption, obviously, is the individual uses that then to appreciate the original report.

LEVIN. Thank you, Mr. Chairman.

Mr. LEVIN. The journalist Carl Bernstein once said, ''We have a national memory in this country of about 7 minutes.'' Once more, he has been proven right.

Here we are, 2 years after one of the worst intelligence disasters in our history, debating the nomination of a man to the U.N. ambassadorship, a man who has a track record of attempting to manipulate intelligence by seeking to punish intelligence analysts who do not support his view. We are so slow to learn from our history, and we are so quick to repeat it.

The issue here—and I am sure my friend from Connecticut would agree—is not the issue of whether or not policymakers have a right to disagree with analysts; of course, they do. We all should challenge analysts and analysis. We do not do enough of it. I happen to agree with the Senator from Kansas on that. That is not the issue.

The question is whether or not we manipulate intelligence or try to manipulate intelligence by trying to force analysts, who are supposed to be objective, to reach conclusions with which they don't agree in order to get support for our own policy positions. That is what is unacceptable. It is not unacceptable to disagree with analysts or not to follow their analysis. That is not at all unacceptable. That is what policymakers are here for, to make judgments, to pick between analyses. But what is unacceptable is what Mr. Bolton did repeatedly, which is to try to get analysts, who are supposed to be objective, fired or removed or transferred because they would not come to the conclusion to which he wanted them to come. That is the issue here with Mr. Bolton.

This administration does not hold people who politicize intelligence to account. Following the major intelligence failures before 9/11 and Iraq, the administration has failed to hold anybody accountable for either failure. In fact, the President gave one of the people most responsible for the intelligence disaster before Iraq, the CIA Director, a gold medal. Now the President wants to give John Bolton a promotion, although John Bolton has, in unconscionable—and I believe even potentially dangerous—ways attempted to get intelligence analysts to shape their views to his views and, if they wouldn't bend, to break them.

We know what happens when intelligence is politicized. Before the Iraq war, ''a slam dunk'' was the CIA assessment, although the underlying intelligence contained nuances, qualifications, and caveats. Too often the CIA told the administration what it thought the administration wanted to hear.

The July 2004 bipartisan report of the Senate Intelligence Committee concluded the following:

Most of the major key judgments in the intelligence community's October 2002 ''National Intelligence Estimate, Iraq's Continuing Programs for Mass Destruction,'' either overstated or were not supported by the underlying intelligence reporting.

Just this month, newspapers reported on leaked notes from a July 23, 2002, meeting of the British Prime Minister and his senior national security staff. According to the note, the head of British foreign intelligence told Prime Minister Blair, 7 months before the war, that President Bush:

. . . wanted to remove Saddam through military action justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy.

Those are contemporaneous notes, prior to the war against Iraq. Such reports reinforce the view of much of the world that the administration shaped intelligence to serve policy purposes and that it strayed from the critical principle that intelligence must be objective, independent, and free from political influence.

Twenty-five years ago, the Iran-Contra Committee reaffirmed the principle that, after heavy manipulation of intelligence by CIA Director Bill Casey:

. . . the gathering, analysis and reporting of intelligence should be done in a way that there could be no question that the conclusions are driven by the actual facts rather than by what a policy advocate hopes those facts will be.

That was 25 years ago. That was Iran-Contra. That was a bipartisan criticism of the then-CIA Director Casey.

Intelligence must be gathered and analyzed in a way that there can be no doubt but that the conclusions are driven by the actual facts, not by what a policy advocate hopes those facts will be.

It is going to take years of hard work to regain credibility in our intelligence assessments after the massive failures in Iraq. The Senate began that work with the intelligence reform bill in 2004. In that bill, Congress explicitly stated that national intelligence should be ''objective'' and ''independent of political considerations.'' That is the law of the land. We require the process to ensure alternative analyses within the intelligence community.

The nomination of John Bolton shows a disdain for objective, independent intelligence and flies in the face of the Senate's effort to reform our intelligence system. Indeed, Mr. Bolton is the personification of what has been wrong with our system. Mr. Bolton has a deeply disturbing history of trying to punish intelligence analysts who do not agree with his views, of trying to squelch intelligence analysis and of distorting the intelligence community's view when they do not agree with his own.

He is aggressive about pursuing the answer that he wants, regardless of what the objective intelligence analysts say, and his actions have had a noticeably chilling effect on the intelligence analysts that he tries to intimidate and a harmful effect on the intelligence process itself.

Let's just look at his record. Mr. Bolton's view on intelligence on Cuba can be gained from an e-mail to him from his chief of staff that called the intelligence community's language on Cuba ''wimpy.'' As a policymaker, he is entitled, and was entitled, to his own view. I make it clear that what the Senator from Kansas said, I agree with. Mr. Bolton was entitled to his own view, but what he was not entitled to do was force intelligence analysts to change their views.

In preparation for his speech to the Heritage Foundation, Mr. Bolton repeatedly sought clearance for stronger language on Cuba's biological warfare effort than the intelligence community would support. He was repeatedly rebuffed by intelligence analysts at the State Department and the CIA, and he repeatedly responded by seeking those analysts' dismissal or removal, thereby crossing a vital line, a clear line, a red line, the line between ignoring intelligence analyses which, wise or not, is his right to do as a policymaker, that is on one side of the line. But the other side of the line he must not cross, trying to intimidate analysts into shaping intelligence analyses to his liking, that is totally impermissible. It is potentially dangerous, and it is clearly on the wrong side, the unacceptable side, the intolerable side of the line.

When he did not receive the analysis he wanted on Cuba, Mr. Bolton unleashed a tirade against the intelligence analyst.

Soon afterwards, he went to see Tom Fingar, the Principal Deputy Assistant for INR, to try to have the analyst removed. Mr. Fingar testified that Secretary Bolton was still visibly upset during their meeting, and he said that ''he wasn't going to be told what he could say by a midlevel INR munchkin analyst.''

Mr. Bolton had made clear to the analyst he was his boss, and in essence had asked his subordinate: How dare you disagree with your superior?

Mr. Fingar then testified that Mr. Bolton said he wanted the analyst ''taken off his accounts.'' Mr. Fingar protested and said ''he is our chemical and biological challenge weapons specialist, this is what he does''—making clear to Mr. Bolton that reassignment would really mean termination. Mr. Bolton persisted.

The record then shows that Mr. Bolton sought the analyst's removal two more times over a 6-month period. In one of those attempts, Mr. Bolton met with then-Assistant Secretary of State for Intelligence, Carl Ford, who later said the following:

I left that meeting with the perception that I had been asked for the first time to fire an intelligence analyst for what he had said and done. In my experience no one had ever done what Secretary Bolton did.

Months later, Mr. Bolton made yet another attempt when Neil Silver became the analyst's supervisor. In his testimony to the Foreign Relations Committee, Mr. Bolton even conceded he was still pursuing the analyst's transfer.

In his attempt to manipulate intelligence on Cuba, Mr. Bolton also tried to have a national intelligence officer from the CIA transferred. Mr. Bolton went personally to the CIA at Langley to argue for the analyst's dismissal. This is an analyst Mr. Bolton had never met, an analyst to whom he had never spoken. He had never read the analyst's work. He only knew one thing: The analyst disagreed with his views and, therefore, he had to be brought to heel.

This effort, too, lasted several months and involved repeated attempts by Mr. Bolton and his staff. Former Deputy Director of the CIA John McLaughlin said of the request to dismiss the intelligence officer that it is ''the only time I had ever heard such a request.''

So we have the Deputy CIA Director John McLaughlin as saying nobody has ever made a request to him, that he knew of, to dismiss an intelligence officer because of a disagreement with that officer's analysis—very similar to what Mr. Ford said at the office of the Assistant Secretary of State: ''in his experience, no one had ever done what Secretary Bolton did,'' which was to fire an intelligence analyst for what he had said and done.

In the end, both analysts were supported by their supervisors and they rightfully kept their positions. The only person who should have been fired over those incidents was Mr. Bolton.

Mr. Bolton's defenders like to claim no harm, no foul. That is, because none of his targets were fired despite his efforts; that everything is just fine. But the harm is in the attempt. Shooting at someone is still a crime even if you miss. As soon as a policymaker threatens an intelligence analyst with removal for disagreeing with that analyst's analysis, the harm is done.

As Mr. McLaughlin testified—and this is something the Senator from Kansas either overlooked or ignores. Listen to Mr. McLaughlin's testimony: It is perfectly all right for a policymaker to express disagreement with an intelligence officer or an analyst. And it is perfectly all right for them to challenge their word vigorously. But I think it is different, McLaughlin said, to then request, because of this disagreement, that the person be transferred.

That is the line. That is the line which Mr. Bolton crossed. That is the line that we ought to insist on. Every Member of this body should insist that line never be crossed. We ought to protect the right of policymakers to disagree, to question, and to ignore the analysis. We should never condone a policymaker who wants to see an analyst fired because the policymaker disagrees with that person's analysis. That is the line which is dangerous to cross because the pressure that puts on the analyst is to come up with the answer that the policymaker wants to hear. That is what is dangerous, when we hear an analyst, or you hear a CIA Administrator say it is a slam dunk, when it isn't, because he thinks that is what the policy maker wants to hear.

We cannot tolerate people being fired, discharged, transferred because the policymaker disagrees with the analysis of that analyst.

Mr. McLaughlin is right. It was different. It was dangerous. And according to Mr. Ford, Mr. Bolton's actions had an impact. Word of the incident, according to Mr. Ford, ''spread like wildfire among the other analysts.'' Mr. Ford testified:

I can only give you my impressions, but I clearly believe that the analysts in INR were very negatively affected by this incident. They were scared.

Mr. Bolton's actions were so damaging that Secretary of State Powell made a special personal visit to offer encouragement to the analysts. In his remarks, Secretary Powell specifically referred to the analysts that Mr. Bolton had targeted. He told them: Continue to call it like you see it. Continue to speak truth to power.

Former Assistant Secretary of State for Nonproliferation John Wolf confirmed what should be all too clear about Mr. Bolton, that these examples of his behavior are not isolated instances but a persistent pattern. Mr. WOLF testified that Mr. Bolton sought the removal of two officers from a nonproliferation bureau over policy differences, and that, in general, officers in the bureau—and now this is Assistant Secretary of State John Wolf—that officers in the bureau ''felt undue pressure to conform to the views of [Mr. Bolton] versus the views they thought they could support.''

Events of the past few years involving the completely missed intelligence on Iraq, the distorted intelligence on Iraq, have shown that we need to be encouraging independent and alternative analysis, not squelching it.

The Senate Intelligence Committee report on the intelligence community's prewar intelligence assessments on Iraq concluded that a lack of alternative analysis contributed to the failure of that intelligence.

The committee wrote that:

. . . the analysts' and collectors' chains of command, their respective agencies, from immediate services to the National Intelligence Council and the Director of the Central Intelligence Agency, all share responsibilities for not encouraging analysts to challenge their assumptions, fully consider alternative arguments, or accurately characterize the intelligence report.

''Most importantly,'' according to the committee, they failed ''to recognize when analysts had lost their objectivity and take corrective action.''

Our Intelligence Committee, the Senate Intelligence Committee, said corrective action should be taken when analysts lose their objectivity. Mr. Bolton tried to get analysts punished for insisting on their independence. Mr. Bolton did not value independent and objective analysis. He scorned it. He sought not to encourage alternative views but to impose his own. He did not challenge analysts. He bullied them. And he tried to fire those who disagreed with him.

Now, this is not ''water cooler'' gossip about an obnoxious boss. Objective, factual analysis can make the difference between success and failure, between life and death. In the near future, we may face a crisis over North Korea's nuclear program or Iran's nuclear intentions. Congress and the public must be confident that intelligence assessments represent information that has been assessed objectively, not shaped to serve policy goals. And if we need to go to the United Nations to make a case against a country based on our intelligence about that country's dangerous activity, the world must have confidence in the U.S. Ambassador to the United Nations.

When Bush decided to make the case against Iraq to the United Nations, he sent Secretary of State Colin Powell, one of America's most credible diplomats. Today, we are being asked to confirm one of America's least credible diplomats to serve in an important diplomatic post, where we need credibility, we need the confidence to bring other countries to our side. We should not allow a situation in which the world might question whether it is hearing a credible view or whether it is hearing a Bolton view of intelligence.

Perhaps the biggest canard of the debate is that John Bolton is the best person to reform the United Nations. The U.N. needs reform, but so does the intelligence community. So does its systems. And, frankly, so does John Bolton. Any number of people would be a far more credible voice for reform at the United Nations.

This is a momentous decision for this body. It is shocking and sad—it is shocking and sad—to me that the Senate may vote on this nomination while Senators are being denied critical, relevant information that members of the Foreign Relations Committee have sought. Members of that committee have requested information about the number of requests by Mr. Bolton for the names of U.S. persons cited in intelligence intercepts. The administration has refused to provide relevant information to members of the Foreign Relations Committee and to this body.

Now, those requests may be benign that Mr. Bolton made for the names of those persons and what they were saying in those intercepts. They could be part of an effort by this nominee to politicize and punish, since that was the pattern of his activity. We do not know that. But we have a right to know that. We have a right to ask why those requests were made. But this administration has refused to provide that information. We should insist on this information before we vote on this nomination. We should insist that at least the leaders of our committees, the Intelligence Committee and the Foreign Relations Committee, be given access to the names of people that Mr. Bolton asked the intercepts relative to.

Denying the Congress and the Members of this body—

The PRESIDING OFFICER. The Senator has consumed his time.

Mr. LEVIN. I thank the Chair and I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Denying Members of this body information is part of a woeful pattern of this administration denying information to the Congress. Even the Republicans of the House Energy and Water Appropriations Subcommittees and the Homeland Security Appropriations Subcommittee over in the House included language in their bill which says that the Bush administration should be criticized ''for its lack of responsiveness to repeated Congressional requests for information.''

Mr. President, this Senate, as a body, should insist on legitimate requests for information from its Members. Every Member—every Member—should add his or her voice to the demand for the production of relevant documents which Senators need to decide on confirmation or for any other legitimate reason. This body will be a lesser place if we do not stand with each other when it comes to gaining access to documents, at least in the absence of a claim of executive privilege.

Now, I happen to believe we should give deference to the President on the selection of his team, but deference does not mean abdication of our best judgment when a nominee crosses the line. If we do that, we will send the wrong message to anyone working in the intelligence community who sees Mr. Bolton's behavior rewarded rather than seeing him held accountable. If we do that, we will send the wrong message to the international community, to send a repeat abuser of intelligence and an abuser of intelligence analysts to be our representative at the United Nations.

We have the opportunity to send a different message to the intelligence community and to the world. We can cast a vote for objectivity in intelligence, for intelligence that is free of political influence, and for accountability. But before we vote—before we vote—legitimate requests for documents and information from Members of this body should be honored and should be supported by every Senator. That is a need which, at one time or another, each one of us has, and as an institution we should, in one voice, demand that need be met.

This is a demand for relevant documents relevant to the qualifications of this nominee to be confirmed to this high office. It is a demand for documents which relate to an issue which is clearly involved in this nomination, and that has to do with a pattern, on the part of Mr. Bolton, of punishing people who analyze intelligence who do not give him an analysis that he likes and that supports his own policy.

Mr. President, I thank the Chair, and thank my good friend from Minnesota for yielding the time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask unanimous consent for 3 minutes to engage my colleague from Michigan in a little colloquy. Will my friend from Minnesota object to that?

The PRESIDING OFFICER. Is there objection?

Mr. COLEMAN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I thank my friend.

I want to compliment my friend from Michigan on a very fine statement. He has focused, in my view, exactly on the central question here and that is not that there was disagreement over intelligence but, rather, whether someone went beyond a good, healthy fight over whether or not intelligence was accurate and took additional steps to dismiss or to change the jobs of the individuals involved.

I appreciate my colleague calling into question the access of information because this is central. That is why this Senator has taken the extraordinary step of asking my colleagues to potentially oppose a motion to invoke cloture on this nomination if the information is not forthcoming.

The reason I want to raise this is because our good friend from Kansas, the chairman of the Intelligence Committee, read into the RECORD a letter he sent to Senator LUGAR regarding this request for the intercept information. And the pertinent paragraph, to this Senator, I want to read quickly. It says:

Finally, the Vice Chairman and I reviewed all ten documents containing the references to U.S. persons that generated Under Secretary Bolton's requests. The documents we reviewed did not contain the actual identities of the minimized U.S. persons. After reviewing the content of each report, however, it was apparent to us both that it was not necessary to know the actual names to determine whether [or not] the requests were proper.

Now, the letter goes on, but that is the important paragraph because the very identity of the individual names was redacted. The chairman of the Committee on Intelligence and the ranking member on Intelligence were not allowed to see the names, the very names that Mr. Bolton was able to see and apparently his staff was able to see. That is the relevant information that we are seeking—the names of the individuals.

Does my colleague have any comment on that particular point? Because that, to me, is the central admission in this letter.

Mr. LEVIN. Mr. President, the names of the people that he sought information on are incredibly relevant to the question of why he sought information on those people, what was his motive. There is a pattern here, a pattern of punishment of people if they did not provide analysis that he agreed with, if they disagreed with his views. And when he asks for those intercepts, he may have had a perfectly benign reason for doing it. On the other hand, it may have been part of this totally unacceptable pattern.

But the Senate has the same right to know what he knew and he asked for, which was intercepts of particular people who were either involved in the conversation or referred to in the conversation.

If the Senate doesn't insist on that right for every Member of this body, we are a lesser body. We should insist upon that for Members who agree with us or not. This is an institutional issue of great magnitude.

The PRESIDING OFFICER. The Senator's time is up.

Mr. DODD. I thank my friend for a good statement.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I appreciate the concern over the institutional issue of having access. I join my colleague in getting that information. Where I disagree is that when we have the chairman of the Intelligence Committee stating to us in this letter—saying: After reviewing the content of each report, it was apparent to us both that it was not necessary to know the actual names to determine whether the requests were proper. Ultimately, he found no basis to question the justification nor appropriateness of Mr. Bolton's request for the U.S. persons contained therein. So we have an individual we all deeply respect, the chairman of the Intelligence Committee, saying ''it was apparent to us,'' the chairman and the ranking member, and then the letter went on.

I would say there is an institutional issue that we should resolve at some point. In the context of this nomination, where we have a very clear statement that this specific information that was requested—it was ''not necessary to know the actual names to determine whether the requests were proper.'' Then it is basically saying the requests were proper.

Let us move forward with this nomination because we have a statement saying the information wasn't needed to make a determination. Let us pursue with great vigor the right of Members of this body to have access to that kind of information. I think we really have to separate the two, based on the statement of the chairman of the Intelligence Committee.

Mr. DODD. Will my colleague yield for a question?

Mr. COLEMAN. Yes.

Mr. DODD. I appreciate the Senator's comments. I ask unanimous consent that entire paragraph I quoted from the chairman be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Finally, the Vice Chairman and I reviewed all ten documents containing the references to U.S. persons that generated Under Secretary Bolton's requests. The documents we reviewed did not contain the actual identities of the minimized U.S. persons. After reviewing the content of each report, however, it was apparent to us both that it was not necessary to know the actual names to determine whether the requests were proper.

Mr. DODD. Mr. President, I raise this point. I appreciate his point. Obviously, there is a disagreement between the ranking member and chairman, unfortunately, which is not a healthy thing to see coming out of the Intelligence Committee. The point I am trying to make here is, with all due respect to the chairman of the Intelligence Committee and the ranking member, it was, in fact, the very names involved which could be the very names we are talking about that have been redacted from the document that would be terribly revealing. If, for instance, there is the name—we have called him ''Mr. Smith'' to protect his identity at the CIA. If there is overwhelming evidence that Mr. Bolton tried to have ''Mr. Smith'' dismissed as an intelligence analyst, and if one of the names being sought by Mr. Bolton was Mr. Smith, it seems that ought to send red flags up to everybody. Why? It is Mr. Bolton requesting to know who Mr. Smith was and what he said, an individual he was trying to have dismissed from the CIA. We don't know whether Mr. Smith's name is on there because the name was redacted. The chairman and ranking member cannot read that name.

Without knowing the name of the individual, you cannot get to the point. Obviously, the people at the State Department—it is the same thing. Without knowing the names, without the identities, I don't know how you can draw the conclusion that it wasn't relevant. That is my point.

Mr. COLEMAN. As I recall the statement from the ranking member, he said these incidents were not new to them. Some of these had been raised before. One was regarding Cuba. They had knowledge of this. Again, I would defer to the good judgment of the chair of the Intelligence Committee, who said we looked at it and it wasn't relevant. And then on and on in the letter again, and again he comes to the same conclusion: nothing inappropriate, nothing unusual, no violation of procedures. It is very clear.

I urge my colleagues to let us pursue this issue. I don't think there is a reasonable basis for holding up this confirmation based on the concern of getting this type of information.

Mr. LEVIN. If the Senator will yield, my good friend from Minnesota. If you agree that the Senate is entitled to this information, but not now—if not now, when? The reason for seeking this information relates to the nomination of Mr. Bolton. That is why this is so relevant and important. I think the members of the Foreign Relations Committee have been seeking this information for many weeks. So it is not as though this is a last-minute request which is holding up the vote on a nomination or would hold it up until we receive that information.

By the way, I happen to believe—and I don't know if my good friend from Connecticut agrees with me—that if the chairman and vice chairman of the Intelligence Committee saw the names and concluded that none of those names had any relationship to this nomination because none of the names are people he tried to get fired, transfer, or punish, that would satisfy me. But the administration knows the names. John Bolton got the names. But the vice chairman of the Intelligence Committee and the chairman won't be given those names and they are redacted. I believe the Senate cannot accept that standard and hold ourselves up as a body that is equal in power to the executive branch. We cannot. We cannot say to ourselves that this body will look at all relevant evidence that relates to confirmation before we give our consent to it and protect the Members' requests for information if we do not insist that at least the chairman

and vice chairman of the Intelligence Committee have access to the names and see whether those names are relevant to this nomination in terms of the specific people John Bolton tried to punish or get transferred.

I find this really intolerable, incredible, that we as a body will not stand with a legitimate request for relevant information that relates to a pending nomination that was promptly and timely made.

Mr. COLEMAN. Mr. President, again, I remind my colleagues that it is a nomination with 10 hours of hearings, 2 business meetings, 35 staff interviews with 29 different people, a thousand pages of transcripts and 800 pages of documents, the opportunity for the chairman and the ranking member of the Intelligence Committee to look at this information, and they came to the conclusions they came to. In the end, I think perhaps—I agree with my colleagues on crossing the line. I agree. You should not be harassing intelligence officials because of policy disagreements to the point where you drive them out of the job. But that just didn't happen here.

In fact, Mr. President, if you look at the statement of Carl Ford, he himself in the minority report said this incident didn't turn into the politicization of intelligence. Carl Ford—and I was there and listened to the testimony—said this incident didn't turn into the politicization of intelligence.

We can walk through this again and again. We had the discussion over Cuba and the issue of biological weapons capacity. Again, the allegation was made that somehow Mr. Bolton took views that were his own and disregarded the views of the administration in regard to Cuba. Carl Ford testified before the Foreign Relations Committee on March 19, 2002. He stated that the United States believes that Cuba has at least limited developmental offensive biological warfare and research capability—on and on. What does John Bolton say when he gives his speech? He says the same thing.

The point is, in each and every instance when colleagues raise a concern about Mr. Bolton giving his own opinion versus that which is approved, it is simply not the case. I think my colleague from Kansas said this is a case of ''the rest of the story.'' It is true on the Cuba issue. It is true on Mr. Bolton's testimony about Syria. Again, the same concern was raised. The record is saying something very different—that in each and every instance, there may have been discussion and challenges, but in the end Secretary Bolton delivered the approved language. North Korea, the same thing. Allegation was made that he was off on his own, and Secretary Powell came back and said, no, he delivered the opinion of the administration, of the Secretary of State.

What we have here—and the record is clear—is an individual with strong views and strong opinions, who challenged personnel, but never, never took any action against a single individual. Phrases are thrown out that there were threats to be fired or transferred. The reality is when Mr. Westermann backdoored Mr. Bolton, he lost confidence in him and said: I want him transferred. That is all you have.

In the end, Mr. President, what we have is an individual who has served this country well, who has a record of distinguished service, who has the support of a litany of Secretaries of State, of individuals who have worked with him for years and years, who negotiated the treaty of Moscow and got the U.N. to reverse itself on the odious resolution declaring Zionism as racism, who has the support of the Secretary of State, who has the confidence of the President of the United States to do what has to be done, and that is the heavy lifting in reforming the United Nations.

From the very beginning, my colleagues on the other side simply have said he is not acceptable, he has the wrong political perspective on the United Nations, he has the wrong political perspective perhaps on the war in Iraq and other issues, which morphed into allegations which, in the end, when we look at the rest of the story, simply are unsubstantiated.

John Bolton deserves our support. He deserves to be confirmed. I will proudly vote for his confirmation tomorrow. I urge my colleagues to do the same.

I yield back the remainder of our time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that a letter to Chairman LUGAR and to Ranking Member BIDEN from Senator ROCKEFELLER dated May 25 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 25, 2005.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

Hon. JOSEPH R. BIDEN, Jr.,
Ranking Member, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATORS LUGAR and BIDEN: I write in response to the Chairman's April 28, 2005 letter asking that the Senate Select Committee on Intelligence examine a number of intelligence-related issues that were raised during your Committee's consideration of the nomination of Under Secretary John Bolton to be the United States Representative to the United Nations.

As you may be aware, I wrote to then-Director of the National Security Agency (NSA), Lieutenant General Michael V. Hayden, on April 20, 2005, requesting any documentation related to Mr. Bolton's requests for the identity of a U.S. person included in classified intelligence reports produced by the NSA.

In response, General Hayden provided Chairman Pat Roberts and me the opportunity to review all ten NSA documents containing the references to U.S. persons that generated Mr. Bolton's requests. We were not permitted to retain these intelligence reports and other members of our Committee were not permitted access to them. Additionally, the actual U.S. identities provided by the NSA to Mr. Bolton were not shared with us.

State Department records indicate that Mr. Bolton requested the minimized identities of nineteen U.S. persons contained in ten NSA signals intelligence reports. These requests were processed by the State Department's Bureau of Intelligence and Research (INR). In each instance, the INR request to the NSA, on behalf of Mr. Bolton, included the justification that the identity of the U.S. person(s) was needed in order to better understand or assess the foreign intelligence value of the information contained in the intelligence report. This is the standard justification required by NSA in order for officials to request the identity of a U.S. person contained in a signals intelligence report.

Based on my personal review of these reports and the context in which U.S. persons are referenced in them, I found no evidence that there was anything improper about Mr. Bolton's ten requests for the identities of U.S. persons.

It is important to note, however, that our Committee did not interview Mr. Bolton, so I am unable to answer directly the question of why he felt it was necessary for him to have the identity information in order to better understand the foreign intelligence contained in the report.

Furthermore, based on the information available to me, I do not have a complete understanding of Mr. Bolton's handling of the identity information after he received it.

The Committee has learned during its interview of Mr. Frederick Fleitz, Mr. Bolton's acting Chief of Staff, that on at least one occasion Mr. Bolton is alleged to have shared the un-minimized identity information he received from the NSA with another individual in the State Department. In this instance, the NSA memorandum forwarding the requested identity to State INR included the following restriction: ''Request no further action be taken on this information without prior approval of NSA.'' I have confirmed with the NSA that the phrase ''no further action'' includes sharing the requested identity of U.S. persons with any individual not authorized by the NSA to receive the identity.

In addition to being troubled that Mr. Bolton may have shared U.S. person identity information without required NSA approval, I am concerned that the reason for sharing the information is was not in keeping with Mr. Bolton's requested justification for the identity in the first place. The identity information was provided to Mr. Bolton based on the stated reason that he needed to know the identity in order to better understand the foreign intelligence contained in the NSA report. According to Mr. Fleitz, Mr. Bolton used the information he was provided in one instance in order to seek out the State Department official mentioned in the report to congratulate him. This use of carefully minimized U.S. person identity information seems to be not in keeping with the rationale provided in Mr. Bolton's request.

An interview of Mr. Bolton by your Committee may provide a more complete understanding of the extent to which he may have shared with others the nineteen U.S. person identities he requested and received from the NSA. I believe it is a matter that deserves more thorough attention.

I hope this information is of assistance to you.

Sincerely,

JOHN D. ROCKEFELLER IV,
Vice Chairman.

The PRESIDING OFFICER. The Republican whip is recognized.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 103.

Bill Frist, Richard G. Lugar, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Jim DeMint, David Vitter, Richard C. Shelby, Lindsey Graham, John Ensign, Pete Domenici, Bob Bennett, Mel Martinez, George Allen.

Mr. MCCONNELL. Mr. President, under the previous agreement, this vote will occur tomorrow at 6 p.m. If cloture is invoked—and we hope it will be, of course—the vote on the nomination will then occur immediately.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE SERVICE OF DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ

Mr. WARNER. Mr. President, last Friday, May 13, Deputy Secretary of Defense Paul Wolfowitz ended his distinguished tour of duty at the Department of Defense.

During his 4 years at the Pentagon, Secretary Wolfowitz played a critical role as our Nation responded to the terrorist attacks of September 11, and our military defeated the Taliban in Afghanistan and liberated Iraq from decades of tyranny. We continue to fight an all-out global war on terrorism, guided by the policies which Secretary Wolfowitz, acting as a true partner to Secretary of Defense Rumsfeld, helped to craft.

He was a true partner with Rumsfeld throughout. I have had some modest experience in the Department having served there myself during the war in Vietnam as Secretary of the Navy. I served under Messrs. Laird and Packard. I served under three Secretaries.

Their partnership, as the two principal's sharing an evergrowing, awesome, level of responsibilities has been exemplary in the annals of the Department of Defense.

On April 29, I was privileged to attend a ceremony at the Pentagon in honor of Secretary Wolfowitz's years of service. The speeches given that day—by General Pace, Secretary Rumsfeld and Secretary Wolfowitz—are among the finest I have ever heard, and are a true testament to this extraordinary individual. I wish Secretary Wolfowitz well as he prepares for his new duties as the President of the World Bank. I ask unanimous consent to have these speeches printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE DONALD RUMSFELD HOSTS A FULL HONOR REVIEW AND AWARD CEREMONY FOR DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ

(With Remarks by: General Pete Pace, Vice Chairman, Joint Chiefs of Staff)

Dr. Paul Wolfowitz is recognized for exceptionally distinguished public service as deputy secretary of Defense from March 2001 through April 2005. During that critical period, Dr. Wolfowitz's performance was brilliant. While overseeing many of the department's day-to-day operations, he was also a key leader in developing United States policy to respond to the terrorist attacks of September 11th, 2001.

A leader in developing United States policy to respond to terrorist attack, and an internationally recognized voice for freedom,

Dr. Wolfowitz contributed to the intellectual framework for operations in Afghanistan and Iraq that removed two brutally oppressive regimes that encouraged and gave sanctuary to terrorists. Fifty million people are now free from the bonds of tyranny. Self-government is on the march in countries once believed beyond freedom's reach. And Afghanistan and Iraq have become our newest allies in the war on terror.

While addressing these sizable challenges, Dr. Wolfowitz was a driving force in addressing President Bush's charge to transform the Department of Defense to better fit the challenges of the 21st century. He encouraged a culture of planning that stresses innovation and supports intelligent risk in areas ranging from defense organization to technology development and training.

And Dr. Wolfowitz is a tireless advocate for America's men and women in uniform. A frequent visitor to wounded forces and their families in hospitals and rehabilitation centers, he paid particular attention to the needs and concerns that went beyond the typically excellent care they receive. Dr. Wolfowitz oversaw the creation of a 24-hour operations center to reduce bureaucratic procedures for the severely injured, significantly improving the flow of information to ease their burdens during recovery.

Dr. Wolfowitz's countless achievements reflect his keen intellect, management acumen, vision and compassion.

Through his dedication to the pursuit of policies of freedom and transformation, Dr. Wolfowitz contributed greatly to the work of the Department of Defense and the United States. The distinctive accomplishments of Dr. Wolfowitz reflect great credit upon himself, the Department of Defense, and the United States of America.

Dr. Wolfowitz has also received the Decoration for Distinguished Civilian Service from the secretary of the Army, the Distinguished Public Service Award from the secretary of the Navy, and the Decoration for Exceptional Civilian Service from the acting secretary of the Air Force.

Gen. Pace. Secretary Rumsfeld, Mrs. Rumsfeld, Senator Warner, Senator Coleman, assembled leadership of the Department of Defense, special guests and friends, and especially to our wounded servicemembers who are here today.

It is my distinct honor and privilege to stand here representing our Chairman, General Dick Myers, and all the men and women who are proud to wear the uniform of the United States Armed Forces to say farewell and thank you, Mr. Secretary, for all you've done for all of us in uniform during your tenure as our deputy secretary of Defense.

It's been my great honor and privilege, Secretary Wolfowitz, to have known you and worked with you for the last three-and-a-half years, and in that time, I think I've gotten to know a little bit about the man.

You have great humility. Of all the titles that you have earned—doctor, professor, dean, ambassador, secretary—the two you prefer most are Dad and Paul. That says a lot about you.

You're a man of great intellect. Put simply, you work hard and you're smart. And you make those of us who work with you feel good about our contributions, and you elicit from us our very best recommendations, because you are, in fact, a facilitator and a person who values the judgment of others—and for that, we thank you.

You're also a man of great courage. Those of us who wear the uniform understand courage on the battlefield, but there's another very distinct form of courage, and that is intellectual courage. Many times it has been my great pleasure to watch you, when conversations have been going in a particular direction, and someone would turn to you and say, ''Don't you agree, Paul?'' And you would say, ''No, I don't.'' And then you'd explain why you didn't in a very, very well-reasoned, articulate way that although did not always carry the day, certainly made everybody in that room understand that you were part of this process, and that you were going to speak your mind as you knew it should be spoken, and benefit all of us in uniform by always speaking the truth, as you knew it.

You're also a man of compassion. If I speak too much about this, I will blow your cover. But the fact is that many, many times in the halls of this building, you have said to me, ''Pete, Sergeant so-and-so—or Lieutenant so-and-so, or General so-and-so—has a problem, and I think if you say something to him, or you look into this, it will make life better for him.'' Certainly, all that you have done for the wounded, both in your official capacity, but also as a human being in your visits to the hospitals, in your caring for the families, in your attendance at funerals, in your caring for the families of the fallen.

In all those ways, Mr. Secretary, you have shown enormous compassion. And for that, we are grateful. We will miss you, but we know that there are millions of people around this world who are now going to benefit from the intellect, strength and compassion of Paul Wolfowitz as you go to lead the World Bank.

It is my great honor now to introduce the man in this building who works harder than anybody else, has more focus than anybody else, and makes the rest of us work very, very hard, very diligently, to be part of the team that is trying to do for this country all that we should be doing.

Mr. Secretary: Secretary Rumsfeld.

Sec. Rumsfeld. Well, thank you all for coming. We're pleased you're here. A special welcome to Paul Wolfowitz and his family and friends and lovely daughter, Rachel, sitting there. And welcome to Chairman John Warner. We appreciate your being here, your old stomping grounds. And Senator Coleman, thank you so much for being here, and all the senior military and civilian officials of the Department of Defense and guests. Welcome.

Three years ago, The Economist magazine had an interesting take on the job of deputy Cabinet secretary. It wrote, ''Most deputy secretaries live lives of quiet frustration. They get stuck with all the grunt work, while their bosses swan around in the limelight. And they have to sit mutely while the

best ideas are either buried or stolen.'' And then there's Paul Wolfowitz. (Laughter.)

History is not always generous to the men and women who help to shape it. Great abolitionists like John Quincy Adams and Frederick Douglas would not live to see full equality for African Americans that they had envisioned and fought to bring about. Many brave East Germans were shot as they tried to breach the Berlin Wall and would never see the wall crumble under the weight of lies and pretensions that built it. But sometimes history is kind, and it gave President Harry Truman, for example, and George Marshall the chance to see the fall of the Third Reich and the fulfillment of their charge to rebuild Western Europe.

And it allowed Corazon Aquino, with the help from a young assistant secretary of State, Paul Wolfowitz, to see the triumph of people power in the Philippines, the dream her husband had nurtured and for which he was cut down before it was fulfilled.

And although it may not always have seemed to Paul, the fact is history has smiled on Paul, as it should.

So he leaves us today with the good fortune of seeing so much accomplished—or being accomplished, I should say—he helped bring to fruition or things that he helped set in motion: reform and the modernizing of America's defense establishment, the dispatch of dangerous regimes in Afghanistan and Iraq, the spark of freedom and self-government that is finding oxygen in the Middle East.

Paul now will add one more title to all the titles that Pete Pace listed, and it's a heady list. When I stood with Paul at his welcoming ceremony at the Pentagon way back in 2001, more than four years ago—it seems like eight—(laughter)—I noted that this was Paul's third tour in the Department of Defense. I told him we were going to keep bringing him back until he got it right.

Well, he got it right this time. The activities he has been involved with over the past four years are extensive. He has helped craft four defense budgets and supplementals. He has helped bring new technologies to protect our troops. And he has helped to reconfigure a number of Cold War systems and organizations to help us meet the threats of the 21st century.

So as we bid Paul a warm farewell, I might just say a word or two about the Paul Wolfowitz that I have worked with these past four years. They say in life people tend to fall into one of two categories—dreamers and doers. Well, our friend Paul is a bit of a ''mugwamp,'' as they used to say in the old days; he's a bit of both, one who lives the creed that ''think as a man of action and act as a man of thought''.

He grew up in Brooklyn in a household of Polish immigrants for whom names like Hitler and Stalin and words like holocaust were not abstractions or simply pages in a history book. And it should be no surprise to those who know him that one of Paul's early political acts—at the age of 19, I'm told—was to participate in the March for Civil Rights with Dr. Martin Luther King.

Paul was a bright young mathematician who drifted into political science, undoubtedly disappointing his father, who I am told would have preferred he pursue a career in a real subject, like chemistry or something like that. But Paul's analytic talents have been put to excellent use as someone who has grasped future trends and threats before many were able to and before some probably wanted to.

As early as the 1960s, he foresaw the dangers of nuclear weapon programs in the Middle East In the 1970s he identified the territorial ambitions of Iraq as a future concern for the U.S. military. And before September 11th, he grasped that the civilized world could not make a separate peace with terrorists and that our future security was certainly linked to addressing the freedom deficit in much of the Muslim world.

History will see Paul as one of the consequential thinkers and public servants of his generation. He's worked to ease the burdens of the wounded and their families, as we've seen. And he's departing the Pentagon now, but the legacy that Paul has been a part of, the ideas he has helped to weave into public and private debates, the effects of the policies that he's championed so effectively and with such courage and determination are not going anywhere, because they're not found only in this building or only in the department all across the globe; they are found now in towns and villages in Indonesia, where I'm told that pictures still hang in tribute to an American ambassador who put the aspirations of dissidents and ordinary Indonesians above the temporary convenience of power politics.

They're found in Afghanistan today, where a democratically elected government now protects women and imprisons terrorists, instead of imprisoning women and harboring terrorists. And they're found in a schoolroom in Iraq, where a young girl will learn real history and real subjects instead of lies and tributes to tyrants.

