

CONFERENCE REPORT ON H.R. 4200,
RONALD W. REAGAN NATIONAL
DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2005

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. HOLT. Mr. Speaker, I rise to speak in support of adoption of this conference report which authorizes \$447.2 billion for the U.S. Defense Department (DOD) and the national security programs of the U.S. Department of Energy (DOE).

As is always the case, there are many provisions in the final version of this massive bill every year which I enthusiastically support and others that I do not. On balance, this conference report has more merits than shortcomings.

First, I am pleased that it provides more generous pay and benefits for the men and women who currently serve in our armed forces and for those who have done so in the past.

It authorizes a 3.5 percent across-the-board pay raise for our troops. This is the sixth consecutive year that Congress will have provided a pay raise for our men and women in uniform greater than the level of private sector pay raises. This will help to further reduce the gap between average military and private sector pay. Similarly, it makes permanent the increased rates for imminent danger pay from \$150 to \$225 per month, and the family separation allowance from \$100 to \$250 per month, while also eliminating out-of-pocket housing expenses.

For members of the National Guard and Reserves, it extends several special pay provisions and bonuses through December 31, 2005, including bonuses for enlistment, reenlistment, and prior service. Reservists and family members will also receive enhanced TRICARE benefits.

For our Nation's military retirees and their survivors, this legislation goes further in protecting their financial security. It will eliminate the Social Security offset under the Survivor Benefit Plan (SBP) by increasing in stages the annuities paid to survivors of military retirees who are 62 years of age or older from 35 percent of retired pay.

Last year's version of this legislation, made significant and overdue strides in redressing the disparity by which disabled military retirees have their pension benefits reduced, dollar for dollar, by the amount of disability benefits they receive from the U.S. Department of Veterans Affairs (VA). It authorized full concurrent receipt to be phased in over 10 years. This bill makes further progress by removing disabled retirees, who are rated as 100 percent disabled, from the 10-year phase-in period. These deserving military retirees will be authorized for full concurrent receipt effective next January.

Second, we now know that our troops were poorly served by Pentagon war planners in advance of the invasion of Iraq. Many of them were sent into harm's way without adequate supplies of body armor, armed Humvees, and other essential equipment. This bill will help correct these inexcusable miscalculations by providing a \$572 million increase to speed the

production of up-armored Humvees plus \$100 million for add-on armor kits for Humvees already in use.

Third, it is no secret that current troop strength is inadequate and our troops in Iraq and elsewhere are stretched too thin. To redress this military manpower shortage, this bill increases active Army end strength from the present level of 482,400 to 502,400 in 2005 and authorizes further increases to 512,400 by 2009. Similarly, it increases the Marine Corps from its current level of 175,000 to 178,000 in 2005 and to 184,000 by 2009.

Fourth, in their recent presidential debate, both President Bush and U.S. Senator JOHN KERRY spoke about the importance of stepping up nonproliferation efforts to curb the spread of weapons of mass destruction (WMD) and to lessen the danger of terrorists acquiring these horrible weapons. While I'd have preferred a higher level of funding, this bill provides \$409.2 million for the Cooperative Threat Reduction Initiative that will help dismantle, secure, and eliminate WMD and WMD facilities in the former Soviet Union.

On the negative side, this legislation provides \$10 billion for a bogus missile defense program. In defiance of physics, this Congress continues to shovel ever increasing sums of taxpayer funds to deploy a missile defense system that has not been tested adequately nor demonstrated to work.

There is continued authority and funding in this legislation for further research on new tactical nuclear weapons. Specifically, it provides an additional \$27.9 million for the Robust Nuclear Earth Penetrator—the so-called nuclear bunker buster, plus an additional \$9 million for advanced concept initiatives. While these sums may not seem all that significant in a \$447.2 billion bill, they continue our nation down a dangerous and destabilizing path. By continuing to fund this type of research; the U.S. is opening Pandora's box and encouraging other nations to develop and deploy supposedly more usable nuclear weapons.

