

Mrs. TAUSCHER. Mr. Chairman, I stand in significant opposition to this amendment. The committee's bill provides \$9.3 billion for missile defense, fully funding the administration's request. The budget supports our efforts to build a robust defense against threats from rogue nations such as North Korea, and increases funding for proven missile defense systems like The Aegis BMD and the Terminal High Altitude Aerial Defense, called THAAD, by \$900 million over the budget level of last year.

This amendment would result in wasteful, unnecessary spending. As Secretary Gates told our committee, The security of the American people and the efficacy of the missile defense system are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed or research programs that are essentially sinkholes for taxpayer dollars.

With all due respect, Mr. Chairman, I find myself here trying to rescue the missile defense program from its strongest advocates, because all they want to do is spend money. We have spent \$120 billion over the last 10 years on missile defense. I am a strong supporter of missile defense, but unless you have oversight and unless you have an operationally effective system to protect against the existing threats and deploy those systems to protect our forward-deployed troops, the American people and our allies, it is just spending money after money after money.

The advocates of missile defense that just want to spend money don't seem to want to deal with the fact that in this bill we authorize \$1 billion to test, sustain and improve the existing system, because what we found out recently is that the system that is deployed has got some problems. It has got problems with operation and maintenance because enough of that money during the previous administration wasn't spent to make sure that the system was maintained.

Democrats are strong on missile defense. We want to make sure we have a proven system, one that is going to not only work but one that is also going to deter, and the best way to do that is to have a system that is operationally effective and tested, one that is maintained properly, and one that is fielded to array against and deter and defeat the threats.

I think that on our side, we believe that we have done that, both during the time of the Bush administration and certainly now in full support of the President's budget request.

Mr. Chairman, I am happy to reserve my time.

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Mr. FRANKS of Arizona. Mr. Chairman, I would just respond by suggesting that to say \$1.2 billion in missile defense spending would be wasteful, in the light of the fact that when

three airplanes hit this country, it cost us \$2 trillion in our economy and nearly \$100 billion to clean it up, I think that is shortsighted.

With that, I yield 1 minute to the distinguished ranking member of the committee, the gentleman from California (Mr. MCKEON).

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

In the last 2 months, North Korea has followed through on its provocative threat to conduct a nuclear test and launch missiles. Today we hear that Pyongyang is vowing to enlarge its nuclear arsenal and has warned of a "fire shower of nuclear retaliation." These are grave and serious threats.

However, at a time when Iran and North Korea have demonstrated the capability and intent to pursue long-range ballistic missiles and nuclear weapons programs, the defense bill endorsed reductions to capabilities that would provide a comprehensive missile defense system to protect the U.S. homeland, our forward-deployed troops and our allies.

This amendment is common sense. It is a sound measure that would reverse the administration's \$1.2 billion cut to missile defense. It would restore a 35 percent reduction to the Nation's Ground-based Midcourse Defense system, located in Alaska and California, which is signed to protect the U.S. homeland. It would restore investments in vital research and development like the airborne laser program, which is the cuspe of demonstrating breakthrough technologies.

I urge my colleagues to support this amendment. To do otherwise would be irresponsible.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the distinguished ranking member of the Strategic Forces Subcommittee, Mr. TURNER.

Mr. TURNER. Mr. Chairman, I rise to speak in favor of the Franks amendment. I was very disappointed with the administration's decision to cut \$1.2 billion out of missile defense funding below the fiscal year 2009 funding. Make no mistake, this is a cut. We are going to spend \$1.2 billion less than we spent in 2009.

We are going to do this while we have increasing threats, not decreasing threats, to the United States. And make no mistake, the Department of Defense has not provided one data point. They have not provided one study. They have not provided any information, no intelligence that indicates we have a reduced threat, all the while we know with this reduced threat, there is no justification for a reduction.