That girl is free, and so are millions like her—and that, in part, is because of you, Paul. You've been on their side. And as General Pace said, you have never wavered. The threatened, the oppressed and the persecuted around the world must know in their heart that they have had a friend in Paul Wolfowitz. You are one of those rare people who, as the Talmud puts it, would rather light candles than curse the darkness.

So I thank you, your country thanks you, and on behalf of the Department of Defense, we wish you Godspeed in your new post, a post of service to the world. The department will miss one of its finest public servants, and I will miss a treasured friend. Godspeed.

Staff: Ladies and gentlemen, Deputy Secretary Paul Wolfowitz.

Mr. Wolfowitz. Thank you all for coming today.

Thank you for braving the weather. Thank you, all of you who helped arrange the weather so that we could stay outdoors. I appreciate it enormously.

Senator Warner, great chairman of our Armed Services Committee and a good friend all these many years, and particularly the last four years, thank you for being here. Senator Coleman, and so many distinguished guests. You really do me honor to be here.

Secretary Rumsfeld, thank you for those extremely generous remarks. Thank you for an award, which recognizes me, but actually recognizes the work of literally millions of great Americans. Your remarks call to mind something that President Johnson said on a similar occasion many years ago when he said he wished that his late parents could have been alive to hear that introduction because his father would have been so proud, and his mother would have believed it. (Chuckles.) (Laughter.)

Maybe now is the time to come clean and to thank you for something else. For four years now, I've been telling audiences about what you said about keeping—bringing me back until I got it right. It gets a laugh every time. So I want to thank you for that great line. It's been good to me all those years.

And now I'd like to just turn the tables a little bit and trade a story somewhat along the same lines. It may be apocryphal, but it's just too good to check whether it's true or not. It's about how Don Rumsfeld once asked Henry Kissinger if he was planning to come back as secretary of State. And Kissinger said, ''No, Don, I got it right the first time.'' (Laughter.)

So, Don, it looks like we've been in the same boat all along!

Truthfully, Don Rumsfeld has a great sense of humor, that's why I can tease him a bit too. And he's known for many other things: His determination, his forcefulness, his command of the podium, his charm, his matinee idol good looks—yes, he's one of the stars of C–SPAN!

But to be totally serious, what really stands out for me is something that may not be widely known, and that is what a great teacher Don Rumsfeld is. He has sharpened everybody's thinking and raised everybody's standards. And he's taught me an enormous amount. He encourages and cajoles everyone to do better, always for the purpose of making this Defense Department as good as it can be, and to make our country more secure.

It's been my good fortune, Don, to have you as a friend, and America's to have your steady leadership at this demanding helm. Thank you.

I also want to say thank you to so many of my wounded veteran friends from Walter Reed and Bethesda who have braved the weather to be here today. There are so many other distinguished guests and friends and colleagues, that if I tried to mention you all and give you the thanks you deserve, I'd just get into deeper trouble. At a time like this, words inevitably fall short, and I'm sure I'd leave someone out. But you don't do a job like this without enormous amounts of help.

So, to each one of you who has been there along the way, just know that I am deeply grateful for what we've shared during this most important chapter of American history.

And I'm particularly grateful to my personal staff, an extraordinary combination of civilians and military, active and reserve, officers and enlisted, who make a difference every day.

Last Friday I was privileged to be present at the White House when President Bush announced his nominee to be our next chairman of the Joint Chiefs of Staff. There in front of me was an extraordinary team of civilian and military leaders. First, there was our president, whom it's been such an honor to serve. I've been privileged to be there as George W. Bush has made some of the toughest decisions a leader can make. I can tell you that this is a man who understands the true costs of war, and his charge to defend what we hold most dear. We are blessed in this time of testing to have a president who possesses the deep moral courage to do what it takes to protect our country.

Next to him was Secretary Rumsfeld, and there too was our chairman, General Dick Myers. As we wage this global war, Dick's been a leader of quiet, reassuring confidence; a rock of strength and a source of steady judgment and deep concern for those he serves. Dick never forgets that every decision he makes directly affects the individual men and women who serve this country so well.

And its been my good luck to have as my closest military counterpart most of these past four years, General Peter Pace, our vice chairman. It was a special moment last Friday, Pete, to see you nominated to be the first Marine to serve as chairman of the Joint Chiefs of Staff. You have the character, the commitment and the courage to do an outstanding job as our top military leader.

I'm delighted, Gordon—that Gordon England, our secretary of the Navy, who has been an outstanding member of this civilian military leadership team, has agreed to take

on this challenging job—and it is challenging.

Over the last four years, I've had the privilege of working with perhaps the finest group of Joint Chiefs and combatant commanders that we've ever had. And our many outstanding one- and two-star flag officers promise to continue or even exceed that record of excellence.

But the people who have earned a truly special place in my heart, in all of our hearts, are the men and women whose names don't appear in the papers or on the evening news; the ones who serve America quietly and professionally every day, the men and women who wear this country's uniform, and the dedicated civil servants who support them. They are the ones who deserve our special and lasting gratitude. They are represented here today by these magnificent troops and by our wounded veterans. Please join me now in recognizing them for their service.

And let us remember in a special way those who have fallen in service to this nation. They remain in our hearts, each one of them, a reminder that our country is blessed beyond all measure. Let us never forget how much we owe them.

When terrorists attacked us so ruthlessly on September 11th, they may have thought they knew who we were. They may have thought we were weak, grown used to comfort, softened by everything we enjoy in this great nation. But they were wrong. They must have failed to notice that it was by the sweat and blood of each soldier, sailor, airman, and Marine, and each member of the Coast Guard, that America has met every threat throughout our history.

When we needed them, the heroes of this generation stepped forward to defend America from terrorists. In the process, two brutal regimes in Afghanistan and Iraq—regimes that harbored and encouraged terrorists—have been removed from power. And as a result, 50 million people, almost all of them Muslims, have also been released from tyranny.

In a region where many thought freedom and self-government could never succeed, those values are beginning to take hold. The tide is turning against the terrorists' brand of totalitarianism. Like Nazism and communism before them, this false ideology is headed for the ash heap of history.

And at the same time that we are facing the enormous of winning a global war, we've also advanced the president's agenda for transforming the department. We've made major adjustments in programs such as the Trident Submarine Force, new classes of surface ships, unmanned aerial vehicles, Army artillery and Army aviation, missile defense and transformational communications across the department.

We've introduced a whole new civilian personnel system for the department. And along the way, we've done four regular budgets, four budget amendments, and at least six supplementals. None of these decisions was easy; indeed, many were difficult. But in no small measure, because of what seemed, at times, like endless hours of meetings—and no, Don, I'm not complaining—we managed to achieve agreement between the senior civilian and military leadership of DoD.

Senator Ted Stevens paid tribute to that fact this past week when he said, ''I've never seen such a relationship between chiefs and the secretary—open discussions, open critique—and really, a give and take that was very helpful and very healthy as far as the department is concerned.''

However, as important as these programmatic decisions have been, transformation is most of all about new ways of thinking; about how to use old systems in new ways. During the last four years, the concepts of transformation and asymmetric warfare have gone from being theoretical concepts to battlefield realities, and are even penetrating our vast acquisition apparatus, from the bureaucracy, to industry, to Congress.

But I don't have to tell this audience that all our marvelous machines and technology would mean nothing without innovative and skillful people to employ them.

And even then, this department would be of little value if our people lacked one particular quality. It's the indispensable quality and the most precious one of all, human courage. In this job, which has been so much more than a job to me, I've seen courage in abundance.

I remember the valor of an Army sergeant named Steve Workman. In the desperate moments after Flight 77 slammed into these walls, he risked his life to get Navy Lieutenant Kevin Shaeffer out of the building and to the medical attention he desperately needed. Sergeant Workman stayed with the badly wounded—burned officer and kept him talking and kept him alive.

I'll remember the bravery of people like Corporal Eddie Wright, a Marine who was hit by an RPG that ruptured his eardrum, broke his femur and, most seriously, blew off both his hands. In the confusion, Marines who had never seen combat before needed reassurance, and it was Eddie Wright, as badly wounded as he was, who gave it to them, telling them he was fine, giving instructions on his own first aid, pointing out enemy positions while directing his driver to get them out of the ambush zone. Like so many of our wounded heroes, Eddie's moving on in life with the same courage that he summoned in those desperate moments in Iraq.

And I remember October 26, 2003, the day our hotel in Baghdad, the AI-Rashid, was attacked. Tragically, a great soldier, Lieutenant Colonel Chad Buehring, was killed that day, and five others, civilian and military, were severely wounded.

Visiting the hospital that afternoon, I spoke to an Army colonel who was the most severely wounded. I asked him where he was from, and he said, ''I live in Arlington, Virginia, but I grew up in Lebanon, in Beirut.'' So I asked him how he felt about building a new Middle East. He gave me a thumbs-up, and despite his obvious pain, he also gave me a smile. Today Colonel Elias Nimmer is now virtually recovered and still on active duty with the U.S. Army.

But courage comes in many forms. Sometimes moral courage, the courage to face criticism and challenge-received wisdom is as important as physical courage, and I see many examples of that. One such hero I've been privileged to know is Navy Medical Doctor Captain Marlene DeMaio. She was convinced that there was a serious flaw in the way we were designing body armor. In the face of considerable resistance and criticism, she put together a team whose research proved the need to modify the body armor design. She and her team took on the bureaucracy and won. Her moral courage has saved countless American lives in Afghanistan and in Iraq.

There are so many other stories I could share, but I will tell you just one more. Three months ago, I attended a funeral at Arlington for a soldier from St. Paul, Minnesota. Sergeant Michael Carlson had been killed just before the January 30th elections in Iraq. Not long after those historic elections, I received a letter from his mother.

Mrs. Carlson wrote to tell me how much it meant to her to see the joy on the faces of Iraqi voters, men and women who had risked their lives for something they believed in. She knew her son shared that same sort of vision, and she sent me an essay that he had written as a high school senior that explained how she could be certain of that. It's a remarkable essay, particularly from such a young man.

Michael had been an outstanding high school football player, but he didn't want to become a professional athlete. He wrote, ''I want my life to count for something more than just a game. I want to be good at life. I want to fight for something, be part of something that is greater than myself. The only way to live forever,'' this high school senior wrote, ''is to live on in those you have affected. I sometimes dream of being a soldier, helping to liberate people from oppression. In the end,'' he said, ''there's a monument built to immortalize us in stone.''

Men and women like that, men and women like Michael Carlson do become immortalized because they live on in our nation's soul.

President Reagan used to ask, where do we find such people? And he would answer: We find them where we've always found them, on the streets and the farms of America. They are the product of the freest society man has ever known.

On one of my visits to Iraq, I met a brigade commander who told me how he explained his mission to his men. He said, ''I tell them what they're doing in Iraq and what their comrades are doing in Afghanistan is every bit as important what their grandfathers did in Germany and Japan in World War II, or what their fathers did in Korea or Europe during the Cold War.''

That colonel was right.

It's been a privilege of a lifetime to serve with the heroes of this generation who will be remembered with the same gratitude as we remember those who have gone before. Nothing is more satisfying than to be able to do work that can really make a difference, and I've been lucky to have many opportunities to do that, but this one was as good as they come.

Now the president has asked me to take on a new mission that of working on behalf of the world's poor. Although I leave the Department of Defense, I believe both our missions serve the goal of making this world a better place. It's an honor. But I have one big regret: I'll be leaving some of the most dedicated, most capable, most courageous people in the world.

In many speeches over these years, I've been accustomed to ask the good Lord to bless our troops and our country. While I do it for the last time as your deputy secretary, I want you to know that I will always carry these words as a prayer in my heart: May God bless you, may God bless the men and women who serve this country so nobly and so well, and may God bless America.

PUTTING PARTISANSHIP ASIDE

Mr. NELSON of Nebraska. Mr. President, when I was running for the Senate in 2000, I pledged to put partisanship aside to do what is right for Nebraska. I told Nebraskans that if they elected me they could count on me to carefully consider the issues and ultimately do what I think is best.

From tax cuts, to Medicare reform to campaign finance reform and now to the battle over stalled judicial nominations, I have distanced myself from the partisan atmosphere in Washington to get things done.

Over the past few months and with great intensity over the past two weeks, I have been working with a bipartisan group of moderate-minded

Senators to craft an alternative to the ''nuclear option''—the partisan and political attempt to force a change in the rules of the Senate to end filibusters against judicial nominations.

The nuclear option is a temporary political fix to a very serious and ongoing problem: The Senate's failure to confirm more than 60 nominations during the last administration and the filibustering of ten of President Bush's nominations. To address this problem, I would prefer a permanent rules change to the Senate over a temporary procedural maneuver like the nuclear option that can be reversed if the White House or the Congress changes hands.

The Senate was designed by our Founding Fathers to act as a counter balance to the House of Representatives which represented States based on population. The Senate was the chamber where each State would have equal representation, two Senators and two votes. The intent was to prevent the power in Congress from becoming concentrated in large population States like New York, California, Florida and Texas. In the Senate, a Senator from Nebraska has the same power as a Senator from any other State.

As a former Governor and a firm believer in the power of the executive branch to appoint Cabinet members, judges and other officials, I do not support filibustering nominations. In fact, as Nebraska's Senator, I have voted against filibustering judicial appointments in every case but one where I was denied access to background information on the nominee. However, I also do not think the nuclear option is the solution to the impasse over judicial nominations.

We have built consensus behind a plan whereby seven Republican Senators pledge to vote against the nuclear option in exchange for an agreement from seven Democrats to allow most of the stalled nominations to get up-or-down votes as well as a pledge to not support filibusters of future nominations except in extraordinary circumstances.

Our compromise would be constructed completely within the existing rules of the Senate; it would prevent the nuclear option and the expected fallout of bringing all Senate business, including the energy bill and other important legislation, to a halt; and would preserve the rights of the Senate minority not only for this Congress but for future Congresses regardless of who is in the majority. Protecting the Senate's minority rights might seem to go against the concept of democracy and majority rule. In reality and without the spin on this issue that the special interest groups from both extremes put on this matter, the Senate's minority rights are part of the system of checks and balances that keep any branch of government from dominating the others.

The minority rights aren't always about party politics either. Many filibusters throughout history were conducted by Senators who disagreed with the president or the majority of Senators. Filibusters also give small States such as Nebraska an important tool to protect itself from the will of the larger States.

The debate over these judges has consumed the Senate and all of Washington. When I am in Nebraska most folks do not ask me about the judicial nomination process. Nebraskans tell me they want an energy bill that will boost ethanol production and reduce our dependence on foreign oil. Nebraskans are concerned about the President's plan to divert Social Security funds to private accounts and a myriad of other important legislative priorities.

Those who do mention judges and nominations express concern about where the Senate seemed to be headed. Many expressed to me the desire to stop the bickering and get on with the Senate's business. Others offered encouraging words in support of the compromise effort and those comments made me feel that Nebraskans were appreciative of our efforts.

The business, that we as Senators are tasked with carrying out for the American people would cease in the Senate if the majority leader follows through on his threats to employ the nuclear option. Nebraskans waiting for the energy bill, a Federal budget, asbestos litigation reform and even confirmation of future judicial nominations are the ones who will suffer if the nuclear option is detonated.

With our compromise everybody wins. Those seeking to protect minority rights win. Those seeking to confirm judicial nominations win. Small States win.

We accomplished this by working together with common purpose and shared concern for the future of this body. I am proud of what we have accomplished and I will treasure the new friends I made in the process. I thank you, all of you, for working with me, for trusting me, and for joining me in this great challenge.

I would like to include all the names of the signatories on the memorandum of understanding as part of my statement. These brave senators are: Senator JOHN MCCAIN, Senator JOHN WARNER, Senator ROBERT BYRD, Senator MARY LANDRIEU, Senator OLYMPIA SNOWE, Senator KEN SALAZAR, Senator MIKE DEWINE, Senator SUSAN COLLINS, Senator MARK PRYOR, Senator LINCOLN CHAFEE, Senator LINDSEY GRAHAM, Senator JOSEPH LIEBERMAN, and Senator DANIEL INOUYE.

MEMORIAL DAY 2005

Mr. DOMENICI. Mr. President, I would like to pay tribute to those men and women of the U.S. armed services, who have given their lives to defend our Nation and the ideals it represents.

Since the birth of our Nation 229 years ago, millions of Americans have answered the call to serve. They left behind the comfort of home, family and friends, to protect the American way of life and insure that our country would remain free and a land of opportunity for all. On this day I would like to remember those whom did not return.

On this Memorial Day, I am put in mind of the 200th and 515th Costal Artillery units of the New Mexico National Guard, better known as the New Mexico Brigade. The New Mexico Brigade played a prominent and heroic role in the fierce fighting in the Philippines, during those first dark days of the Second World War. For 4 months the men of the 200th and 515th helped hold off the Japanese only to be defeated by disease, starvation and a lack of ammunition.

Tragically the survivors of the Battle of Bataan from the New Mexico Brigade were subjected to the horrors and atrocities of the 65 mile ''Death March'' and to years of hardship and forced labor in Japanese prisoner of war camps. Sadly, of the 1800 men of the New Mexico Brigade more than 900 lost their lives in that far off place. This day belongs to them and all other Americans such as them.

I believe it is especially important not to forget; the men and women of America's Armed Forces have given their lives not only in defense of our Nation, but to preserve the freedom of others around the globe. This is almost unquiet in human history, and no praise can be too great for those individuals.

Today I would like to make special mention of those New Mexicans who have given their lives in Operation Iraq Freedom and the global war on terror. I ask that New Mexicans on Memorial Day think of them and their families and give thanks that we are blessed with such heroic men and women.

We must never forget the sacrifices of our solders, sailors, airmen, and marines. I encourage New Mexican's and all Americans on Memorial Day to take a moment to remember and honor the brave men and women whom have fallen in our defense. At this moment in America's history, our men and women in uniform are again furthering the cause of freedom around the world and ensuring the safety of the United States of America. They serve with the same courage and commitment shown by Americans of generations past and they deserve our thoughts and prayers on this Memorial Day as well.

49TH FIGHTER WING

Mr. DOMENICI. Mr. President, I would like to recognize the outstanding men and women of the 49th Fighter Wing at Holloman Air Force Base in New Mexico.

The 49th has received a deployment order to the Western Pacific region in support of our national defense objectives.

Around 250 personnel from Holloman, along with approximately 15 F–117A

Nighthawks, are preparing to depart for the Republic of Korea. Their 4-month deployment is part of an ongoing measure to maintain a credible deterrent posture and presence in the region and demonstrates the continued U.S. commitment towards fulfilling security responsibilities throughout the Western Pacific.

The F–117A, and the personnel that fly and maintain them, continue to be vital to our national security strategy. This is why I am so pleased the Senate Armed Services Committee included my bill to restrict retirement of any Nighthawks in fiscal year 2006 in the committee passed bill.

We must maintain the ability to deliver precision munitions onto time sensitive, high value targets, wherever and whenever the need arises. And I am so proud of the men and women from New Mexico that take on this very dangerous but important mission in service to their country. They are all superstars that deserve the heartfelt appreciation of a grateful Nation.

AFRO-LATINOS

Mr. OBAMA. Mr. President, I rise today to bring attention to the situation of Afro-Latinos throughout Latin America, in the hopes that we can encourage more action on this issue. From Colombia to Brazil to the Dominican Republic to Ecuador, persons of African descent continue to experience racial discrimination and remain among the poorest and most marginalized groups in the entire region. While recent positive steps have been taken in some areas—for example, giving land titles to Afro-Colombians and passing explicit anti-discrimination legislation in Brazil—much work still needs to be done to ensure that this is the beginning of an ongoing process of reform, not the end.

In places where civil conflict has taken hold, Afro-Latinos are much more likely to become victims of violence or refugees in their own countries. In many areas, Afro-Latinos are also subject to aggression by local police forces at far greater rates than those perceived to be white. Access to health services is another serious concern, and recent studies have shown that Afro-Latino communities are at greater risk of contracting HIV/AIDS.

In the last Congress, there was not one mention in the Senate of the millions of Afro-Latinos who continue to experience this widespread discrimination and socioeconomic marginalization. Now is the time for more action on this issue, not less. Emerging civil society groups are growing stronger throughout many countries in Latin America, and this growth should be encouraged as it presents important opportunities for partnerships and collaboration. I look forward to working with my colleagues in the Senate and House on this critical concern in the coming months, and I believe that together we can and will make a difference.

REACH OUT AND READ

Mr. KERRY. Mr. President, today I rise in support of the Reach Out and Read program. Reach Out and Read is a program that promotes early literacy by educating doctors and parents about the importance of reading aloud. Reach Out and Read facilitates reading by giving books to children at pediatric check-ups from six months to five years of age, with a special focus on children growing up in poverty. Children who are exposed to reading in their first years of life learn to love books at an early age—a love that often stays with them throughout their teenage and adult lives. They are also more likely to escape the many problems associated with illiteracy and reading difficulty, including school absenteeism and dropout, juvenile delinquency, substance abuse, and teenage pregnancy.

Reach Out and Read is active in more than 2,300 hospitals and health care centers in 50 States, the District of Columbia, Guam, and Puerto Rico. Two million children participate annually and 3.2 million new, developmentally appropriate books are given to family members.

There are 123 Reach Out and Read clinical locations in my State of Massachusetts. More than 116,000 children participate in Reach Out and Read and more than 200,000 books are distributed annually.

Reach Out and Read is unique. Funded both by both the Federal Government and private donations, it is a program with documented results. In 1998, the National Research Council released the much-acclaimed report, ''Preventing Reading Difficulties n Young Children'' which specifically cites Reach Out and Read as a program that effectively encourages young children to read. It is supported by the Department of Pediatrics at the Boston University School of Medicine and is endorsed by the American Academy of Pediatrics. We should all continue to support this very special program.

PONTIFICAL VISIT OF HIS HOLINESS KAREKIN II, CATHOLICOS OF ALL ARMENIANS, TO THE WESTERN DIOCESE

Mrs. BOXER. Mr. President, I take this opportunity to recognize the Pontifical Visit of His Holiness Karekin II, Catholicos of All Armenians, to the Western Diocese of the Armenian Church of North America during the month of June 2005. The Catholicos will visit the Western Diocese, headquartered in Burbank in my home State of California and travel around California from June 1 through 20. As the 132nd Catholicos of all Armenians, His Holiness Karekin II is spiritual leader to more than 7 million Armenian Apostolic Christians worldwide. I would also like to recognize the Western Diocese Primate, His Eminence Archbishop Hovnan Derderian, for his good works on behalf of Armenian-Americans in California and the Western U.S.

This momentous occasion marks the second Pontifical visit of the Catholicos to the Western Diocese. The visit has been titled ''The Renaissance of Faith'' because it marks a source of spiritual inspiration and reawakening for Christian Armenians, whose faith is 1700 years old.

The Diocese of the Armenian Church, established 107 years ago in Worcester, MA, originally served Armenian churches in the United States and Canada. In 1927, the Western Diocese of the Armenian Church of North America was established by a directive from the Mother See. The establishment of the Western Diocese was an historic occasion, which marked the growth of a strong Armenian community in California and the Western United States.

The Western Diocese was originally headquartered in Fresno. In 1957, the headquarters were moved to Los Angeles. In 1994, the headquarters were damaged by the Northridge Earthquake. Later that year, the Diocesan Assembly decided to purchase a new Diocesan Headquarters. In 1997, the Western Diocese officially moved into a multipurpose complex located in Burbank, CA, which will be the future site of the Mother Cathedral. This Pontifical visit is even more special because the Catholicos will be there in June to bless the foundation stones at the groundbreaking of the new Mother Cathedral.

The visit is also appropriately timed to coincide with two important anniversaries—the 90th Anniversary of the commemoration of the Armenian Genocide and the 1600th Anniversary of the creation of the Armenian alphabet. Earlier this year, I joined my Armenian friends in commemorating the 90th anniversary of the Armenian Genocide, which was the first genocide of the 20th century.

The Armenian alphabet, along with the Armenian language, has contributed immensely to the vibrant continuity of Armenian culture. The Catholicos' visit will highlight these two anniversaries and further empower Armenians in the Western Diocese to continue their long-fought efforts for justice.

I am honored to recognize this historic and joyous visit, which will strengthen ties between Armenia and Armenians in California. I know that His Holiness Karekin II will have a very special visit to California and I wish the Armenian community in California an increased sense of purpose and inspiration.

ADDITIONAL STATEMENTS

TRIBUTE TO LOVELAND, COLORADO, POLICE CHIEF TOM WAGONER

• Mr. ALLARD. Mr. President, I rise today to commend the chief of police of

Loveland, CO, Tom Wagoner, for his distinguished career of service to the people of Loveland.

Chief Wagoner was born in Minnesota and raised in eastern Illinois. After spending 2 years in the Army, he became a police officer and joined the Greeley, CO, Police Department in 1979. Having served in several positions in the Greeley Police Department, Chief Wagoner left Colorado in 1987 to be the police chief in Tullahoma, TN.

Fortunately, it was not long before Chief Wagoner came back to Colorado to serve as the police chief in my hometown of Loveland in 1989. The city of Loveland has greatly benefited from his leadership. Over the course of his tenure, he made many additions to the department, including a mounted patrol unit, a motorcycle unit, a community policing program, and a new radio system. Chief Wagoner also presided over a move to a new police headquarters in 2002 and has ensured that the Loveland Police Department has received national accreditation since 1992.

I thank Chief Wagoner for over 15 years of service to the citizens of Loveland. He leaves behind a difficult set of shoes to fill, and he will be missed.●

100TH ANNIVERSARY OF THE AMERICAN THORACIC SOCIETY

● Mrs. BOXER. Mr. President, on the occasion of its 100th anniversary, I am proud to recognize and honor the American Thoracic Society for its continuing commitment to the prevention and treatment of respiratory disease.

While respiratory disease may not pose the same public threat that it did 100 years ago, we cannot forget, nor overlook, the need to continue our fight against such debilitating illnesses. It is imperative that we continue to explore the causes and effects of respiratory disease as well as educating the public here and abroad.

Since its establishment in 1905, the American Thoracic Society has demonstrated an unyielding determination to reduce the number of deaths from respiratory disorder and acute-illness. I commend ATS for its dedication to the cause.

ATS not only directs its attention to the care and treatment of respiratory disease patients, it also places preventative practices at the forefront of its mission. Through extensive scientific research, ATS has established itself as a leader in the discovery of new information and knowledge. Furthermore, ATS has developed numerous educational programs, as well as several medical journals, to help keep both the medical community and the public up to date on new scientific information and innovative practices.

Finally, ATS has established itself as a leading advocate of respiratory research, paving the way for unprecedented developments in the treatment of respiratory disease. As host of the world's leading respiratory medicine conference, which provides doctors and scientists the opportunity to share their successes with specialists from all over the world, ATS has truly confirmed its status as a leader in the medical community.

Over the years, ATS has grown to meet the needs of the changing world in which we live, while never losing sight of its basic goals of prevention and treatment. I congratulate the American Thoracic Society on its 100 years of outstanding research and innovation.●

BRIGADIER GENERAL GERVIS A. PARKERSON

● Mr. LOTT. Mr. President, Brigadier General Gervis Parkerson is a lifelong resident of Mississippi, having graduated from Gulfport High School in 1967 and Mississippi State University in 1971. He enlisted in the United States Marine Corps following his graduation from college and completed Officer Candidate School at Quantico, VA. He graduated from Naval Flight School in 1972 and served as a carrier based pilot in the Marine Corps until 1976.

He is a Master Aviator with over 7000 flight hours, having flown in the T–42A, U–8F, U–21A, CH–53D, T–34, T–28, OH–6A, UH–1H, and the C–7A with the United States Marine Corps, and the 1108th AVCRAD.

After leaving active duty, Brigadier General Parkerson returned to Mississippi and was employed in the private sector. In 1980, he joined the Mississippi Army National Guard with the 114th Area Support Group, and in 1981 began full-time duty as Aircraft Maintenance Officer, HHC 114th Area Support Group, in Hattiesburg, MS.

He assumed command of the 1108th Aviation Classification Repair Activity Depot, in 1994 at the rank of Colonel. As Commander, he directed the maintenance of over 500 aircraft within the 9 southeastern States, Puerto Rico and the Virgin Islands. The AVCRAD also provided sustainment maintenance to the Army Aviation and Missile Command's Corpus Christi Army Depot, as well as mobilization of non-deployable assets for the Army National Guard.

Brigadier General Parkerson has received several awards and decorations including the Legion of Merit, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Army Reserve Medal, National Defense Service Medal, Global War on Terrorism Medal, Armed Forces Reserve Medal, Overseas Service Medal, and Meritorious Unit Citation. He has also received the Mississippi Magnolia Cross, one of the highest medals awarded to a member of the Armed Forces of the United States of America by the Governor of the State of Mississippi. Additionally, he was awarded the Bronze and Silver Order of Saint Michael from the Army Aviation Association of America for his superb dedication to Army Aviation.

Brigadier General Parkerson has been married to his wife, Brenda, for the past 26 years and they are the proud parents of two grown children, Beau and Leah.

Through his personal contributions and effective leadership, Brigadier General Parkerson has greatly strengthened the United States Army and the Mississippi National Guard while reflecting great honor upon himself, his family, and those with whom he has served.

Under the authority of the State of Mississippi, he will be promoted to the rank of Brigadier General, and placed on the retirement list after 34 years of dedicated commissioned service. On behalf of the United States Senate, I would like to thank Brigadier General Parkerson for his honorable and tireless service to this Nation, and congratulate him on completion of an outstanding and successful career.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1224. An act to repeal the prohibition on the payment of interest on demand deposits, and for other purposes.

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2419. An act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2419. An act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1127. A bill to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2316. A communication from the Founder, National Slave Ship Museum/Landrieu Project 146300, transmitting, proposed legislation entitled ''Implementation and Appropriations of Public Law 103–433, Title XI–Lower Mississippi Delta Initiatives''; to the Committee on Appropriations.

EC–2317. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle (AFV) program for Fiscal Year 2004; to the Committee on Foreign Relations.

EC–2318. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis; Reduction in Timeframe for Movement of Cattle and Bison from Modified Accredited and Accreditation Preparatory States or Zones Without an Individual Tuberculin Test'' (APHIS Docket No. 04–065–1) received on May 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2319. A communication from the Acting Administrator, Science and Technology Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Plant Variety Protection Office, Supplemental Fees'' ((Docket No. ST–02–02) (RIN0581–AC31)) received on May 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2320. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Winter Pears Grown in Oregon and Washington; Order Amending Marketing Order No. 927'' (Docket Numbers: AO–FV–927–A1; FV04–927–1) received on May 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2321. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of the Exxon and Stripper Well Oil overcharge funds as of September 30, 2004; to the Committee on Energy and Natural Resources.

EC–2322. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Policy and International Affairs, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for Voluntary Greenhouse Gas Reporting'' (RIN1901–AB11) received on May 23, 2005; to the Committee on Energy and Natural Resources.

EC–2323. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's first annual financial report required by the Animal Drug User Fee Act of 2003 (ADUFA); to the Committee on Health, Education, Labor, and Pensions.

EC–2324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Performance Improvement 2005: Evaluation Activities of the U.S. Department of Health and Human Services''; to the Committee on Health, Education, Labor, and Pensions.

EC–2325. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on Health, Education, Labor, and Pensions.

EC–2326. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2006 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–2327. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Semiannual Report to Congress; to the Committee on Homeland Security and Governmental Affairs.

EC–2328. A communication from the Acting Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Environmental Differential Pay for Asbestos Exposure'' (RIN3206–AK64) received on May 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2329. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–2330. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Policy Development and Research, received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2331. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Administration, received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2332. A communication from the Chief Financial Officer (Acting), Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's Annual Report required by the Chief Financial Officers Act of 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC–2333. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Doc. No. FEMA–7871) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2334. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR 64) (Doc. No. FEMA–7873)) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2335. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (44 CFR 67) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2336. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation DD—Truth in Savings'' (Docket No. R–1197) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2337. A communication from the Director, Office of National Drug Control Policy, the Secretary for Health and Human Services, and the Attorney General of the United States, Office of National Drug Control Policy, Executive Office of the President, transmitting jointly, pursuant to law, an Interim Report from the Interagency Working Group on Synthetic Drugs; to the Committee on the Judiciary.

EC–2338. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Alpha-Methyltryptamine and 5-Mexthoxy-N, N-Diisopropyltryptamine into Schedule I of the Controlled Substances Act Final Rule Substantive nonsignificant No reg flex No info collection'' (DEA–252) received on May 23, 2005; to the Committee on the Judiciary.

EC–2339. A communication from the Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Classification of Certain Scientists of the Commonwealth of Independent States of the Former Soviet Union and the Baltic States as Employment—Based Immigrants'' ((RIN1615–AB14) (CIS 2277–03)) received on May 23, 2005; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 494. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes (Rept. No. 109–72).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 898. A bill to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes (Rept. No. 109–73).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Kenneth J. Krieg, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Air Force nomination of Col. Kathleen D. Close to be Brigadier General.

Air Force nomination of Maj. Gen. Charles E. Croom, Jr. to be Lieutenant General.

Air Force nomination of Col. Benjamin J. Spraggins to be Brigadier General.

Air Force nomination of Lt. Gen. Ronald E. Keys to be General.

Army nomination of Brig. Gen. Benjamin C. Freakley to be Major General.

Army nomination of Maj. Gen. Clyde A. Vaughn to be Lieutenant General.

Army nominations beginning with Brigadier General Rita M. Broadway and ending with Colonel Margaret C. Wilmoth, which nominations were received by the Senate and appeared in the Congressional Record on April 25, 2005.

Army nomination of Col. Neil Dial to be Brigadier General.

Army nominations beginning with Col. Donald M. Bradshaw and ending with Col. David A. Rubenstein, which nominations were received by the Senate and appeared in the Congressional Record on May 16, 2005.

Marine Corps nomination of Maj. Gen. John W. Bergman to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Robert R. Blackman, Jr. to be Lieutenant General.

Navy nomination of Vice Adm. Gary Roughead to be Admiral.

Navy nominations beginning with Captain William R. Burke and ending with Captain James P. Wisecup, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Navy nomination of Rear Adm. (lh) Alan S. Thompson to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Nancy J. Lescavage to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jeffrey A. Brooks to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Robert B. Murrett to be Rear Admiral.

Navy nomination of Capt. Victor C. See, Jr. to be Rear Admiral (lower half).

Navy nomination of Capt. Christine M. Bruzek-Kohler to be Rear Admiral (lower half).

Navy nomination of Capt. Mark W. Balmert to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Raymond E. Berube and ending with Capt. John J. Prendergast III, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2005.

Navy nominations beginning with Capt. Kevin M. McCoy and ending with Capt. William D. Rodriguez, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2005.

Navy nomination of Rear Adm. (lh) David J. Venlet to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Bruce W. Clingan and ending with Rear Adm. (lh) James A. Winnefeld, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2005.

Navy nomination of Capt. Carol M. Pottenger to be Rear Admiral (lower half).

Navy nomination of Capt. Nathan E. Jones to be Rear Admiral (lower half).

Navy nomination of Capt. Albert Garcia III to be Rear Admiral (lower half).

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Donnell E. Adams and ending with Daniel J. Zalewski, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nomination of Michael E. Van Valkenburg to be Colonel.

Army nominations beginning with Robert D. Bowman and ending with Theresa M. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with Catherine D. Schoonover and ending with Vincent M. Yznaga, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2005.

Navy nominations beginning with Joel P. Bernard and ending with Marc K. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2005.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Charles P. Ruch, of South Dakota, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2010.

*Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2008.

*Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2009.

By Mr. WARNER for Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security.

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2010.

*Carolyn L. Gallagher, of Texas, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2009.

*Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2005.

*Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2014.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1116. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Mr. ALEXANDER):

S. 1117. A bill to deepen the peaceful business and cultural engagement of the United States and the People's Republic of China, and for other purposes; to the Committee on Foreign Relations.

By Mr. FEINGOLD:

S. 1118. A bill to amend the Reclamation Reform Act of 1982 to reduce irrigation subsidies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS:

S. 1119. A bill to permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. LUGAR, and Mr. SMITH):

S. 1120. A bill to reduce hunger in the United States by half by 2010, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself and Mr. DEMINT):

S. 1121. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1122. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 1123. A bill to suspend temporarily the duty on certain microphones used in automotive interiors; to the Committee on Finance.

By Mr. LUGAR:

S. 1124. A bill to postpone by 1 year the date by which countries participating in the visa waiver program shall begin to issue machine-readable tamper-resistant entry passports; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 1125. A bill to reform liability for certain charitable contributions and services; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1126. A bill to provide that no Federal funds may be expended for the payment or reimbursement of a drug that is prescribed to a sex offender for the treatment of sexual or erectile dysfunction; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, Mr. SUNUNU, Ms. MURKOWSKI, Mr. DOMENICI, Mr. LIEBERMAN, Mr. DODD, Mr. GREGG, Mr. LOTT, Mr. JOHNSON, Mr. CORZINE, Mr. BINGAMAN, and Mr. LAUTENBERG):

S. 1127. A bill to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BUNNING, Ms.

CANTWELL, Mr. COCHRAN, Mr. DORGAN, Mrs. HUTCHISON, Mr. ISAKSON, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. SANTORUM, and Mr. WYDEN):

S. Res. 154. A resolution designating October 21, 2005 as ''National Mammography Day''; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BOND, Mr. CHAMBLISS, Mr. COBURN, Ms. COLLINS, Mr. CRAPO, Mrs. DOLE, Mr. FEINGOLD, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, Mr. ISAKSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, and Mr. THOMAS):

S. Res. 155. A resolution designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. SMITH, Mrs. LINCOLN, Mrs. DOLE, and Mr. LEAHY):

S. Res. 156. A resolution designating June 7, 2005, as ''National Hunger Awareness Day'' and authorizing that the Senate offices of Senators Gordon Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin be used to collect donations of food from May 26, 2005, until June 7, 2005, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area; considered and agreed to.

By Mr. CRAIG (for himself and Mr. BAUCUS):

S. Con. Res. 38. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to award the Congressional Award Gold Medal to national recipients; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 103

At the request of Mr. TALENT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 191

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 340

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 424

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 471

At the request of Mr. SPECTER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Mr. LEVIN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 503

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 506

At the request of Mr. HAGEL, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 506, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 658

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 658, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 681

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 689

At the request of Mr. DOMENICI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 689, a bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 695

At the request of Mr. BYRD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. SCHUMER), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 770

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 785

At the request of Mr. LOTT, the name of the Senator from Louisiana (Mr.

VITTER) was added as a cosponsor of S. 785, a bill to amend the Internal Revenue Code of 1986 to modify the small refiner exception to the oil depletion deduction.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 853

At the request of Mr. LUGAR, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 853, a bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

S. 930

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 1002

At the request of Mr. GRASSLEY, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1076

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1103

At the request of Mr. BAUCUS, the names of the Senator from Missouri (Mr. BOND), the Senator from Oregon (Mr. SMITH) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. CON. RES. 15

At the request of Mr. SANTORUM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 15, a concurrent resolution encouraging all Americans to increase their charitable giving, with the goal of increasing the annual amount of charitable giving in the United States by 1 percent.

