

budget deficit in check. The PAYGO rules would ensure that the government does not increase spending or cut taxes unless these changes would not add to the deficit. PAYGO rules fueled the unprecedented economic and job growth during the 1990s, but the budget before us chooses irresponsible deficits over fiscal restraint.

Deficit spending has stymied job growth and is plaguing our economy. We are facing a record deficit with no plan to return the budget to balance. No Rhode Islander would write a check without sufficient funds to cash that check. Neither should the government.

I urge my colleagues to join me in opposing the Republican budget and working towards a bipartisan, fiscally responsible plan.

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

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

There was no objection.

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 213, not voting 5, as follows:

[Roll No. 198]

YEAS—216

Aderholt	Diaz-Balart, M.	Kirk
Akin	Doolittle	Kline
Bachus	Dreier	Knollenberg
Baker	Duncan	Kolbe
Ballenger	Dunn	LaHood
Barrett (SC)	Ehlers	Latham
Bartlett (MD)	Emerson	LaTourette
Barton (TX)	English	Lewis (CA)
Bass	Everett	Lewis (KY)
Beauprez	Feeney	Linder
Bereuter	Ferguson	LoBiondo
Biggert	Flake	Lucas (OK)
Bilirakis	Foley	Manzullo
Bishop (UT)	Forbes	McCotter
Blackburn	Fossella	McCrery
Blunt	Frelinghuysen	McHugh
Boehlert	Gallely	McInnis
Boehner	Garrett (NJ)	McKeon
Bonilla	Gibbons	Mica
Bonner	Gilchrest	Miller (FL)
Bono	Gillmor	Miller (MI)
Boozman	Gingrey	Miller, Gary
Bradley (NH)	Goodlatte	Moran (KS)
Brady (TX)	Goss	Murphy
Brown (SC)	Granger	Musgrave
Brown-Waite,	Graves	Myrick
Ginny	Green (WI)	Nethercutt
Burgess	Greenwood	Neugebauer
Burns	Gutknecht	Ney
Burr	Hall	Northup
Burton (IN)	Harris	Norwood
Buyer	Hart	Nunes
Calvert	Hastert	Nussle
Camp	Hastings (WA)	Osborne
Cannon	Hayes	Ose
Cantor	Hensarling	Otter
Capito	Herger	Oxley
Carter	Hobson	Pearce
Castle	Hoekstra	Pence
Chabot	Houghton	Peterson (PA)
Chocola	Hulshof	Petri
Coble	Hunter	Pickering
Cole	Hyde	Pitts
Collins	Isakson	Platts
Cox	Issa	Pombo
Crane	Istook	Porter
Crenshaw	Jenkins	Portman
Cubin	Johnson (CT)	Pryce (OH)
Culberson	Johnson (IL)	Putnam
Cunningham	Johnson, Sam	Quinn
Davis, Jo Ann	Keller	Radanovich
Davis, Tom	Kelly	Ramstad
Deal (GA)	Kennedy (MN)	Regula
DeLay	King (IA)	Rehberg
DeMint	King (NY)	Renzi
Diaz-Balart, L.	Kingston	Reynolds

Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus

Shuster  
Simpson  
Smith (MI)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberti  
Toomey  
Turner (OH)

Upton  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

bers are advised there are 2 minutes remaining in this vote.

□ 2028

Mr. SERRANO and Mr. GERLACH changed their vote from “yea” to “nay.”

Mr. HOBSON and Mr. BACHUS changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

NAYS—213

Abercrombie  
Ackerman  
Alexander  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Case  
Chandler  
Kind  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doyle  
Edwards  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank (MA)  
Franks (AZ)  
Frost  
Gephardt  
Gerlach  
Gonzalez  
Goode  
Gordon  
Green (TX)  
Grijalva

Gutierrez  
Harman  
Hastings (FL)  
Hefley  
Hill  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley (OR)  
Hostettler  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
Kleczka  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler

Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor  
Paul  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Santoli  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Simmons  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3473

Mr. CAMP. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3473.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The SPEAKER pro tempore. Pursuant to House Resolution 648 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4200.