I am concerned with the top-line missile defense cut, I am deeply concerned about the specific cuts that include a 35 percent cut to the Ground-based Midcourse Defense system in Alaska and California, and the administration decision to decrease the planned number of field interceptors, which is our

response to North Korea's ICBMs, terminate construction of a missile field in Alaska that is partially complete, and curtail additional GMD development.

I support the Franks amendment. While we have an increased threat, we should not be decreasing our commitment to missile defense.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a long-standing member of the Strategic Forces Subcommittee.

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

Mr. ANDREWS. The issue is not whether the country will have a missile defense; the issue is whether the country will have an effective missile defense.

Ninety-nine percent of the threat comes from regional missiles, so this budget increases by about 50 percent the amount of money that we spend on effective regional defense systems.

But let's talk about what we would do if the Pyongyang threat came true and a missile was fired from North Korea. Here is the first thing we would do: We would rely upon the ground-based systems in Alaska. We put nearly a billion dollars into improving those systems. The Secretary of Defense has testified that the 30 interceptors in place are plenty, that they are enough. We improve upon them, and we use that system.

Second, we look to a system that we frankly think will work better because the testing has been more promising and more accurate, the SM-3, Block 2A interceptors, funding for which is increased by 50 percent in this bill.

The issue is not whether we have a missile defense; it is whether we have one that works. I will requote the Secretary of Defense: "The security of the American people and the efficacy of the missile defense are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed, or research programs that are essentially sink holes for taxpayers' dollars."

We would not invest in Civil War-era technology that doesn't work to defend our country. We would invest in the 21st-century technology that does work, and that is what we are doing.

We should oppose this amendment.

The Acting CHAIR. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LARSEN of Washington) assumed the chair.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 962. An act to authorize appropriations for fiscal years 2009 through 2013 to promote

an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. Con. Res. 29. Concurrent resolution expressing the sense of Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

The message also announced that pursuant to Senate Resolution 203, 111th Congress, the Acting President pro tempore, upon the recommendation of the majority leader and the minority leader, appointed the following Senators as members of the committee to receive and report evidence in the impeachment of Judge Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The Senator from Missouri (Mrs. MCCASKILL) (Chairman).

The Senator from Minnesota (Ms. KLOBUCHAR).

The Senator from Rhode Island (Mr. WHITEHOUSE).

The Senator from New Mexico (Mr. TOM UDALL).

The Senator from New Hampshire (Mrs. SHAHEEN).

The Senator from Delaware (Mr. KAUFMAN).

The Senator from Florida (Mr. MARTINEZ) (Vice-Chairman).

The Senator from South Carolina (Mr. DEMINT).

The Senator from Wyoming (Mr. BARRASSO).

The Senator from (Mississippi) (Mr. WICKER).

The Senator from Nebraska (Mr. JOHANNES).

The Senator from Idaho (Mr. RISCH).

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The Committee resumed its sitting.

The Acting CHAIR (Mr. HOLDEN). The gentleman from Arizona has 5½ minutes remaining and the gentlewoman from California has 6½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, haven't I yielded just 4 minutes thus far? I yielded myself 2 minutes in the beginning, Mr. McKEON 1 minute and Mr. TURNER 1 minute?

The Acting CHAIR. The gentleman from Arizona went 30 seconds over his time.

Mr. FRANKS of Arizona. I yield the gentleman from Alabama (Mr. GRIFFITH) 1 minute.

Mr. GRIFFITH. Mr. Chairman, I appreciate this difficult situation. I believe that as the budget was formed and the decisions were made, North Korea was not as aggressive, nor was Iran. I stand in support of the Franks amendment. I share the gentlelady's concern that accountability needs to be increased; but in this time of increasing threat, I would prefer that we

err on the side of the Franks amendment, even if we must attach certain conditions to it in conference. But I would urge Members to support it.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a long-standing member of the Strategic Forces Subcommittee.

Mr. LANGEVIN. Mr. Chairman, I thank the gentlelady for yielding.