S. RES. 104

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 104, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating an online database of international exchange programs and related opportunities.

S. RES. 149

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 149, a resolution honoring the life and contributions of His Eminence, Archbishop Iakovos, former archbishop of the Greek Orthodox Archdiocese of North and South America.

S. RES. 153

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 153, a resolution expressing the support of Congress for the observation of the National Moment of Remembrance at 3:00 pm local time on this and every Memorial Day to acknowledge the sacrifices made on the behalf of all Americans for the cause of liberty.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 762 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1116. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, Senator COLLINS and I, and in the House of Representatives, Congressman KENNEDY and Congressman ROS-LEHTINEN, are reintroducing the Positive Aging Act, in an effort to improve the accessibility and quality of mental health services for our rapidly growing population of older Americans.

We are pleased to be reintroducing this important legislation during Mental Health and Aging Week.

I want to acknowledge and thank our partners from the mental health and aging community who have collaborated with us and have been working diligently on these issues for many years, including the American Association for Geriatric Psychiatry, the American Psychological Association, the National Association of Social Workers, the American Nurses Association.

Today, advances in medical science are helping us to live longer than ever before. In New York State alone, there are 2½ million citizens aged 65 or older. And this population will only continue to grow as the firs wave of Baby Boomers turns 65 in less than 10 years.

As we look forward to this increased longevity, we must also acknowledge the challenges that we face related to the quality of life as we age. Chief among these are mental and behavioral health concerns.

Although most older adults enjoy good mental health it is estimated that nearly 20 percent of Americans age 55 or older experience a mental disorder. It is anticipated that the number of seniors with mental and behavioral health problems will almost quadruple, from 4 million in 1970 to 15 million in 2030.

In New York State alone, there are an estimated 500,000 older adults with mental health disorders. As the baby boomers age we expect to see the number of seniors in need of mental health services in the State of New York grow to over 750,000.

Among the most prevalent mental health concerns older adults encounter are anxiety, depression, cognitive impairment, and substance abuse. These disorders, if left untreated, can have severe physical and psychological implications. In fact, older adults have the highest rates of suicide in our country and depression is the foremost risk factor.

The physical consequences of mental health disorders can be both expensive and debilitating. Depression has a powerful negative impact on ability to function, resulting in high rates of disability. The World Health Organization projects that by the year 2020, depression will remain a leading cause of disability, second only to cardiovascular disease. Even mild depression lowers immunity and may compromise a person's ability to fight infections and cancers. Research indicates that 50–70 percent of all primary care medical visits are related to psychological factors such as anxiety, depression, and stress.

Mental disorders do not have to be a part of the aging process because we have effective treatments for these conditions. But in far too many instances our seniors go undiagnosed and untreated because of the current divide in our country between health care and mental health care.

Too often physicians and other health professionals fail to recognize the signs and symptoms of mental health problems. Even more troubling, knowledge about treatment is simply not accessible to many primary care practitioners. As a whole, we have

failed to fully integrate mental health screening and treatment into our health service systems.

These missed opportunities to diagnose and treat mental health disorders are taking a tremendous toll on seniors and increasing the burden on their families and our health care system.

That is why I am reintroducing the Positive Aging Act with my co-sponsors Senator COLLINS and Representatives KENNEDY and ROS-LEHTINEN.

This legislation would amend the Older Americans Act and the Public Health Service Act to strengthen the delivery of mental health services to older Americans.

Specifically, the Positive Aging Act would fund grants to states to provide screening and treatment for mental health disorders in seniors.

It would also fund demonstration projects to provide these screening and treatment services to older adults residing in rural areas and in naturally occurring retirement communities, NORC's.

This legislation would also authorize demonstration projects to reach out to seniors and make much needed collaborative mental health services available in community settings where older adults reside and already receive services such as primary care clinics, senior centers, adult day care programs, and assisted living facilities.

Today, we are fortunate to have a variety of effective treatments to address the mental health needs of American seniors. I believe that we owe it to older adults in this country to do all that we can to ensure that high quality mental health care is both available and accessible.

This legislation takes an important step in that direction and I look forward to working with you all to enact the Positive Aging Act during the upcoming Older Americans Act and SAMHSA reauthorizations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1116

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Positive Aging Act of 2005''.

TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

SEC. 101. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

''(44) MENTAL HEALTH SCREENING AND TREATMENT SERVICES.—The term 'mental health screening and treatment services' means patient screening, diagnostic services, care planning and oversight, therapeutic interventions, and referrals that are—

''(A) provided pursuant to evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals (including, but not limited to, mood and anxiety disorders, dementias of all kinds, psychotic disorders, and substances and alcohol abuse), relying to the greatest extent feasible on protocols that have been developed—

''(i) by or under the auspices of the Secretary; or

''(ii) by academicians with expertise in mental health and aging; and

''(B) coordinated and integrated with the services of social service, mental health, and health care providers in an area in order to—

''(i) improve patient outcomes; and

''(ii) assure, to the maximum extent feasible, the continuing independence of older individuals who are residing in the area.''.

SEC. 102. OFFICE OF OLDER ADULT MENTAL HEALTH SERVICES.

Section 301(b) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)) is amended by adding at the end the following:

''(3) The Assistant Secretary shall establish within the Administration an Office of Older Adult Mental Health Services, which shall be responsible for the development and implementation of initiatives to address the mental health needs of older individuals.''.

SEC. 103. GRANTS TO STATES FOR THE DEVELOPMENT AND OPERATION OF SYSTEMS FOR PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LACKING ACCESS TO SUCH SERVICES.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

(1) in section 303, by adding at the end the following:

''(f) There are authorized to be appropriated to carry out part F (relating to grants for programs providing mental health screening and treatment services) such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.'';

(2) in section 304(a)(1), by inserting ''and subsection (f)'' after ''through (d)''; and

(3) by adding at the end the following:

''PART F—MENTAL HEALTH SCREENING AND TREATMENT SERVICES FOR OLDER INDIVIDUALS

''SEC. 381. GRANTS TO STATES FOR PROGRAMS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES FOR OLDER INDIVIDUALS.

''(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the development and operation of—

''(1) systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services; and

''(2) programs to—

''(A) increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals;

''(B) reduce the stigma associated with mental disorders in older individuals and other barriers to the diagnosis and treatment of the disorders; and

''(C) reduce age-related prejudice and discrimination regarding mental disorders in older individuals.

''(b) STATE ALLOCATION AND PRIORITIES.—A State agency that receives funds through a grant made under this section shall allocate the funds to area agencies on aging to carry out this part in planning and service areas in the State. In allocating the funds, the State agency shall give priority to planning and service areas in the State—

''(1) that are medically underserved; and

''(2) in which there are a large number of older individuals.

''(c) AREA COORDINATION OF SERVICES WITH OTHER PROVIDERS.—In carrying out this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall—

''(1) coordinate services described in subsection (a) with other community agencies, and voluntary organizations, providing similar or related services; and

''(2) to the greatest extent practicable, integrate outreach and educational activities with existing (as of the date of the integration) health care and social service providers serving older individuals in the planning and service area involved.

''(d) RELATIONSHIP TO OTHER FUNDING SOURCES.—Funds made available under this part shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide the services described in subsection (a).''.

SEC. 104. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN RURAL AREAS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) by inserting before section 401 the following:

''TITLE IV—GRANTS FOR EDUCATION, TRAINING, AND RESEARCH'';

and

(2) in part A of title IV, by adding at the end the following:

''SEC. 422. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN RURAL AREAS.

''(a) DEFINITION.—In this section, the term 'rural area' means—

''(1) any area that is outside a metropolitan statistical area (as defined by the Director of the Office of Management and Budget); or

''(2) such similar area as the Secretary specifies in a regulation issued under section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

''(b) AUTHORITY.—The Assistant Secretary shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects involving the provision of mental health screening and treatment services to older individuals residing in rural areas.

''(c) DURATION.—Grants made under this section shall be made for 3-year periods.

''(d) APPLICATION.—To be eligible to receive a grant under this section, a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Assistant Secretary may require, including—

''(1) information describing—

''(A) the geographic area and target population (including the racial and ethnic composition of the target population) to be served by the project; and

''(B) the nature and extent of the applicant's experience in providing mental health screening and treatment services of the type to be provided in the project;

''(2) assurances that the applicant will carry out the project—

''(A) through a multidisciplinary team of licensed mental health professionals;

''(B) using evidence-based intervention and treatment protocols to the extent such protocols are available;

''(C) using telecommunications technologies as appropriate and available; and

''(D) in coordination with other providers of health care and social services (such as senior centers and adult day care providers) serving the area; and

''(3) assurances that the applicant will conduct and submit to the Assistant Secretary

such evaluations and reports as the Assistant Secretary may require.

''(e) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (d)(3).

''(f) COORDINATION.—The Assistant Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to a grant under this section with programs and activities receiving funds pursuant to grants under sections 381 and 423, and sections 520K and 520L of the Public Health Service Act.''.

SEC. 105. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN NATURALLY OCCURRING RETIREMENT COMMUNITIES IN URBAN AREAS.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3032 et seq.), as amended by section 104, is further amended by adding at the end the following:

''SEC. 423. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN NATURALLY OCCURRING RETIREMENT COMMUNITIES IN URBAN AREAS.

''(a) DEFINITIONS.—In this section:

''(1) NATURALLY OCCURRING RETIREMENT COMMUNITY.—The term 'naturally occurring retirement community' means a residential area (such as an apartment building, housing complex or development, or neighborhood) not originally built for older individuals but in which a substantial number of individuals have aged in place (and become older individuals) while residing in such area.

''(2) URBAN AREA.—The term 'urban area' means—

''(A) a metropolitan statistical area (as defined by the Director of the Office of Management and Budget); or

''(B) such similar area as the Secretary specifies in a regulation issued under section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

''(b) AUTHORITY.—The Assistant Secretary shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects involving the provision of mental health screening and treatment services to older individuals residing in naturally occurring retirement communities located in urban areas.

''(c) DURATION.—Grants made under this section shall be made for 3-year periods.

''(d) APPLICATION.—To be eligible to receive a grant under this section, a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Assistant Secretary may require, including—

''(1) information describing—

''(A) the naturally occurring retirement community and target population (including the racial and ethnic composition of the target population) to be served by the project; and

''(B) the nature and extent of the applicant's experience in providing mental health screening and treatment services of the type to be provided in the project;

''(2) assurances that the applicant will carry out the project—

''(A) through a multidisciplinary team of licensed mental health professionals;

''(B) using evidence-based intervention and treatment protocols to the extent such protocols are available; and

''(C) in coordination with other providers of health care and social services serving the retirement community; and

''(3) assurances that the applicant will conduct and submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

''(e) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (d)(3).

''(f) COORDINATION.—The Assistant Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to grants made under this section with programs and activities receiving funds pursuant to grants made under sections 381 and 422, and sections 520K and 520L of the Public Health Service Act.''.

TITLE II—PUBLIC HEALTH SERVICE ACT AMENDMENTS

SEC. 201. DEMONSTRATION PROJECTS TO SUPPORT INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended—

(1) in section 520(b)—

(A) in paragraph (14), by striking ''and'' after the semicolon;

(B) in paragraph (15), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(16) conduct the demonstration projects specified in section 520K.''; and

(2) by adding at the end the following:

''SEC. 520K. PROJECTS TO DEMONSTRATE INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to public and private nonprofit entities for projects to demonstrate ways of integrating mental health services for older patients into primary care settings, such as health centers receiving a grant under section 330 (or determined by the Secretary to meet the requirements for receiving such a grant), other Federally qualified health centers, primary care clinics, and private practice sites.

''(b) REQUIREMENTS.—In order to be eligible for a grant under this section, the project to be carried out by the entity shall provide for collaborative care within a primary care setting, involving psychiatrists, psychologists, and other licensed mental health professionals (such as social workers and advanced practice nurses) with appropriate training and experience in the treatment of older adults, in which screening, assessment, and intervention services are combined into an integrated service delivery model, including—

''(1) screening services by a mental health professional with at least a masters degree in an appropriate field of training;

''(2) referrals for necessary prevention, intervention, follow-up care, consultations, and care planning oversight for mental health and other service needs, as indicated; and

''(3) adoption and implementation of evidence-based protocols, to the extent available, for prevalent mental health disorders, including depression, anxiety, behavioral and psychological symptoms of dementia, psychosis, and misuse of, or dependence on, alcohol or medication.

''(c) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section, the Secretary, to the extent feasible, shall ensure that—

''(1) projects are funded in a variety of geographic areas, including urban and rural areas; and

''(2) a variety of populations, including racial and ethnic minorities and low-income populations, are served by projects funded under this section.

''(d) DURATION.—A project may receive funding pursuant to a grant under this section for a period of up to 3 years, with an extension period of 2 additional years at the discretion of the Secretary.

''(e) APPLICATION.—To be eligible to receive a grant under this section, a public or private nonprofit entity shall—

''(1) submit an application to the Secretary (in such form, containing such information, and at such time as the Secretary may specify); and

''(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

''(f) EVALUATION.—Not later than July 31 of each calendar year, the Secretary shall submit to Congress a report evaluating the projects receiving awards under this section for such year.

''(g) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall supplement, and not supplant, other Federal, State, or local funds available to an entity to carry out activities described in this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2006 and each fiscal year thereafter.''.

SEC. 202. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 201, is further amended by adding at the end the following:

''SEC. 520L. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to public or private nonprofit entities that are community-based providers of geriatric mental health services, to support the establishment and maintenance by such entities of multi-disciplinary geriatric mental health outreach teams in community settings where older adults reside or receive social services. Entities eligible for such grants include—

''(1) mental health service providers of a State or local government;

''(2) outpatient programs of private, nonprofit hospitals;

''(3) community mental health centers meeting the criteria specified in section 1913(c); and

''(4) other community-based providers of mental health services.

''(b) REQUIREMENTS.—To be eligible to receive a grant under this section, an entity shall—

''(1) adopt and implement, for use by its mental health outreach team, evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals (including, but not limited to, mood and anxiety disorders, dementias of all kinds, psychotic disorders, and substance and alcohol abuse), relying to the greatest extent feasible on protocols that have been developed—

''(A) by or under the auspices of the Secretary; or

''(B) by academicians with expertise in mental health and aging;

''(2) provide screening for mental disorders, diagnostic services, referrals for treatment, and case management and coordination through such teams; and

''(3) coordinate and integrate the services provided by such team with the services of social service, mental health, and medical providers at the site or sites where the team is based in order to—

''(A) improve patient outcomes; and

''(B) to assure, to the maximum extent feasible, the continuing independence of older adults who are residing in the community.

''(c) COOPERATIVE ARRANGEMENTS WITH SITES SERVING AS BASES FOR OUTREACH.—An entity receiving a grant under this section may enter into an agreement with a person operating a site at which a geriatric mental health outreach team of the entity is based, including—

''(1) senior centers;

''(2) adult day care programs;

''(3) assisted living facilities; and

''(4) recipients of grants to provide services to senior citizens under the Older Americans Act of 1965, under which such person provides (and is reimbursed by the entity, out of funds received under the grant, for) any supportive services, such as transportation and administrative support, that such person provides to an outreach team of such entity.

''(d) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section, the Secretary, to the extent feasible, shall ensure that—

''(1) projects are funded in a variety of geographic areas, including urban and rural areas; and

''(2) a variety of populations, including racial and ethnic minorities and low-income populations, are served by projects funded under this section.

''(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

''(1) submit an application to the Secretary (in such form, containing such information, at such time as the Secretary may specify); and

''(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

''(f) COORDINATION.—The Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to a grant under this section with programs and activities receiving funds pursuant to grants under section 520K and sections 381, 422, and 423 of the Older Americans Act of 1965.

''(g) EVALUATION.—Not later than July 31 of each calendar year, the Secretary shall submit to Congress a report evaluating the projects receiving awards under this section for such year.

''(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall supplement, and not supplant, other Federal, State, or local funds available to an entity to carry out activities described in this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2006 and each fiscal year thereafter.''.

SEC. 203. DESIGNATION OF DEPUTY DIRECTOR FOR OLDER ADULT MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.

Section 520 of the Public Health Service Act (42 U.S.C. 290bb–31) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) DEPUTY DIRECTOR FOR OLDER ADULT MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.—The Director, after consultation with the Administrator, shall designate a Deputy Director for Older Adult Mental Health Services, who shall be responsible for the development and implementation of initiatives of the Center to address the mental health needs of older adults. Such initiatives shall include—

''(1) research on prevention and identification of mental disorders in the geriatric population;

''(2) innovative demonstration projects for the delivery of community-based mental health services for older Americans;

''(3) support for the development and dissemination of evidence-based practice models, including models to address dependence on, and misuse of, alcohol and medication in older adults; and

''(4) development of model training programs for mental health professionals and care givers serving older adults.''.

SEC. 204. MEMBERSHIP OF ADVISORY COUNCIL FOR THE CENTER FOR MENTAL HEALTH SERVICES.

Section 502(b)(3) of the Public Health Service Act (42 U.S.C. 290aa–1(b)(3)) is amended by adding at the end the following:

''(C) In the case of the advisory council for the Center for Mental Health Services, the members appointed pursuant to subparagraphs (A) and (B) shall include representatives of older Americans, their families, and geriatric mental health specialists.''.

SEC. 205. PROJECTS OF NATIONAL SIGNIFICANCE TARGETING SUBSTANCE ABUSE IN OLDER ADULTS.

Section 509(b)(2) of the Public Health Service Act (42 U.S.C. 290bb–2(b)(2)) is amended by inserting before the period the following: '', and to providing treatment for older adults with alcohol or substance abuse or addiction, including medication misuse or dependence''.

SEC. 206. CRITERIA FOR STATE PLANS UNDER COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANTS.

(a) IN GENERAL.—Section 1912(b)(4)of the Public Health Service Act (42 U.S.C. 300x–2(b)(4)) is amended to read as follows:

''(4) TARGETED SERVICES TO OLDER INDIVIDUALS, INDIVIDUALS WHO ARE HOMELESS, AND INDIVIDUALS LIVING IN RURAL AREAS.—The plan describes the State's outreach to and services for older individuals, individuals who are homeless, and individuals living in rural areas, and how community-based services will be provided to these individuals.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to State plans submitted on or after the date that is 180 days after the date of enactment of this Act.

By Mr. LIEBERMAN (for himself and Mr. ALEXANDER):

S. 1117. A bill to deepen the peaceful business and cultural engagement of the United States and the People's Republic of China, and for other purposes; to the Committee on Foreign Relations.

Mr. LIEBERMAN. Mr. President, I rise to introduce a bill that aims to redefine and enhance the relationship between the People's Republic of China and the United States of America.

At this point in our history we stand at the threshold of a new era in American Foreign policy and indeed of world history. For the first time ever an economic and military superpower is about to emerge without war or catastrophe: Asia's middle kingdom: the People's Republic of China, stands at the precipice of becoming one of the two most influential nations on Earth.

I have always held that our foreign policy is best conducted when our values as a Nation form the basis of our policies. With that in mind, I stand before you today to introduce legislation that will deepen the scope and breadth of America's relationship with China through the reaching out of our Nation's hand in friendship.

We introduce this with a bit of humility because history constantly shows us that the more things change, the more they stay the same. Fortunately American history is filled with good ideas to guide us.

Back in 1871, President Ulysses S. Grant told Congress that trade imbalances with China were threatening the viability of key United States' industries and warned that federal intervention might be needed to restore the balance of trade.

That is true today and I am both sponsoring and supporting legislation to fairly revalue the Yuan so that U.S. industries and workers enjoy a fair playing field in the global market.

But Grant also thought many problems with China could be solved if we just better understood Chinese language and culture. He proposed sending at least four American students a year to China to study the language and culture and who would then act as effective translators for business and government officials.

Grant's idea was never acted on and years of unfortunate history separated China from the rest of the world anyway.

But China is back and so are the challenges.

Those versed in international affairs and trade are fully aware of China's emerging influence. However, our present education system is not equipped to supply the number of skilled professionals required to constructively interact with China. According to the 2000 Census there are about 2.2 million Americans that speak Chinese. Of that 2.2 million, approximately 85–95 percent are Americans of Chinese descent. According to several studies there is a dearth of knowledge among college-bound students regarding Chinese cultural pillars like Mao Zedong in the United States. China, on the other hand, mandates English instruction beginning in—what we would call—the third grade. For every student we send to China to study there, they send 25 to study here.

If you combine these findings with the fact that well over half of the 500 largest companies are currently invested in China, with many more drawing up plans to do so, it becomes clear to me that the talent pool for future American-produced leaders with expertise in Chinese affairs is woefully inadequate. If you take a look at China's top ten trading partners, seven of those have a trade surplus with China and most importantly, five of those seven have a significant population with deep-seated knowledge of Chinese language and culture. America needs more people with the expertise to transact with China in international affairs and

to increase the number of professionals that will assist both nations in growing and balancing our economic interdependency.

The future repercussions of our lack of knowledge about Chinese culture are immense. The Chinese have just begun to compete with U.S. firms for precious natural resources to feed the exponential growth of their economy. China is the world's biggest consumer of steel and in another decade will be the biggest consumer of petroleum. Currently, China's middle class is the fastest growing anywhere in the world. Over 400 of the world's Fortune 500 companies are invested in China's economy, which will soon be the largest consumer market in the world. Already, our trade with Asia is double that with Europe and is expected to exceed one trillion dollars annually before 2010. China, soon to be the biggest economic power in Asia, will play a large role in that growth. Consequently, the one in six U.S. jobs that are currently tied to international trade will grow substantially. If the U.S. is to grab a significant piece of China's burgeoning consumer market, we must begin by engaging China as experts of their culture.

The United States-China Cultural Engagement Act of 2005 authorizes $1.3 billion over the five years after its enactment. This is a symbolic gesture for the recent birth of China's one billion three hundred millionth citizen. One may argue that is too much given other important—under-funded—national priorities. However, the dividend from this investment in our future business and government leaders pays for itself a hundred or even a million times over in opportunities for economic growth and in potential foreign crises that will be averted.

In this legislation, I propose to significantly enhance our schools and academic institutions' ability to teach Chinese language and culture from elementary school through advanced degree studies. This act will expand student physical exchange programs with China as well as create a virtual exchange infrastructure for secondary school students that study Chinese. Initiatives were included, that offer the Department of State more flexibility in granting visas to Chinese scientists to come here and study at American academic institutions. For American businesses, I seek a substantial increase in Foreign Commercial Service officers stationed in China to uncover and facilitate more American export opportunities. For non-corporate entrepreneurs, provisions that provide for the expansion of state specific export centers and greater Small Business Administration outreach were also included.

Engaging China as an ally in international affairs and as a partner in building economic prosperity is of the utmost importance to the United States. Only if we succeed in fostering this relationship can we have a future that is as bright as our past. Education experts, corporate leaders, and even some government officials have talked for sometime about the convergence of economic, demographic, and national security trends that require our young people to attain a greater level of international knowledge and skills to be successful as workers and citizens in our increasingly dynamic American economy.

The rise of China comes with a whole set of challenges. But the ability to talk to and understand each other should not be among them.

The United States-China Cultural Engagement Act sets forth a strategy for achieving that level of understanding and cooperation with China, I urge my colleagues to look favorably upon this measure.

By Mr. FEINGOLD:

S. 1118. A bill to amend the Reclamation Reform Act of 1982 to reduce irrigation subsidies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, today I am introducing a measure aimed at curbing wasteful spending. In the face of our ever growing Federal deficit, we must prioritize and eliminate programs that can no longer be sustained with limited Federal dollars, or where a more cost-effective means of fulfilling those functions can be substituted. The measure that I introduce today establishes a means test for large agribusinesses receiving subsidized water from the Bureau of Reclamation.

The irrigation means test provision is drawn from legislation that I have sponsored in previous Congresses to reduce the amount of Federal irrigation subsidies received by large agribusiness interests. I believe that reforming Federal water pricing policy by reducing subsidies is important as a means to achieve our broader objectives of achieving a truly balanced budget. This legislation is also needed to curb fundamental abuses of reclamation law that cost the taxpayer millions of dollars every year.

In 1901, President Theodore Roosevelt proposed legislation, which came to be known as the Reclamation Act of 1902, to encourage development of family farms throughout the western United States. The idea was to provide needed water for areas that were otherwise dry and give small farms, those no larger than 160 acres, a chance, with a helping hand from the Federal Government, to establish themselves. According to a 1996 General Accounting Office report, since the passage of the Reclamation Act, the Federal Government has spent $21.8 billion to construct 133 water projects in the west to provide water for irrigation. Agribusinesses, and other project beneficiaries, are required under the law to repay to the Federal Government their allocated share of the costs of constructing these projects.

As a result of the subsidized financing provided by the Federal Government, however, some of the beneficiaries of Federal water projects repay considerably less than their full share of these costs. According to the 1996 GAO report, agribusinesses generally receive the largest amount of federal financial assistance. Since the initiation of the irrigation program in 1902, construction costs associated with irrigation have been repaid without interest. The GAO further found, in reviewing the Bureau of Reclamation's financial reports, that $16.9 billion, or 78 percent, of the $21.8 billion of Federal investment in water projects is considered to be reimbursable. Of the reimbursable costs, the largest share, $7.1 billion, is allocated to irrigation interests. GAO also found that the Bureau of Reclamation will likely shift $3.4 billion of the debt owed by agribusinesses to other users of the water projects for repayment.

There are several reasons why large agribusinesses continue to receive such significant subsidies. Under the Reclamation Reform Act of 1982, Congress acted to expand the size of the farms that could receive subsidized water from 160 acres to 960 acres. The RRA of 1982 expressly prohibits farms that exceed 960 acres in size from receiving federally subsidized water. These restrictions were added to the Reclamation law to close loopholes through which Federal subsidies were flowing to large agribusinesses rather than the small family farmers that Reclamation projects were designed to serve. Agribusinesses were expected to pay full cost for all water received on land in excess of their 960 acre entitlement.

Despite the express mandate of Congress, regulations promulgated under the Reclamation Reform Act of 1982 have failed to keep big agricultural water users from receiving Federal subsidies. The General Accounting Office and the Inspector General of the Department of the Interior continue to find that the acreage limits established in law are circumvented through the creation of arrangements such as farming trusts. These trusts, which in total acreage well exceed the 960 acre limit, are comprised of smaller units that are not subject to the reclamation acreage cap. These smaller units are farmed under a single management agreement often through a combination of leasing and ownership.

The Department of the Interior has acknowledged that these trusts exist. Interior published a final rulemaking in 1998 to require farm operators who provide services to more than 960 nonexempt acres westwide, held by a single trust or legal entity or any combination of trusts and legal entities, to submit RRA forms to the district(s) where such land is located. Water districts are now required to provide specific information about farm operators to Interior annually. This information is an important step toward enforcing the legislation that I am reintroducing today.

A recent report by the Environmental Working Group examined water

subsidies in the Central Valley Project (CVP) of California and it provides further evidence that this legislation is long overdue. According to EWG, in 2002, the largest 10 percent of the farms in the area got 67 percent of the water, for an average subsidy worth up to $349,000 each at market rates for replacement water. Twenty-seven large farms received subsidies each worth $1 million or more at market rates. Yet, the median subsidy for a Central Valley farmer in 2002 was $7,076 a year, almost 50 times less than the largest 10 percent of farms. One farm in Fresno County received more water by itself than 70 CVP water user districts. Its subsidy alone was worth $4.2 million a year at market rates.

This analysis is significant because the Bureau of Reclamation program is supposed to help small farmers, not large agribusinesses. The CVP analysis is also important because CVP farmers get about one-fifth of all the water used in California, at rates that by any measure are far below market value. In 2002, for example, the average price for irrigation water from the CVP was less than 2 percent what Los Angeles residents pay for drinking water, one-tenth the estimated cost of replacement water supplies, and about one-eighth what the public pays to buy its own water back to restore the San Francisco Bay and Delta. Meanwhile, many citizens in living in the CVP do not have access to clean, safe drinking water. Unfortunately, this situation is pervasive in many other Western communities.

My legislation combines various elements of proposals introduced by other members of Congress to close loopholes in the 1982 legislation and to impose a $500,000 means test. This new approach limits the amount of subsidized irrigation water delivered to any operation in excess of the 960 acre limit that claimed $500,000 or more in gross income, as reported on its most recent IRS tax form. If the $500,000 threshold were exceeded, an income ratio would be used to determine how much of the water should be delivered to the user at the full-cost rate, and how much at the below-cost rate. For example, if a 961 acre operation earned $1 million, a ratio of $500,000, the means-test value, divided by its gross income would determine the full cost rate. Thus the water user would pay the full cost rate on half of their acreage and the below-cost rate on the remaining half.

This means-testing proposal was featured in the 2000 Green Scissors report. This report is compiled annually by Friends of the Earth and Taxpayers for Common Sense and supported by a number of environmental, consumer and taxpayer groups. The premise of the report is that there are a number of subsidies and projects that could be cut to both reduce the deficit and benefit the environment. The Green Scissors recommendation on means-testing water subsidies indicates that if a test is successful in reducing subsidy payments to the highest grossing 10 percent of farms, then the federal government would recover between $440 million and $1.1 billion per year, or at least $2.2 billion over 5 years.

When countless Federal programs are subjected to various types of means tests to limit benefits to those who truly need assistance, it makes little sense to continue to allow large business interests to dip into a program intended to help small entities struggling to survive. Taxpayers have legitimate concerns when they learn that their hard-earned tax dollars are being expended to assist large corporate interests in select regions of the country, particularly in tight budgetary times.

I urge Congress to act swiftly to save money for the taxpayers.

By Mr. CHAMBLISS:

S. 1119. A bill to permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa, and for other purposes; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, today, I am introducing legislation to fix a problem that some of my colleagues have experienced in serving their constituents. Immigration case work is one of the top issues that my State offices handle on a regular basis. Occasionally, people who are in our country legally and playing by the rules can slip through the cracks as they wait on the immigration process to run its course. With the massive caseload handled by immigration services, there are bound to be mistakes, and this legislation allows the agency to remedy those mistakes in the limited situation of the Diversity Visa program.

The case of an Atlanta couple, Charles Nyaga and his wife, Doin, came to my attention about a year ago. Charles Nyaga, a native of Kenya, came to the U.S. with his family as a student in 1996, and he is currently pursuing a master's degree in divinity. In 1997, he applied for the fiscal year 1998 Diversity Visa program and the Immigration and Naturalization Service (INS) selected him. In accordance with the Diversity Visa requirements, Nyaga and his wife submitted an application and a fee to adjust their status to legal permanent resident.

A cover letter on the Diversity Visa application instructed: ''While your application is pending before the interview, please DO NOT make inquiry as to the status of your case, since it will result in further delay.'' During the eight months that INS had to review his application, Nyaga accordingly never made inquiry, and he unfortunately never heard back. His valid application simply slipped through the cracks. At the end of the fiscal year, Nyaga's application expired, although a sufficient number of diversity visas remained available.

Nyaga and his wife took their case all the way to the 11th Circuit Court of Appeals. In a decision last year, the Court found that the INS lacks the authority to act on Nyaga's application after the end of the fiscal year, regardless of how meritorious his case is. The court even went so far as to note that a private relief bill is the remedy for Nyaga in order to overcome the statuary barrier that prohibits the INS from reviewing a case in a prior fiscal year. The U.S. Supreme Court declined to take up this case.

My legislation would overcome this statutory hurdle for Charles Nyaga, his wife, and others who are similarly situated. The legislation would give the Department of Homeland Security (DHS) the opportunity to reopen cases from previous fiscal years in order to complete their processing. It is important to understand that this process would only be available to those individuals who have been here since the time they filed their claim. The bill would still give DHS the discretion to conduct background checks and weigh any security concerns before adjusting an applicant's status.

I look forward to working with my colleagues and with Homeland Security officials to pass this legislation this year. We must provide relief in these cases. I believe this targeted legislation strikes the proper balance to provide thorough processing of Diversity Visa applications while not compromising the Department's national security mission.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. LUGAR, and Mr. SMITH):

S. 1120. A bill to reduce hunger in the United States by half by 2010, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, nearly a decade ago, at the 1996 World Food Summit, the United States joined 185 other countries in a commitment to cut the number of undernourished people in the world in half by 2015. In 2000, as part of the Healthy People 2010 initiative, the U.S. government set another, more ambitious goal—to cut U.S. food insecurity in half from the 1995 level by 2010.

These are laudable and achievable goals. But our actions as a Nation have not kept pace with our words. Hunger and food insecurity have increased in this country each year since 1999. According to Household Food Security in the United States, 2003, the most recent report on hunger and food insecurity in the U.S. from the U.S. Department of Agriculture, 36.3 million people—including nearly 13.3 million children—lived in households that experienced hunger or the risk of hunger in 2003. This represents more than one in ten households in the United States (11.2 percent) and is an increase of 1.4 million, from 34.9 million in 2002.

In his remarks to delegates at the first World Food Congress in 1963, President John F. Kennedy said, ''We have the means, we have the capacity

to eliminate hunger from the face of the earth in our lifetime. We only need the will.''

Forty-two years later, we still need the will, especially the political will.

In June 2004, the National Anti-Hunger Organization (NAHO), which is comprised of the 13 national organizations that are working to end widespread hunger in our country, released A Blueprint to End Hunger. It is a roadmap setting forth a strategy for government, schools and community organizations, nonprofit groups, businesses, and individuals to solve the problem of hunger. The report recommends that Federal food programs continue as the centerpiece of our strategy to end hunger. It also urges us, the Federal Government, to invest in and strengthen the national nutrition safety net and increase outreach and awareness of the importance of preventing hunger and improving nutrition.

We know that Federal nutrition programs work. WIC, food stamps, the school breakfast and lunch programs, and other federal nutrition programs are reaching record numbers of Americans today, and making their lives better. But we're not reaching enough people. There are still too many parents in this country who skip meals because there is not enough money in the family food budget for them and their children to eat every night. There are still too many babies and toddlers in America who are not getting the nutrition their minds and bodies need to develop to their fullest potential. There are too many seniors, and children, who go to bed hungry. In the richest Nation in the history of the world, that's unacceptable.

Today, in an effort to stir the political will and rekindle our commitment to achieve the goal of ending hunger, I am introducing the Hunger-Free Communities Act of 2005 with Senators SMITH, LUGAR, and LINCOLN. This bill builds on the recommendations made by NAHO and is designed to put our nation back on track toward the goal of cutting domestic food insecurity and hunger in half by 2010. It contains a sense of the Congress reaffirming our commitment to the 2010 goal and establishing a new goal: the elimination of hunger in the United States by 2015. This sense of Congress also urges the preservation of the entitlement nature of food programs and the protection of federal nutrition programs from funding cuts that reduce benefit levels or the number of eligible participants.

The Hunger-Free Communities Act also increases the resources available to local groups across the country working to eliminate hunger in their communities. Each day, thousands of community-based groups and millions of volunteers work on the front lines of the battle against hunger. This bill establishes an anti-hunger grant program, the first of its kind, with an emphasis on assessing hunger in individual communities and promoting cooperation and collaboration among local anti-hunger groups. The grant program recognizes the vital role that community-based organizations already play in the fight against hunger and represents Congress' commitment to the public/private partnership necessary to reduce, and ultimately eliminate, food insecurity and hunger in this country.

Hunger is not a partisan issue. During the 1960s and 1970s, under both Democratic and Republican Administrations, our country undertook initiatives and put in place programs that substantially reduced the number of people who struggle to feed their families in our nation. Unfortunately, this progress has not been sustained.

We now have the opportunity to forge a new bipartisan partnership, committed to addressing hunger in the United States. Senators SMITH, DOLE, LINCOLN, and I have created the bipartisan Senate Hunger Caucus with that goal in mind. Progress against hunger is possible, even with a war abroad and budget deficits at home. I thank my colleagues for their leadership on the Hunger Caucus and look forward to working with them, and other members of this body, as we consider the Hunger-Free Communities Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1120

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hunger-Free Communities Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) food insecurity and hunger are growing problems in the United States;

(2) in 2003, more than 36,000,000 people, 13,000,000 of whom were children, lived in households that were food insecure, representing an increase of 5,200,000 people in just 4 years;

(3) over 9,600,000 people lived in households in which at least 1 person experienced hunger;

(4)(A) at the 1996 World Food Summit, the United States, along with 185 other countries, pledged to reduce the number of undernourished people by half by 2015;

(B) as a result of this pledge, the Department of Health and Human Services adopted the Healthy People 2010 goal to cut food insecurity in half by 2010, and in doing so reduce hunger;

(5)(A) the Healthy People 2010 goal measures progress that has been made since the 1996 World Food Summit and urges the Federal Government to reduce food insecurity from the 1995 level of 12 percent to 6 percent;

(B) in 1999, food insecurity decreased to 10.1 percent, and hunger decreased to 3 percent, but no progress has been made since 1999;

(C) in 2003, food insecurity increased to 11.2 percent and hunger increased to 3.5 percent, so that the United States needs to reduce food insecurity by approximately 5 percentage points in the next 5 years in order to reach the Healthy People 2010 goal;

(6) anti-hunger organizations in the United States have encouraged Congress to achieve the commitment of the United States to decrease food insecurity and hunger in half by 2010 and eliminating food insecurity and hunger by 2015;

(7) anti-hunger organizations in the United States have identified strategies to cut food insecurity and hunger in half by 2010 and to eliminate food insecurity and hunger by 2015;

(8)(A) national nutrition programs are among the fastest, most direct ways to efficiently and effectively prevent hunger, reduce food insecurity, and improve nutrition among the populations targeted by a program;

(B) the programs are responsible for the absence of widespread hunger and malnutrition among the poorest people, especially children, in the United States;

(9)(A) although national nutrition programs are essential in the fight against hunger, the programs fail to reach all of the people eligible and entitled to their services;

(B) according to the Department of Agriculture, only approximately 56 percent of food-insecure households receive assistance from at least 1 of the 3 largest national nutrition programs, the food stamp program, the special supplemental nutrition program for women, infants, and children (WIC), and the school lunch program;

(C) the food stamp program reaches only about 54 percent of the households that are eligible for benefits; and

(D) free and reduced price school breakfasts are served to about ½ of the low-income children who get free or reduced price lunches, and during the summer months, less than 20 percent of the children who receive free and reduced price school lunches are served meals;

(10) in 2001, food banks, food pantries, soup kitchens, and emergency shelters helped to feed more than 23,000,000 low-income people;

(11) community-based organizations and charities can help—

(A) play an important role in preventing and reducing hunger;

(B) measure community food security;

(C) develop and implement plans for improving food security;

(D) educate community leaders about the problems of and solutions to hunger;

(E) ensure that local nutrition programs are implemented effectively; and

(F) improve the connection of food insecure people to anti-hunger programs;

(12) according to the Department of Agriculture, in 2003, hunger was 8 times as prevalent, and food insecurity was nearly 6 times as prevalent, in households with incomes below 185 percent of the poverty line as in households with incomes at or above 185 percent of the poverty line; and

(13) in order to achieve the goal of reducing food insecurity and hunger by ½ by 2010, the United States needs to—

(A) ensure improved employment and income opportunities, especially for less-skilled workers and single mothers with children; and

(B) reduce the strain that rising housing and health care costs place on families with limited or stagnant incomes.