□ 2028

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 further consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes, with Mr. SWEENEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 2 printed in House Report 108-499 offered by the gentlewoman from California (Mrs. DAVIS) had been disposed of.

AMENDMENT NO. 3 OFFERED BY MR. HUNTER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 4, not voting 13, as follows:

NOT VOTING—5

Ballance  
Delahunt

Hayworth  
Leach  
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Mem-

[Roll No. 199]

## AYES—416

Abercrombie DeLay Johnson, Sam  
Ackerman DeMint Jones (OH)  
Ackert Deutsch Kanjorski  
Akin Diaz-Balart, L. Kaptur  
Alexander Diaz-Balart, M. Keller  
Allen Dicks Kelly  
Andrews Dingell Kennedy (MN)  
Baca Doggett Kennedy (RI)  
Bachus Doolittle Kildee  
Baker Doyle Kilpatrick  
Baldwin Dreier Kind  
Ballenger Duncan King (IA)  
Barrett (SC) Dunn King (NY)  
Bartlett (MD) Edwards Kingston  
Barton (TX) Ehlers Kirk  
Bass Emanuel Kleczka  
Beauprez Engel Kline  
Becerra English Knollenberg  
Bell Eshoo Kolbe  
Bereuter Etheridge LaHood  
Berkley Evans Lampson  
Berman Everrett Langevin  
Berry Farr Lantos  
Biggert Fattah Larsen (WA)  
Billakis Feeney Larson (CT)  
Bishop (GA) Ferguson Latham  
Bishop (NY) Filner LaTourette  
Bishop (UT) Flake Levin  
Blackburn Foley Lewis (CA)  
Blumenauer Forbes Lewis (GA)  
Blunt Ford Lewis (KY)  
Boehrlert Fossella Linder  
Boehner Frank (MA) Lipinski  
Bonilla Franks (AZ) LoBiondo  
Bonner Frelinghuysen Lofgren  
Bono Frost Lowey  
Boozman Gallegly Lucas (KY)  
Boswell Garrett (NJ) Lucas (OK)  
Boucher Garlach Lynch  
Boyd Gibbons Majette  
Bradley (NH) Gilchrist Maloney  
Brady (PA) Gillmor Manzullo  
Brady (TX) Gingrey Markey  
Brown (OH) Gonzalez Marshall  
Brown (SC) Goode Matheson  
Brown, Corrine Goodlatte Matsui  
Brown-Waite, Gordon McCarthy (MO)  
Ginny Goss McCarthy (NY)  
Burgess Granger McCollum  
Burns Graves McCotter  
Burton (IN) Green (TX) McCreery  
Buyer Green (WI) McDermott  
Calvert Greenwood McGovern  
Camp Grijalva McHugh  
Cannon Gutierrez McInnis  
Cantor Gutknecht McIntyre  
Capito Hall McKeon  
Capps Harman McNulty  
Capuano Harris Meehan  
Cardin Hart Meek (FL)  
Cardoza Hastings (FL) Meeks (NY)  
Carson (IN) Hastings (WA) Menendez  
Carson (OK) Hayes Mica  
Carter Hefley Michaud  
Case Hensarling Millender-  
Castle Herger McDonald  
Chabot Hill Miller (FL)  
Chandler Hinchey Miller (MI)  
Chocola Hinojosa Miller (NC)  
Clay Hobson Miller, Gary  
Clyburn Hoeffel Miller, George  
Coble Hoekstra Mollohan  
Cole Holden Moore  
Collins Holt Moran (KS)  
Cooper Honda Moran (VA)  
Costello Hooley (OR) Murphy  
Cox Hostettler Musgrave  
Cramer Houghton Myrick  
Crane Hoyer Nadler  
Crenshaw Hulshof Napolitano  
Crowley Hunter Neal (MA)  
Cubin Hyde Nethercutt  
Culberson Inslee Neugebauer  
Cummings Isakson Ney  
Cunningham Israel Northup  
Davis (AL) Issa Norwood  
Davis (CA) Istook Nunes  
Davis (FL) Jackson (IL) Nussle  
Davis (IL) Jackson-Lee Oberstar  
Davis (TN) (TX) Obey  
Davis, Jo Ann Jefferson Oliver  
Davis, Tom Jenkins Ortiz  
Deal (GA) John Osborne  
DeFazio Johnson (CT) Ose  
DeGette Johnson (IL) Otter  
DeLauro Johnson, E. B. Owens