Mr. Chairman, I urge my colleagues to oppose this amendment. Chairman SKELTON and Chairwoman TAUSCHER have crafted a bill that protects the United States and our allies from real ballistic missile defense. And I think it is the right balance. There is no doubt that this Nation needs a robust ballistic missile defense, and we have properly invested our resources into those areas of ballistic missile defense that are working and have the most promise.

The underlying bill provides \$9.3 billion for missile defense, supporting critical programs that are testing and operational and eliminating unnecessary and unproven programs that waste taxpayer dollars.

The Franks amendment, in contrast, would direct precious resources to flawed programs that, to paraphrase Secretary Gates, will enhance neither the efficacy of our missile defense nor the security of our citizens.

In his opening statement the gentleman, the sponsor of the amendment, said that the greatest threat that we face is a ballistic missile from a rogue nation. That is not accurate. There is no doubt that is a threat, we have to be concerned about it, but realistically the greatest threat is from fissile material or a nuclear weapon being smuggled into the United States and being detonated. That is not just my opinion, but that of many national security experts.

I have had the privilege of serving on almost every major national security committee in this Congress, both on the Intelligence Committee and on the Armed Services Committee. On the Armed Services Committee, I served as subcommittee chairman of the Subcommittee on Emerging Threats. That is the greatest threat that we face; and this mark, the chairman's mark, contains more support for counter-proliferation programs to secure fissile material or nuclear weapons that could be smuggled into the country. That is the right approach.

Meanwhile, the proposed cut to DOE's environmental cleanup would eliminate as many as 33 jobs when America can least afford it. This bill balances our security needs with realistic budget considerations. Funding proven systems like Aegis BMD and THAAD with significant increases to prevent rogue nation threats to our country.

Mr. FRANKS of Arizona. Mr. Chairman, might I inquire as to the remainder of the time.

The Acting CHAIR. The gentleman from Arizona has 5 minutes remaining,

and the gentlewoman from California has 4½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, when the gentlelady from California says that we are fully funding the administration's request, that is true. I accept that at face value. But what if the administration is wrong? What if they have made the wrong request? Remember, this is an administration that has said Iran has legitimate nuclear ambitions. No, they don't. There is no legitimate pursuit of nuclear power in Iran; it is all for an evil and despicable purpose.

This is an administration that got it wrong on the Iranian dissidents and has sort of back-pedaled over the past several days and recast their support of the dissidents when they really missed the mark. So I take the gentlelady at face value that they are fully funding the request; but in my opinion, the request is wrong.

The gentleman from Arizona is right: this is an aggressive regime that ought not to be coddled. This is an effort to make sure that all of us are safe, and this is a sacred duty. I urge the adoption of the Franks amendment.

Mrs. TAUSCHER. Before I yield, I would just like to engage the new Member from Illinois. I know you are a new Member, sir, but the truth of the matter is over the last 8 years of the Bush administration where all we did was spend money without very much oversight, we would have had, after spending all that money, \$120 billion, we should have a system that is operationally effective and actually achieved credible deterrence.

You have to ask yourself why that hasn't happened after \$120 billion. The question is not how much money you spend; it is whether you spend it smartly. That is what this budget does.

I yield to the gentleman from Washington (Mr. LARSEN) for 2 minutes.

Mr. LARSEN of Washington. I thank the gentlelady from California for yielding, and I rise in opposition to the Franks amendment.

The committee's bill does provide \$9.3 billion for missile defense which fully funds the capabilities that the United States needs to protect our country. The threat to our Nation from ballistic missiles is real. Our adversaries have a multitude of short- and medium-range missiles and are developing more advanced missiles as well.

This budget will help keep our Nation and our servicemembers safe from the threats that we face. For instance, the number of Aegis ships will grow from 21 to 27; the number of SM-3 interceptors from 131 to 329; and the number of THAAD interceptors from 96 to 287. These are urgently needed investments to protect our troops in the field. This budget also includes funding for the operation, testing and sustainment of Ground-based Mid-course Defense, and follows Secretary