SEC. 3. DEFINITIONS.

In this Act:

(1) DOMESTIC HUNGER GOAL.—The term ''domestic hunger goal'' means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term ''emergency feeding organization'' has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term ''food security'' means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term ''hunger-free communities goal'' means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

SEC. 101. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Congress is committed to—

(A) achieving domestic hunger goals;

(B) achieving hunger-free communities goals; and

(C) ending hunger by 2015;

(2) Federal food and nutrition programs should receive adequate funding to meet the requirements of the programs; and

(3) the entitlement nature of the child and adult care food program, the food stamp program established by section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013), the school breakfast and lunch programs, and the summer food service program should be preserved.

SEC. 102. DATA COLLECTION.

(a) IN GENERAL.—The American Communities Survey, acting under the authority of the Census Bureau pursuant to section 141 of title 13, United States Code, shall collect and submit to the Secretary information relating to food security.

(b) COMPILATION.—Not later than October 31 of each year, the Secretary shall compile the information submitted under subsection (a) to produce data on food security at the Federal, State, and local levels.

SEC. 103. ANNUAL HUNGER REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study, and annual updates of the study, of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(2) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary shall include—

(A) the information compiled under section 102(b);

(B) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(C) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals.

(b) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(1) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(2) otherwise reducing domestic hunger.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the President and Congress a report that contains—

(1) a detailed statement of the results of the study, or the most recent update to the study, conducted under subsection (a); and

(2) the most recent recommendations of the Secretary under subsection (b).

TITLE II—STRENGTHENING COMMUNITY EFFORTS

SEC. 201. HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(3) NON-FEDERAL SHARE.—

(A) CALCULATION.—The non-Federal share of the cost of an activity under this section may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(B) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this section through a State government, a local government, or a private source.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund;

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity;

(C) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(D) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(E) if an assessment described in subsection (d)(1) has been performed, include—

(i) a summary of that assessment; and

(ii) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities that—

(A) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(B)(i) serve a predominantly rural and geographically underserved area;

(ii) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(iii) provide evidence of long-term efforts to reduce hunger in the community;

(iv) provide evidence of public support for the efforts of the eligible entity; or

(v) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—

(1) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(A) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in subparagraph (B) may use a grant received under this section to perform the assessment for the community.

(B) ASSESSMENT.—The assessment referred to in subparagraph (A) shall include—

(i) an analysis of the problem of hunger in the community served by the eligible entity;

(ii) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(iii) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(iv) a plan to achieve any other hunger-free communities goal in the community.

(2) ACTIVITIES.—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this section for any fiscal year for activities of the eligible entity, including—

(A) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(i) distributing food;

(ii) providing community outreach; or

(iii) improving access to food as part of a comprehensive service;

(B) developing new resources and strategies to help reduce hunger in the community;

(C) establishing a program to achieve a hunger-free communities goal in the community, including—

(i) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(ii) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(D) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

SEC. 202. HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an emergency feeding organization (as defined in section 201A(4) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501(4))).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 40 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund; and

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a community that has carried out long-term efforts to reduce hunger in the community.

(D) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

(1) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community;

(2) assisting an emergency feeding organization in the community in obtaining locally-produced produce and protein products; and

(3) assisting an emergency feeding organization in the community to process and serve wild game.

SEC. 203. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a national or regional nonprofit organization that carries out an activity described in subsection (d).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 10 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the eligible entity does not operate for profit;

(B) describe any national or regional training program carried out by the eligible entity, including a description of each region served by the eligible entity;

(C) describe any national or regional technical assistance provided by the eligible entity, including a description of each region served by the eligible entity; and

(D) describe the means by which each organization served by the eligible entity—

(i) works to achieve a domestic hunger goal;

(ii) works to achieve a hunger-free communities goal; or

(iii) used a grant received by the organization under section 201 or 202.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a region in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a region that has carried out long-term efforts to reduce hunger in the region.

(D) The eligible entity serves a region that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out national or regional training and technical assistance for organizations that—

(1) work to achieve a domestic hunger goal;

(2) work to achieve a hunger-free communities goal; or

(3) receive a grant under section 201 or 202.

SEC. 204. REPORT.

Not later than September 30, 2011, the Secretary shall submit to Congress a report describing—

(1) each grant made under this title, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this title in achieving domestic hunger goals.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out title II $50,000,000 for each of fiscal years 2006 through 2011.

Mrs. LINCOLN. Mr. President, while serving as a Congressmen from Texas in the 1980s, Mickey Leland said, ''I cannot get used to hunger and desperate poverty in our plentiful land. There is no reason for it, there is no excuse for it, and it is time that we as a nation put an end to it.''

Over 15 years have passed since Mr. Leland delivered those powerful remarks, and we have yet to achieve his goal of ending hunger in America. In many respects, we have only slipped backwards. According to the U.S. Department of Agriculture, 36.3 million Americans, including 13.3 million children, experienced hunger or food insecurity in 2003. These figures, startling on their own, have been increasing steadily since 1999. We need to reverse this trend.

Mr. President, I rise today to pledge my commitment to this cause. Today, I am pleased to join Senators DURBIN, SMITH, and LUGAR in introducing the Hunger-Free Communities Act of 2005. This bill establishes a goal of ending hunger in America by 2015. The bill also supports preserving the entitlement framework of the federal food programs. Our federal food programs are vitally important to the millions of working Americans that are trying to make ends meet and the millions of children who need access to nutritious food.

In addition, this bill commits our fullest efforts to protecting the discretionary food program from budget cuts that would prevent these programs from addressing identified need. Lastly, the bill provides needed resources to non-profit organizations that fight to reduce hunger every day. The grant programs this bill establishes will promote new partnerships and help build the infrastructure we believe is necessary to root out hunger in every corner of our nation.

Almost a year ago, I joined Senators SMITH, DURBIN and DOLE in founding the bipartisan Senate Hunger Caucus to address the growing problem of hunger in America and around the world. The Senate Hunger Caucus currently has 34 members and we are working together to raise awareness about these issues and help create solutions to the hunger problem.

While there are many difficult problems we work to solve in Congress, hunger is a problem that has a solution. This bill is an example of our bipartisan effort to develop solutions to the hunger problem in America. I am proud to work with my colleagues to support ending hunger for the millions of Americans who find themselves without access to one of the most basic needs—nutritious food.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1122. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN to introduce the Southeast Arizona Land Exchange and Conservation Act of 2005. This bill, which facilitates an important land exchange in Arizona, is the product of months of discussion between the United States Forest Service, Bureau of Land Management, State and local officials, community groups, recreational and conservation groups, and other stakeholders. It will allow for the protection of some of the most environmentally sensitive lands in Arizona while providing a much needed economic engine for the people of Superior, AZ and the surrounding communities. An identical companion bill is being introduced today in the House of Representatives by Representative RENZI.

The exchange conveys approximately 3,025 acres of land controlled by the Forest Service to Resolution Copper Company. The acreage to be traded to Resolution Copper will facilitate future exploration, and possible development, of what may be one of the largest deposits of copper ore ever discovered in North America. The 3,025 acres are intermingled with, or lie next to, private lands already owned by Resolution Copper, and are located south and

east of Resolution's existing underground Magma copper mine. Approximately 75 percent of the 3,025 acre Federal parcel is already blanketed by federally authorized mining claims owned by Resolution Copper that give Resolution the right to explore and develop mineral deposits on it. Given the intermingled ownership, the public safety issues that may be associated with mining activities, and the significant financial investment Resolution Copper must make to even determine whether development of a mine is feasible, it makes sense, for Resolution Copper to own the entire mining area.

However, we also recognize that there is public resource value associated with the Federal land that would come into private ownership and, to the extent we can, we should protect and or replace these resources. The Apache Leap Escarpment, a spectacular cliff area comprising approximately 562 acres on the western side of the federal parcel, is an area deserving of protection. To protect the surface of this area from mining and development, the bill requires that a permanent conservation easement be placed on this area. In addition, the bill sets up a process to determine whether additional or enhanced public access should be provided to Apache Leap and, if so, provides that Resolution Copper will pay up to $250,000 to provide such access.

The bill also requires replacement sites for the Oak Flat Campground and the climbing area that are located on the Federal parcel that will be traded to Resolution Copper. The process to locate replacement sites is already under way, and I am told it is going well. Access to these public areas will not immediately terminate on enactment of this legislation: The bill allows continued public use of the Oak Flat Campground for two years after the enactment and it allows for continued rock climbing use for two years after, and use of the land for the annual ''Boulder Blast'' rock climbing competition for five years after enactment. Replacement sites will be designed and developed largely with funding provided by Resolution Copper.

I am also working with Resolution Copper and community groups to determine whether there may be additional climbing areas within the Federal parcel that could continue to be accessible to the public without compromising public safety or the mining operation. I have included a placeholder in the bill for such additional climbing provisions if agreed to.

In return for conveying the Federal land parcel to Resolution Copper, the Forest Service and Bureau of Land Management will receive six parcels of private land, totaling 4,814 acres. These parcels have been identified, and are strongly endorsed for public acquisition, by the Forest Service, BLM, Arizona Audubon Society, Nature Conservancy, Sonoran Institute, Arizona Game and Fish Department, and numerous others.

The largest of the six parcels is the Seven B Ranch located near Mammoth. It runs for 6.8 miles along both sides of the lower San Pedro River—one of the few remaining undammed rivers in the southwestern United States. The parcel also has: one of the largest, and possibly oldest, mesquite bosques in Arizona; a high volume spring that flows year round; and potential recovery habitat for several endangered species, including the southwestern willow flycatcher. It lies on an internationally recognized migratory bird flyway, with roughly half the number of known breeding bird species in North America passing through the corridor. Public acquisition of this parcel will greatly enhance efforts by Federal and State agencies to preserve for future generations the San Pedro River and its wildlife and bird habitat.

A second major parcel is the Appleton Ranch, consisting of 10 private inholdings intermingled with the Appleton-Whittell Research Ranch, adjacent to the Las Cienegas National Conservation Area southeast of Tucson. This acquisition will facilitate and protect the study of southwestern grassland ecology and unique aquatic wildlife and habitat.

Finally, the Forest Service will acquire four inholdings in the Tonto National Forest that possess valuable riparian and wetland habitat, water resources, historic and cultural resources, and habitat for numerous plant, wildlife and bird species, including the endangered Arizona hedgehog cactus.

Although the focus of this bill is the land exchange between Resolution Copper and the United States, it also includes provisions allowing for the conveyance of Federal lands to the Town of Superior, if it so requests. These lands include the town cemetery, lands around the town airport, and a Federal reversionary interest that exists at its airport site. These lands are included in the proposed exchange to assist the town in providing for its municipal needs and expanding its economic development.

Though I have described the many benefits of this exchange, you may be asking why we are legislating this land exchange. Why not use the existing administrative land exchange process? The answer is that this exchange can only be accomplished legislatively because the Forest Service does not have the authority to convey away federal lands in order to acquire other lands outside the boundaries of the National Forest System, no matter how ecologically valuable.

Of primary importance to me is that the exchange have procedural safeguards and conditions that ensure it is an equal value exchange that is in the public interest.

I will highlight some of the safeguards in this legislation: First, it requires that all appraisals of the lands must follow standard Federal practice and be performed in accordance with appraisal standards promulgated by the U.S. Department of Justice. All appraisals must also be formally reviewed, and approved, by the Secretary of Agriculture. Second, to ensure the Federal Government gets full value for the Federal parcel it is giving up, the Federal parcel will be appraised to include the minerals and appraised as if unencumbered by the private mining claims that detract from the fair market value of the land. These are important provisions not required by Federal law. They are especially significant given that over 75 percent of the Federal parcel is covered by mining claims owned by Resolution Copper and the bulk of the value of the Federal parcel is expected to be the minerals. Third, it requires that the Apache Leap conservation easement not be considered in determining the fair market value of the Federal land parcel. I believe by following standard appraisal practices and including these additional safeguards in the valuation process, the United States, and ultimately the taxpayer, will receive full fair market value for both the land and the minerals it contains.

In summary, with this land exchange we can preserve lands that advance the important public objectives of protecting wildlife habitat, cultural resources, the watershed, and aesthetic values, while generating economic and employment opportunities for State and local residents. I hope we approve the legislation at the earliest possible date. It is a winning scenario for our environment, our economy, and our posterity.

By Mr. SANTORUM:

S. 1125. A bill to reform liability for certain charitable contributions and services; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, I am introducing the Expanding Charitable and Volunteer Opportunities Act of 2005. I am proud of the charitable work that is continuously done throughout this country. However, individual charitable giving rates among Americans have stagnated over the past fifty years. As legislators, we must provide incentives for charitable giving and opportunities for low-income families to build individual assets, and support faith-based and secular organizations as they provide charitable social services. We must also eliminate unnecessary road blocks that might keep businesses and individuals from donating to the needy. I remain committed to promoting increased opportunities for the less fortunate to obtain help through faith-based and community organizations. There are people all around the country waiting to give more to charity—they just need a little push.

The Expanding Charitable and Volunteer Opportunities Act provides such a push. This legislation builds on the Volunteer Protection Act of 1997 that immunizes individuals who do volunteer work for non-profit organizations

or governmental entities from liability for ordinary negligence in the course of their volunteer work. My bill prevents a business from being subject to civil liability when a piece of equipment has been loaned by a business entity to a nonprofit organization unless the business has engaged in gross negligence or intentional conduct. This provision passed the House of Representatives in the 107th Congress as part of H.R. 7, and I am hopeful we can do the same here in the Senate in the 109th.

This bill also builds on the success of the Good Samaritan Food Donation Act by providing similar liability protections for volunteer firefighter companies. The basic purpose of this provision is to induce donations of surplus firefighting equipment by reducing the threat of civil liability for organizations (most commonly heavy industry) and individuals who wish to make these donations. The bill eliminates civil liability barriers to donations of surplus fire fighting equipment by raising the liability standard for donors from ''negligence'' to ''gross negligence.'' By doing this, the legislation saves taxpayer dollars by encouraging donations, thereby reducing the taxpayers' burden of purchasing expensive equipment for volunteer fire departments.

The Good Samaritan Volunteer Firefighter Assistance Act of 2005 is modeled after a bill passed by the Texas state legislature in 1997 and signed into law by then-Governor George W. Bush which has resulted in more than $10 million in additional equipment donations from companies and other fire departments for volunteer departments which may not be as well equipped. Now companies in Texas can donate surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments that are in need. The donated equipment must meet all original specifications before it can be sent to volunteer departments. Alabama, Arizona, Arkansas, California, Florida, Illinois, Indiana, Missouri, Nevada, South Carolina, and Pennsylvania have passed similar legislation at the state level.

Finally, my legislation provides commonsense medical liability protections to physicians who volunteer their time to assist patients at community health centers. The Expanding Charitable and Volunteer Opportunities Act would extend the medical liability protections of the Federal Torts Claim Act (FTCA) to volunteer physicians at community health centers. These protections are necessary to ensure that the centers can continue to lay an important role in lowering our Nation's health care costs and meeting the needs for affordable and accessible quality healthcare.

Community health centers offer an affordable source of quality health care, but we need more of them. The President has proposed a $304 million increase for community health center programs to create 1,200 new or expanded sites to serve an additional 6.1 million people by next year. In order to meet that goal, the centers must double their workforce by adding double the clinicians by 2006. Hiring this many doctors would be costly, but encouraging more to volunteer would help to meet this need. While many physicians are willing to volunteer their services at these centers, they often hesitate due to the high cost of medical liability insurance. As a result, there are too few volunteer physicians to meet our health care needs. Expanding FTCA protection to these physicians cannot come at a more opportune time.

The spirit of giving is part of what makes America great. But more can be done to assist the needy. The Expanding Charitable and Volunteer Opportunities Act provides added incentives to those who wish to donate equipment or time. I encourage my colleagues to support this legislation.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1126. A bill to provide that no federal funds may be expended for the payment or reimbursement of a drug that is prescribed to a sex offender for the treatment of sexual or erectile dysfunction; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1126

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

SECTION 1. NO FEDERAL FUNDS FOR DRUGS PRESCRIBED TO SEX OFFENDERS FOR THE TREATMENT OF SEXUAL OR ERECTILE DYSFUNCTION.

(a) RESTRICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds may be expended for the payment or reimbursement, including payment or reimbursement under the programs described in paragraph (2), of a drug that is prescribed to an individual described in paragraph (3) for the treatment of sexual or erectile dysfunction.

(2) PROGRAMS DESCRIBED.—The programs described in this paragraph are the medicaid program, the medicare program, the Federal employees health benefits program, the Defense Health Program, the program of medical care furnished by the Secretary of Veterans Affairs, health related programs administered by the Indian Health Service, health related programs funded under the Public Health Service Act, and any other Federal health program.

(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who has a conviction for sexual abuse, sexual assault, or any other sexual offense.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to drugs dispensed on or after the date of enactment of this Act.

By Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, Mr. SUNUNU, Ms. MURKOWSKI, Mr. DOMENICI, Mr. LIEBERMAN, Mr. DODD, Mr. GREGG, Mr. LOTT, Mr. JOHNSON, Mr. CORZINE, Mr. BINGAMAN, and Mr. LAUTENBERG):

S. 1127. A bill to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment; read the first time.

Ms. SNOWE. Mr. President, I rise today to introduce a bill designed to ensure the Department of Defense releases both to the Congress and to the Base Realignment and Closure Commission all of the information used in generating its recommendations in the current BRAC round.

First, I want to thank the bill's sponsors for their support in this effort—Senators THUNE, COLLINS, SUNUNU, MURKOWSKI, DOMENICI, LIEBERMAN, DODD, GREGG, LOTT, JOHNSON, CORZINE, and BINGAMAN. I appreciate their recognition of the critical importance of ensuring we are given the information it is only right we have with regard to this base closure process.

Under the current Base Closing and Realignment statute, the Secretary of Defense shall make:

all information used by the Secretary to prepare the recommendations under this subsection available to Congress, including any committee or member of Congress.

The Secretary owes this same obligation to the BRAC Commission and to the Comptroller General of the United States.

Moreover, the Secretary of Defense is required to produce the data justifying their base closing decisions within 7 days—7 days. The 2005 BRAC list was released on Friday, May 13. Here we are, nearly two weeks later, and the Department of Defense continues to flout a key requirement of the very BRAC statute that gives it base closure authority in the first place. This amounts to a blatant refusal by the Pentagon to back up its highly questionable decisions to close a number of military facilities that are absolutely irreplaceable and indispensable to our national security.

Closing bases—or effectively shuttering them through massive realignment—of the magnitude that we are dealing with could only have been made by ignoring or misapplying BRAC criteria. The Defense Department's subsequent refusal to release the very data on which such decisions were made effectively shrouds the entire process in secrecy, depriving the bases and communities impacted, as well as the BRAC Commission, from gaining access to the very data needed to review the Pentagon's decisions.

What type of data am I talking about? To us a few examples from my own office's experience, the Department of the Navy has yet to release a detailed breakdown of cost of closure assessments, including factors applied by the COBRA model if they did not do actual cost estimates. We have yet to see all of the options considered by the Chief of Naval Operations or the Vice Chief of Naval Operations to reduce excess capacity in shipyards, including

closure, realignment, workload shifts and private sector capacity. We have still not received a detailed breakdown of cost of operations assessment, including shipyard and base costs.

These are just a few specific examples of what has not been provided. Other general categories would include data on the economic impact on existing communities, the degree to which the Defense Department looked into the ability of Maine's bases to accommodate future mission capabilities, and the impact of costs related to potential environmental restoration, waste management, environmental compliance restoration, readiness, future mission requirements. There are a number of such issues that are included in the base closing statute that requires the Defense Department to consider in making its evaluation and making, as well, its original determination, in terms of which bases they would recommend for closure or realignment.

The Defense Department's stall tactics are most acutely felt by those currently preparing to make presentations before realignment or closure of their specific bases. Here we are, on May 25, almost 2 weeks after the release of the base-closing list, and yet this critical data is still being sequestered behind Pentagon walls, and the communities affected by these closures are now forced to fly blind as they make their cases before the base-closing commission.

How hamstrung are these advocates, including many of my colleagues in the Senate and in the House of Representatives? Allow me to elaborate.

The first base-closing hearings are expected to take place in Salt Lake City on June 7, less than 2 weeks from now. How are the advocates for Mountain Home Air Force Base in Idaho or Defense Finance and Accounting Service stations in Kansas City and St. Louis supposed to prepare for a case, for a hearing in less than 2 weeks with this critical data being withheld?

The scheduled base-closing hearings to follow are no less forgiving. In fact, between June 15 and June 30, base-closing commission hearings will be held in the following cities: Fairbanks, AK; Portland, OR; Rapid City, SD; Dallas, TX; Grand Forks, ND; Clovis, NM; Buffalo, NY; Charlotte, NC; and Atlanta, GA.

In my case, in the State of Maine, in Portsmouth, NH, for Portsmouth Naval Shipyard, for Brunswick Air Force station, for the Defense Accounting Service in Limestone, ME, those will be scheduled on July 6 in Boston.

We are all working feverishly, as many of my colleagues are, along with State governments and all officials, to get our presentations for these most vital and critical hearings in order. Yet given the current blackout of backup data, that task is akin to defending one's self in a criminal case without the prosecutor putting forth the supposedly incriminating evidence.

This Department of Defense has taken foot dragging and obfuscation to new state-of-the-art levels. The bill I am introducing today will make clear that this delinquency will result in serious consequences.

So the legislation I am introducing is very straightforward and to the point. First, it states that the Department of Defense has 7 days from the date of the enactment of this law in which to release all of its supporting data for its realignment and closure decisions. Second, if this 7-day deadline is not met, the entire base-closing process of 2005 is canceled. Third, even if this deadline is met, all the base-closing statutory deadlines are pushed back by the number of days that the Defense Department delayed in producing this data.

This legislation is the full embodiment of fairness and due process. It ensures that those bases in communities attempting to prevent closures or realignment have access to the same facts the Pentagon did, and that failure to provide that information will carry appropriate consequences. And it is our last chance to reverse the egregious decisions made in the closing and realignment process.

The integrity of the base-closing process and of the decisions that are made on individual facilities depends on the accuracy of the data used and on the validity of the calculations and comparisons made using this data. Congress and the base-closing commission simply cannot discharge their responsibilities under the base-closing statute without this most vital information.

It would be bad enough if it were only the Congress and the Commission that were being hindered in carrying out our collective duties with regard to the base-closing process. But it is the communities where these bases are located that are suffering the greatest harm through their inability to find out what the basis of the Department's decision to close these installations was.

These towns and cities that have supported these bases for decades—or in some cases, like Kittery, ME, and Portsmouth, NH; Brunswick Air Station in Limestone, ME, for centuries—are being harmed through DOD's continued delay in making this data available. The community groups are handicapped in their efforts to understand the Department's base-closing analysis, assumptions, and conclusions therefore in their efforts to provide accurate rebuttal arguments or information to the Commission that the Department of Defense may not have considered.

So the communities not only have suffered the shock of potentially losing what is in most cases the single most important economic engine in their communities, but to add insult to injury, have not been given the full picture of why these installations they rely upon and that relied upon them was among those chosen to close. That cannot be allowed to stand.

Indeed, I am certain DOD will realize it cannot continue to withhold this information and will ultimately get to the bottom of this. We will then be able to see the weaknesses in the Navy's arguments with respect to the facilities in Maine. We will see that the facts indisputably prove there is no way to reasonably conclude this Nation should forfeit the long and distinguished history embodied in these facilities in a critical report like Kittery-Portsmouth Naval Shipyard or Brunswick Naval Air Station that are unequal in their performance.

We will also make sure the base-closing commission has the information with respect to the role that the Defense Accounting Services has played in Limestone, ME, the very anchor for the conversion of the former Loring Air Force Base closed in one of the last rounds of 1991 that certainly devastated that area and the State of Maine when we lost more than 10,000 that led to the outmigration of more than 20,000 in our northern county. It really was devastating to also learn that the Department of Defense decided to select Defense Accounting Services not only in Limestone but across this country. It was the very anchor for conversion to help mitigate the loss of this most crucial base up in northern Maine.

We will see that the facts undisputedly prove that the Navy ignored aspects of the base-closing criteria that I happen to believe can only lead to a finding that Brunswick Naval Air Station, as the only remaining fully operational airfield in the Northeastern United States, plays a singular, critical role in this Nation's homeland security and homeland defense posture and must continue to do so in the future. It really was inconceivable to me that the Department of Defense would also recommend closing Kittery-Portsmouth Naval Shipyard, the finest shipyard of its kind in the U.S. Navy.

In fact, the day before the base-closing list was announced on May 13, the Secretary of the Navy issued a Meritorious Unit Commendation to Kittery-Portsmouth Naval Shipyard for, in its words, ''superbly and consistently performing its missions,'' establishing benchmarks above and beyond both the public and private sector, having established, in their words, again, ''a phenomenal track record'' when it came to cost and quality and schedule and safety.

In fact, it had just been awarded the top safety award—the only facility in the Department of Defense and the only facility in the Navy, and only the second in the Department of Defense. That is a remarkable track record.

It also saves money for the taxpayers, and it saves time and money for the Navy. In fact, when it comes to refuelings at Kittery-Portsmouth Naval Shipyard, it saves $75 million on average compared to the other yards that do the same work. It saves $20 million when it comes to overhauls

compared to the other yards that do the same work. It saves 6 months in time in sending the ships back to sea sooner on refuelings compared to the other yards that do the same work. And it saves 3 months in time on overhauls compared to other yards that do the same work.

So one would argue, and certainly would ask the question, as I did of the Secretary of the Navy, what message does that send to the men and women of that shipyard when they are the overachievers, doing the best work and told they are No. 1 of its kind in its category, and we are saying, well, we are going to transfer that work elsewhere, to those who have not performed the equivalent result when it comes to time and money.

They are No. 1. But we are sending a message to those who are the best, we tell them the next day, well, you know what. You are doing such a great job that we have decided to close.

When it comes to Brunswick Naval Air Station, it is the only remaining active military airfield in the Northeast. The Northeast is home to 18 percent of America's population. It was, obviously, the region that received the most devastating attack on American soil on September 11.

And now we hear from the Defense Department that we want to realign this base—essentially, it is tantamount to closure—when it is a state-of-the-art facility, well positioned strategically, with unincumbered airspace of 63,000 miles—space of which to expand many times over—well positioned on our coastline for conducting surveillance in the North Atlantic sealane so important to extending the maritime domain awareness of the Coast Guard when it comes to one of the greatest threats facing America; that is, the shipments of weapons of mass destruction. So it raises a number of questions as to why these facilities were designated by the Department of Defense for closure.

What is even more disturbing is that in order to make the case before the base-closing commission, in an extremely limited period of time compared to the four previous base-closing rounds—which I am intimately familiar with, having been part of them in the past; we had 6 months—in this base-closing round, we have 4 months. It is on an expedited timeframe; therefore, it makes it even more difficult, more problematic, to make your case, when every day is going to count, and the Department of Defense is withholding all of the information upon which we have to make our case.

We are required by law to have that information because in order to make your case, you have to prove that the Department of Defense deviated substantially—deviated substantially—from the criteria in the base-closing statute when it comes to military value, operational readiness, the closing costs, the costs of operations of that particular facility, the economic impacts, so on and so on.

Now, it certainly is a mystery to me as to how the Defense Department could have made all these decisions—33 major base closings and another 29 realignments and many more for adjustments—and yet they cannot ensure that the information and the data they utilized is forthcoming. Well, then, it just raises the question, How did they make these decisions in the first place? Why have they not readily turned over the information that we require in order to make our case?

For the Commission to overturn a decision recommendation by the Department of Defense, it requires us to make a case that they deviated substantially from the criteria set forth in the base-closing statute. So it is obvious we need the information because not to have the information they used inhibits us and prohibits us from making the documentations that are required under the law.

I think it is a fundamental flouting of the law. We have insisted, day in and day out, we need this information. We deserve to have this information. The men and women who work at these military facilities who serve our country deserve to have this information. It is important to our national security interests because we need to know the information upon which this Defense Department predicated its assumptions. And it is not enough just to get their conclusions, it is not enough just to get their assumptions, we need all of the empirical data that was used to make those assumptions and conclusions. How did they arrive at those decisions?

For example, when you look at the force structure of submarines, the new attack submarines, on which the Portsmouth Naval Yard works, those decisions have to be predicated on 55 attack submarines, 55. That was included in the base-closing criteria, 2004. The force structure at that time was 55 attack submarines—still is—but the Department of Defense is changing their force structure after they already made the recommendations. How can they make a recommendation based on 55 attack submarines but then decide, well, maybe a year later we can reduce that number? We have already made the decision.

It raises a considerable number of questions about the flawed information and the flawed process. Yet we have not had an opportunity to evaluate it. We have lost a critical 2 weeks in this process and, again, as I said, on a very expedited timeframe in which to make these decisions, to evaluate the information, and to submit our case before the base-closing commission in the scheduled hearings over this next month.

If the Department of Defense does not provide this information in a timely manner, then this round of base closings is fundamentally flawed and is designed to close critical military infrastructure at a time when our Nation faces a changing, unpredictable threat environment, and, therefore, it should be brought to an end. If they cannot provide this information in a timely fashion, that is exactly what should occur.

I believe it does really underscore the integrity and the lack of the integrity in this process because it certainly stands to reason, and certainly it is a fair assumption to make, that the Department of Defense should be able to turn over instantaneously all of the information they used to make these critical decisions. After all, they have had a considerable period of time in which to make these decisions. So, therefore, it should not be very difficult to provide that information. But we continue to get the consistent stonewalling and obfuscation that is preventing us from evaluating these decisions in order to do what is required under the law to demonstrate how these decisions are faulty and to evaluate the information. We deserve no less than that.

So I thank my colleagues for joining me in this effort to compel the Department of Defense to stand up and be accountable for this decisionmaking process and to release the data that we deserve that led to these decisions with respect to base closings so we understand exactly how they arrived at their decisions that are so critical and central to our national security.

I regret we are in this position in the first place. I opposed this base-closing process. It certainly should have been deferred. We should have considered the overseas base closings before we looked at domestic installations. In fact, that certainly was an issue in the overseas base-closing report that was issued recently. So we do not have an overall structure in which to consider the macroplans. That is what should have been done. We should be looking at all these issues in a totality because we are in a very different environment than we were even pre-September 11, 2001, and our threat environment has to be looked through an entirely different prism.

In fact, as I mentioned on the floor just about a year ago, in attempting to defer this process until we had a chance to evaluate overseas bases, one of the issues I looked at was the track record of the Department of Defense in terms of ascertaining the future threat environments. What could they anticipate were future threats? I have to say that I was somewhat shocked by the findings because I evaluated the force structure reports and military threat assessments that were required to be accompanied with the base-closing rounds in previous years.

It was interesting. I decided to discern, exactly when did they anticipate a threat of terrorism, asymmetric threats, or threats to our homeland security? And it was a startling and abysmal picture because they had a significantly flawed track record. The first time that a threat to our homeland security was even mentioned was

in the Quadrennial Defense Review of 1997. Mr. President, 1997—that was 4 years before September 11. At that time, with the previous base-closing rounds, these base-closing commissions were required to make a 6-year outlook for the potential threats and anticipated threats—6 years. Now, with this base-closing round, it requires 20 years. But even with 6 years out, they could not even discern a threat to our homeland security. They mentioned it in the Quadrennial Defense Review of 1997, but it was a fourth-tier concern. And that was 4 years out from September 11—4 years out from September 11.

Nineteen days after September 11, we had another quadrennial defense review issued by the Department of Defense. Al-Qaida wasn't even mentioned in that quadrennial defense review. It wasn't even mentioned 19 days after September 11.

So I think that gives you a measure of the understanding that the Department of Defense has not had an accurate or reliable determination of potential threats this country could face—not even 4 years out, not even 19 days after September 11—to the degree that al-Qaida was a threat to this country. That is the problem, Mr. President. We do not have an accurate picture.

This base-closing round is required to ascertain the threat environment and projecting 20 years out. Mind you, over the last more than 10 years, all throughout the nineties, when we had the World Trade Center bombing, Khobar Towers, Kenya, and Tanzania, all throughout that decade—and we had the USS *Cole* in 2000—there was only one time in that decade there was a mention of homeland security in any fashion. I think that is pretty telling.

So the fact that the Department of Defense cannot bring forward the information that validates or invalidates their assumptions and conclusions is particularly troubling in this threat environment. I regret we are in the situation today of having to beg, plead, and persuade to try to get some glimmer into the insights, into the documentation evaluation they made in reaching these final conclusions. More than anything else, the statute requires those to be making the case before the Base Closing Commission to determine how the Department of Defense deviated substantially from the criteria. How are we to know, if they don't depend upon the very department who makes the decision, has the information, and has yet to transmit them forthwith to all of the respective delegations and officials who are given the opportunity to make the case before the Base Closing Commission?

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 154—DESIGNATING OCTOBER 21, 2005 AS ''NATIONAL MAMMOGRAPHY DAY''

Mr. BIDEN (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BUNNING, Ms. CANTWELL, Mr. COCHRAN, Mr. DORGAN, Mrs. HUTCHISON, Mr. ISAKSON, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. SANTORUM, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 154

Whereas according to the American Cancer Society, in 2005, 212,930 women will be diagnosed with breast cancer and 40,410 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21, 2005, as ''National Mammography Day''; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 21, 2005, as ''National Mammography Day.'' I might note that I have submitted a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to submit this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2005, it is estimated that slightly more than 211,000 women will be diagnosed with breast cancer and slightly more than 40,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be optimistic. The number of deaths from breast cancer is actually stable or falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 97 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Just a few weeks ago, the headline on the front page of the Washington Post trumpeted a major improvement in survival of patients with early breast cancer following use of modern treatment regimens involving chemotherapy and hormone therapy. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease. So I am feeling quite positive about our battle against breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer nearly daily.

In recent times, the newspapers have been filled with discussion over whether the scientific evidence actually supports the conclusion that periodic screening mammography saves lives. It seems that much of this controversy relates to new interpretations of old studies, and the relatively few recent studies of this matter have not clarified this issue. Most sources seem to agree that all of the existing scientific studies have some weaknesses, but it is far from clear whether the very large and truly unambiguous study needed to settle this matter definitively can ever be done.

So what is a woman to do? I do not claim any expertise in this highly technical area, so I rely on the experts. The American Cancer Society, the National Cancer Institute, and the U.S. Preventive Services Task Force all continue to recommend periodic screening mammography, and I endorse the statements of these distinguished bodies.

On the other hand, I recognize that some women who examine these research studies are unconvinced of the need for periodic screening mammography. However, even those scientists who do not support periodic mammography for all women believe that it is appropriate for some groups of women with particular risk factors. In agreement with these experts, I encourage all women who have doubts about the usefulness of screening mammography in general to discuss with their individual physicians whether this test is appropriate in their specific situations.

So my message to women is: have a periodic mammogram, or at the very least discuss this option with your own physician.

I know that some women don't have annual mammograms because of either fear or forgetfulness. It is only human

nature for some women to avoid mammograms because they are afraid of what they will find. To those who are fearful, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where ''National Mammography Day'' comes in. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

And to those women who are reluctant to have a mammogram, I say let National Mammography Day serve as a reminder to discuss this question each year with your physician. New scientific studies that are published and new mammography techniques that are developed may affect your decision on this matter from one year to the next. I encourage you to keep an open mind and not to feel that a decision at one point in time commits you irrevocably to a particular course of action for the indefinite future.

I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 21, 2005, as ''National Mammography Day.''

SENATE RESOLUTION 155—DESIGNATING THE WEEK OF NOVEMBER 6 THROUGH NOVEMBER 12, 2005, AS ''NATIONAL VETERANS AWARENESS WEEK'' TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY

Mr. BIDEN (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BOND, Mr. CHAMBLISS, Mr. COBURN, Ms. COLLINS, Mr. CRAPO, Mrs. DOLE, Mr. FEINGOLD, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, Mr. ISAKSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, and Mr. THOMAS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 155

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 9, 2004, President George W. Bush issued a proclamation urging all the people of the United States to observe November 7 through November 13, 2004, as ''National Veterans Awareness Week'': Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week''; and

(2) encourages the people of the United States to observe the week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution expressing the sense of the Senate that the week that includes Veterans' Day, corresponding this year to November 6–12, 2005, be designated as ''National Veterans Awareness Week''. This marks the sixth year in a row that I have submitted such a resolution, which has been adopted unanimously by the Senate on all previous occasions.

The purpose of National Veterans Awareness Week is to serve as a focus for educational programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. This goal takes on particular importance and immediacy this year as we find ourselves again with uniformed men and women in harm's way in foreign lands.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our armed forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current armed forces now operate effectively with a personnel roster that is one-third less in size than just 15 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was in place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. Even though the Iraqi war has been prominently discussed on television and in the newspapers, many of our children are much more preoccupied with the usual concerns of young people than with keeping up with the events of the day. As a consequence, many of our youth still have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the armed forces, and to its critical role throughout our history, can make decisions regarding our military involvement that may have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the armed forces and even throughout the population at large.

The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contributions of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was brought home to me several years ago by Samuel I. Cashdollar, who was then

a 13-year-old seventh grader at Lewes Middle School in Lewes, DE. Samuel won the Delaware VFW's Youth Essay Contest that year with a powerful presentation titled ''How Should We Honor America's Veterans''? Samuel's essay pointed out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked. We don't want our children growing up to think that Veterans Day has simply become a synonym for a department store sale, and we don't want to become a nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

National Veterans Awareness Week complements Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week also presents an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Last year, my Resolution designating National Veterans Awareness Week was approved in the Senate by unanimous consent. Responding to that Resolution, President Bush issued a proclamation urging our citizenry to observe National Veterans Awareness Week. I ask my colleagues to continue this trend of support for our veterans by endorsing this resolution again this year. Our children and our children's children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future.

SENATE RESOLUTION 156—DESIGNATING JUNE 7, 2005, AS ''NATIONAL HUNGER AWARENESS DAY'' AND AUTHORIZING THAT THE SENATE OFFICES OF SENATORS GORDON SMITH, BLANCHE L. LINCOLN, ELIZABETH DOLE, AND RICHARD J. DURBIN BE USED TO COLLECT DONATIONS OF FOOD FROM MAY 26, 2005, UNTIL JUNE 7, 2005, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST FAMILIES SUFFERING FROM HUNGER AND FOOD INSECURITY IN THE WASHINGTON, D.C. METROPOLITAN AREA

Mr. DURBIN (for himself, Mr. SMITH, Mrs. LINCOLN, Mrs. DOLE, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 156

Whereas food insecurity and hunger are a fact of life for millions of low-income Americans and can produce physical, mental, and social impairments;

Whereas recent census data show that almost 36,300,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban America, touching nearly every American community;

Whereas although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans remain vulnerable to hunger and the negative effects of food deprivation;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the United States Government, through Federal food assistance programs like the Federal Food Stamp Program, child nutrition programs, and food donation programs, provides essential nutrition support to millions of low-income people;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations have documented substantial increases in requests for emergency food assistance over the past year; and

Whereas all Americans can help participate in hunger relief efforts in their communities by donating food and money, volunteering, and supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2005, as ''National Hunger Awareness Day'';

(2) calls upon the people of the United States to observe ''National Hunger Awareness Day''—

(A) with appropriate ceremonies, volunteer activities, and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) with the year-round support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Smith, Lincoln, Dole, and Durbin to collect donations of food from May 26, 2005, until June 7, 2005, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area.