Oxley Ryan (OH)  
Pallone Ryan (WI)  
Pascarell Ryan (KS)  
Pastor Sabo  
Paul Sanchez, Linda  
Payne T.  
Pearce Sanchez, Loretta  
Pelosi Sanders  
Pence Sandlin  
Peterson (MN) Saxton  
Peterson (PA) Schakowsky  
Petri Schiff  
Pickering Schrock  
Pitts Scott (GA)  
Platts Scott (VA)  
Pombo Sensenbrenner  
Pomeroy Serrano  
Porter Sessions  
Portman Shadegg  
Price (NC) Shaw  
Pryce (OH) Shays  
Putnam Sherman  
Quinn Sherwood  
Radanovich Shimkus  
Rahall Shuster  
Ramstad Simmons  
Rangel Simpson  
Regula Skelton  
Rehberg Slaughter  
Renzi Smith (MI)  
Reyes Smith (NJ)  
Reynolds Smith (TX)  
Rodriguez Snyder  
Rogers (AL) Solis  
Rogers (KY) Souder  
Rogers (MI) Spratt  
Rohrabacher Stark  
Ros-Lehtinen Stearns  
Ross Stenholm  
Rothman Strickland  
Roybal-Allard Stupak  
Royce Sullivan  
Ruppersberger Sweeney  
Rush Tancredo

## NOES—4

Conyers  
Kucinich

Lee  
Woolsey

## NOT VOTING—13

Baird  
Ballance  
Burr  
Delahunt  
Dooley (CA)

Emerson  
Gephardt  
Hayworth  
Jones (NC)  
Leach

Murtha  
Smith (WA)  
Tauzin

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). Members are advised 2 minutes remain in this vote.

## □ 2045

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BAIRD. Mr. Chairman, on rollcall No. 199, the Hunter amendment, had I been present, I would have voted "aye."

The CHAIRMAN pro tempore (Mr. SIMPSON). It is now in order to consider amendment No. 4 printed in House Report 108-499.

## AMENDMENT NO. 4 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WELDON of Pennsylvania:

At the end of subtitle A of title XII (page 424, after line 12), insert the following new section:

## SEC. 12. SENSE OF CONGRESS ON DESTRUCTION OF ABU GHRAIB PRISON IN IRAQ.

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

(1) Under the regime of Saddam Hussein, the Abu Ghraib prison in Iraq was one of the world's most notorious prisons.

(2) Under that regime, as many as 50,000 men and women were jammed into the prison at one time in 12 feet by 12 feet cells.

(3) Under that regime, many people were tortured and executed in the Abu Ghraib prison.

(4) Recent activities have further highlighted the horrible memories that Abu Ghraib stands for.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense should assist the Iraqi Government, with the approval of that government, in destroying the Abu Ghraib prison and replacing it with a modern detention facility.

The CHAIRMAN pro tempore. Pursuant to House Resolution 648, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

## □ 2045

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment with my good friend and colleague, the gentleman from Pennsylvania (Mr. MURTHA).

This amendment is a sense of Congress that gives the authority to the administration and the Pentagon with the appropriate approval of the new government of Iraq to dismantle the Abu Ghraib Prison that has been the site of so much torture under Saddam's rule and the most recent embarrassment we have had with our troops that have been administering that prison.

In the era of Saddam Hussein, Mr. Chairman, Abu Ghraib, 20 miles west of Baghdad, was one of the world's most notorious prisons with tortures, weekly executions, and vile living conditions. As many as 50,000 men and women were jammed into Abu Ghraib at one time in 12-by-12-foot cells that were little more than human holding pits.

Under Saddam Hussein, there were 4,000 prisoners executed in this prison in 1984. In December of 1997 more than 800 prisoners were executed, including 30 members of the Iraqi National Congress in an effort to clean the prison. On April 27, 1998, between 6 a.m. and 9 p.m. 2,000 inmates were executed in mass firing squads and hanging halls in an ongoing cleaning of the prison.