Finally, I am disappointed that a provision authored by U.S. Senators BOXER and COLLINS was dropped from this conference report that would have afforded stronger protection for women serving in our armed forces who are victims of rape. More specifically, it would have permitted women victimized by rape to receive medical abortions without having to pay for the procedures themselves.

Recent statistics from DOD reveal that as many as 6 percent of active-duty service women report having been sexually assaulted. There have been 112 reports of sexual misconduct over the past 18 months in Iraq, Kuwait, and Afghanistan.

U.S. Army officials recently issued a policy statement to Army medical professionals clarifying their position on care for victims of sexual assault. In it, they instructed that "the Army has existing medical and legal policies and programs to assist leaders. Use these resources to provide victims with immediate medical care, follow-up counseling, and seamless victim assistance." However, by banning abortion funding for rape victims in the military, this provision will severely impede the ability of rape victims to receive the appropriate medical care and assistance they need. This ban further injures the women who are bravely defending our country, and keeps victims who have already suffered an unspeakable assault from exercising their constitutionally-protected right to choose.

On balance this legislation will enhance our Nation's security.

FEDERAL EMPLOYEES DENTAL
AND VISION BENEFITS ENHANCE-
MENT ACT OF 2004

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. DAVIS of Illinois. Mr. Speaker, visual health and oral health are integral to our general health. Eye and oral diseases are progressive and become more complex over time. Our ability to eat, see, read, learn, and communicate all depend on good visual and oral health.

Periodic eye and dental examinations are an important part of routine preventive health care. Many visual and oral conditions present no obvious symptoms. Therefore, individuals are often unaware that problems exist.

There are safe and effective measures to prevent the most common eye and dental diseases. That is why early diagnosis and treatment are important for maintaining good visual and oral health and why a vision and dental benefit should be made available to federal employees and annuitants.

We know that in 1987 the Office of Personnel Management (OPM) stopped plans in the Federal Health Benefits program from adding new vision and dental packages. OPM did so for various reasons. However, that decision was made over 15 years ago, and it is time to take a fresh look at how we can meet the visual and oral health needs of federal employees.

In the long run, preventive care, through periodic examinations and doctor visits, will help keep down long term vision and dental costs due to early detection.

Therefore, I am extremely pleased to be an original cosponsor of H.R. 5295, which permits OPM to contract with qualified companies to offer dental and vision benefits to federal employees and retirees under the Federal Employee Health Benefits Program.

I am also pleased that this bill includes a provision that requires OPM to study the feasibility of providing hearing benefits to federal employees and retirees. Currently, over 28 million Americans suffer hearing loss, half of whom are under the age of 50. Hearing loss is not just a problem affecting adults. Thirty-three children are born everyday with some form of hearing loss. With early detection and treatment, these children can be taught in regular classes, saving a school system as much as \$500,000 during a 12-year education.

I included similar language in H.R. 3751, which passed the House in June. Like vision and dental benefits, most insurance plans do not provide hearing benefits, such as coverage for hearing aids. I believe the Federal Government should consider taking a lead in this area.

I urge my colleagues in the House to support this legislation.

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SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. OWENS. Mr. Speaker, the bill before us contains several extremely important provisions. They are designed to provide essential medical care and compensation for the brave Americans who worked from the 1950s through the 1970s to build this Nation's atomic weapons, often at serious risk to their own health and well-being. In far too many cases, these atomic energy workers were deliberately misled about the serious health risks their occupational exposure to radiation, heavy metals, and other toxic and dangerous substances would entail. Although Congress enacted the Energy Employee Occupation Illness Compensation Program Act, EEOICPA, in 2000 to provide such workers with essential medical care for specified types of cancer and compensation for their inability to work due to illness, a scarce few actually received it. Moreover, a number of workers died without the government ever making good on its promises to recognize their critical contributions to national defense work. In such cases, the surviving spouses and dependent children of these workers remain justly entitled to compensation.