SENATE CONCURRENT RESOLUTION 38—PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO AWARD THE CONGRESSIONAL AWARD GOLD MEDAL TO NATIONAL RECIPIENTS

Mr. CRAIG (for himself and Mr. BAUCUS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 38

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need positive direction as they transition into adulthood;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Congressional Awards program is committed to recognizing our Nation's most valuable asset, our youth, by encouraging them to set and accomplish goals in the areas of volunteer public service, personal development, physical fitness, and expedition/exploring;

Whereas more than 21,000 young people have been involved in the Congressional Awards program this year;

Whereas through the efforts of dedicated advisors across the country, this year 238 students earned the Congressional Award Gold Medal;

Whereas increased awareness of the program's existence will encourage youth throughout the Nation to become involved with the Congressional Awards: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on June 22, 2005, for a ceremony to award Congressional Award Gold Medals to national recipients. Physical preparation for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, May 25, 2005, at 10 a.m. in SR–328A, Russell Senate Office Building. The purpose of this hearing will be to review the United States Grain Standards Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 25, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Ben S. Bernanke, of New Jersey, to be a member of the Council of Economic Advisers; and Mr. Brian D. Montgomery, of Texas, to be Assistant Secretary of Housing/Federal Housing Commissioner, U.S. Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 25, 2005, at 10 a.m. on S. 360, Coastal Zone Management Reauthorization Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 25, 2005, at 9:30 a.m. to consider comprehensive energy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, May 25, 2005, at 9:30 a.m., to conduct an oversight hearing to review Permitting of Energy Projects. The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, May 25, 2005, at 10 a.m., to hear testimony on ''Social Security: Achieving Sustainable Solvency.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 25, 2005, at 9:30 a.m., to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. VOINOVICH. Mr. President, I as unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, May 25, 2005, at 9:50 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, May 25, 2005, at 9:30 a.m., for a hearing titled, ''How Counterfeit Goods Provide Easy Cash for Criminals and Terrorists.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, May 25, 2005, at 2:30 p.m., to consider the nomination of Linda M. Combs to be Controller, Office of Federal Financial Management, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 25, 2005, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native peoples on behalf of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, May 25, 2005 at 9:30 a.m., in Senate Dirksen Office Building, room 226. Currently, S. 852, the asbestos legislation, is the only item on the agenda.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. VOINOVICH. Mr. President, I ask unanimous consent, pursuant to rule 26.5(a) of the Standing Rules of the Senate that the Select Committee on Intelligence be authorized to meet after conclusion of the first 2 hours after the meeting of the Senate commences on May 25, 2005.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on ''Piracy of Intellectual Property'' on Wednesday, May 2005, at 2:30 p.m., in Dirksen 226. The witness list is attached.

Panel I: Marybeth Peters, Register of Copyrights and Associate Librarian for Copyright Services, United States Copyright Office, Washington, DC; Stephen M. Pinkos, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office, Alexandria, VA; and James E. Mendenhall, Acting General Counsel, Office of the United States Trade Representative.

Panel II: Eric Smith, President, International Intellectual Property Alliance, Washington, DC; Taylor Hackford, Board Member, Directors Guild of America, Los Angeles, CA; and Robert W. Holleyman II, President and Chief Executive Officer, Business Software Alliance, Washington, DC.

The PRESIDENT OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LUGAR. Mr. President, I ask unanimous consent that Jennifer Gergen, a State Department detailee who is currently serving on the Foreign Relations Committee staff, be given floor privileges during the consideration of the John Bolton nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HUNGER AWARENESS DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 156, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 156) designating June 7, 2005, as ''National Hunger Awareness Day'' and authorizing that the Senate offices of Senators Gordon Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin be used to collect donations of food from May 26, 2005, until June 7, 2005, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 156) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 156

Whereas food insecurity and hunger are a fact of life for millions of low-income Americans and can produce physical, mental, and social impairments;

Whereas recent census data show that almost 36,300,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban America, touching nearly every American community;

Whereas although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans remain vulnerable to hunger and the negative effects of food deprivation;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the United States Government, through Federal food assistance programs like the Federal Food Stamp Program, child

nutrition programs, and food donation programs, provides essential nutrition support to millions of low-income people;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations have documented substantial increases in requests for emergency food assistance over the past year; and

Whereas all Americans can help participate in hunger relief efforts in their communities by donating food and money, volunteering, and supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2005, as ''National Hunger Awareness Day'';

(2) calls upon the people of the United States to observe ''National Hunger Awareness Day''—

(A) with appropriate ceremonies, volunteer activities, and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) with the year-round support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Smith, Lincoln, Dole, and Durbin to collect donations of food from May 26, 2005, until June 7, 2005, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area.

RECOGNIZING THE HISTORIC EFFORTS OF THE REPUBLIC OF KAZAKHSTAN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 122.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 122) recognizing the historic efforts of the Republic of Kazakhstan to reduce the threat of weapons of mass destruction through cooperation in the Nunn-Lugar/Cooperative Threat Reduction Program, and celebrating the 10th anniversary of the removal of all nuclear weapons from the territory of Kazakhstan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 122) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 122

Whereas at the time of the collapse of the Union of Soviet Socialist Republics in December 1991, 1,410 nuclear warheads on heavy intercontinental ballistic missiles, air-launched cruise missiles, and heavy bombers were located within the Republic of Kazakhstan;

Whereas, on July 2, 1992, the parliament of Kazakhstan approved and made Kazakhstan a party to the Treaty on the Reduction and Limitation of Strategic Offensive Arms, with annexes, protocols and memorandum of understanding, signed at Moscow July 31, 1991, and entered into force December 5, 1994 (commonly known as the ''START Treaty'');

Whereas, on February 14, 1995, Kazakhstan formally acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'');

Whereas, on December 13, 1993, the Government of Kazakhstan signed the Safe and Secure Dismantlement Act (SSD) and its 5 implementing agreements with the United States, and became eligible to receive $85,000,000 in assistance under the Nunn-Lugar/Cooperative Threat Reduction Program;

Whereas the decision of the people and the Government of Kazakhstan to transfer all nuclear weapons from the territory of Kazakhstan to the control of the Russian Federation allowed Kazakhstan to become a non-nuclear-weapon State Party to the Nuclear Non-Proliferation Treaty;

Whereas the continuing efforts of the Government of Kazakhstan to pursue cooperative efforts with the United States and other countries to secure, eliminate, destroy, or interdict weapons and materials of mass destruction and their means of delivery provides a model for such efforts; and

Whereas, in April 1995, the Government of Kazakhstan formally transferred the last nuclear warhead from the territory of Kazakhstan to the territory of the Russian Federation: Now, therefore be it

Resolved, That the Senate commends, on the occasion of the 10th anniversary of the removal of the last nuclear warhead from the territory of Kazakhstan, the people and the Government of the Republic of Kazakhstan for their historic decision to rid Kazakhstan of nuclear weapons.

MEASURE READ THE FIRST TIME—S. 1127

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1127) to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment.

Mr. MCCONNELL. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, MAY 26, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:30 in the morning, Thursday, May 26. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then return to executive session and resume consideration of the nomination of John Bolton to be U.S. ambassador to the U.N. as provided under the previous order; provided that 1 hour be under the control of Senator VOINOVICH.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow, the Senate will resume consideration of the nomination of John Bolton to be U.S. ambassador to the U.N. As a reminder, cloture was just filed a moment ago on the nomination. The cloture vote on Bolton will occur at 6 p.m. tomorrow night. If cloture is invoked, we will immediately proceed to a confirmation vote. Therefore, I encourage all Members who wish to speak on the nomination to contact the managers as soon as possible.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of Senators LAUTENBERG, SNOWE, and SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR IN IRAQ

Mr. LAUTENBERG. Mr. President, as we approach this weekend, I thought I would give some thought to what occasions this commemorative holiday and what I think about as we approach Memorial Day. I want to recall some of the incidents, the results of war and its consequences.

It has been a historic week in the Senate. We averted a showdown that could have permanently damaged this institution and destroyed the unique American system of checks and balances that makes our Government the greatest in the history of the world. This was the topic of nonstop television coverage and a forest worth of newspaper articles.

In short, the story about the Senate's procedure for approving judicial nominees totally dominated the news, but there was another story this week, a story that did not receive much attention. It was the story of at least 14 brave American soldiers who died in Iraq since Sunday. These deaths came as a wave of bombings and suicide attacks engulfed Baghdad and other cities.

While we go about our business in the Senate, while other Americans go

about their daily lives, the war in Iraq drags on. It has been a month since the Prime Minister Ibrahim al-Jaafari announced his new government, and during that time at least 620 people have been killed in Iraq, including 58 U.S. troops. During that time, it has been a painful recognition for families across America and across my State. Sadly, the American people have become so numb to these deaths that they are no longer considered major news, and the administration has not helped matters by continuing its questionable policy of banning photographs or video images of the flag-draped coffins of our heroes making their final trip home.

I have to ask a question: Is the purpose of this policy to hide the sacrifices of our soldiers and their families? I am hard-pressed to think of any other reason. This is an issue I have discussed on the floor of the Senate before. It stuns me that at the moment of the return of the remains of a family member, that casket covered in honor by the flag of our country is hidden from the public. No photos are allowed, no photographs allowed, and no attention paid.

As a veteran of an earlier war, I am very conscious of our responsibility to veterans and to those who are fighting the battle for all of us, and I wonder why the administration continues its policy of banning photographs or video images of the flag-draped coffins of our heroes making their final trip home. It seems as if they want to conceal the sacrifices of our soldiers and their families. I am hard pressed to think of any other reason.

As have most of my colleagues, where there has been a loss of life in the State that they represent, we have gone to a funeral or a ceremony acknowledging the sacrifice that these individuals have made and the pain their families undergo. I was at a funeral ceremony at Arlington when one of our New Jersey soldiers was buried. His family was present, mother and father. He was a young man, in his early twenties. I watched the ceremony as the Honor Guard escorted his coffin to the place of burial. It was covered with a flag. The Honor Guard was so precise and so immaculate in their appearance, so honorable. They took the American flag and folded it so gently but ever so precisely until through eight escorts and the captain of the Honor Guard, they made the folds so carefully until they got it into a triangle, and the captain of the Guard walked over to the man's mother and presented it to her. It was such a touching ceremony, this recognition of honor, this understanding of what this soldier who perished had done for his country.

I cannot understand why it is that we are not allowed to photograph these coffins when they come home with the remains, when they come to the Dover Air Force Base in Delaware before they go to the mortuary where the families have an opportunity to make certain that it is their family member who is being buried. But there is no identification of name, there is no ceremony. No family needs to feel as though its privacy is being invaded.

So I question that. I think it would be appropriate on this Memorial Day to start off after the Memorial Day recess and say, yes, anyone who is returned in a flag-draped coffin is entitled to receive the honor and the respect of the country that sent them there, our country. It is appropriate.

The pain goes on almost every day—reports of car bombings, roadside bombs, suicide attacks. They kill soldiers, they kill civilians, they kill children, sometimes in the double digits in a single incident, 20, 30 people. What they are trying to do is crush the spirit of the Iraqis who have been through so much at this point. Our people continue on bravely serving their country, serving the orders that they get from their Nation.

Within the last week, military leaders, however, had a change of tune when the leading general in charge of our operations in Iraq described as a sober assessment the situation in Iraq. That is the first that we have heard about that. We have heard continuously that we have enough troops to do the job, that the Iraqis are learning what they have to do to take over. It is not true. I was in Iraq approximately a year ago and saw how slowly the job of preparing policemen to take over was going. It was painfully slow. Often the recruits were found to be hopelessly untrained for the assignment, without the ability to drive a car, no driver's license, not literate. They were training something like 80 every 6 weeks.

So it is going to take a long time at the rate of 80 in 6 weeks to get 50,000 policemen trained.

According to the assessment that we heard from the commanding general, the bottom line was that American troops will probably be there for years to come. For the 140,000 who serve there today, there is no quick end in sight.

I do not take the floor to debate the wisdom of the war in Iraq or the way it has been prosecuted. Today I speak to honor the more than 1,600 American soldiers who have given their lives in Iraq and more than 170 who have died in Afghanistan.

In front of my office in the Hart Building there are pictures of those fallen heroes identifying them by name as a reminder of what is going on even as we discuss issues of some critical relevance and some not so important. The most important thing is that we have people who are in their young years paying with their lives for the battle in which we are engaged in the Middle East.

Monday is Memorial Day. It is a day when our Nation honors the fallen heroes of all of our wars. I hope every American will pause for a minute during the day and reflect on the price that is being paid for our freedom and on those who have paid that price. The wars in Iraq and Afghanistan so far have claimed 56 sons of New Jersey, sons who died pursuing the battle in Afghanistan. Thirty were killed since last Memorial Day. Eleven have died this year. The wars have produced funerals and wakes and I have met the grieving families.

One of the most recent funerals I attended was for PFC Min Soo Choi. Here is a picture of the young man. His family came to America from Korea 5 years ago, in search of a better life. I have met his parents. I saw them this week again.

His story struck a chord with me because many years ago my parents were also immigrants, and I also enlisted in the Army as a young man. I enlisted when I was 18 years old. Min Soo was killed by a roadside bomb in Iraq on February 26. He wasn't even a U.S. citizen, but he loved this country and what it stands for.

At Min Soo's funeral I heard about what a unique individual he was. I felt the void that his death had left in the lives of his family and friends, and that is true of every 1 of the 1,600 who have died in this war. Each death leaves an ache that will never heal in the heart of a parent or spouse, brother or sister, or a small child. So on this Memorial Day I will pause not only to remember our fallen soldiers but also the loved ones they have left behind.

Mr. President, I know the hour is late, but I hope you will indulge me by allowing me to read into the CONGRESSIONAL RECORD, where they will be enshrined for all times, the names of the 56 soldiers with New Jersey connections who have given their lives in Iraq and Afghanistan:

SGT Steven Checo, Elizabeth; Corporal Michael Edward Curtin, Howell; Specialist Benjamin W. Sammis, West Long Branch; Staff Sergeant Terry W. Hemingway, Willingboro; Specialist Gil Mercado, Paterson—The city I was born in; Specialist Narson B. Sullivan, North Brunswick; Specialist, Kyle A. Griffin, Emerson; Sergeant First Class Gladimir Philippe, Linden; Specialist, Richard P. Orengo, Perth Amboy; First Sergeant Christopher D. Coffin, Somerville; Petty Officer First Class David M. Tapper, Atco; Captain Brian R. Faunce, Ocean; Staff Sgt. Fredrick L. Miller Jr., Jackson; Specialist Simeon Nathaniel Hunte, Essex; 2nd Lieut. Richard Torres, Passaic; Sergeant Joel Perez, Newark; Specialist Marion P. Jackson, Jersey City; Specialist Ryan Travis Baker, Browns Mills; Major Steven Plumhoff, Neshanic Station; Staff Sergeant Thomas A. Walkup, Millville; Specialist Marc S. Seiden, Brigantine; Second Lieutenant Seth J. Dvorin, Pennington; Private First Class Bruce Miller Jr., Orange; Specialist Adam D. Froehlich, Pine Hill; Second Lieutenant John Thomas Wroblewski, Oak Ridge; Lance Corporal Phillip E. Frank, Cliffwood Beach; Specialist Frank K. Rivers, Newark; Specialist Phillip I. Spakosky, Browns Mills; Sergeant Frank T. Carvill, Carlstadt; Specialist Christopher M. Duffy, Brick; Sergeant Ryan E. Doltz, Mine Hill; Sergeant Humberto F. Timoteo, Newark; Chief Warrant Officer Nicholas P. DiMona II, Barrington; Sergeant Alan D. Sherman, Ocean; CPL Terry Holmes Ordonez, Paterson; Lance Corporal Vincent M. Sullivan, Chatham; Specialist Anthony J. Dixon, Lindenwold; Army Special Forces Michael Yury Tarlavsky, Clifton; Specialist

Yoe M. Aneiros, Newark; Specialist Bryan L. Freeman, Lumberton; Corporal Tyler Ryan, Gloucester City; Private First Class Stephen Benish, Linden; Specialist David P. Mahlenbrock, Maple Shade; Lance Cpl Brian P. Parrello, West Milford; 1st Class Sgt. Paul Karpowich, trained in Pennsauken; Specialist Alain Kamolvathin, Blairstown; Sergeant Stephen Sherman, Neptune; Corporal Sean P. Kelly, Pitman; Lance Corporal Harry Raymond Swain III, Millville; PFC Min Soo Choi, River Vale—his picture is here; Captain Sean Grimes, Mother lives in Dover; Major Steven W. Thornton, based at Fort Monmouth; Private Robert C. White, Camden; Major John Charles Spahr, Cherry Hill; Staff Sgt, Anthony Lee Goodwin, Mt. Holly; Lance Corporal Jourdan L. Grez, Long Branch.

I also want to mention two civilians from New Jersey who were killed while supporting the war effort in Iraq: Paul M. Johnson of Eagleswood, and Thomas Jaichner of Burlington City.

I know each of my colleagues will join me this weekend in paying tribute to the brave soldiers who have sacrificed their lives for our country.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. SNOWE related to the introduction of S. 1127 are printed in today's RECORD under ''Statements On Introduced Bills And Joint Resolutions.'')

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:53 p.m., adjourned until Thursday, May 26, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 2005:

COMMODITY FUTURES TRADING COMMISSION

WALTER LUKKEN, OF INDIANA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2010. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

JOHN M. REICH, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR A TERM EXPIRING OCTOBER 23, 2007, VICE JAMES GILLERAN, TERM EXPIRED.

DEPARTMENT OF COMMERCE

WILLIAM ALAN JEFFREY, OF VIRGINIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, VICE ARDEN BEMENT, JR.

DEPARTMENT OF TRANSPORTATION

ASHOK G. KAVEESHWAR, OF MARYLAND, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE ELLEN G. ENGLEMAN, RESIGNED.

INTER-AMERICAN DEVELOPMENT BANK

JAN E. BOYER, OF TEXAS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK, VICE HECTOR E. MORALES.

NATIONAL SCIENCE FOUNDATION

KATHIE L. OLSEN, OF OREGON, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION, VICE JOSEPH BORDOGNA.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT J. KASULKE, 0000

To be brigadier general

COL. STANLEY L. K. FLEMMING, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LARRY J. STUDER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANTHONY COOPER, 0000
RODERICK J. GIBBONS, 0000
WILLIAM S. GURECK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANNIE B. ANDREWS, 0000
CAROLINE M. OLINGER, 0000
YOLANDA Y. REAGANS, 0000
SUSAN L. SHERMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT G. BERGMAN, 0000
EUGENIA L. CAIRNSMCFEETERS, 0000
WILLIAM J. CUNNINGHAM, 0000
MICHAEL R. FISHER, 0000
STEVEN L. PARODE, 0000
PHILIP G. STROZZO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SCOTT D. KATZ, 0000
JOHN G. KUSTERS, JR., 0000
JAMES C. PETTIGREW, 0000
WILLIAM J. SCHULZ, JR., 0000
ROBERT S. STEADLEY, 0000
PAUL C. STEWART, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM T. AINSWORTH, 0000
WILLIAM A. BRANSOM, 0000
TERRY M. BURT, 0000
MICHAEL A. KELLY, 0000
DOUGLAS S. KILLEY, 0000
GEORGE D. SEATON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KATHERINE M. DONOVAN, 0000
LARRY N. FLINT, 0000
GRETCHEN S. HERBERT, 0000
JOHN F. HOLMS, 0000
JON T. KENNEDY, 0000
NANCY KINGWILLIAMS, 0000
DAWN M. MASKELL, 0000
JOHN P. STEINER, 0000
MARTHA M. WARNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TERRY W. AUBERRY, 0000
RANDALL L. GETMAN, 0000
HAROLD L. HARBESON, 0000
CHRISTOPHER F. JEWETT, 0000
DAVID H. LEPARD, 0000
MARTIN A. NAGLE, 0000
JOHN P. OTTERY, 0000
STEPHEN G. RILEY III, 0000
FRANK E. SHEARMAN IV, 0000
JAMES F. STONE, 0000
CYNTHIA J. TALBERT, 0000
DAVID B. WILKIE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

NICHOLAS V. BUCK, 0000
WILLIAM M. CHUBB, 0000
LARRY M. EGBERT, 0000
SCOTT D. KRAMBECK, 0000
DARRYL J. LONG, 0000
MICHAEL S. MURPHY, 0000
LISA M. NOWAK, 0000
GORDON D. PETERS, 0000
RALPH I. PORTNOY, 0000
LARRY A. PUGH, 0000
WILLIAM H. REUTER IV, 0000
STEPHEN A. SCHMEISER, 0000
SCOTT N. WELLER, 0000
MATHIAS W. WINTER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL E. DEVINE, 0000
DANIEL M. DRISCOLL, 0000
DAVID B. HANSON, 0000
DONALD J. HURLEY, 0000
ROBERT P. KENNETT, 0000
WILLIAM C. KOTHEIMER, JR., 0000
THOMAS H. LANG, 0000
THOMAS M. LEECH, JR., 0000
STEPHANIE S. K. LEUNG, 0000
BRIAN D. NICHOLSON, 0000
VALERIE A. ORMOND, 0000
MICHAEL L. REYNOLDS, 0000
JON T. ROSS, 0000
DARREN A. SAWYER, 0000
EVA L. SCOFIELD, 0000
MARK S. SIMPSON, 0000
ALVIN C. WILSON III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RAYMOND M. ALFARO, 0000
SCOTT M. CARLSON, 0000
JAMES E. CHISUM, JR., 0000
JOHN S. DAY, 0000
GARY H. DUNLAP, 0000
LESLIE R. ELKIN, 0000
MYLES ESMELE, JR., 0000
LUTHER B. FULLER III, 0000
DENNIS M. GANNON, 0000
RICHARD M. HARTMAN, 0000
CLOYES R. HOOVER, JR., 0000
JOSEPH M. IACOVETTA, 0000
JOSEPH S. KONICKI, 0000
DEAN M. KRESTOS, 0000
CHARLES S. LASOTA, 0000
STEPHEN W. MITCHELL, 0000
TIMOTHY B. MULL, 0000
ROBERT E. PARKER, JR., 0000
STEPHEN P. REIMERS, 0000
PETER E. SCHUPP, 0000
DANIEL M. SEIGENTHALER, 0000
PAUL E. SKOGERBOE, 0000
HEIDEMARIE STEFANYSHYNPIPER, 0000
JAMES D. SYRING, 0000
KEVIN B. TERRY, 0000
MARK W. THOMAS, 0000
RODERICK C. WESTER, 0000
MICHAEL J. WIEGAND, 0000
JOSEPH YUSICIAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ALAN J. ABRAMSON, 0000
KEVIN R. ANDERSEN, 0000
DOUGLAS E. ARNOLD, 0000
KENNETH J. BARRETT, JR., 0000
BRET C. BATCHELDER, 0000
JEFFREY L. BAY, 0000
WARREN C. BELT, 0000
TIMOTHY J. BLOCK, 0000
DEBRA A. BODENSTEDT, 0000
RONALD A. BOXALL, 0000
BRIAN J. BRAKKE, 0000
KEVIN R. BRENTON, 0000
JOHN L. BRYANT, JR., 0000
PATRICK E. BUCKLEY, 0000
ANDREW BUDUO III, 0000
ROBERT P. BURKE, 0000
DAVID L. BUTTRAM, 0000
THOMAS M. CALABRESE, 0000
KERRY B. CANADY, 0000
FREDERICK J. CAPRIA, 0000
BRADLEY A. CARPENTER, 0000
DENNIS E. CARPENTER, 0000
JOHN B. CARROLL, 0000
THOMAS CARROLL, 0000
KEFF M. CARTER, 0000
ALEXANDER T. CASIMES, 0000
MARK E. CEDRUN, 0000
COLIN B. CHAFFEE, 0000
ROBERT E. CLARK II, 0000
RODNEY A. CLARK, 0000
BARRY W. COCEANO, 0000
JOHN P. CORDLE, 0000
LAWRENCE E. CREEVY, 0000
LOWELL D. CROW, 0000
AARON L. CUDNOHUFSKY, 0000
BRYAN L. CUNY, 0000
ADAM J. CURTIS, 0000
PETER K. DALLMAN, 0000
TIMOTHY N. DASELER, 0000
GERRAL K. DAVID, 0000
DOUGLAS J. DENNENY, 0000
MICHAEL J. DOBBS, 0000
WILLIAM J. DOORIS, 0000
DANIEL G. DOSTER, 0000
THOMAS M. DOWNING, 0000
GLENN C. DOYLE, 0000

TITO P. DUA, 0000
SUSAN L. DUNLAP, 0000
WILLIAM A. EBBS, 0000
RICHARD E. FARRELL, 0000
DANIEL H. FILLION, 0000
DAVID S. FITZGERALD, 0000
JEFFREY A. FRANKLIN, 0000
JOHN C. P. FRISTACHI, 0000
JOHN W. FUNK, 0000
JOHN P. GELINNE, 0000
WILLIAM T. GILLIGAN, 0000
MICHAEL J. GINTER, 0000
BRIAN J. GLACKIN, 0000
DAVID P. GORMAN, 0000
CHRISTOPHER W. GRADY, 0000
JEFFREY R. GRAHAM, 0000
KENNETH L. GRAY, 0000
MICHAEL E. GROODY, 0000
RUSSELL E. HAAS, 0000
LINDSAY R. HANKINS, 0000
WILLIAM C. HARRIS, 0000
CHRISTIAN N. HAUGEN, 0000
BRIAN W. HELMER, 0000
ROGER G. HERBERT, JR., 0000
JAMES A. HERTLEIN, 0000
JAMES J. HIRST III, 0000
JEFFREY D. HOOD, 0000
DONALD G. HORNBECK, 0000
SAMUEL C. H. HOWARD, 0000
PHILIP G. HOWE, 0000
ROBERT P. IRELAN, 0000
MICHAEL E. JABALEY, JR., 0000
ADRIAN J. JANSEN, 0000
ANTHONY C. KARKAINEN, 0000
CRAIG A. KAUBER, 0000
THOMAS J. KEARNEY, 0000
WILLIAM A. KEARNS III, 0000
STEPHEN H. KELLEY, 0000
JOHN M. KERSH, JR., 0000
DAVID L. KIEHL, 0000
RICHARD W. KITCHENS, 0000
DAVID C. KNAPP, 0000
STEVEN W. KNOTT, 0000
DAVID M. KRIETE, 0000
THOMAS P. LALOR, 0000
GEORGE M. LANCASTER, 0000
ANDREW L. LEWIS, 0000
JOSEPH W. LISENBY, JR., 0000
PAUL A. LLUY, 0000
CHARLES J. LOGAN, 0000
GREGORY L. LOONEY, 0000
STEVEN A. LOTT, 0000
THEODORE J. LUCAS, 0000
BRIAN E. LUTHER, 0000
BRADLEY C. MAI, 0000
PAUL A. MARCONI, 0000
BRADLEY A. MARTIN, 0000
THOMAS J. MASER, 0000
GEORGE M. MATAIS, 0000
KEITH W. MAY, 0000
JOHN K. MCDOWELL, 0000
BRIAN MCILVAINE, 0000
WILLIAM C. MCMASTERS, 0000
THOMAS A. MEADOWS, 0000
CHARLES P. MELCHER, 0000
DAVID W. MELIN, 0000
JOHN S. MITCHELL III, 0000
MARK C. MOHR, 0000
MICHAEL T. MORAN, 0000
TERRY D. MOSHER, 0000
MARK B. MULLINS, 0000
STUART B. MUNSCH, 0000
HAL C. MURDOCK, 0000
CHRISTOPHER J. MURRAY, 0000
ROSS A. MYERS, 0000
THOMAS C. NEAL, 0000
FREDERICK M. NILES, 0000
JOHN B. NOWELL, JR., 0000
GARY R. PARRIOTT, 0000
THOMAS J. QUINN, 0000
PATRICK C. RABUN, 0000
ROBERT B. RABUSE, 0000
DAVID S. RATTE, 0000
WILLIAM P. REAVEY, JR., 0000
BRIAN D. REEVES, 0000
DEAN A. RICHTER, 0000
ALTON E. ROSS, JR., 0000
KEVIN W. RUCE, 0000
WILLIAM D. SANDERS, 0000
CLAYTON D. SAUNDERS, 0000
DONALD A. SCHMIELEY, JR., 0000
JOHN A. SEARS III, 0000
MARK T. SEDLACEK, 0000
CRAIG M. SELBREDE, 0000
ALEXANDER V. SHARP, 0000
DWIGHT D. SHEPHERD, 0000
BRADLEY J. SMITH, 0000
JACK L. SOTHERLAND III, 0000
JAMES B. SPERRY, 0000
WALTER H. STAMMER III, 0000
JOHN P. STAMOS, 0000
JOHN A. STEWART, 0000
MICHAEL A. STRANO, 0000
PATRICK T. SULLIVAN, 0000
JOHN W. TAMMEN, JR., 0000
DAVID M. TAYLOR, 0000
TUSHAR R. TEMBE, 0000
CYNTHIA M. THEBAUD, 0000
CHRISTOPHER B. THOMAS, 0000
GREG A. THOMAS, 0000
KEVIN J. TOKARICK, 0000
JAMES E. TRANORIS, 0000
BRIAN T. VANCE, 0000
STEPHEN J. VISSERS, 0000
MICHAEL A. VIZCARRA, 0000
PHILIP L. WADDINGHAM, 0000
CURT R. WALTHER, 0000
HUGH D. WETHERALD, 0000
KENT D. WHALEN, 0000
JAMES B. WHITE II, 0000
GARY H. WILLIAMS, 0000
RICHARD L. WILLIAMS, JR., 0000
DONALD E. WILLIAMSON, 0000
DOUGLAS E. WRIGHT, 0000

EXTENSIONS OF REMARKS

TRIBUTE TO GEORGE F. HEFFNER

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. SOUDER. Mr. Speaker, today I would like to recognize an individual from my district who has dedicated his life to making our country safer. Not only has this man served our Country in World War II, but he continues to go beyond the call of duty by providing his service to military funerals and always being available to lend a helping hand for the community.

George F. Heffner was born on March 30, 1923 in Osceola, Indiana. He served in the U.S. Army in France and Germany during WWII, and was wounded in action. Mr. Heffner received the Purple Heart three times and was awarded the Bronze Star for his valiant actions. He married Senora who passed away in 2002. Together they have one son and one daughter. After returning home from the war, Mr. Heffner was one of the founders of Auspro Manufacturing in the 1950s which has enabled him the time to freely dedicate his life to service for others. Mr. Heffner has held many offices in the Veterans of Foreign Wars, including Commander in 1964. He is also a member of the Disabled American Veterans and the American Legion.

Mr. Heffner was honored on April 29, 2005 by the United Labor Agency for Community Services as their ''Retiree of the Year'' for his volunteer work in Elkhart County with the Harvest Basket for the past 8 years. He has spent many hours assisting the Salvation Army in ringing bells at Christmas time and helping with their community-wide breakfasts. He has been active in the VFW in helping with purchasing the food and delivering the baskets to the needy at Christmas. He always volunteers to distribute ''Buddy Poppys'' at Memorial Day and helps put crosses on the gravesites of deceased members during the month of May. Every January he hosts a meal at the VFW Post of ham and beans, paying for the food and cooking it himself. He is an active member of the Goshen Military Funeral Detail which conducts gravesite services for deceased veterans. He always insists on driving members to the cemetery in his van. He always has a smile on his face and tries to make everyone smile. His personality shines through to make everyone a happier person. He has helped many organizations in many different ways and continues to make a difference in the community.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. SHAYS. Mr. Speaker, on May 19, I was participating in the World Economic Forum in Amman, Jordan and, therefore, missed 10 recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted ''yes'' on recorded vote No. 190, ''no'' on recorded vote No. 191, ''no'' on recorded vote No. 192, ''no'' on recorded vote No. 193, ''yes'' on recorded vote No. 194, ''no'' on recorded vote No. 195, ''yes'' on recorded vote No. 196, ''no'' on recorded vote No. 197, ''no'' on recorded vote No. 198, and ''no'' on recorded vote No. 199.

SBA MICROENTERPRISE IMPROVEMENT ACT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. RUSH. Mr. Speaker, I rise today to introduce the ''SBA Microenterprise Improvement Act''. This act would revise the eligibility for microloan intermediaries, increase the maximum microloan small loan amount from $7500 to $10,000, increase technical assistance contracting to 30 percent, adjust the term limit for loans, and create reporting requirements that will highlight the successes of public-private partnerships.

This bill will also provide several improvements to the ''Program for Investment in Microentrepreneurs Act of 1999'', also known as the PRIME Act, a bill that I introduced in 1999 to help disadvantaged microentreprenuers obtain technical and training assistance.

The SBA Microloan and the Program for Investment in Microentrepreneurs (PRIME) are unique from other SBA programs because they combine training and technical assistance with loan capital. These programs serve small businesses without access to loans through conventional means because they lack business experience, collateral, or the credit scores needed. Loans that are very small are unprofitable for banks to service and often are not available in rural or low income communities.

The combination of technical support and small loans has made these programs the most successful in the SBA portfolio. In FY2004 the default rate was five hundredths of one percent even though the loans were made to the riskiest category of borrowers. Microloan programs create jobs that stay in the community, which is very important these days as we hear of increased off-shore movements by large corporations to remain competitive worldwide. With most small businesses participating in this program employing less than five people the cost for job creation in the microloan program averages approximately $3000 per employee which is eight times less than SBA's stated goal of creating one job for every $23,000 loaned through the 7(a) program.

The ''SBA Microenterprise Improvement Act'' also amends the Riegle Community Development and Regulatory Improvement Act of 1994 to extend the program to disadvantaged Native American entrepreneurs and prospective entrepreneurs by providing 2 million dollars annually over the next three years for loans and training programs.

I believe that the SBA Microloan and the Program for Investment in Microentrepreneurs has proven that it can help unbankable small business owners with intensive technical assistance; training and small loans to succeed financially and become important service providers in our communities. I hope that all my colleagues will join me in supporting ''The SBA Microenterprise Improvements Act'' legislation.

HOME SCHOOL STUDENTS IN THE MILITARY

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. SOUDER. Mr. Speaker, recently I was made aware of a discriminatory policy within the Department of Defense that is preventing some of America's best young people from enlisting in the military. At a time when we need as many individuals as are interested to consider a career in the military, it is outrageous that the DoD is turning away home school students—a group of young people who happen to be, generally speaking, very mature, smart, well-disciplined and highly patriotic. What more is our military looking for? If any students should qualify for priority enlistment it is these students!

Instead, however, a young man in my district was recently informed that he would have an extremely difficult time being accepted into the Air Force merely because he was educated at home. He was told that homeschooled students were categorized as Tier 2 applicants—the same category in which high school dropouts are classified. Upon further inquiry by my office, the Air Force confirmed that, yes, home school applicants could not be considered on a level playing field with other high school graduates and that, ''as a rule, less than 1 percent of [the Air Force's] annual non-prior service accessions [would] be alternate credential holders.'' Additionally, even if a home school student is accepted into a branch of the military, the fact that he or she started

in Tier 2 means that they will not qualify for the same benefits and positions available to traditional high school students.

I am aware that a 5-year pilot project was initiated in 1998 that allowed home-schoolers greater access to the Armed Services by considering them as Tier 1 applicants. While the project was extended an additional year, it expired without further extension on September 30, 2004. In January of this year, the DoD appeared to make an effort to remove remaining obstacles to home-schoolers entering the military. However, the memo that was issued contained conflicting language, and ultimately, the classification of home school students as Tier 2 applicants remains on the books, perpetuating the military's policy of discrimination.

While the Army has recently found a way to get around the Tier 2 categorization, the other branches of the military are still excluding home school students from priority consideration. It doesn't matter how qualified and motivated a home school student may be, it is highly unlikely that he or she will be able to serve their country in the Marines, Navy or Air Force.

Mr. Speaker, I raise this disturbing situation to the House today to highlight the lack of fairness and equality within our military with respect to home school students. While I will not be offering an amendment today, it is my intention to introduce a bill soon to address this problem. I sincerely hope that with the Armed Services Chairman's support, we will be able to find a resolution to this issue that will enable all qualified students to live out their dream of serving their country in the U.S. Armed Services.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. SHAYS. Mr. Speaker, on May 23, I was participating in the World Economic Forum in Amman, Jordan and, therefore, missed three recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted ''yes'' on recorded vote number 200, ''yes'' on recorded vote number 201, and ''yes'' on recorded vote number 202.

SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM ACT OF 2005

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. RUSH. Mr. Speaker, I rise today to introduce the ''Small Business Intermediary Lending Pilot Program Act of 2005'' (SBILPP). This bill would establish a pilot program to provide low interest loans to nonprofit, community-based lending intermediaries. The program would also provide midsize loans for small businesses.

Small businesses and startups continue to face barriers when accessing midsize loans between $35,000 and $200,000, with affordable terms and conditions. With all of the banking industry consolidation, the method by which banks make small business credit decisions has changed to the disadvantage of small or startup businesses. Nonprofit intermediary lenders, including community development corporations, are in a better position to provide financial support to small businesses.

These nonprofit intermediary lenders provide riskier, up front capital to small businesses, with more flexible terms and underwriting procedures. These lenders also offer technical assistance to reduce the transaction costs and risk exposure of banks. The effectiveness of these types of programs has been demonstrated by several Federal programs, including the Microloan Program under the Small Business Act, and the Intermediary Relending Program in the Department of Agriculture. There are more than 1,000 nonprofit intermediaries around the country that are addressing the needs of small businesses by providing financial and technical assistance, leveraging additional capital for borrowers, and creating employment opportunities for low income individuals through their lending and business development activities.

This bill would establish a midsize loan pilot program, providing loans averaging $150,000 to eligible intermediaries, particularly for start-up, newly established, or growing small businesses. The bill would also assess the effectiveness of nonprofit intermediaries, and determine the feasibility of implementing a midsize loan program nationwide.

I hope my colleagues will join me to support this initiative.

HONORING JUDGE SOLOMON CASSEB, JR., ON HIS 90TH BIRTHDAY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. GONZALEZ. Mr. Speaker, I rise today to honor a jurist of distinction and a good friend, Judge Solomon Casseb Jr. on the occasion of his 90th birthday. He has been a pillar of the Texas legal community for over half a century and God willing will continue to wield his expertise and knowledge in the years to come for the betterment of our State. This San Antonio native has been pivotal in the affairs of our city but also throughout South Texas.

During his long and distinguished career, Judge Casseb has served as judge of the 57th District Court in Bexar County for two terms, as Presiding Judge for the Fourth Administrative District and he now serves as a Senior District Judge of Texas. He presided over a critical phase of the Pennzoil versus Texaco case which led to the largest jury award in American judicial history.