On December 13, 1998, there was an execution of 81 political detainees, including 18 members of the armed services.

Between October and December of 2000, Qusay Hussein executed 1,000 prisoners at this site. The closed wing of the prison housed only Shiite prisoners who were kept in 12-by-12-foot cells containing an average of 40 prisoners each.

Many of the Kurdish prisoners who were held in this prison and were out of sight were subjected to experimental chemical and biological programs. If we look at the studies by Amnesty

International and other U.N. groups, under Saddam Hussein, torture victims in Iraq in this prison were blindfolded, stripped, suspended from their wrists for long hours. Electric shocks and probes were used, including areas of the genitals, ears, the tongue and fingers. They were beaten and whipped. Every type of treatment that was inhumane and unimaginable was done in this prison.

It should have been closed down and it should have been torn down when we liberated Iraq, and it was not done. Unfortunately, for several months last year a small number of our soldiers, as yet to be determined, were involved in embarrassing situations with Iraqi prisoners that we detained.

Now, our justice system works very quickly. And I am proud to report to our colleagues today that within 2 hours, the first soldier that was involved in committing acts that many would call in violation of the Geneva Final Accord was convicted, having pled guilty to crimes against prisoners. This will follow very quickly a justice system that will not drag out for months or years, but within a matter of weeks will hold our American service personnel, a very small number of them, accountable for acts that they committed at this same prison.

What we are saying in this amendment very simply, Mr. Chairman, is assuming the new Iraqi Government, which will take place on July 1, agrees, and it will be their decision because it will be their country, then we are encouraging our Defense Department to work with that government in tearing down this symbol of terrorism, in tearing down this symbol of torture and hatred, to send a clear signal to the Iraqi people that this era of terrible atrocities has really ended; and a new prison will be constructed either at that site or some other site, to allow Iraq to house the prisoners that they have to hold for proper trial and for jurisprudence.

It is the sense of the Congress that the Secretary should assist the Iraqi Government, with the approval of that government, in destroying the prison and replacing it with a modern detention facility.

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

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

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentleman is recognized for 10 minutes.

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

Mr. Chairman, while I strongly support the underlying bill and fully respect the intent of the esteemed Member's amendment, I reluctantly rise in opposition to it, which I believe at present could potentially result in the alacritous demolition of Iraq's Abu Ghraib Prison.

In so rising, I site the present disposition of another notorious site of

murder and repression, Ireland's Kilmainham Jail. Built in Dublin by the British, from 1796 until the release of its last prisoner and future Irish president, Eamon de Valera, in 1924, Kilmainham Jail played a grim host to the incarceration, repression, and execution of Irish prisoners by both the English and then, most tragically, by the Irish themselves.

After initially falling into disrepair and dilapidation, the jail's restoration was commenced in 1960 and eventually concluded in the 1980s by the Irish Republic's Office of Public Works. Today, over 150,000 visitors a year come from all over the world to view Kilmainham Jail, for it constitutes a historical mirror into the torturous times which culminated in Irish independence.

In its present state, Kilmainham Jail has been wrested from its inhuman captors' use as a paradigm of oppression and death, and has instead been presented to humanity as an enduring testament to the transcendence and ultimate triumph of the human spirit in the face of evil.

Mr. Chairman, so too must stand Abu Ghraib Prison. For decades, Abu Ghraib Prison housed the murder, torture and rape of Iraqi citizens at the hands of a butcher, Saddam Hussein, and most tragically has seen the inhumane treatment of Iraqi prisoners by an unrepresentative smattering of despicable captors.

Thus, just as Irish suffering secured Irish ownership of Kilmainham Jail's fate, Iraqi suffering has secured Iraqi ownership over Abu Ghraib Prison's fate.

Abu Ghraib is not America's to obliterate as a site of evil. It is Iraq's to elevate as a testament to history and a caution of the future.

Yet, this is but my opinion, for not being an Iraqi, such is not my decision to make. Nor, I caution, is this a decision to be made by the Coalition Provisional Authority or the Iraqi Governing Council. The CPA and IGC are transitory stewards of Iraqi sovereignty. They are not the sovereign government comprised of the Iraqi people. Thus, if the CPA and/or the IGC makes a determination on Abu Ghraib's future, especially its demolition, such an action will be viewed by many Iraqis as having been done at the behest of the U.S. and our allies and not on behalf of the Iraqi people by the Iraqi people.