Mr. Speaker, in the early 1950s there were two atomic weapons employers in my district, the 11th Congressional District of New York. One such plant, the American Machine and Foundry, AMF, designed and produced industrial equipment for the Atomic Energy Commission. By carrying out metal machining work for the Atomic Energy Commission—with uranium, thorium and zirconium—employees at this plant were exposed on a daily basis to large volumes of radioactive and hazardous metals. A second plant in my district, the Wolff-Alport Chemical Corporation, procured thorium sludge for stockpiling by the Atomic Energy Commission. Wolff-Alport Chemical workers were likewise exposed to thousands of pounds of dangerous radioactive substances.

Mr. Speaker, the provisions in this bill will settle long-standing health care and compensation claims by providing guaranteed Federal benefits for eligible employees whose work in Department of Energy nuclear facilities caused serious illness, impairment and/or dis-

abling conditions. Likewise, this bill will guarantee Federal benefits for the uranium miners, millers and transporters made ill as a result of their work and covered under the Radiation Exposure Compensation Program, RECA.

From Brooklyn, NY, to Berkeley, CA, the atomic energy workers and surviving relatives have been hurt twice. First, many workers contracted grave diseases, often after a long latency period, as a result of exposure to dangerous nuclear and toxic materials. Second, the workers and their families were hurt for too many years by a policy of denial with respect to our national responsibility to them. It is imperative we reverse this policy of denial for once and for all. This bill accomplishes just that. It provides a guaranteed Federal benefit for the critical health care and compensation these workers and their families both require and deserve. In closing, I would like to thank my distinguished colleague from Missouri, the ranking minority member of the Armed Services Committee, as well as minority and majority staff, for their hard work and persistence in making certain these deserving workers and families will finally get justice.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 9, 2004

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House late in the afternoon on Thursday, September 30, due to an unavoidable commitment, and for the first two votes on Monday, October 4, due to mechanical problems on the plane from Newark International Airport. Had I been present, I would have voted the following way: On rollcall vote 484, H.J. Res. 106, an amendment to the Constitution of the United States relating to marriage, "no"; on rollcall vote 485, H. Con. Res. 501, honoring the life and work of Duke Ellington, "aye"; on rollcall vote 486, H. Res. 792, honoring the United Negro College Fund on the occasion of the Fund's 60th anniversary, "aye"; on rollcall vote 487, S. Con. Res. 76, recognizing that November 2, 2004, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum, "aye"; and on rollcall vote 488, S. 1814, the Mingo Job Corps Civilian Conservation Center legislation, "aye."

9/11 RECOMMENDATIONS
IMPLEMENTATION ACT

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 10) to provide for reform of the Intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes:

Mr. SHERMAN. Mr. Chairman, I voted against the Carter amendment and the Green amendment to H.R. 10, the 9/11 Recommendations Implementation Act. I certainly understand why my colleagues introduced these amendments. Their intention was to make us safer.

However, the amendments are not drafted well enough and their operation relies on particularly vague underlying statutory definitions and agency decisions. In addition, the purpose of each amendment can be achieved under present law in virtually every case.

In particular, these amendments rely upon the definition of terrorist act and terrorist organization. One would have to have overwhelming faith, perhaps even blind faith, in current and future administrations to believe that these amendments will be immune from misuse.

I have seen the State Department place or remove organizations on the terrorist list, influenced, at least in substantial part, by diplomatic, political, and even trade considerations.

The Carter amendment essentially attempts to create a felony murder rule for terrorist offenses. If a defendant is part of a conspiracy to commit a felony, and someone dies in commission of that felony, the harshest penalties are applied, even if the conspiracy did not envision anybody dying. I support felony murder rules, particularly those applied to violent terrorist conspiracies. Unfortunately, this amendment, in the hands of unwise or politically motivated prosecutors, could be used to seek the death penalty for those involved in a Sierra Club protest at federal facilities, if there was some tragic and perhaps unforeseeable action.

I am confident that the Judiciary Committee will work on these matters in the weeks and months ahead and design legislation to bring us the safety-enhancing objectives of the foregoing amendments, without raising the same concerns.