Judge Casseb's hard work and dedication have been recognized and honored by a variety of organizations. In 1961, St. Mary's University named him the Outstanding Ex-Student and in 1968 he was given the St. Thomas More Award which St. Mary's Law School annually awards to a ''judge, lawyer, law teacher or layperson who has made exceptional contributions to legal education, the legal profession, or government.'' Judge Casseb's dedication to jurisprudence and service has earned him his place alongside other luminaries such as Archibald Cox, Alexander Haig, and Leon Jaworski.

The Texas Trial Lawyers Association named him the Outstanding Judge in 1985, and two years later he won the Texas Bar Foundation's Outstanding Jurist Award. In 1991, the University of the Incarnate Word gave Judge Casseb the Insigne Verbum Award and the University of Texas Law School named a Professorship in his honor, the Judge Solomon Casseb Jr. Research Professorship in Law. Finally, the first Joe Frazier Brown Award for Excellence, the San Antonio Bar Association's highest honor was bestowed on Judge Casseb on Law Day in 1994. In fact, this list of awards contains representation from nearly every legal association, society or school in Texas which should convey an idea of the breadth and depth of his contribution to the field of law in our State.

In addition to his myriad legal contributions, Judge Casseb has sought to help those less fortunate than him. He has been pivotal in the administration of the Lamar Bruni Vergara Trust, an organization that has improved the lives of many in Laredo. The Trust he co-administers with JC Martin III supports a wide range of organizations and institutions dedicated to helping the youth of Laredo. The Trust gave the largest philanthropic gift in Laredo history to Texas A&M International University in the form of the Lamar Bruni Vergara Science Center and Planetarium.

On the wondrous occasion of his 90th birthday, I wish many more years of health and good fortune for him and his family and may he continue his service to San Antonio and Texas.

COMMEMORATING DR. PHILIP A. GARY FOR HIS OUTSTANDING CONTRIBUTION TO UKIAH HIGH SCHOOL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Dr. Philip A. Gary who is retiring in June 2005 after 19 years as principal of Ukiah High School in Ukiah, California and nearly 40 years in education.

Dr. Gary is widely recognized for his dedication to staff, students, parents, community and profession. He has received numerous awards, recognitions and recommendations from students and parents, including Mendocino County's High School Principal Administrator of the Year and California Schoolmasters' Mendocino County Educator of the Year for exemplary commitment to children and leadership in an educational profession.

Dr. Gary brought creative problem solving to many sections of the school curriculum. Under his guidance the state recognized vocational education classes, which developed between industry ties and local businesses for student job placement. Large numbers of Advanced Placement classes were added; a widely lauded Mathematics Engineering Science Achievement (MESA) program increased the

number of college-bound Hispanic students; a Native American counselor and out-reach program were initiated; at-risk student classes and support systems were added and increased; special education student programs were enhanced; gang forum, drug and alcohol prevention programs were instigated; and monies needed to keep athletic, fine arts and performing arts were raised.

Dr. Gary also encouraged programs to support gender equity, as well as ethnic and cultural diversity. And he encouraged professional development and personal creativity among staff members, maintaining the highest standards for the faculty, students and himself.

Mr. Speaker and colleagues, Dr. Gary gained the admiration and respect of all and represents everything that is positive in our public education system. For these reasons and countless others, it is most appropriate that we honor his commitment and service to perhaps our nation's most important resource—educating our youth.

TOGO ELECTION STATEMENT

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am Congresswoman CORRINE BROWN, and have served in the House of Representatives over twelve years. I have observed and monitored elections in areas as diverse as Eastern Europe, Africa, and the Caribbean, and Haiti in particular. In years past, I have traveled to Africa and other parts of the world to monitor living conditions and the status of human rights.

From what I saw, although there was some tension in Lome before and during the election, I witnessed more than anything thousands of calm voters who patiently waited in long lines to vote for the candidate of their choice. Overall, the Togolese seemed very pleased that an American, particularly a Member of Congress, was present during the election.

The election problems I encountered on Election Day were similar to voting problems in the United States. These problems consisted of the following: Very long voting lines, polls not opening on time, electricity (where it existed) going out briefly, and some voters' names not being on the voting rolls (by the way, I found it interesting that the international monitors in Togo told me they would not mention that I was from Florida). I stayed at the polls through the evening when the voting boxes from Lome's polling sites were brought to City Hall for a public count. Many of Togo's citizens, together with international observers and dignitaries, were present for the count which lasted into the night. Although our team stayed in Lome, there were observers stationed throughout the country.

By the next day, the Economic Coalition of West African States (ECOWAS) declared that the election, although not perfect, was generally peaceful and successful. ECOWAS accepted the announced vote tally of 60 percent of the vote for Gnassingbe Essozimna Faure, declaring him the newly elected President of Togo. In addition to meetings and briefings with ECOWAS leaders, I also met with and worked closely with hundreds of other international Independent Election Monitors.

To me, Togo's Presidential Election of 2005 was an exceptional election because of the unexpected death of Togo's President, who had been in power for thirty-five years. Under his rule, Togo developed a Constitution and a Parliamentary government with a Prime Minister. And, according to the Togolese Constitution, within 60 days of the death of a President, there must be a Presidential election, and Africa's Coalition of Economic Countries (ECOWAS) set the election date for April 24th 2005.

Indeed, Togo's recent Presidential Election was important, not just for Togo, but for all of Africa and for the world. Clearly, each African election is newsworthy as another step towards democratization. I believe that a free, fair and democratic election in Togo was also particularly important, so that post election Togo does not descend into chaos, and destabilize the neighboring African countries with refugees.

Lastly, as a sign of ongoing progress, the elected government and the opposition groups are meeting in Abuja, Nigeria's capitol, to discuss the distribution of power within the new government. Attending the meeting will be the African Union's chairman, Nigeria's President Obasanjo, and Niger's President Tandja, who is currently presiding over ECOWAS. Also in attendance are Faure Gnassingbe, Togo's elected President, representatives of Togo's opposition coalition, led by exiled leader Gilchrest Olympio, defeated presidential candidate Emmanuel Akitani Bob and Harry Olympio, an independent candidate, as well as the leaders of Gabon, Burkina Faso, and the UN Secretary General's representative, Ould Abdallah.

PERSONAL EXPLANATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. PASTOR. Mr. Speaker, on rollcall No. 210, I was detained in my office. Had I been present, I would have voted "yea."

REMARKS REGARDING TRANSPORTATION OF HAZARDOUS MATERIALS

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. BACHUS. Mr. Speaker, I recently had the opportunity to meet with the senior operating officials of nearly all of the Nation's freight railroads, large and small. What I heard from them, each of them, was their continued commitment to the safe and secure transportation of all goods tendered to them in interstate commerce.

I also heard their concern about being caught in the middle of a political crossfire over the issue of transporting certain hazardous materials through major cities located along their rail lines. They find themselves in this untenable position because of a legal duty. The common carrier obligation requires them to accept all legal goods for transport. Despite this legal duty and with no regard for the vital role some of these commodities play in protecting the public health and welfare, there are communities like the District of Columbia that are using every resource at their disposal to prevent railroads from going through their towns with these goods; in particular, hazardous materials.

Railroads clearly are the safest means of transporting hazardous materials, with a 99.996 percent safety record. These materials include chlorine to clean your water and propane to heat your homes. The transportation of the most hazardous chemicals represent three-tenths of one percent of the railroads' annual revenue, but well over 50 percent of their insurance premiums. But the railroads are not allowed to get out of the business. And if they did, the transportation of these goods would be much less safe.

That is why I urge my colleagues to oppose local initiatives such as those enacted by the District of Columbia and now being contemplated by other cities, like Cleveland, Philadelphia, Pittsburgh, Baltimore and Atlanta, in trying to prohibit the routing of these goods through their cities. The Constitution vests the Federal Government with the responsibility for regulating interstate commerce (Article I, Section 8). Through (among others) the Federal Railroad Safety Act, the Hazardous Materials Transportation Act, and ICCTA, Congress has given Federal agencies the responsibility to oversee the transportation of hazardous materials in interstate commerce. Further, in the case of DC, the Department of Homeland Security is actively analyzing rail security matters, particularly hazmat transportation (e.g., through the DC Rail Corridor Project's vulnerability assessment, and an analysis of security of hazmats that pose a toxic inhalation hazard).

What the DC Council has done, and what other cities are threatening to do, not only usurps the responsibilities and actions of the Federal Government, but also actually increases the risks of hazmat transportation, by increasing transit time and distance due to re-routing, and by shifting the risk involved with hazmat transport to other areas of the country. Rerouting trains carrying hazardous materials will cause delays, idling of hazmat containers, and switching of containers to other trains. Each handling of hazmat containers raises the risk level. In sum, the re-routing potentially threatens national security, disrupts interstate commerce, and jeopardizes public health.

We should be constantly vigilant about our national security. Thus, we cannot let the misguided efforts of myopic municipalities compromise our Nation's health, economy, safety and security through punitive and ill-advised legislation, such as that passed by the District of Columbia.

TRIBUTE TO W. CALVERT ''CAL'' BRAND

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. PENCE. Mr. Speaker, the State of Indiana lost a pillar of the community last week.

On Thursday, May 19, 2005, Cal Brand passed away in the City of Columbus, Indiana, an intimate community in my Congressional District and also my hometown. Hundreds of Hoosiers mourned his passing yesterday at the First Presbyterian Church where Cal was an elder, deacon, trustee and Sunday school teacher.

Cal Brand founded, owned and operated Brand Inc. Lumber, a successful venture that led to appointments on the Indiana Lumber & Builders Supply Association, the Indiana Building Congress and the National Lumber and Building Materials Dealers Association.

In his role as a member of the Columbus Area Chamber of Commerce, Cal received both the Community Service award and the Small Businessman of the Year award. He was also a member of various service organizations including the Kiwanis Club and the Columbus Foundation for Youth.

In his respected political life, Cal Brand carried himself in a gentle manner, all while advising Hoosier Governors, U.S. Senators and President Ronald Reagan. He even served as an elected official on the Columbus City Council in 1955 and in the Indiana House of Representatives from 1966–1970.

Cal Brand's confidence and wisdom was outshone only by his gentle nature and humble attitude. He is the perfect example of a good businessman and citizen. The kind of person every community needs.

Mr. Speaker, on behalf of the City of Columbus, I extend heartfelt sympathies to the family of Cal Brand, specifically his wife Betty, his daughter Joan of New Jersey; his sons the Rev. D. Calvert Brand of Martinsville and John S. Brand and Jesse R. Brand, both of Columbus; and his seven grandchildren and eight great-grandchildren.

Living in Columbus, Indiana, means making a commitment to getting involved and improving the community in which you live. Cal Brand embodied that allegiance to his Columbus. He will be deeply missed, and his generosity will never be forgotten.

HONORING MAJOR WILLIAM McCOLLOUGH

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mrs. BLACKBURN. Mr. Speaker, most Americans probably don't know that there are military men and women who serve their country right here in the U.S. House of Representatives as liaisons between members of Congress and the Nation's armed forces.

These men and women have a critical role in helping Congress do its job, and today, while America is at war, the importance of their work is clearer than ever before.

It is with great appreciation and sadness that I rise to thank one of our finest military liaisons, U.S. Marine Corps Major William McCollough, for his service to this institution and our country as he leaves Washington to join the 3rd Battalion, 5th Marine Regiment as Executive Officer.

During my time in Congress, I've had the opportunity to work with Major McCollough—and I know that my colleagues who've worked with him will agree—that his leadership, professionalism, and friendship have enabled us to better represent our districts.

We will miss Major McCollough, but we wish him well in his new assignment.

PRESIDENT CHEN SHUI–BAN AND THE PEOPLE OF TAIWAN

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. BOEHLERT. Mr. Speaker, I rise today to congratulate President Chen Shui-ban and the people of Taiwan, as they celebrate the close of the 1st year of President Chen's second term in office.

Taiwan and the United States share universal values of freedom, human rights, and democracy. Based on these common principles, our two countries work together closely politically and economically. Taiwan is our 8th largest trading partner, and we are Taiwan's largest trading partner. There are more than 270 direct flights between the United States and Taiwan every week and more than twenty eight thousand Taiwanese students currently studying in the United States. We hope that this relationship will become even closer in the years ahead, as President Chen continues his leadership.

Mr. Speaker, our colleagues here in the Congress have recently written a letter to Lee Jong-wook, Director General of the World Health Organization, asking him to support Taiwan's bid for observer status in the World Health Assembly, the WHO's governing body. Taiwan has a modern, world-class health care system and has lent its talent and resources to people in need throughout Asia and around the world. As such, Taiwan has much to contribute to global health and deserves a place under the WHO umbrella, and it is important that they be given the opportunity to do so.

President Chen continues to call for resumption of dialogue between the PRC and Taiwan to ensure that any resolution of the "Taiwan Question" is through peaceful means. He remains committed to promoting the establishment of a peaceful and stable mechanism for cross-strait relations, a goal that we here in the Congress certainly share with him. Maintaining the status quo between the PRC and Taiwan is of paramount importance to the United States.

Once again, I congratulate President Chen and his 23 million countrymen.

HONORING GRAHAM JACKSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Mr. Graham Jackson. Mr. Jackson was recognized by the North Central Texas College/Small Business Development Center for his zealous business approach and his passionate entrepreneurial spirit.

In early 2000, while working in the classroom support services department at the University of North Texas, Mr. Jackson recognized there was a distinct need for an audio/visual rental service in the Denton area. Electing his mother as his business partner and with some assistance from the Small Business Development Center, Jackson opened Audio Visual Solutions in August 2000.

With clients such as Denton Presbyterian Hospital, the City Hall of Gainesville, and the Denton Civic Center, and with this year's sales estimated to increase three-fold compared to 2004, Jackson has established himself as a true business pioneer.

In addition to Audio Visual Solutions, Mr. Jackson dedicates a considerable amount of time giving back to the Denton community by volunteering at the Denton Children's Advocacy Center and serving on the Board of the Denton Young Professionals organization.

Despite several setbacks along the way, and the fact that over 80 percent of small businesses fail within five years, Mr. Jackson has relied on character and personal perseverance to become successful in his field. It is with great honor I stand here today to recognize a man who not only is the epitome of the entrepreneurial spirit, but one who has devoted his time giving back to the community that has given him so much.

HONORING JOHN LUKES, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. KILDEE. Mr. Speaker, it is a great honor to rise before you today to pay tribute to a loyal friend and a tireless advocate for America's workers, Mr. John Lukes, Sr. This Friday, members and friends of UAW Local 599 in Flint, Michigan, will honor the life and legacy of this great man, who died May 23 at the age of 82.

It has been said that "death ends a life, not a relationship," and this is certainly the case with those who have ever come into contact with John Lukes and have benefited from his influence. A longtime Flint resident, World War II veteran, and committed labor activist, John's association with the UAW began October 6, 1949. As a member of Local 599, John served as Alternate Committeeman from 1949 to 1967, and worked as Editor of the Headlight newspaper from 1957–1964. John was elected Recording Secretary for the Local in 1967, a position he held until his retirement, and provided leadership and insight on the executive boards of the Veterans Committee, CAP Committee, and the Health & Safety Committee. On a national level, John operated as National Publicity Chair for the UAW's 30 & Out Committee. In 1977, John was honored with the Walter P. Reuther Distinguished Service Award.

Upon his retirement from General Motors in 1992, after 43 years, John continued to work on behalf of his peers through the Local's Retiree chapter, where he served as chairman until 2003. He was also found at the forefront of many community projects.

Mr. Speaker, John Lukes, Sr. was not just a constituent, but also a very good friend. It is with a heavy heart that I stand before you today, however it is also with great pride that I do so. It is people like John, who make it their life's work to improve the quality and dignity of life for us all, that continue to inspire us

to greater efforts. I, along with John's family, and his UAW extended family will truly miss him. I ask my colleagues to join me in honoring the life of a remarkable man.

IN MEMORY OF ANTHONY ATHANAS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. ENGEL. Mr. Speaker, I rise to pay tribute to Anthony Athanas, who passed away last Friday in Massachusetts at the age of 93. Anthony Athanas was a prominent Albanian American, the founder and president of the Anthony's fine family of restaurants, and one of the most illustrious business personalities in Boston.

Anthony Athanas was an institution in the Albanian American community. Not only was he an Honorary Consul of the Republic of Albania in Massachusetts, Anthony Athanas was a founding member and on the Board of Directors of the National Albanian American Council (NAAC). He was the community's senior statesman, a winner of the NAAC Lifetime Achievement Award.

In 1999, he and I were members of an historic joint Congressional and Albanian/American delegation to Kosova, Albania, and Macedonia right after the Kosovar war. Anthony told me this was one of the most extraordinary trips he ever took. Upon arriving in Kosova, he kissed the ground and said he never thought he would see the day Kosova would be free. Yet, during this trip, he told a gathering crowd of more than 3000 people in Vranoc, a town which was 80 percent burned by the Serb army, ''Today you are free; tomorrow you will become an independent nation.'' All his life he wanted to visit a free Kosova. It was an honor to be with him when he finally saw it with his own eyes.

Anthony Athanas was born in Albania in 1911 and came to the United States at the age of 5, where he settled with his parents in New Bedford, Massachusetts. His first jobs were peddling fruits and vegetables from a cart, selling newspapers, and lighting wood and coal ovens in restaurant kitchens. He worked his way through various positions in restaurants and hotels throughout New England and New York, gaining invaluable knowledge from chefs, managers and owners. In 1937, he opened his first restaurant, Anthony's Hawthorne, in Lynn, Massachusetts. In the following years, Anthony opened several other successful restaurants.

In 1963, Anthony Athanas opened what would become his flagship restaurant, Anthony's Pier 4, on a Boston Harbor pier. The restaurant was an instant success, garnering acclaim and awards from around the world. Through the years, the restaurant has hosted heads of government, United States presidents, religious leaders, notable artists and writers, athletes, and a virtual who's who from the entertainment world.

Anthony Athanas also served on the Boards of several prominent organizations, including the National Restaurant Association, and was awarded a number of honorary degrees and doctorates.

Anthony Athanas personified the American dream. From humble beginnings in Albania, he rose through the ranks to become a successful businessman, a national role model, and a vocal advocate for Albanian issues. He serves as an example to us all of the kind of achievement and success possible for those who are capable and willing to strive for something better. He will sorely be missed.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

SPEECH OF

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. AKIN. Mr. Speaker, I rise today in support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005. This bill is significant because it would encourage one of the most promising, and ethically sound, avenues of medical research in our time: The stem cells within umbilical cord blood.

This is a matter of great interest to me, both because of the importance of the research itself and also because I represent the greater St. Louis area, which is home to the St. Louis Cord Blood Bank at Cardinal Glennon Children's Hospital.

Cord blood has proven successful in treating 67 diseases including sickle cell disease, leukemia, osteopetrosis and Diamond Blackfan Anemia. Just last year, a North Korean woman who had been paralyzed for 19 years was seen walking with the assistance of a walker for the media. Only a month prior she had received a cord blood treatment.

This type of extraordinary result demonstrates why we should invest in cord blood stem cells research and treatment.

An early pioneer in cord blood collection and storage, the St. Louis Cord Blood Bank has amassed the second largest inventory of cord blood in the world and has provided the second largest number of cord blood units for transplant. I commend the work of centers like the one at Cardinal Glennon Children's Hospital and am pleased to support his important legislation.

The men and women at the St. Louis Cord Blood Bank deserve our thanks for their integrity, dedication and commitment to bettering human life through ethical research. The promise of adult stem cell research is both substantial and uncontroversial, which is why I urge my colleagues to support H.R. 2520.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

SPEECH OF

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

Mrs. WILSON of New Mexico. Mr. Chairman, I would like to point out certain things about H.R. 2419 that leave me troubled. I am quite concerned by significant reductions made in critical programs that are necessary for our nation to maintain a credible long-term nuclear deterrent. The appropriations for the National Nuclear Security Administration (NNSA) related to weapons activities was $6.63B in FY 2005. That amount was reduced to $6.18B by the committee, a reduction of almost $0.5B, or nearly 10%.

The Advanced Strategic Computing (ASC) Campaign has made great advances over the past 10 years. We are now able to model things with more fidelity than ever before. This modeling is used to certify the reliability of our nuclear stockpile without nuclear testing. The ASC Campaign was funded last year at a level of $698M. The administration request for FY06 is only $661M—a reduction of $37M over last year's levels. The administration's request was further reduced by the appropriations committee from $661M to $501M, coupled with nearly $22M of earmarks out of the $501M for extraneous projects, results in a final budget of less than 70% of last year's budget.

These reductions come at the same time we are asking our nation's nuclear laboratories to recertify our nuclear weapon stockpile with science and computing rather than nuclear testing. The committee states that its ''recommendation recognizes the Department's inability to achieve the promises of Stockpile Stewardship effort and redirects ASCI funding to maintain current life extension production capabilities pending the initiation of the Reliable Replacement Warhead program.'' One cannot remove funds from the Advanced Strategic Computing program to fund the Reliable Replacement Warhead program—not expected to yield fruit for a number of years—and expect the labs to continue to certify our stockpile. These programs are not substitutes for each other.

Once again the committee has removed all funding for the Robust Nuclear Earth Penetrator Study. This is a worth while study, designed to answer whether or not a nuclear earth penetrator is even feasible as a means of holding Deeply Buried Hardened Targets (DBHTs) at risk. It is my understanding that this study will now move to the Department of Defense and outside of the jurisdiction of the Energy and Water Appropriations subcommittee.

Inconsistent reductions and increases seem to have been made to the infrastructure construction projects for NNSA. The $55M administration request for the Chemistry Matallurgy Research Replacement (CMRR) Facility at Los Alamos National Laboratory was zeroed out. On the other hand the Highly Enriched Uranium Materials Facility Y–12 National Security Complex recommended funding at a level of $81M, an increase of $11M over the request. The committee's reasoning zeroing ''the CMRR facility should be delayed until the Department determines the long-term plan for developing the responsive infrastructure required to maintain the nation's existing nuclear stockpile and support replacement production anticipated for the RRW initiative.'' It is my understanding that this determination will be made by the Secretary of Energy's Advisory Board subcommittee which is due to report out in June. The committee claims that its ''recommendation does not prejudge the outcome of the SEAB's subcommittee's assessment of

the NNSA weapons complex.'' However, if the committee does not want to prejudge the outcome of the SEAB's study, it would seem more appropriate to only put a hold on the CMRR funds until the SEAB study has reported its findings. There is considerable use to be made of the CMRR in supporting the general science mission of the laboratory as well. It is not a facility to only support manufacturing as the committee suggests. We should not expect our critical nuclear laboratories to be held up to the safety and security standard that are set by industry if we do not provide for ways to update sorely needed facilities around the nuclear weapons complex.

I find particularly troubling the reductions made to and restrictions placed upon the Laboratory Directed Research and Development (LDRD) and like programs within DOE. Section 311 of the Bill limits the amount of LDRD funding to $250M. This is in comparison to the $400M in FY2005. This will severely restrict fundamental R&D that is so vital to our DOE complex in meeting the needs of national security.

Section 312 of the bill is particularly troublesome since it subjects funds already subjected to overhead rates to those same rates yet again. LDRD funds have historically been used as indirect funds since they are redirected funds that have in essence already been taxed by the overhead charges.

Section 313 restricts LDRD funds derived from DOE funded programs to be used only on DOE related research, as if other funded projects (generally referred to as ''Work for Others'' projects) do not help fund the LDRD programs. This is in fact not the case. In general, all funding for projects at the laboratories help to fund the LDRD programs at equal rates. The accounting nightmare that would be created if the installations were forced to keep the funding separate would be particularly onerous and waste even more resources. But beyond all these arguments, the LDRD program is designed expressly to investigate basic and applied research that has broad application across the potential customer base.

HONORING DR. JAMES L. RORIE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Dr. James L. Rorie, M.D. of Oakland California. James was a passionate and widely respected physician, a leader in our community and a wonderful friend. After decades of service to his patients throughout Oakland and the East Bay, James passed away on May 15, 2005.

James L. Rorie was born on May 15, 1945 in Albemarle, North Carolina to James W. Rorie and Raddie Ewing Rorie. He graduated second in his class from the High School of Albemarle, and went on to earn his B.S. degree from North Carolina Central University in Durham, North Carolina. After earning his college degree, James became a teacher at Kittrell Grade School in North Carolina, and later at St. Rita's Parochial School in New York. He then went on to teach physical science at Washington Irving Jr. High School in New York City, and also worked with his students as an assistant track coach.

During this time, James was also in the process of completing Summer Studies at North Carolina University, and later Post Graduate Studies at Columbia University in New York. In 1971, he entered medical school at the S.U.N.Y. Downstate Medical Center in New York, where he received his M.D. in 1976. James then did his four-year residency in Obstetrics and Gynecology at Metropolitan Hospital in New York, which he completed in 1980. Following his residency, he became a member of the National Medical Association, and in 1985, became board-certified by the American College of Obstetrics and Gynecology.

During the early 1980s, James remained in New York, working at the Woman Infant Care and P.A.A.M. Medical Clinics, and later as a clinical instructor at Metropolitan Hospital. In 1982, he relocated to Oakland, where he opened his own general Ob/Gyn practice, with an emphasis on infertility and laparoscopic surgery. James ran his practice from that time until the present, while simultaneously working as an on-call physician providing emergency room coverage in obstetrics and gynecology at the Alta Bates Summit Medical Centers in Oakland and Berkeley and for East Bay Medical Associates. For a number of years, he also served on the Board of Directors of the East Bay Surgery Center, and as the chief of obstetrics and gynecology at Oakhill Medical Group.

Though James' commitment to others was evident through his devotion to his patients, his concern for others extended beyond the medical field. He was a member of Kappa Alpha Psi Fraternity and also served on the board of directors of the Black Filmmakers Hall of Fame and the Boys and Girls Club of Oakland. James was a devoted brother, father and friend, and is survived by his daughter Raina, his son James, his brothers Glen and Bobby, his sisters Eleanor and Shirley, his foster sister Vangie, and numerous other relatives, friends and colleagues.

On a very personal note, James Rorie, with great skill and compassion, brought my youngest granddaughter Simone Lee into the world on August 30, 2004. For this, I am deeply grateful and I will always remember Dr. Rorie as a competent physician, a good friend and a community leader.

On Sunday, May 22, 2005, we join together to celebrate the life of James L. Rorie, and everything he contributed to those around him during his lifetime. The impact he had on the lives of his patients and students is truly immeasurable, as was the effect he had on those of us who had the privilege of knowing him as relatives and as friends. The role played in our community by individuals as committed to serving others as James is of paramount importance in ensuring the health of our community and the well-being of our families and young people. On behalf of the 9th Congressional District, I salute James L. Rorie for a lifetime of service to others, and for his devotion to making our community a better place.

ON THE FIRST ANNIVERSARY OF TAIWAN PRESIDENT CHEN SHUI-BIAN'S RE-ELECTION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to Taiwan President Chen Shui-bian on the occasion of his first anniversary of his second presidential term. He was re-elected to president of the Republic of China last year.

A number of my colleagues and the American public have taken notice of Taiwan's political and economic achievements during the last two decades. A recent Business Week online article says ''the global economy couldn't function without it (Taiwan). But can it really find peace with China?'' I agree with the article's assessment of Taiwan's importance to the information and technology industry in the world. The revenues of Taiwan's 25 key tech companies should reach $12 billion this year. The article goes on to say that if a shooting war starts across the Taiwan Strait, the damage to the world economy would be equivalent to a ''nuclear bomb going off' and the information and technology supply could be severely compromised.

Hence peace and stability in the Taiwan Strait are in everyone's best interest. Taiwan's President Chen Shui-bian is a man of impressive leadership skills who has made it clear over and over again that he would like to resolve the difficulties between Taipei and Beijing at the negotiating table rather than the battlefield. Unfortunately his call for Beijing to resume cross strait dialogue with Taipei without preconditions on either side has so far been rejected by China.

It is regrettable that the Chinese leadership has refused to even talk with President Chen, the duly elected president of Taiwan. If real progress is going to be made in reducing tensions between China and Taiwan, it should be based on a genuine dialogue between the elected Taiwanese government and the established Chinese leadership.

In this respect I concur with Assistant Secretary of State Randal Shriver's statement that ''Dialogue is better than no dialogue at all, and we think talking is better than no talking . . . the leaders in Beijing will ultimately have to talk to the elected leaders of Taiwan.

So, once again, Mr. Speaker, I would like to take this opportunity to commemorate the first anniversary of the election of Taiwan President Chen Shui-bian to his second term and offer my hopes that real dialogue across the Taiwan Straits, without preconditions, will begin someday soon.

TRIBUTE TO CHERYL SABAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a talented and creative friend, Cheryl Saban, who is being honored by Parents' Action for Children for her many outstanding contributions and longtime support of the organization. Parents' Action for Children

is a national organization dedicated to advancing the interests of families and young children. Cheryl's heartfelt compassion for children make her an outstanding choice for the recognition.

Cheryl is a selfless, caring person of enormous energy, intellect talent and integrity. She is an author, producer, philanthropist and child advocate. As a mother of four, she understands the critical services needed by parents to ensure the wellbeing and future success of their children. She actively transforms this understanding into a plethora of positive and highly effective projects.

Cheryl authored 50 Ways to Save Our Children and founded the 50 Ways to Save our Children Foundation which provides resource guides for individuals interested in finding ways to help children and families. She also authored a toddler series, Miracle Child. Griffin. Sins of the Mother and Recipe for a Good Marriage. Her credits also include television films ''Au Pair'' and ''Au Pair II' which she co-wrote and co-executive produced for the Fox Family Channel.

In addition to devoting time and energy to her own initiatives, Cheryl works diligently with many of America's most respected non-profits. She is a Board Trustee of Children's Hospital Los Angeles where she focuses on pediatric research and volunteers in the Neonatal Intensive Care Unit. She serves on the Board of United Friends of the Children, an organization dedicated to foster youth, on the Advisory Board of the Marc and Jane Nathanson Mental Health Resource Center at UCLA and on the Boards of Parents' Action for Children, and Los Angeles Universal Preschool, and Crossroads School. She is a member of Every Child Foundation and recently served on the Los Angeles City Commission for Children, Youth and Their Families.

Cheryl has a master's degree in Psychology and has recently received a Ph.D. in Pediatric Psychology. Married to Haim Saban, together they have made a tremendous difference in the lives of countless numbers of children and their families.

I am proud to be one of the many friends of this charming and accomplished woman, and it is my distinct pleasure to ask my colleagues to join with me in saluting Cheryl Saban for her outstanding contributions to our community.

INTRODUCTION OF LEGISLATION TO FACILITATE LAND EXCHANGE IN THE STATE OF ARIZONA

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. RENZI. Mr. Speaker, with Congressman ED PASTOR, Congressman JIM KOLBE, Congressman J.D. HAYWORTH, Congressman JOHN SHADEGG, Congressman JEFF FLAKE and Congressman TRENT FRANKS, I rise today to introduce legislation to facilitate a land exchange in the State of Arizona.

Mr. Speaker, this legislation, the Southeast Arizona Land Exchange and Conservation Act of 2005, facilitates a land exchange between the Resolution Copper Company and the United States in southeast Arizona. The exchange will convey 3,025 acres of National Forest land to Resolution Copper near the Town of Superior. In return, the United States will acquire 4,814 acres of non-federal conservation land.

The 3,025 acres of Forest Service land to be traded to Resolution Copper will facilitate future exploration, and possible development, of what may be one of the largest deposits of copper ore discovered in North America. Approximately seventy-five percent of the land is blanketed by federally-authorized mining claims owned by Resolution Copper. This provides Resolution Copper with the right to explore and develop mineral deposits on this land.

Six parcels, totaling 4,814 acres, will be conveyed by Resolution Copper to the U.S. Forest Service and the Bureau of Land Management. The largest of the six parcels is a 3,073 acres ranch, Seven B Ranch, near Mammoth, Arizona. The parcel borders a Nature Conservancy preserve and runs 6.8 miles along both sides of the San Pedro River, a river recognized for its wildlife and bird habitat.

Another parcel, the Appleton Ranch, inside the Appleton-Whittell Research Ranch and Las Cienegas National Conservation Area, is intermingled with federal and National Audubon Society lands which are managed as an environmental refuge and ecological laboratory.

Mr. Speaker, the public acquisition of the six parcels will benefit the Federal Government and the public. This land exchange has been endorsed by the Arizona Audubon Society, Nature Conservancy, Sonoran Institute, Arizona Game and Fish Department and several other groups. In addition, Governor Janet Napolitano wrote a letter supporting the exchange.

In addition to the land exchange, the Southeast Arizona Land Exchange and Conservation Act of 2005 places a permanent conservation easement on the 562 acre Apache Leap portion of the land Resolution Copper will acquire from the Forest Service. This easement will permanently protect the surface of the Apache Leap area from any disturbance that could occur during mining.

The legislation also requires Resolution Copper to pay up to $500,000 to finance the design, construction and access to the new campground to replace Oak Flat Campground. In addition, the legislation allows continued use of the Oak Flat Campground for 2 years after the enactment of this legislation.

Mr. Speaker, I will be remiss if I do not recognize concerns raised by the climbing community on their potential loss of recreational use caused by this exchange. I am still hopeful that Resolution Copper will continue a productive dialogue with the climbing community. I have included placeholder language on page 20 of the legislation entitled ''Additional Rock Climbing Provisions.'' This language represents my firm commitment to address this issue before this legislation moves forward. The legislation does include language that requires Resolution Copper to pay up to $250,000 to access and develop a new climbing area. Resolution Copper is in the process of identifying these new climbing areas. I am hopeful that Resolution Copper will include the climbing groups in this important process.

Mr. Speaker, I urge my colleagues to support the Southeast Arizona Land Exchange and Conservation Act of 2005.

RECOGNIZING CHILDREN'S HOSPICE INTERNATIONAL ON ITS 22ND ANNIVERSARY ON MAY 23, 2005

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to commemorate the 22nd anniversary of Children's Hospice International, a groundbreaking, non-profit organization based in Alexandria, Virginia.

Since 1983, Children's Hospice International (CHI) has been a champion of children with life-threatening conditions—and their families—by calling for the U.S. healthcare system to do more to meet their medical and emotional needs.

In 1983, only four of 1,400 hospice programs in the United States were willing to accept children.

Since then, great progress has been made—and now, aided by the efforts of Children's Hospice International, 450 of about 3,000 hospices include child-specific services.

But CHI's work is far from done. The standards and training it has developed for pediatric hospice programs need to be universally adopted by hospice, palliative care, and home care programs. CHI is also working to include the hospice perspectives in all areas of pediatric care and education.

Of the 10 million children in the United States who are living with a serious chronic condition, each year about 54,000 will die without hospice services—and another 1.3 million children's lives could greatly benefit from this care.

CHI is seeking to eliminate the roadblocks in private and public insurance programs that prevent these children and their families from receiving the full range of services they need.

Historically, hospice and reimbursement guidelines—in Medicaid and most private plans—require that patients forego all life-saving care before they can be admitted to hospice, and that the patient be within the last six months of life. CHI has worked with the Centers for Medicare and Medicaid Services (CMS) to facilitate State implementation of CHI PACC programs that will reduce the impact of these requirements on children and families.

These restrictions simply do not work with patients in pediatric care.

We know that the most critical time for children and family members—when they need intensive support and guidance that hospice and palliative care programs provide—is at the point of diagnosis.

A parent should never have to choose between hospice care and the hope for a cure. And, because of the unpredictable course of many serious childhood illnesses, it is often very difficult for doctors to determine when a child is within six months of death.

Since 1997, CHI has worked with CMS to set up the Program for All-Inclusive Care for Children and their Families (CHI PACC).

Unlike traditional hospice/palliative care models, a CHI PACC program provides a continuum of care for children and their families from time of diagnosis, with hope for a cure, and through bereavement if a cure is not attained.

This program will allow states to receive federal reimbursement for a more coordinated service package than is generally provided under Medicaid, including counseling for children and families, respite care, and bereavement services. States operating CHI PACC programs through the Medicaid Home and Community-Based Waiver authority will also be able to serve children in families who earn too much to typically qualify for Medicaid.

With Congressional support, a total of 16 states are already benefiting from CHI PACC. Six states have their own CHI PACC Medicaid program in development. These are Colorado, Florida, Kentucky, New York, Utah and my state of Virginia. In addition, the New England Region is also working toward implementing CHI PACC to cover four states—Maine, Massachusetts, New Hampshire and Vermont. The Colorado program will also cover a region, providing services to patients in six additional states—Kansas, Montana, Nebraska, New Mexico, South Dakota and Wyoming.

While the CHI PACC model creates a core set of standards and principles have been developed, the model itself is flexible, allowing states to tailor-make different approaches to running the program. Currently, about 30% of the children who have life-threatening conditions qualify for Medicaid. All of these children and perhaps many more will benefit from this model of care.

And with the support of my good friend, Mr. Murtha of Pennsylvania, the Department of Defense is working to adopt the CHI PACC model for its health care system. Children's Hospice International is a living memorial to Ensign Alan H. Armstrong and his shipmates lost aboard the U.S.S. Frank E. Evans during the conflict in Vietnam. Armstrong is the brother of CHI Founder Ann Armstrong-Dailey.

The goal of all of these efforts is to prove the effectiveness of the CHI PACC model so that it can be adopted universally—through Medicaid, S–CHIP and private insurers.

Projections from the states developing CHI PACC programs indicate that they not only expect these programs to be budget neutral, but they hope they will actually save the taxpayers money.

Since 1983, Children's Hospice International has provided new hope to the millions of children with life threatening conditions and their families.

It is in recognition of these efforts that I want to express my personal gratitude for the work of Children's Hospice International—and to congratulate them on their 22nd anniversary.

Mr. Speaker, I would like to also submit for the RECORD, a poem by young Mattie J.T. Stepanek, a New York Times best selling author who passed away last summer, after a valiant fight with dysautonomic mitochondrial myopathy. Mattie volunteered for many years to be CHI's spokesperson—he is a hero and inspiration to us all CHI PACC is a living memorial to Mattie.

A NEW HOPE

I need a hope—a new hope.
A hope that reaches for the stars, and That does not end in violence or war.
A hope that makes peace on our earth, and That does not create evil in the world.
A hope that finds cures for all diseases, and That does not make people hurt, In their bodies, in their hearts, Or most of all, in their spirits.
I need a hope—a new hope, A hope that inspires me to live, and To make all these things happen.
So that the whole world can have A new hope, too.

—Mattie J.T. Stepanek, 1999.

IN RECOGNITION OF THE JACKSON COUNTY VETERANS MEMORIAL COMMITTEE ON THE DEDICATION OF VETERANS PARK

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today on the occasion of the dedication of Medford, Oregon's Veterans Park Memorial to pay special tribute to the members of the Veterans Park Memorial Committee of Jackson County and the many area volunteers whose time and effort have made this event possible. I am proud to represent these distinguished Americans in Congress, and recognize not only their tremendous work to make this park a fitting memorial to the many brave patriots who have served our great Nation, but also for each of their years of military service.