In a country and a time teeming with missed opportunities and impending deadlines, let us not miss this chance to act presciently, not precipitously.

I make then the following proposal: Immediately upon the transfer of sovereignty from the Coalition Provisional Authority to the Iraqi people on July 1, the United States must formally tender to the Iraqi government Abu Ghraib Prison. Then the Iraqi people and their new sovereign government, without external pressure and through free speech, debate, assembly, petition and all lawful political proc-

esses, the very political freedoms we are trying to impart to them, can justly make their final determination upon Abu Ghraib's final fate.

Nothing could more clearly and fully exhibit our true and sustained commitment to our own democratic principles and to the Iraqi people that our manifest comprehension of a few depraved captors' shame does not eclipse thousands of Iraqis' pain.

This is the sovereign Iraqis' decision to make. It is not ours to insist upon or suggest but only to abide.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I happen to think the gentleman has a good amendment. In my opening statement on the bill in the committee, if the gentleman will recall, I suggested this very, very strongly. And without going into great detail, I will just reiterate what I said then and I will agree with the amendment of the gentleman.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the distinguished ranking member and good friend for his comments.

Just for the record, I would remind my good friend and colleague, the gentleman from Michigan (Mr. MCCOTTER) that there will no provisional authority when this bill becomes law. The fact that we vote on this tomorrow does nothing because this bill has to go through the process of working with the other body and being signed by the President. That cannot happen and will not happen until probably October or November of this year.

By October or November of this year, there will be no more provisional authority; it will not exist. There will be an Iraqi Government. And that is what this amendment says; it says only if the Iraqi Government suggests and approves that this action be taken is our Defense Department encouraged to cooperate in that effort.

I would say to my friend and colleague, in the institution he cited in Ireland, there was no U.S. involvement that I am aware of in committing atrocities at that Irish prison. And so perhaps that prison stands to the atrocities caused by those people in Ireland who committed them.

In this case, as all Arabs know, there were in fact very serious incidents caused by Americans. I do not want that prison to be a testament to American atrocities when the greater symbol for the Iraqi people should be the liberation of that country so that they can take care of their own jurisprudence as we have called for and allow them to move forward without the stigma of what was accomplished by a very small number of American soldiers in that prison.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I just want to join the gentleman and join the gentleman from Pennsylvania (Mr. MURTHA) for what I think is a smart amendment that really brings all of us together on this floor.

We just got through voting almost unanimously on a resolution, or a sense of Congress, that we condemn the acts that occurred. The gentleman just noted that procedures occurred earlier this morning that addressed the question of some of those Reservists and National Guard.

Sometimes we disagree on how far up the chain this accountability should be held, but we do not disagree, if you will, on the symbol that that prison now represents; and as well, we do not disagree on the fact that so many men and women are on the front lines, honorably serving, whether it is in Iraq, whether it is in Bosnia or whether it is in Afghanistan.

I believe this is a solid statement. We know, putting aside the tragedies that happened, that we do not discard, I find them horrific, that this is a place that Saddam Hussein used to cut off fingers, to mutilate, to dehumanize, if you will, over the decades. And now, of course, we have these horrific acts by soldiers which we do not uphold.

This is a forward step. And I would think that if we are moving to a democracy, we do not need any more of the hanging prisons located in Iraq, a new democracy that we are all trying to get to. So I would argue beyond my plea for accountability at the very highest levels for these terrible incidents.

I would say this is a very smart amendment. I ask my colleague to support it.

Mr. WELDON of Pennsylvania. Reclaiming my time, I thank the gentlewoman for her comments.

I would say in closing, Mr. Chairman, this does not mandate one thing. This does not require one action. This amendment simply says to the Department of Defense, if the new Iraqi legitimate government decides they want to proceed, we should assist in tearing down this prison. If the new Iraqi regime and government decides they do not want to proceed, then this amendment has no bearing.