In 1919, on a small plot of land just south of Medford, a young man named Paul Rynning planted a maple tree in memory of a friend who had been killed in World War I. After that first tree was planted, others soon followed, each dedicated to the memory of a World War I soldier who had given his life for the cause of freedom. In 1958, Jackson County deeded the park to the City of Medford and on Memorial Day, in 1986, it was officially proclaimed Veterans Park. Later that year the Veterans Memorial Committee was incorporated with the goal of completing the memorial that had been started so humbly 67 years earlier.

For the past 19 years, local veterans service organizations including the Non Commissioned Officers Association, the Disabled American Veterans, the Fleet Reserve Association, the Veterans of Foreign Wars, the American Legion, the Military Order of the Purple Heart, the Korean War Veterans Association, the Air Force Sergeants Association, the Vietnam Veterans of America, the American Merchant Marine Veterans, the Military Officers Association of America, the Marine Corps League and the Navy League, along with individual volunteers and public and corporate sponsors, have pulled together, donating thousands of hours of their time and hundreds of thousands of dollars to make this memorial a reality. The fruit of their labor is this memorial that recognizes the services of all our Nation's veterans—from the American Revolution to the Global War on Terrorism and from all of the Armed Services.

On May 29th, 2005, the citizens of Jackson County dedicate the Veterans Park Memorial and laud the volunteers of the Veterans Park Memorial Committee who have, through their untiring efforts and devotion to their cause, brought their 19-year dream to reality.

Mr. Speaker, I am proud to be part of this celebration and I will continue to do all I can in Congress to express my gratitude to the brave patriots who've preserved the freedoms we all enjoy.

RECOGNIZING THE CONTRIBUTION OF DR. WILLIAM C. MCCORKLE, JR. TO OUR NATIONAL DEFENSE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. EVERETT. Mr. Speaker, I would like to recognize the outstanding work of Dr. Bill McCorkle, who serves as the Director of the Aviation and Missile Research, Development, and Engineering Center (AMRDEC) at Red Stone Arsenal, Alabama. As Director, Dr. McCorkle is responsible for providing major research and development I support to more than 25 Army Aviation and Missile Command (AMCOM) project systems, and over 200 Defense agencies.

Dr. McCorkle came to Redstone Arsenal in 1957 from Tulane University and has since served in a number of scientific and engineering positions, including an 18-month rotational assignment in the Department of Army Staff as Science Advisor to the Director of Weapon Systems. In November 1980, Dr. McCorkle was selected for the dual role of Technical Director of the Missile Command and Director of the U.S. Army Missile Laboratory. Additionally, Dr. McCorkle was named the first Director of AMRDEC in 1999.

Dr. McCorkle has been involved with missile-related research and development on virtually every Army missile and rocket system. His contributions include numerous papers and patents for guidance and control systems, such as the HAWK missile system and include the most recent improvement permitting multiple simultaneous engagements. Dr. McCorkle has received national recognition for initiating and guiding AMRDEC's highly successful work in fiber optic guidance links for missiles, providing a revolutionary countermeasure-resistant capability for finding and engaging both rotary wing and armored targets out of the gunner's line of sight. Dr. McCorkle has long championed the use of simulation techniques for missile design and analysis, which led to AMRDEC's Advanced Simulation Center, a major national facility and key to a number of successful missile development and improvement programs.

I join with Dr. McCorkle's family, friends, and the state of Alabama in saluting Dr. McCorkle for his nearly 5 decades of service, and congratulate him on his outstanding career on behalf of our national defense.

HONORING THE LIFE OF MAURICE HORWITZ

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. ENGLISH. Mr. Speaker, I rise today to recognize and honor the life of Maurice Horwitz. Born and raised in Pennsylvania's 3rd Congressional District, Maurice was a man of honor who brought both wisdom and leadership to the city of Butler. A 1930 graduate of the Wharton School of Business at the University of Pennsylvania, Maurice went on to become the president of his family's business, Keystone Pipe and Supply, where he displayed an unwavering commitment to innovation and industry. Under his direction, the

company flourished, becoming one of the largest international distributors of specialty tubular products.

In addition to his strong business ethics, Maurice was known for his generosity in his private life. He had earned a reputation of having a commitment of giving both time and resources to improve the quality of life for his family and his neighbors. He was the embodiment of a renaissance man: a constant learner, a collector, accomplished tennis player, scholar of art history, and a man of culture who sought to bring the joys of the fine arts to the Butler community. He was also known for his devotion to many charitable causes. Maurice served as a director for the Butler County Memorial Hospital, worked with the United Way, and the Butler YMCA. In addition, he served as president and chairman of the board of Irene State Community Mental Health Center, and was chairman of the Tri-State District of the United Jewish Appeal.

The life of Maurice Horwitz serves as a role model for us all to follow. He embodied the word service in its finest sense through his kindness, hard work and generosity and will greatly be missed by all.

Mr. Speaker, I hope my colleagues will join me in commemorating the life of Maurice Horwitz.

RECOGNIZING THE COAST GUARD, COAST GUARD AUXILIARY AND NATIONAL SAFE BOATING COUNCIL FOR THEIR EFFORTS TO PROMOTE NATIONAL SAFE BOATING WEEK

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize and support the efforts of the United States Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council as they coordinate yet another successful National Safe Boating Week, May 21–27, 2005.

In 2003, an estimated 78 million Americans enjoyed recreational boating on the approximately 13 million recreational vessels registered throughout the nation. Boating has truly become a treasured piece of American culture.

Thanks to the efforts of many, boating is becoming safer as it grows more popular. Boating fatalities have been cut in half since the 1970's due to increased boater education, more widespread use of life vests, and safer boating equipment.

Nonetheless, we have much work to do. In 2003, 703 Americans died in boating-related accidents. Sadly, half of these deaths could have been prevented had proper flotation devices been used.

I have co-sponsored, along with Representative JIM COOPER and Representative GENE TAYLOR, House Resolution 243, which aims at increasing boating safety education and accident prevention and supports the goals of National Safe Boating Week. As Co-Founder and Co-Chairman of the Congressional Boating Caucus, I certainly understand the importance of these issues on recreational boaters.

Mr. Speaker, the upcoming Memorial Day holiday marks the unofficial start of the summer boating season in South Florida. As such, we must continue to support boating education and awareness so that our waters can be a fun and, above all, safe place for all Americans to enjoy.

ON THE RETIREMENT OF GENE A. LUNDQUIST

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. THOMAS. Mr. Speaker, I rise today to honor my constituent and friend, Mr. Gene A. Lundquist, of Bakersfield, California, upon his recent retirement from Calcot, Ltd., where he had an accomplished 36-year career. Although I will miss working with Gene on issues of importance to Kern County and California, I wish Gene and his family well as he enters this next stage of his life.

Gene was born in Bakersfield, California, graduated from Arvin High School, and earned his Bachelor of Science from Colorado State University. He then served two years in the Army, where he was awarded the Decorated Army Commendation Medal.

Gene joined Calcot in 1969, and spent the next 36 years working hard to further the interests of cotton growers in California and Arizona, who grew to admire him for his dependability and effectiveness. During his career, he directed the grower relations program, was active in Management Committee and Board of Directors activities, and most recently served as the Vice President of the Legislative and Public Affairs Department. Through his strong relationships with growers, manufacturers, and legislators he was able to expand markets for raw cotton to textile producers.

During his distinguished career, Gene used his talent and time to serve Kern County and local farmers on a broad range of agricultural and water issues through his active involvement with various agencies, committees, and boards. In fact, Gene became an integral component of the local agriculture and water communities and is known simply as someone who can get the job done.

Gene's involvement in these organizations was broad but deep. For instance, Gene served as Chairman of the Water Association of Kern County, Chairman of the Board of the Agricultural Council of California, Director of the California Farm Water Coalition, President of the Kern County Water Agency (he remains on its Board of Directors), Member of the Cotton Board, and as Delegate to the National Cotton Council of America. He also was appointed to the California Governor's Agricultural Summit, and participated in the California Agricultural Leadership Program, where he traveled to Africa to learn more about the governments and economies of Egypt, Ethiopia, Kenya, Nigeria, and South Africa.

As he enters retirement, Gene leaves behind a legacy of dedicated service, expertise, and accomplishment. Accordingly, I thank Gene for all of his contributions and wish him well.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Mrs. NAPOLITANO. Mr. Speaker, I rise today to recognize Asian Pacific Heritage Month and honor the Asian Pacific Americans who make such a positive impact in the state of California and my district.

California is home to more Asian Pacific Americans—4.6 million—than any other state and it has also seen the greatest increase in this population since 2000. In my congressional district, more than 76,000 Asian Pacific Americans contribute to the vibrancy and diversity of our communities. Their effect in the community has also been felt on an economic level, including the many thriving small businesses they run. It has also been felt on a spiritual level, as a number of Buddhist temples—including the nation's largest in Hacienda Heights—has helped raise cultural awareness throughout our communities.

Since the early 1800's, Asian and Pacific Americans have been crucial to the development of our country. They helped build our transcontinental railroads and have fought for our nation, beginning with the Civil War. While our country wrongly imprisoned many Asian Americans in internment camps during World War II, Japanese Americans and Filipinos valiantly fought for this country and our freedom and continue to do so today.

It took our country much too long a time to apologize and compensate the Asian Americans that were wronged. And it is shameful that the United States continues to fail Filipino veterans by not keeping our promise to give them full veteran's benefits for their service. I am a proud cosponsor of H.R. 302, which would repeal the provisions that deny benefits for those who served our country, fought in the organized military forces of the Philippines and as Philippine Scouts in World War II.

As the chair of the Congressional Hispanic Caucus, I have also seen the same type of barriers placed before our Asian and Pacific American brothers and sisters that have troubled my fellow Latinos. We are working with the Tri-Caucus—consisting of the Congressional Hispanic Caucus, the Congressional Black Caucus and the Congressional Asian Pacific American Caucus—to close the gap in affordable health care coverage and accessibility that continues to heavily impact all of our communities. Together in the last session of Congress, we cosponsored the Healthcare Equality and Accountability Act, H.R. 3459, and expect to reintroduce the bill in the coming weeks. So many issues, especially dealing with healthcare, small business assistance and education difficulties for bilingual students, affect both of our communities.

I am committed to reducing the inequities for all our minority populations. As we celebrate our nation's Asian Pacific heritage this month, be assured I will continue to work year round to ensure future generations have the tools and opportunities they need to thrive.

TRIBUTE TO JOHNSON COUNTY, KANSAS, DISTRICT ATTORNEY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. MOORE of Kansas. Mr. Speaker, for 12 years, I had the honor of serving as Johnson County District Attorney. I was proud of the accomplishments of our office during my tenure, including establishing the first Victim Assistance Unit, and beginning programs to protect the victims of family violence—spouse abuse and child abuse.

When I left office to enter private practice, one of my Assistant District Attorneys, Paul Morrison, was elected and was sworn in as Johnson County District Attorney in 1989. This year Paul is celebrating 25 years of working in the Johnson County District Attorney's office, the last 16 as District Attorney.

As my Assistant D.A., Paul headed up our county's narcotics prosecution efforts, and tried many homicide cases. As District Attorney, he and his office have been tough, but fair. His professionalism is unquestioned. Paul has continued the tradition of personally prosecuting many of Johnson County's most difficult and serious cases. During his 25 years as a prosecutor, Paul has tried over 100 jury trials, including many complex homicide cases. Among the accomplishments during his years as D.A., Paul has established a gang task force, successfully promoted ''hard 40'' legislation to increase sentences for murder, and helped establish D.A.R.E. programs in our county.

All of Paul's friends enjoyed this story: two years ago, on his 49th birthday, Paul was driving down a suburban street when he witnessed a burglary. Paul followed one of the suspects in his car, and ended up chasing him down on foot. Two youths were charged with burglary, theft and possession of alcohol.

Paul is a past president of the Kansas County and District Attorneys Association and of the Johnson County Bar Foundation. He is a past recipient of the Clarence M. Kelly Award for Excellent in Criminal Justice Administration in Kansas City, and was named 2001 Prosecutor of the Year by the Kansas County and District Attorneys Association.

Paul has actively supported community organizations, serving as board president of Sunflower House and Safehome, Inc., two organizations that began during my term as D.A. Paul has also been active in the Metropolitan Organization to Counter Sexual Assault (MOCSA), where he served on the board and chaired the Johnson County Advisory Council. He has also chaired the Johnson County United Way campaign.

Paul and his wife Joyce are the proud parents of three children, and are active in their church, Good Shepherd Catholic Church in Shawnee, Kansas.

Mr. Speaker, on Friday, June 3rd, a reception in the Johnson County Courthouse will celebrate Paul Morrison's career in the District Attorney's office. Although I am unable to attend, I am proud of Paul and I want to recognize my friend for devoting his career to protecting our families and our community. The citizens of Johnson County hope his career continues for many more productive years.

RECOGNIZING WILLIAM ''BILL'' BROOKS

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. WYNN. Mr. Speaker, it is with great pleasure that I rise today to recognize William ''Bill'' Brooks on his retirement as a member of the Board of Directors of the National Association of Federal Credit Unions (NAFCU). A native of Maryland, Mr. Brooks has served on the Board of Directors of NAFCU since 1996, and with 28 years of experience in the credit union industry I know that his presence will be sorely missed by NAFCU.

Mr. Brooks began his credit union career in 1976, working as an Examiner with the National Credit Union Administration (NCUA). He later moved on to the Government Printing Office Federal Credit Union, where he served as the President/CEO. After a short period working as a CPA, Mr. Brooks took a position as President/CEO of Lafayette Federal Credit Union. Today, he serves as the President/CEO of First Combined Community Federal Credit Union, located in Kensington, Maryland.

Mr. Brooks is also heavily involved in the Credit Union Cherry Blossom Run, which benefits the Children's Miracle Network. Several years ago, after the race lost its sponsor and needed a new one, Mr. Brooks was the driving force behind getting credit union sponsorship of the race and establishing a partnership with the Children's Miracle Network. He is Chairman Emeritus of the Credit Union Miracle Day, Inc. Board of Directors. This year, the event raised $400,000 in donations, and to date, the run has raised over $1 million in donations for the Children's Miracle Network.

I congratulate Mr. Brooks on his longtime service to NAFCU, and to the entire credit union community. While this marks the end of his time at NAFCU, I am certain it also marks a beginning for some new activity to which he will no doubt tirelessly devote himself. Congratulations on your retirement from the NAFCU Board, Mr. Brooks.

RECOGNIZING THE CONTRIBUTIONS OF ANN R. MCNAIR IN SUPPORT OF AMERICA'S EXPLORATION OF SPACE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. EVERETT. Mr. Speaker, I would like to recognize the efforts of Ann R. McNair, who serves as the Director of the Mission Operations Laboratory in the Engineering Directorate, Marshall Space Flight Center, Huntsville, Alabama.

A native of Moundville, Alabama, Ms. McNair is a graduate of the University of Alabama where she earned a Bachelor of Science in Mathematics and Physics. Ms. McNair accepted an engineering position with the Army in 1958 and was transferred with the von Braun team to NASA in July 1960 when that group became the nucleus for the George C. Marshall Space Flight Center in Huntsville, Alabama.

Ms. McNair is responsible for the expert technical and programmatic direction of the operations ground support facilities, including operational control, engineering, and training for all programs supported at the Huntsville Operations Support Center. Her work encompasses the Payload Operations Integration Center (POIC) for International Space Systems, the U.S. Payload Control Center for International Space Systems, and the U.S. Operations for International Space Systems. Additionally, Ms. McNair has been involved in the development, implementation, and verification of Chandra Operations Control Center and deployment for a remote non-NASA location, the Smithsonian Astronomical Observatory at Cambridge, Massachusetts—a first for NASA.

Ms. McNair has authored several technical papers and has been recognized with numerous awards, including the NASA Exceptional Service Medal in 1973 and 1989 as well as the NASA Exceptional Achievement medal in 1998. She has also been selected as a member of the 1998 SES Center Development Program.

I join with Ms. McNair's family, friends, and the state of Alabama in honoring, the public service of Ms. Ann R. McNair and congratulate her on an outstanding career.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. CAPUANO. Mr. Speaker, I rise today to express my strong support for H.R. 810—the Stem Cell Research and Enhancement Act.

I want to make it clear that the type of scientific research some in this chamber are trying to prevent will occur. It is occurring as we speak—all around the world.

However, we face a substantial threat that in this new field, with all of its promise and potential, America will be left behind. If our current political leadership continues to restrict research as other countries embrace it—we risk losing not only our research edge, but also our scientists. American scientists will pursue their research in places like Korea and Israel, and international scientists will no longer come to America as they have for generations . . . people like Einstein and Fermi, just to name two.

Make no mistake—as a result of the restrictive policies of this Congress and the current Administration, many companies may not invest in this research here in America. However, American companies will make sure that they have a piece of this business by investing in foreign countries where the basic research has been performed, scientists have perfected the techniques, and the government is welcoming to their industry, not hostile to it. Private industry will look for a place to make these investments because the chance that this research could produce cures for many devastating diseases seems very good not only to scientists, but also to business leaders.

It is simple: There is no question that this research will occur; there is no question that this research will result in scientific breakthroughs; there is no question that this science

will create jobs and wealth. The only question is, who will benefit. Will America lead the way as we have in all other scientific advancements? Will we be the pioneers and producers? Or, will we relegate ourselves to mere consumers who send our fortunes around the world?

The question is whether America will continue to lead the world in scientific breakthroughs or take a backseat to other countries.

We can already read articles in our daily newspapers that tell us of the commitments other countries have made to this research and the subsequent advancements they have made. Two years ago, China announced plans for the construction of a massive stem cell complex in Tianjin, which is scheduled for completion in 2010. One of their professors claimed, ''We are not that far behind [the West] anymore.'' We have come a long way from the shocking news eight years ago that researchers in Scotland cloned Dolly the Sheep to the promising news just last week that researchers in South Korea produced 11 new embryonic stem cell lines that were genetic matches to patients with devastating diseases and ailments. Increasingly we are reading about advances that occur in other places around the world. Some of these advances raise ethical concerns, but because they do not occur on our shores, we do not have a say over the ethical standards and considerations that accompany the research.

I do not intend to imply that nothing is happening in America. To the contrary, many scientists, many of them in my own district, are working feverishly to find new cures for various diseases. I understand that some Americans object to embryonic stem cell research. However, many thoughtful, principled persons from all of our Nation's religious and ethical traditions support embryonic stem cell research. Self-anointed moralists should not jeopardize the health of our loved ones and the economic future of our country.

We will not know for another decade just how far we have fallen behind the rest of the world. I am including for the record just a small list of scientific breakthroughs using these procedures that have been made in other countries. We have waited long enough to expand our Nation's restrictive policy. I urge my colleagues to join me in voting yes for H.R. 810.

STEM CELLS—MAY 2005

1997

Scotland—An embryologist at the Roslin Institute in Edinburgh created a lamb using DNA from adult sheep—known to the world as Dolly the Sheep

2002

Singapore—Researchers grow human embryonic stems cells without using animal cells to protect them.

2003

Japan and Scotland—Researchers identify a gene in embryonic stem cells that allows them to regenerate and develop into any kind of cell.

2004

Israel—Researchers develop human embryonic stem cells into beating heart cells.

Israel—Scientists coax embryonic stem cells to become nerve cells that when transplanted into rats with symptoms of Parkinson's alleviate some of the symptoms.

Israel and Chicago—Teams from Israel and Chicago develop disease-specific embryonic stems cell lines from embryos carrying genetic disorder.

South Korea—Researchers produce a human embryonic stem cell line through somatic cell nuclear transfer.

2005 (JUST LAST WEEK)

South Korea—Scientists create stem cell lines that are tailored to match the DNA of patients with medical conditions, creating 11 new lines from patients with spinal cord injuries and juvenile diabetes—putting the promise of effective treatments within reach.

RECOGNIZING ADRIAN ANTHONY REMPILLO EVANGELISTA

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to commend Midshipman Adrian Anthony Rempillo Evangelista on his graduation from the United States Naval Academy and his commissioning as a Second Lieutenant in the United States Marine Corps on Friday, May 27, 2005. Adrian hails from our sister island to the north, Tinian. He is a young man of character and determination who, if his past success is any indication, has a promising future ahead.

Adrian has distinguished himself during his four years at the Naval Academy, where he will graduate with a Bachelor of Science in Information Technology. Most Marine Corps officers seek positions in the infantry, but for Adrian—who marches to a different beat—Navy familiarization training has convinced him that Marine Corps aviation provides the greatest challenge and fulfillment. Following completion of his training in Quantico, Virginia, Adrian plans on pursuing a career as a Marine pilot and will attend flight school in Pensacola, Florida.

Adrian was an outstanding athlete at the Naval Academy. As the 2005 Brigade Boxing Champion at the 139 pound weight class, Adrian went on to become the 2005 Midwest Regional Champion. He finished his collegiate boxing career by placing third at the National Collegiate Boxing Championship held in Colorado Springs, Colorado earlier this year, earning All-American Collegiate Boxing Team honors from the National Collegiate Boxing Association.

Midshipman Evangelista's parents are Antonio and Evelyn Evangelista and he is the oldest of four children. He is a graduate of Tinian High School. We all share in the pride that the people of Guam and the Northern Mariana Islands have in Adrian Evangelista's accomplishments.

Semper Fidelis!

THE FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. POMEROY. Mr. Speaker, I rise today to say that I will be voting for H.R. 1544, the Faster and Smarter Funding for First Responder Act with the expectation that this bill's serious flaws will be fixed in conference negotiations with the Senate.

Our police, firefighter and other emergency service officers are routinely putting themselves at risk in order to ensure our safety. As a strong supporter of our nation's first responders, I believe it is imperative that the federal government provide these fine, brave public servants the resources they need to properly respond to threats of terrorism.

Unfortunately, the current system for distributing grants to first responders does not allocate funding in a timely fashion. According to the Department of Homeland Security, only about 48 percent of the funding obligated to the State of North Dakota between 2002 and 2004 has actually been spent to support first responders' efforts to prepare for and respond to terrorist attacks, leaving about $20.6 million to still be spent. H.R. 1544 addresses this issue by streamlining the funding process for terrorism preparedness grants and moving the planning to the front end of the application process. By restructuring this process, it is predicted that the time it takes to get funds from the federal government to the local entity will be shortened by about 6 months.

However, I have deep concerns regarding the minimum funding levels provided in H.R. 1544. Every state and city needs to have some minimum infrastructure for emergency response. Unfortunately, the minimum funding levels provided in H.R. 1544 do not go far enough to ensure that a rural state such as North Dakota will be provided the resources needed to develop and maintain a safe, emergency response infrastructure. Seeing that we do not know where terrorists will strike next, it is important that all communities possess properly trained first responders who are equipped with the appropriate equipment and technology to prevent, prepare for and respond to acts of terrorism. Despite my objections to H.R. 1544's minimum funding levels, I am going to vote for this bill based on the expectation that the minimum guarantee will be increased during negotiations with the Senate.

HONORING THE CONTRIBUTIONS OF ELEANOR FORD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. GORDON. Mr. Speaker, I rise today to honor Eleanor Ford, Executive Director of the Hartsville-Trousdale County Chamber of Commerce and Roastee of the Trousdale Reading, Education, Arts, Drama and Science (READS) Benefit Roast, Thursday, May 26, 2005.

Eleanor has quite a large list of individual accomplishments, as well as numerous contributions to the Hartsville, Tennessee community. She was a florist for 32 years, an instructor at Volunteer State Community College in Hendersonville, Tennessee, Brownie Scout Troop Leader, President of the PTA, during which time she brought a music instructor into the school system, and the first woman to serve on a jury in Trousdale County. Eleanor was chosen as the first Ms. Senior Tennessee in 1991 and was in the Top Ten in Atlantic City. She later served as Board Chairman for Ms. Tennessee Senior.

Most everywhere you look in Hartsville, there are touches of Eleanor: Fred's the Dollar Store, Subway, Trey Park, the Gazebo, the 1800's train depot, the amenities around the courthouse, and the Living History Museum. Eleanor continues to work tirelessly to make Hartsville an even better place to live.

Currently, Eleanor stays busy teaching Seniorcize Class twice a week, hosting a radio show each Friday, and writing a weekly column.

The Trousdale READS program was formed earlier this year to promote learning and oversees the distribution of books from the Dolly Parton Imagination Library. The program provides a free book each month to every child under age 5 in the county. I can think of no better way to honor Eleanor, than to do so in a way which benefits Trousdale County. I wish Eleanor and her family continued success.

PROTECT FIRST AMENDMENT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. McDERMOTT. Mr. Speaker, I, like many, believe that the First Amendment is currently under attack. Yesterday I attended a forum titled ''Media Bias and the Future of Freedom of Press.'' I'd like to submit to the RECORD the statement that I distributed there yesterday, as well as the Freedom of Information request that I filed with the Department of Justice.

I'd like to call attention to an issue of extreme and growing importance: an alarming trend in the dilution of First Amendment rights regarding freedom of the press. Today reporters are being compelled to reveal their confidential sources—or else face jail time and/or stiff fines. Prosecutors are insisting upon this and judges are backing up their demands by ordering reporters to testify and provide confidential information. This is turning the news media into an investigative arm of the judicial system and a research tool of the government—exactly the opposite of what it is supposed to be. The increasing pressure on journalists will most certainly lead to a decline in investigative reporting, threatening freedom of press and the public's need, and right, to know.

This trend is not just talk, although anecdotally, the past few years document the greatest assault on source confidentiality in the U.S. in decades. Hard evidence and more specific statistics are being sought so that this issue can be brought to the attention of the nation without room for dispute. In fact, in an effort to uncover statistics that the government is unwilling to disclose, I have just filed a Freedom of Information (FOI) request to the Department of Justice, asking for access to and copies of records which show the number of subpoenas requested, as well as the number of subpoenas authorized, in order to obtain information from, or about, members of the news media in the years 2001–2004. I believe this information will prove that my concerns with the First Amendment go farther than just anecdotes. As soon as I obtain this information, I will release it to the public, as I feel it will be very eye-opening.

The protection of freedom of the press is a central pillar of our democracy, and sharing information with the public is imperative in a nation with these strong democratic traditions. Other countries are being sent the wrong message when they look to us and see the precedents that we are setting. For example, when Venezuelan officials were recently criticized for adopting a restrictive new media law, they immediately cited a ruling that sentenced a Rhode Island journalist to six months house arrest for refusing to divulge a source. As is evident from Venezuela, instances such as these are bound to weaken freedom of press in other countries, where reporters are already more frequently forced to cooperate in government investigations. The last thing we need is for international journalists to be questioning our dedication to upholding free speech guaranteed in the U.S. Constitution.

We must do something to remedy this situation that is making honest journalism and true confidential sources a thing of the past. The administration and judiciary should exercise greater discretion in requiring reporters to reveal their sources so that journalists and every American can regain their confidence in the First Amendment's protection.

FATHER LAWRENCE T. GAUTHIER 50TH ORDINATION ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding man of faith, Father Lawrence T. Gauthier. On June 4th, 2005, Father Gauthier will celebrate the 50th anniversary of his ordination as a priest. Father Gauthier's contribution to the Catholic Church and his faith has touched so many in Michigan's Upper Peninsula and beyond.

Father Gauthier's has focused on education throughout his entire life. Born to Leo and Margaret Gauthier on February 26, 1929 in Marquette, Michigan, he attended grade school in the Catholic school of Marquette. In 1949, he studied at the Salvatorian Minor Seminary and St. Francis Major Seminary in Wisconsin, earning his Bachelor of Arts in Philosophy in 1951. He then went on to complete four years of theology at St. John's Provincial Seminary in Plymouth, Michigan.

On June 4th, 1955 at St. Peter Cathedral, Bishop Thomas L. Noa, D.D. ordained Father Lawrence T. Gauthier as a priest of the Holy Catholic Church. Although he had obtained a major goal in his career, he continued to pursue his education. In 1960, Father Gauthier attended Catholic University where he earned his Masters Degree in school administration and counseling. From 1965–1973 he undertook post graduate studies in his hometown of Marquette at Northern Michigan University in Education Systems. He also studied at Mount Mary College in Cincinnati, Ohio and Catholic University in Washington, D.C. in the field of Religious Education.

As a priest, Father Gauthier has dedicated his entire life and career to the church. He served as administrator of two missions in the diocese and also as pastor at Nativity Parish in Sault Ste. Marie, St. Michael's Parish in Marquette and St. Louis the King Parish in Marquette.

During those years in the church, he continued his devotion to education by spending the greater part of his priestly ministry in the field of Catholic Education serving as principal of Loretto Central High School in Sault Ste. Marie, Holy Name High School in Escanaba and Bishop Baraga Central High School in Marquette. In 1968, he was appointed Superintendent of Catholic Schools for the Diocese of Marquette and three years later was appointed Superintendent of Catholic Education focusing on not only Catholic schools but also for all religious education throughout the Diocese.

Throughout his 50 years of ministry, Father Gauthier has held many positions in the church. He was the Director of Evangelization and served as Secretary, Treasurer and then as President of the Priests' Council. He was a member and President of the Priest Personnel Board and also a member of the Diocesan Reconciliation Board. He spent several terms on the St. Joseph's Association for Priest Retirement and was also a consultant to the Bishop.

Although Father Gauthier is retired now, he continues to help parishes and serve his faith. He continues his 30th year as Director of the Propagation of the Faith, Director of the Holy Childhood Association, the Home Mission and in 2000 he was assigned as the Catholic Relief Services Director. Once again for the third year, Father Gauthier has been assigned to represent the senior priests of the dioceses on the Priests' council.

Mr. Speaker, I ask the House of Representatives to join me in thanking Father Lawrence T. Gauthier for his service to the Holy Catholic Church and his tireless dedication to the value of education and involvement in his faith community. Beyond the incredible credentials, leadership roles and accomplishments that span his lifetime, Father Gauthier has shown unwavering commitment to the people he has served. He has truly done God's work through his teachings and as a role model for parishioners.

HONORING THE TOWN OF MILLRY, ALABAMA, ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. BONNER. Mr. Speaker, today I rise to honor the Town of Millry, Alabama, on the occasion of the 100th anniversary of its founding.

Millry was founded on June 2, 1905, incorporated in 1921, and the community's first election was held in 1922. Millry derived its name from ''Mill Creek,'' which ran almost directly through the center of the town and was a resource which contributed heavily to the community's development. Millry also took its name from the two grist mills and the saw mill located on the creek's fast-flowing waters. Settlers who came to the Millry area were attracted to the fishing at the state lake, the beautiful scenery of the stands of tall pine trees, and the green pastures.

The first schools were run in local homes or in available buildings. In the early 1900s, a small school served by three teachers was constructed. Later, a two-story school building was constructed in 1920, with the first graduating class marching in 1929. Additionally, in those early days, there was only a single church of the Methodist denomination which was built in 1910.

The Alabama, Tennessee, and Northern (AT&N) Railroad was initially supposed to run near the town of Healing Springs, a thriving resort area near Millry. However, Mr. Pettus, the owner of the resort, refused to grant a right-of-way through his property for the railroad. As a result, in 1912 the route was moved one-and-a-half-miles east through the town of Millry. The location of the railroad station, being the nearest station to Healing Springs, was responsible for much of Millry's growth.

It is not known when the town became more commonly referred to as Millry. However, postal records indicate that the first post office was established in Millry on May 21, 1859. Mr. James C. Warrick was the first postmaster. The first post office was located in Healing Springs from 1894 until the present post office in Millry was opened in 1905. Therefore, it is possible that Millry was a town or community as far back as 1859, but maps only show Millry in 1905. Regardless, Millry was by 1918 a booming community. The town's early businesses consisted of three stores, a two-story hotel, a blacksmith shop, a cotton gin and grist mill, a barber, a dentist and a doctor.

The Citizen's Bank was established in the early 1920s but closed during the depression in 1930. By 1922, the Millry Baptist Church was organized in the school building with Reverend H.M. Mason as its pastor and with a congregation of 29 members. By 1960, a brick structure was constructed on the same site to replace the earlier structure.

The current city hall was built during Mayor Carpenter's administration, and a water system and fire department were completed during Mayor Lamberth's administration.

Mr. Speaker, the Town of Millry has experienced many changes over the past 100 years. Despite these sometimes difficult challenges, Millry remains one of the most attractive communities in the Washington County area. The nearly 800 residents of Millry, Alabama, are firmly rooted in their proud past, and continue to display an optimistic outlook on the future of their community. The hard work and devotion the leaders of the community have exhibited for the past 100 years has yielded a stable community that will be a continuing success.

It is my hope the Town of Millry enjoys all the best of continued prosperity for the next one hundred years, and it is my distinct pleasure to represent this fine community in the United States House of Representatives.

CLEANING UP BRAC SITES

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. BLUMENAUER. Mr. Speaker, when the Military Quality of Life Appropriations bill comes to the floor, I intend to offer two amendments to increase funding for the Base Realignment and Closure 1990 Account. One, at $351 million, would provide the funding to complete all environmental remediation on bases closed during the 1988 BRAC round. The second, at $55 million, would provide the funding necessary to complete all unexploded ordnance cleanup on bases closed during the 1988 BRAC round. The offset for these increases come from a corresponding decrease in the Base Realignment and Closure 2005 Account.

MEMORIAL DEDICATION IN HONOR OF OWEN F.P. HAMMERBERG

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an All-American hero. On Memorial Day, May 30 2005, Medal of Honor Veteran Owen Francis Patrick Hammerberg will have a large granite monument dedicated in his honor and memory by the Menominee Mid County VFW Post 5966. This monument dedication is fitting in honoring the epitome of a hero on this Memorial Day.

Born to Elizabeth (Leaveck) and Jonas Hammerberg, a Swedish immigrant, on a farm 3 miles east of Dagget, Michigan, Owen Hammerberg was instilled with the values that would later make him an American hero. After moving to several small towns in Michigan's Upper Peninsula, the Hammerbergs settled in Stephenson long enough for Owen Hammerberg to attend grade school and a portion of high school. The family then went on to Flint, Michigan, where Owen Hammerberg dropped out of school and hitch hiked out west to work on a ranch before joining the Navy.

At age 21, Hammerberg enlisted in the Navy on July 16, 1941. After training at the Great Lakes Training Center near Chicago, he was assigned to the USS *Idaho* and USS *Advent*, a minesweeper, for several years. While aboard the *Advent*, he showed a first glimpse of true bravery when a cable tangled in a mine risked an explosion and the lives of the men on board. Without hesitation, Hammerberg dove into the water, freeing the cable and saving the lives of his comrades. He was recommended for a Bronze Star, but unfortunately never received one.

Hammerberg's instincts combined with his swimming ability made him the perfect member of the Deep Sea Diving School where upon graduation he was assigned to the Commander Service Force, U.S. South Pacific Fleet, Salvage Unit in Pearl Harbor, Hawaii. On February 17, 1945, Boatwain's Mate Second Class, Owen Francis Patrick Hammerberg showed his incredible talent, instinct and bravery that would later cause roads, ships and parks to be named in his honor.

In May 1944, the Navy was forced to blow up and sink 5 ship-tanks that had been set ablaze risking the explosion of nearby battle air-ships. Then the following February, they called in five diving teams to raise the hulks and clear the channel. Hammerberg was assigned to one of the teams. Each team would be allowed to go ''on leave'' when their ship was raised. An easy task for the skilled Hammerberg and his team, they completed their assignment and went on leave.

Another team, not bearing nearly the same fortune, became trapped in the steel and cables of a downed ship. In the attempt to reach them, the waters became muddied and not even a special diving team from New York would risk the rescue mission. After the call went out for volunteer divers, 23-year-old Hammerberg agreed and instinctively suited up his gear and set out through the black muddy waters to save the stranded divers.

It took Hammerberg five hours to free the first diver. George Fuller, who had been pinned by a steel plate, shook Hammerberg's hand underwater before heading to the surface for safety. In the attempt to save the second diver, Earl Brown, a large steel plate slid through the mud toward them. Hammerberg took the brunt of the plate on himself to save the life of the other diver. As a result, Hammerberg was crushed to death. Seventy-three hours after Hammerberg volunteered for the assignment, a Filipino father and son used their unsophisticated methods to rescue the last trapped diver, Earl Brown. The father-son team recovered Hammerberg's body.

That February, Hammerberg was awarded the last non-combat Congressional Medal of Honor in Michigan at the Grosse Ile Naval Station where his mother and father received duplicate medals. He also received the American Defense Service Medal Fleet Clasp, Asiatic-Pacific Campaign Medal, the American Campaign Medal, and the World War II Victory Medal. These medals and his uniform are on display at Michigan's Own Inc., Military and Space Museum in Frankenmuth, Michigan.

On August 19, 1954, the U.S. Navy launched a destroyer escort, the USS *Hammerberg*, in the name and honor of Owen Hammerberg with his family present. His mother christened the new ship. Approximately the same time, Hammerberg Road was dedicated in Flint, Michigan and a park in Detroit was named in his honor.

Mr. Speaker, I'd like to remind the House of Representatives that on February 17, 1945, Owen Francis Patrick Hammerberg did not have to put on his diving suit that last time and brave the dark waters to save these men. Yet without hesitation, this young man from Dagget, Michigan showed the world what it means to be an American serviceman—unselfishly courageous. I ask the House of Representatives to join me in honoring the life and memory of Owen Hammerberg, an All-American hero on this most appropriate of holidays, Memorial Day.

CONGRATULATING MR. DONALD G. WALDON ON THE OCCASION OF HIS RETIREMENT AS ADMINISTRATOR OF THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Donald G. Waldon on the occasion of his retirement from the position of Administrator of the Tennessee-Tombigbee Water Development Authority. Mr. Waldon has held this position for the past 20 years and has served the waterway and its many users well. His dedication and hard work have been a powerful asset in helping to develop the waterway and the areas surrounding it.

Mr. Waldon, a native of Columbus, Mississippi, grew up in Mobile, Alabama. He graduated from Mississippi State University with a degree in Civil Engineering in 1961. He completed his post-graduate studies in science

and engineering at the Massachusetts Institute of Technology in 1963 and Texas A&M University in 1964. He is also a 1994 graduate of the Economic Development Institute at the University of Oklahoma.

In 1961, Don Waldon moved back to Mobile and began his career with the U.S. Army Corps of Engineers, where he worked as a project engineer conducting feasibility studies for water resource projects such as ports and waterways. In 1966, Don became a Budget Examiner in the Office of Management and Budget (OMB) of the Executive Office of the President where he advised the OMB and White House officials, including the president, on major budgetary, policy, and legislative matters involving natural resources. His agency responsibilities included the Interior Department, the Corps of Engineers and the Tennessee Valley Authority. From 1969 to 1974, he held the position of Principal Examiner, at which time he assumed the duties of Deputy Assistant Secretary for the U.S. Department of the Interior. His responsibilities included management of all land and water resource agencies within the Department of the Interior. At that point in time, they had a total annual budget of nearly $2 billion and nearly 12,000 employees. Additionally, he served on a number of White House task forces, particularly those involving energy during this period.

In 1974, after a successful career in the federal government, Don decided to move back to the south and was hired as the Deputy Administrator at the Tennessee-Tombigbee Waterway Development Authority. On July 1, 1984 Don took over the position of Administrator, a position he has held for the past 20 years.

Mr. Speaker, there are few individuals who have provided more invaluable service to their community, their state, and their country than Donald Waldon. He is an outstanding example of the quality individuals who have devoted their lives to public service, and I ask my colleagues to join with me in congratulating him on the occasion of his retirement. I know his family—his wife, Jackie, his four children, and his four grandchildren—as well as his colleagues and many friends join with me in praising his accomplishments and extending heartfelt thanks for his many efforts on behalf of the state of Alabama, and indeed, a grateful nation. I would like to wish him much success in all future endeavors as he enters this new phase of his life.

TRIBUTE TO TIMBERLINE LODGE ON ITS 50TH ANNIVERSARY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise to pay tribute to Timberline Lodge on the occasion of its 50th Anniversary under the management of the Kohnstamm Family and their business, RLK & Company, and to commemorate the important historical events that have contributed to the lodge's status as one of the great landmarks in Oregon. Timberline Lodge is a National Historic Landmark and treasure of Oregon that provides abundant recreational activities on Mt. Hood and the Mt. Hood National Forest, providing Oregonians and Americans alike with a special place to enjoy the natural beauty of the Pacific Northwest. As I commute each week from my home in Hood River to our nation's capital city, I am warmly greeted by the sight of Mt. Hood and thus frequently reminded that Timberline Lodge is a very special place in our very special country.

100 years ago the U.S. Forest Service was established by President Teddy Roosevelt to maintain and sustain the diverse, healthy, and productive management of our national forests. Since its establishment in 1905, the U.S. Forest Service has been an integral part of the history of Mt. Hood and Timberline Lodge.

Timberline Lodge sits 6,000 feet above sea level on Mt. Hood, the tallest mountain in Oregon at 11,235 feet above sea level. Mr. Speaker, the lodge itself is a testament to the trials and tribulations that our nation faced during the Great Depression. It can be seen as a symbol of our strength and resolve, as well as a past generation's struggle to overcome adversity. President Franklin D. Roosevelt commissioned the construction of Timberline Lodge in 1936, a project many at the time called the ''American Experiment.'' Through the Works Progress Administration, Roosevelt employed numerous craftsmen throughout the country who had fallen onto hard times during the depression. Over 500 people worked diligently for 15 months while battling the cold of the Cascades as they worked to construct the lodge by hand, even through the heart of winter. They did so with remarkable skill, style, and substance, and they did so very quickly and efficiently. In September of 1937, President Roosevelt opened the lodge to great fanfare.

Today we see Timberline Lodge as a fantastic success story and a shining example of the self-determination that helped propel a nation and a generation from the hardship and difficulties we faced during the Great Depression. This was not always the case. There were times when it appeared that Timberline Lodge would not succeed. Soon after the dedication in 1937, it fell on hard times. Mismanagement and poor decisions by numerous operators left many wondering if the toils of the labor that went into the construction of Timberline Lodge would be left for future generations of Oregonians to enjoy. It was closed temporarily during World War II, and just 18 years after its inception the future of the lodge appeared bleak.

Then a remarkable young man named Richard Kohnstamm arrived on the scene from New York City and brought hope and enthusiasm to the region, albeit with little experience in the hotel and lodging business. During his travels, Richard had seen how great lodges and castles were woven into Europe's cultural fabric and envisioned that Timberline Lodge could one day mean the same for tourists from all over the world in our beautiful state of Oregon. Through his creativity, perseverance, and steadfast entrepreneurship, he fulfilled the promise of the lodge and the plentiful recreational opportunities that were previously untapped. Not only did the Kohnstamm family repair the damages that existed at the time they first assumed management of Timberline Lodge and create a sense of permanent stability for it, they also established a world class tourist attraction and state of the art ski lift and trail system.

Mr. Speaker, on the occasion of the 50th Anniversary of Timberline Lodge's management under the Kohnstamm Family and RLK & Company, I would like to highlight the tremendous job that has been done to make the lodge one of the premier destinations in the Pacific Northwest that all walks of life enjoy year round. The Kohnstamms are great hosts and great neighbors to all of us in Oregon, and to outdoor enthusiasts around the world. Oregonians are fortunate to have them as our neighbors.

HONORING THE SERVICE OF ROBERT RANGEL

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. HUNTER. Mr. Speaker, I rise today to recognize and honor Mr. Robert Rangel, the staff director for the House Armed Services Committee, for his 18 years of loyal and dedicated commitment to the Committee and to the United States Congress.

Robert graduated from the University of Kentucky and immediately went to work for Representative Larry J. Hopkins in Lexington, Kentucky. He then moved to Washington, D.C. to be a Rep. Hopkin's Senior Legislative Assistant.

In 1987, Robert joined the House Armed Services Committee as a Professional Staff Member responsible for intelligence, defense, acquisition and counter-drug policy. He also served as the lead writer of the committee's after-action report on Operation Desert Storm. By 1994, Robert assumed the role of Deputy Staff Director and was responsible for the daily operations of the committee and staff. In 2000, he was appointed Staff Director for the Committee under former Chairman Floyd Spence.

Robert is a respected leader who shepherds the annual defense authorization act through the Congressional process and ultimately into public law. As such, he is a constant and trusted advisor to the Chairman, ranking member, staff, and the committee as a whole. Through his 18 years of steadfast service, Robert has bestowed onto the committee an extensive knowledge of national security issues & policy and was able to provide a clear understanding of legislative procedure. I speak for myself, past chairman, ranking minority members, and any and everyone who has had the privilege of working with Robert, in thanking him for his tireless work and dedication to the House Armed Services Committee.

On behalf of the Committee and the United States Congress, I wish him, his wife Joy, and two boys Alex and John, the best of luck as he leaves the Committee and begins a new chapter of his life.

TRIBUTE TO LTC JUAN CRISTOBAL GOMEZ III

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. SALAZAR. Mr. Speaker, on this coming Memorial Day, we pay tribute to the men and

women in uniform who have risked life and limb in the name of Liberty and Freedom. I wish to give special attention to LTC Juan Cristobal Gomez III, an extraordinary man who devoted his life to God and Country.

Those of us from the San Luis Valley and Northern New Mexico were privileged to know this man of exceptional character and profound faith. LTC Gomez always said ''When you honor one veteran, you honor all veterans.'' Through this tribute to Juan, I pay homage to all who have served and sacrificed for this great Nation.

Juan Cristobal Gomez III was born in Durango, CO in 1946 and was raised on the Gomez Ranch in Frances. He enlisted in the Army June 2, 1969 at Ft. Polk, LA, and then graduated from Officer Candidate School in 1970. During his time in the Army and Army Reserves, Juan was stationed with Ft. Carson, CO, Evans Army Medical Center, CO, and William Beaumont Army Medical Center, Ft. Bliss, TX. He served on active duty with Evans Army Medical Center Unit during Operation Desert Storm, and also spent time with Medcom Unit #15281 in Korea in 1996 and again in 1998. Throughout his career he received many military awards arid attended several military schools. Juan retired from the United States Army Reserves as a Lieutenant Colonel in 1996.

Juan touched the lives of everyone he came into contact with, always parting with ''I love you'' or ''God bless''. After he retired from the Army Reserves, he continued to serve his country through the work he did with veterans. He exemplified the notion that even when the uniform is placed in the closet, a soldier's duty is never complete to his Nation.

In November of 2003, Gomez was honored with an award from the Congressional Medal of Honor Society for ''furthering the goals of the Congressional Medal of Honor Society by fostering and perpetuating patriotism in communities throughout the San Luis Valley and Northern New Mexico.'' Juan cherished his friendships with our Medal of Honor recipients and honored them in all he did because of who they are and the values they embody.

Colorado and the Nation were at a great loss on July 10, 2004, when we lost LTC Juan Gomez. However, the life Juan led inspired us all; he challenged us to give a little of ourselves for the betterment of our Nation. We pay tribute this Memorial Day to thousands of veterans like LTC Juan Gomez, patriots who gave selflessly to protect this great Nation, and community leaders who inspire those around them by their service to a cause greater than themselves.

HONORING THE SERVICE OF MARINE LANCE CORPORAL JOHN T. SCHMIDT III TO OUR COUNTRY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. MICA. Mr. Speaker, I rise today to honor and pay tribute to Marine Lance Corporal John T. Schmidt III, who died on May 11 from injuries sustained while in combat in Iraq and in service to our country.

John was born in Carmel, New York and was a graduate of Oviedo High School in Oviedo, Florida. This fine young man was just 21 years old.

Lance Corporal Schmidt was a proud member of the United States Marine Corps, and today he was laid to rest at Arlington National Cemetery. We remember today John's courage and his ultimate sacrifice to our nation.

Greater love hath no man than to give up his life for others. The freedom we enjoy and the liberty in the world for which he fought are part of the great legacy John leaves behind.

He was the son of John Schmidt, Jr. of Bunnell, Florida. His additional family included his mother and stepfather, Barbara and Eric Jimenez, and another stepfather, Donald Porricelli, all of Danbury, Connecticut; and his maternal grandparents, Richard and Jean Backlund of St. Augustine, Florida. To all of John's family, we extend our deepest sympathy.

Mr. Speaker, because of Lance Corporal John T. Schmidt III's sacrifice for our country, I ask all Members of the House of Representatives to join me in recognizing his service as a Marine and his life as a wonderful son, and in remembering his dedication to the United States of America.

TRIBUTE TO JAN ELIASSON, SWEDEN'S AMBASSADOR TO THE UNITED STATES AND THE NEW PRESIDENT OF THE UN GENERAL ASSEMBLY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to an extraordinary diplomat, a remarkable representative of his native Sweden, a friend and admirer of the United States, and a man whom Annette and I count as a dear, dear friend—Jan Eliasson, the Ambassador of Sweden to the United States. Jan is now leaving his position here in Washington, D.C., and shortly he will assume the critical role of President of the United Nations General Assembly, the first Swede to serve in this post.

In a biographical article, an American magazine reported that Jan Eliasson is referred to by his friends and family as ''James Bond'' ''because of his charm, elegance, and rugged good looks.'' The same article described Jan as ''brilliant, serious and dedicated to strengthening the role of the United Nations, as well as improving the lot of man.'' Mr. Speaker, I know Jan Eliasson, and I believe that these descriptions suit his persona and his character to perfection.

Another facet of Jan that I particularly admire and respect has been his commitment to the legacy of Raoul Wallenberg. At the request and with the support of the United States Government, Wallenberg was assigned to the Swedish Legation in Budapest at the height of Nazi deportations of Hungarian Jews to death camps. Through creativity, tenacity and grit, Wallenberg saved the lives of tens of thousands of Hungarian Jews, including my wife Annette and myself. After the liberation of Budapest, Wallenberg was arrested by the Soviet military, and he was never seen outside the Soviet gulag since then. Sweden did not press the Soviets for his release, and many Swedish diplomats saw him as an example of what a diplomat should not do. Jan Eliasson disagreed strongly with that view. He has been one of the strongest and most effective advocates of Raoul Wallenberg, and he has been a leader in Sweden in honoring Wallenberg's humanitarian heritage.

Mr. Speaker, the position of President of the UN General Assembly is critically important, and Jan Eliasson comes to it at a critical time in the history of the United Nations. But he also brings an exceptional background that makes him uniquely qualified to lead the General Assembly at this time.

As Jan takes the helm at the General Assembly, the United Nations faces demands for reform. The Secretary General has already made positive and far-reaching proposals, and the Congress is preparing to consider legislation on that same issue in the next few weeks. The President of the General Assembly will also chair a summit this fall to review the Millennium Development Goals on sustainable and equitable global development.

Jan served as Sweden's Ambassador to the United Nations from 1988 to 1992, and at that same time he served as the Secretary General's personal representative on Iran/Iraq. In 1992 he was appointed the first Under Secretary General for Humanitarian Affairs, and in that post he was involved in UN operations in Somalia, Sudan, Mozambique and the Balkans. Few Presidents of the General Assembly come to that position with the broad experience as well as the intellectual and emotional commitment to the United Nations that Jan brings.

During his five years as Sweden's ambassador to the United States, he has contributed to strengthening our bilateral relations in a critical time as we here faced the shock and tragedy of September 11th and engaged in the fight against terrorism. For six years prior to his assignment in Washington, Jan was Deputy Secretary of State in the Swedish Foreign Ministry, a key position in the formulation and implementation of Swedish foreign policy.

Mr. Speaker, while I am enthusiastic about Jan Eliasson's new opportunity, we also bid him farewell with serious reservations. He has been a truly outstanding representative of Sweden in the United States. He has brought a genuine love of America as well as a deep understanding and sympathy of our country as well. Jan was an exchange student and graduated from high school in Indiana. He has spent well over a decade as a Swedish diplomat living in New York City and Washington, D.C.

My wife, Annette, and I will sorely miss Jan and his wife Kerstin. We wish them well in their very important new assignment in New York, and we look forward to seeing them in New York and again in the Nation's Capital.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 26, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 7

2:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine the emergence of China throughout Asia relating to security and economic consequences for the U.S.
SD–419

JUNE 9

2:30 p.m.
Foreign Relations
Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee
To hold hearings to examine the Western Hemisphere Initiative regarding safety and convenience in cross-border travel.
SD–419

JUNE 21

2:30 p.m.
Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine issues relating to American history.
SD–430

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

Daily Digest

HIGHLIGHTS

House Committees ordered reported six sundry measures, including the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations for Fiscal Year 2006.

Senate

Chamber Action

Routine Proceedings, pages S5859–S5943

Measures Introduced: Twelve bills and four resolutions were introduced, as follows: S. 1116–1127, S. Res. 154–156, and S. Con. Res. 38.

Pages S5921–22

Measures Reported:

S. 494, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel. (S. Rept. No. 109–72)

S. 898, to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, with an amendment in the nature of a substitute. (S. Rept. No. 109–73)

Page S5920

Measures Passed:

National Hunger Awareness Day: Senate agreed to S. Res. 156, designating June 7, 2005, as ''National Hunger Awareness Day'' and authorizing that the Senate offices of Senators Gordon Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin be used to collect donations of food from May 26, 2005, until June 7, 2005, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area. **Pages S5939–40**

Recognizing Kazakhstan Efforts: Committee on Foreign Relations was discharged from further consideration of S. Res. 122, recognizing the historic efforts of the Republic of Kazakhstan to reduce the threat of weapons of mass destruction through cooperation in the Nunn-Lugar/Cooperative Threat Reduction Program, and celebrating the 10th anniversary of the removal of all nuclear weapons from the territory of Kazakhstan, and the resolution was then agreed to. **Page S5940**

Nomination Considered: Senate began consideration of the nomination of John Robert Bolton, of Maryland, to be Representative of the United States of America to the United Nations. **Pages S5876–S5914**

A unanimous-consent-time agreement was reached providing that if a cloture motion is filed on the nomination, notwithstanding the provisions of Rule 22, that cloture vote occur at 6 p.m., on Thursday, May 26, 2005, with the live quorum waived; provided further, that when the Senate resume debate on the nomination on Thursday, all time until 6 p.m. be equally divided; further, that if cloture is invoked on the nomination, the Senate vote on confirmation of the nomination, and that during the debate on the nomination, Senator Voinovich be in control of 1 hour of debate. **Page S5876**

A motion was entered to close further debate on the nomination and, notwithstanding the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Wednesday, May 25, 2005, a vote on cloture will occur at 6 p.m., on Thursday, May 26, 2005.

Page S5914

A unanimous-consent agreement was reached providing for further consideration of the nomination at 9:30 a.m., on Thursday, May 26, 2005; provided that one hour of debate be under the control of Senator Voinovich, as previously ordered. **Page S5940**

Nominations Confirmed: Senate confirmed the following nomination:

By 55 yeas 43 nays (Vote No. EX. 128), Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Pages S5865–76**

Nominations Received: Senate received the following nominations:

Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2010.

John M. Reich, of Virginia, to be Director of the Office of Thrift Supervision for a term expiring October 23, 2007.

William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology.

Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

Jan E. Boyer, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

Kathie L. Olsen, of Oregon, to be Deputy Director of the National Science Foundation.

3 Army nominations in the rank of general.

Routine lists in the Navy. **Pages S5942–43**

Messages From the House: **Page S5919**

Measures Referred: **Page S5919**

Measures Read First Time: **Page S5920**

Executive Communications: **Page S5920**

Executive Reports of Committees: **Pages S5920–21**

Statements on Introduced Bills/Resolutions: **Pages S5923–38**

Additional Statements: **Pages S5918–19**

Authority for Committees to Meet: **Pages S5938–39**

Privilege of the Floor: **Page S5939**

Record Votes: One record vote was taken today. (Total—128) **Pages S5875–76**

Adjournment: Senate convened at 9:31 a.m. and adjourned at 7:53 p.m. until 9:30 a.m., on Thursday, May 26, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5940.)

Committee Meetings

(Committees not listed did not meet)

GRAIN STANDARDS ACT REAUTHORIZATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the proposed reauthorization of the U.S. Grain Standards Act, focusing on the Federal Grain Inspection Service, and mandatory export inspection and weighing services, after receiving testimony from David R. Shipman, Acting Administrator, Grain Inspection, Packers, and Stockyards Administration, Department of Agriculture; Jerry D. Gibson, Bunge North America, Inc., Destrehan, Louisiana, on behalf of the National Grain and Feed Association, and the North American Export Grain Association; Thomas Dahl, American Association of Grain Inspection and Weighing Agencies, Sioux City, Iowa; and Garry Niemeyer, National Corn Growers Association, Glenarm, Illinois.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nomination of Kenneth J. Krieg, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics, and 661 nominations in the Army, Navy, Air Force, and Marine Corps.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers, and Brian D. Montgomery, of Texas, to be Assistant Secretary of Housing, Federal Housing Commissioner, Department of Housing and Urban Development, who was introduced by Senator Cornyn, after the nominees testified and answered questions in their own behalf.

COASTAL ZONE MANAGEMENT ACT

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine S.360, to reauthorize and amend the Coastal Zone Management Act, after receiving testimony from Thomas Kitsos, Associate Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce; Walter D. Cruickshank, Deputy Director, Minerals Management Service, Department of the Interior; Bill Jeffress, Alaska Department of Natural Resources, Anchorage; W. Donald Hudson, Jr., Maine State Planning Office, Augusta; Sarah W. Cooksey, Delaware Coastal Programs, Dover, on behalf of the Coastal States Organization; Tom Fry, National Ocean Industries Association, Washington, D.C.; and Sarah Chasis, Natural Resources Defense Council, New York, New York.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee resumed markup of proposed comprehensive energy legislation, focusing on provisions relating to renewable energy, nuclear matters, and studies, but did not complete action thereon, and will meet again tomorrow.

ENERGY PROJECT PERMITTING

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine the process for issuing permits for energy projects, focusing on the White House Task Force on Energy Project Streamlining, and ensuring that energy exploration, production, and transportation projects are permitted efficiently, after receiving testimony from J. Mark Robinson, Director, Office of Energy Projects, Federal Energy Regulatory Commission; Dennis J. Duffy, Cape Wind Associates, LLC, Boston, Massachusetts; Sharon Buccino, Natural Resources Defense Council, New York, New York; and Ronald E. Hogan, Questar Market Resources, Pinedale, Wyoming.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of David Horton Wilkins, of South Carolina, to be Ambassador to Canada, who was introduced by Senators Allard, Graham, DeMint, and Reed; William Alan Eaton, of Virginia, to be Ambassador to Panama; James M. Derham, of Virginia, to be Ambassador to Guatemala; Robert Johann Dieter, of Colorado, to be Ambassador to Belize; Paul A. Trivelli, of Virginia, to be Ambassador to Nicaragua; and Linda Jewell, of the District of Columbia, to be Ambassador to Ecuador, after each nominee testified and answered questions in their own behalf.

COUNTERFEIT GOODS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine how counterfeit goods provide easy cash for criminals and terrorists, focusing on how intellectual property rights crime affects this country, including the possibility that proceeds from counterfeiting fund terrorism, after receiving testimony from John C. Stedman, County of Los Angeles Sheriff's Department, Los Angeles, California; Kris Buckner, Investigative Consultants, Lawnsdale, California; and Matthew Levitt, The Washington Institute for Near East Policy, Washington, D.C.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nominations of Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security, Carolyn L. Gallagher, of Texas, and Louis J. Giuliano, of New York, each to be a Governor of the United States Postal Service, and Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget, after the nominee testified and answered questions in her own behalf.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following items:

S. 1107, to reauthorize the Head Start Act,

S. 518, to provide for the establishment of a controlled substance monitoring program in each State, and;

The nominations of Charles P. Ruch, of South Dakota, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, Kim Wang, of California, to be a Member of the National Museum and Library Services Board, and Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board.

AMERICAN INDIAN POLICIES

Committee on Indian Affairs: Committee concluded a hearing to examine S.J. Res. 15, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States, after receiving testimony from Senator Brownback; Tex Hall, National Congress of American Indians, Washington, D.C.; Edward K. Thomas, Central Council of the Tlingit and Haida Indian Tribes of Alaska, Juneau; and Negiel Bigpond, Sr., Two Rivers Native American Training Center, Bixby, Oklahoma.

BUSINESS MEETING

Committee on the Judiciary: Committee resumed markup of S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, but did not complete action thereon, and will meet again tomorrow.

INTELLECTUAL PROPERTY PIRACY

Committee on the Judiciary: Subcommittee on Intellectual Property concluded a hearing to examine piracy of intellectual property and counterfeiting problems, after receiving testimony from Marybeth Peters, Register of Copyrights, and Associate Librarian for Copyright Services, United States Copyright Office, Library of Congress; Stephen M. Pinkos, Deputy Under Secretary of Commerce for Intellectual Property, and Deputy Director, United States Patent and

Trademark Office; James E. Mendenhall, Acting General Counsel, Office of the U.S. Trade Representative; Eric H. Smith, International Intellectual Property Alliance, and Robert W. Holleyman II, Business Software Alliance, both of Washington, D.C.; and Taylor Hackford, Directors Guild of America, Los Angeles, California.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 28 public bills, H.R. 2617–2644; and 1 private bill, H.R. 2645, were introduced. **Pages H4072–73**

Additional Cosponsors: **Page H4073**

Reports Filed: Reports were filed today as follows:

H. Res. 298, providing for consideration of H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006 (H.Rept. 109–97). **Page H4072**

Speaker: Read a letter from the Speaker wherein he appointed Representative MILLER of Michigan to act as Speaker Pro Tempore for today. **Page H3897**

Chaplain: The prayer was offered today by Father Val J. Peter, Executive Director, Girls and Boys Town USA in Boys Town, Nebraska. **Page H3897**

National Defense Authorization Act for Fiscal Year 2005: The House passed H.R. 1815, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, by a yea-and-nay vote of 390 yeas to 39 nays, Roll No. 222. **Pages H3912–H4046**

Rejected the Taylor of Mississippi motion to recommit the bill to the Committee on Armed Services with instructions to report it back to the House forthwith with amendments, by a recorded vote of 211 ayes to 218 noes, Roll No. 221. **Pages H4044–46**

Agreed to the amendment in the nature of a substitute, as amended, recommended by the Committee on Armed Services now printed in the bill, and that the amendment be considered as an original bill for the purpose of amendment. **Page H4044**

Pursuant to the rule, Representative Hunter requested that the following amendments printed in H. Rept. 109–96 be considered out of order: Goode (#20), Davis of Virginia (#24), Davis of California (#12), Hunter (#1), Stearns (#6), Bradley (#29), and Woolsey (#26). **Page H3912**

Agreed to:

En bloc amendment consisting of the following amendments printed in H. Rept. 109–96: Ortiz (#2) directing the Secretary to submit to the congressional defense committees a sustainment plan for the existing MHC–51 class mine countermeasures ships; Kaptur (#3) requiring the DOD to conduct a study on the use of bio-diesel and ethanol fuels by the Armed Forces and Defense Agencies; Simmons (#7) lifting the age 60 requirement for Space-A travel by National Guard and Reserve retirees; Filner (#10) requiring a study to determine if it is feasible for DOD to allow veterans with a service connected disability rating of 50% or higher access to Space-A travel; DeLauro, (#13) as modified, requiring the DOD to revise its mental health evaluations for pre- and post-deployment of servicemembers to combat theaters; Manzullo (#15) codifying the content requirements of the Buy American Act as stated in Defense Federal Acquisition Regulations Supplement; Crowley (#21) expressing the sense of Congress that recognizes the diversity of the men and women of our Armed Services killed in Operation Iraqi Freedom and Operation Enduring Freedom; Spratt (#28) as modified, adding war-related reporting requirements for tracking costs, military personnel force levels, reconstitution requirements, and military construction projects associated with operations in Iraq and Afghanistan, and enhanced security operations at home; Simmons (#18) encouraging the DOD to buy Lithium-Ion cells and batteries, and associated manufacturing technologies that are made in America; and Israel (#25) making permanent the pilot "Science, Mathematics, and Research for Transformation Defense Education Program" and include within its purview the study of foreign languages. **Pages H4001–06**

Goode amendment (No. 20 printed in H. Rept. 109–96) that authorizes the Secretary of Defense to assign members of the Armed Forces, under certain

circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions (by a recorded vote of 245 ayes to 184 noes, Roll No. 214); **Pages H3996–H4001, H4016**

Jo Ann Davis of Virginia amendment (No. 24 printed in H. Rept. 109–96) that clarifies federal law regarding support for youth organizations by the federal government (by a recorded vote of 413 ayes to 16 noes, Roll No. 215); **Pages H4006–09, H4016–17**

Hunter manager's amendment (No. 1 printed in H. Rept. 109–96) that amends United States Code to extend veteran's preference; modifies section 574 of the bill relating to women in the Armed Forces, adds funding for supersonic cruise missile engines; and establishes a memorial to the USS *Oklahoma* (by a recorded vote of 428 ayes to 1 no, Roll No. 217); **Pages H4013–16, H4018**

Enbloc amendment consisting of the following amendments printed in H. Rept. 109–96: Stark (#4) instructing the GAO to submit a report to Congress on criminal violations in military recruiting practices; Strickland (#5) adding ''information concerning the availability of mental health services'' to what is already required to be communicated in benefit counseling sessions to those in the armed forces who are separating from active duty; Slaughter (#8) authorizing annual funding for training and resources for the DOD to better respond to incidences of sexual assault; Reichert (#9) requiring the GAO to study the difficulties faced by our National Guard and Reserve Personnel in gaining re-employment once returning from duty; Menendez (#11) requiring the GAO to prepare a report on compensation and benefits for reserve component members; Bishop (#14) requiring a study of effectiveness of self administered pre- and post-deployment exams; Andrews (#16) as modified, requiring the DOD to include a provision in their contracts with all defense contractors prohibiting them from requiring licenses and fees from businesses that manufacture, distribute, or sell models and model kits; Blunt (#17) requiring DOD to establish the employment of National Guard and Reserve Personnel as an evaluation factor in the awarding of defense contracts; Matheson (#22) prohibiting the DOD from destroying historical fallout records; and Hostettler (#23) amending the Immigration and Nationality Act to admit Afghan and Iraqi nationals who serve U.S. forces as interpreters; **Pages H4020–26**

Weldon of Pennsylvania amendment (No. 27 printed in H. Rept. 109–96) that expresses the sense of Congress that the U.S. should cooperate with Russia on missile defense; and **Pages H4040–41**

Stearns amendment (No. 6 printed in H. Rept. 109–96) that expresses the sense of Congress that any college or university that denies equal access or discriminate against ROTC programs or military recruiters should be denied certain Federal taxpayer support (by a recorded vote of 336 ayes to 92 noes, Roll No. 218). **Pages H4018–20, H4041–42**

Rejected:

Davis of California amendment (No. 12 printed in H. Rept. 109–96) that sought to lift the current ban on privately funded abortions at U.S. military facilities overseas (by a recorded vote of 194 ayes to 233 noes, Roll No. 216); **Pages H4009–13, H4017–18**

Bradley amendment (No. 29 printed in H. Rept. 109–96) that sought to postpone the BRAC recommendations until one year after certain actions occur (by a recorded vote of 112 ayes to 316 noes, Roll No. 219); and **Pages H4026–35, H4042–43**

Woolsey amendment (No. 26 printed in H. Rept. 109–96) that sought to express the sense of Congress that the President should develop a plan for the withdrawal of U.S. military forces from Iraq (by a recorded vote of 128 ayes to 300 noes, Roll No. 220). **Pages H4035–40, H4043**

Agreed to amend the title so as to read: to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Page H4046**

Agreed that the Clerk be authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H4047**

H. Res. 293, the rule providing for consideration of the bill was agreed to by a recorded vote of 225 ayes to 198 noes, Roll No. 213, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 200 nays, Roll No. 212. **Pages H3900–12**

Suspension: The House agreed to suspend the rules and pass the following measure:

Surface Transportation Extension Act of 2005: H.R. 2566, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century. **Pages H4047–53**

Senate Message: Message received from the Senate today appears on page H4047.

Quorum Calls—Votes: Two yea-and-nay votes and nine recorded votes developed during the proceedings today and appear on pages H3911, H3911–12, H4016, H4017, H4017–18, H4018, H4041–42, H4042–43, H4043, H4045–46, and H4046. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:35 p.m.

Committee Meetings

REVIEW—NATIONAL FOREST LAND MANAGEMENT PLANNING

Committee on Agriculture: Held a hearing to Review National Forest Land Management Planning. Testimony was heard from the following officials of the USDA: David Tenny, Deputy Under Secretary, Natural Resources and Environment; and Frederick Norbury, Associate Deputy Chief, National Forest System, Forest Service; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2006

Committee on Appropriations: Ordered reported the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations for Fiscal Year 2006.

U.S. BOXING COMMISSION ACT; DRUG FREE SPORTS ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection approved for full Committee action, as amended, the following bills: H.R. 1065, United States Boxing Commission Act; and H.R. 1862, Drug Free Sports Act.

COMMUNITY HEALTH CENTERS

Committee on Energy and Commerce: Held a hearing on a Review of Community Health Centers: Issues and Opportunities. Testimony was heard from the following officials of the Department of Health and Human Services: Elizabeth M. Duke, Health Resources and Services Administration; and Dennis Smith, Acting Administrator, Centers for Medicare and Medicaid Services; and public witnesses.

FEDERAL HOUSING FINANCE REFORM ACT

Committee on Financial Services: Ordered reported, as amended, H.R. 1461, Federal Housing Finance Reform Act of 2005.

TAXPAYER PAPERWORK—INCREASING BURDEN

Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled "Less is More: The Increasing Burden of Taxpayer Paperwork." Testimony was heard from Mark W. Everson, Commissioner, IRS, Department of the Treasury; John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; and public witnesses.

AGRO-TERRORISM THREAT

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "Evaluating the Threat of Agro-Terrorism." Testimony was heard from Joseph W. Reardon, Food Administrator, Food and Drug Protection Division, Department of Agriculture and Consumer Services, State of North Carolina; and a public witness.

NORTHERN IRELAND—PEACE PROCESS

Committee on International Relations: Subcommittee on Europe and Emerging Threats held a hearing on Northern Ireland: Prospects for the Peace Process. Testimony was heard from Mitchell B. Reiss, Special Envoy of the President and Secretary of State for the Northern Ireland Peace Process, Department of State.

LATIN AMERICA—TRANSPARENCY AND RULE OF LAW

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on Transparency and Rule of Law in Latin America. Testimony was heard from Adolfo A. Franco, Assistant Administrator, Bureau of Latin America and the Caribbean, U. S. Agency for International Development; Jonathan D. Farrar, Deputy Assistant Secretary, Bureau for International Narcotics and Law Enforcement Affairs, Department of State; and Otto J. Reich, former Assistant Secretary of State for Western Hemisphere Affairs; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following measures: H.R. 800, amended, Protection of Lawful Commerce in Arms Act; H.R. 420, amended, Lawsuit Abuse Reduction Act of 2005; H. R. 554, amended, Personal Responsibility in Food Consumption Act; and H. J. Res. 10, Proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

MARSHALL ISLANDS—U.S. NUCLEAR LEGACY

Committee on Resources, and the Subcommittee on Asia and the Pacific of the Committee on International Relations held a joint oversight hearing entitled "The United States Nuclear Legacy in the Marshall Islands: Consideration of Issues Relating to the Changes Circumstances Petition." Testimony was heard from Howard Krawitz, Acting Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of State; Steven V. Cary, Deputy Assistant Secretary, Health, Department of Energy; Andre Bouville, Division of Cancer Epidemiology and Genetics, National Cancer Institute, NIH, Department of Health and Human Services; the following officials of The Republic of the Marshall Islands: Gerald

Zackios, Foreign Minister; and Judge James H. Plasman, Chairman, Nuclear Claims Tribunal; David Bearden, Analyst in Environmental Policy, CRS, Library of Congress; and public witnesses.

MILITARY QUALITY OF LIFE, AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of general debate on H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill). The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Walsh.

U.S. JET TRANSPORT INDUSTRY

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing entitled ''The U.S. Jet Transport Industry: Global Market Factors Affecting U.S. Producers.'' Testimony was heard from Joseph H. Bogosian, Deputy Assistant Secretary, Manufacturing, Department of Commerce; Ambassador Peter F. Allgeier, Deputy U. S. Trade Representative; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on the following bills: H.R. 717, To amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used; H.R. 745, Veterans Self-Employment Act of 2005; and H.R. 1207, Department of Veterans Affairs Work-Study Act of 2005. Testimony was heard from. Representatives Simpson and Sodrel; Jack McCoy, Director, Education Service, Veterans Benefits Administration, Department of Veterans Affairs; Alexander Keenan, Director, National Training Center, Federal Motor Carrier Safety Administration, Department of Transportation; a representative of a veterans organization; and public witnesses.

IRAN BRIEFING

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence Analysis and Counter-Intelligence met in executive session to receive a Briefing on Iran. Testimony was heard from departmental witnesses.

BRIEFING—CIA HUMINT TRAINING NEEDS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence Analysis and Counter-Intelligence met in executive session to receive a Briefing on CIA Humint Training Needs. Testimony was heard from departmental witnesses.

Joint Meetings

KOSOVO

Commission on Security and Cooperation in Europe (Helsinki Commission): Committee concluded a hearing to examine human rights concerns in Kosovo, after receiving testimony from Soren Jessen-Petersen, Special Representative of the United Nations Secretary General and Head of United Nations Mission in Kosovo; and Charles L. English, Director, Office of South Central European Affairs, Department of State.

COMMITTEE MEETINGS FOR THURSDAY, MAY 26, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Commerce, 2 p.m., S–146, Capitol.

Subcommittee on State, Foreign Operations, and Related Programs, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the U.S. Agency for International Development, 2:30 p.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the report to Congress on international economic and exchange rate policies, 10 a.m., SH–216.

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation, to hold hearings to examine aviation capacity and congestion challenges regarding summer 2005 and future demand, 10 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider comprehensive energy legislation, focusing on provisions relating to oil and gas, and incentives for innovative technology, and other related issues, 9:30 a.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold an oversight hearing to examine the Nuclear Regulatory Commission, 9 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Dina Habib Powell, of Texas, to be Assistant Secretary of State for Educational and Cultural Affairs, and Sean Ian McCormack, of the District of Columbia, to be Assistant Secretary of State for Public Affairs, 10:30 a.m., SD–G50.

Full Committee, to hold hearings to examine the nominations of Rodolphe M. Vallee, of Vermont, to be Ambassador to the Slovak Republic, Molly Hering Bordonaro, of Oregon, to be Ambassador to the Republic of Malta, and Ann Louise Wagner, of Missouri, to be Ambassador to Luxembourg, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine issues relating to the 21st century workplace, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine the container security initiative and the customs-trade partnership against terrorism, focusing on how Customs utilizes container security initiative and customs trade partnership against terrorism in connection with its other enforcement programs and review the requirements for and challenges involved in transitioning these from promising risk management concepts to effective and sustained enforcement operations, 9:30 a.m., SD–562.

Federal Financial Management, Government Information, and International Security, to hold hearings to examine federal funding for private research and development, focusing on effectiveness of federal financing of private research and development, and whether some of these programs result in the development of new technologies or displace private investment, 2:30 p.m., SD–562.

Committee on the Judiciary: business meeting to consider S.852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, pending nominations:, and committee rules for the 109th Congress, 9:30 a.m., SD–226.

Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine the need for comprehensive immigration reform relating to the national economy, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine challenges facing the VA claims adjudication and appeal process, 2 p.m., SR–418.

Select Committee on Intelligence: closed business meeting to consider certain intelligence matters, 9 a.m., SH–219.

House

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing on the following measures: the Improving Access to Workers' Compensation for Injured Federal Workers Act; and H.R. 697, Federal Firefighters Fairness Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing on the Administration's Clear Skies Initiative, 2 p.m., 2123 Rayburn.

Subcommittee on Health, hearing entitled "The Threat of and Planning for Pandemic Flu," 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing on the DTV Transition Act of 2005, 11:30 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled "The First Line of Defense: The Role of Financial Institutions in Detecting Financial Crimes," 9:30 a.m., 2128 Rayburn.

Committee on Government Reform, to mark up H.R. 2565, to reauthorize the Office of National Drug Control Policy and to establish minimum drug testing standards for major professional sports leagues; followed by a hearing entitled "Federal Student Loan Program: Are They Meeting the Needs of Students and Schools?" 10 a.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Prevention of Nuclear and Biological Attack, hearing entitled "Building a Nuclear Bomb: Identifying Early Indicators of Terrorist Activities," 1 p.m., 210 Cannon.

Committee on House Administration, to mark up H.R. 1316, 527 Fairness Act of 2005, 2 p.m., 1310 Longworth.

Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations, to mark up the following measures: H.R. 2601, Foreign Relations Authorization Act, Fiscal Years 2006 and 2007; and H. Res. 199, Expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995, 1 p.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing on the United States and Northeast Asia, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on the Implementation of the USA PATRIOT Act: Section 505 and 804. Section 505 of the Act Addresses National Security Letters; Section 804 of the Act Addresses Jurisdiction Over Crimes Committed at U.S. Facilities Abroad; and Material Witness Provisions of the Criminal Code, 9:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, oversight hearing on Public Access within the National Wildlife Refuge System, 10 a.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Rural Enterprises, Agriculture and Technology and the Subcommittee on Tax, Finance and Exports, joint hearing on Does China Enact Barriers to Fair Trade? 10 a.m., 2360 Rayburn.

Committee on Ways and Means, hearing on the Tax-Exempt Hospital Sector, 10 a.m., 1100 Longworth.

Subcommittee on Social Security, to continue hearings on Protecting and Strengthening Social Security, 2 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, Briefing on Global Updates, 9 a.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, May 26

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of John Robert Bolton, of Maryland, to be Representative of the United States of America to the United Nations, with a vote on the motion to invoke cloture on the nomination to occur at 6 p.m.; if cloture is invoked, Senate will then vote on confirmation of the nomination.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, May 26

House Chamber

Program for Thursday: Begin consideration of H.R. 2528, Military Quality of Life and Veterans Affairs and Related Agencies Appropriations Act for FY 2005 (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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