I think it makes sense and I think it lets the new Iraqi Government know that we will be there if they decide to destroy this symbol of terrorism. That should be their decision. And if they make that decision, we should authorize our Defense Department to assist them in removing this symbol of terrorism and torture that has been there for so long.

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

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

First, I am aware of America's not having a role in Kilmainham Jail or

grandpa would not have come here in the first place, quite likely. I never implied that. It was never stated.

I think the fact that we are having this debate is a worthwhile debate, but it is not what is reflected in the amendment. If the new Iraqi Government applies, if the Iraqi Government referenced in the amendment on line 17 applies to the new sovereign Iraqi Government, it should say so. And since this seems to be the age of deadlines or timelines, put July 1 or later.

It also should not suggest only one course of action. It should suggest that after a new sovereign Iraqi Government decides what they want to do with that facility, I cannot use that word, that evil site, then we should be able to assist them in whatever decision they make.

I was talking to another Member today, it was kind of ironic, about this situation, and he mentioned he had been to Dachau. And there are two testaments to evil that I can right off think of, Dachau and Auschwitz where America liberated.

Auschwitz, which is in Poland, still stands intact. Dachau is a fence with pictures; Dachau is in Germany.

This is an intensely personal decision for the Iraqi people. It should be done through their sovereign government. There should be no external pressure or suggestions as to what they should do.

I believe that a better amendment would have been that we will assist them and the new sovereign government after July 1 in whatever disposition of that prison that they sought and saw fit, based upon the suffering on that site.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. WELDON of Pennsylvania. Mr. Chairman, this legislation will pass after July 1, so there is no way that this legislation can apply to a government that exists today because, by the time this legislation is completed, it will be the time frame of October or November or later this year. So by the time this bill is signed into law, there will be no provisional authority. There will be a legitimate Iraqi Government duly elected by the Iraq people under their constitution.

So to reference a date is a moot point because by the time this legislation is passed, that date will far have been over.

□ 2100

Mr. MCCOTTER. Mr. Chairman, reclaiming my time, in a time of war events often lead legislation and precede it.

I have the utmost respect for the sponsors of this amendment and their intent. I believe him about the legislative process. It is my concern that come July 1 Abu Ghraib prison may not stand anymore and may not be there for a new sovereign Iraqi Government to make that determination.

That is my concern; and the drafting of the amendment, as such, could arguably allow that to happen with the implicit consent of a House that passed this amendment.

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

The CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON) will be postponed.

It is now in order to consider amendment No. 5 printed in House report 108-499.

AMENDMENT NO. 5 OFFERED BY MR. MEEK OF FLORIDA

Mr. MEEK of Florida. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MEEK of Florida:

At the end of title IX (page 348, after the matter following line 21), insert the following new section:

**SEC. 9. SECRETARY OF DEFENSE GUIDANCE ON IDENTIFICATION AND INTERNAL TRANSMISSION OF CRITICAL INFORMATION.**

(a) DEFENSE GUIDANCE.—The Secretary of Defense shall establish criteria for determining the types of critical information required to be made known expeditiously to senior decision makers in the Department of Defense. The types of information specified should be matters of extraordinary significance and potential strategic impact and should be immediately necessary to facilitate timely information management in the high-level, decision-making process affecting successful mission accomplishment. The Secretary may from time to time modify the list to suit the current strategic situation, as necessary. The Secretary should provide to the Secretaries of the military departments, the commanders of deployed forces, and other elements of the Department of Defense guidance for the purposes of identifying those critical information requirements.

(b) MATTERS TO BE INCLUDED.—The guidance under subsection (a) shall include, at a minimum, requirement for identification of the following:

(1) Any incident that may require a military contingency based on the incident's nature, gravity, or potential for significant adverse consequences to United States citizens, military personnel, or assets, including an incident that provides opportunities for significant adverse publicity of a nature that could have a strategic impact.

(2) Any event, development, or situation that can be reasonably assumed to escalate into a significant adverse incident described in paragraph (1).

(3) Any deficiency or error in policy, standards, or training that can be reasonably assumed to foster significant adverse incidents described in paragraph (1).

(c) POLICY FOR TRANSMISSION OF INFORMATION TO OSD.—The Secretary of Defense

shall establish a policy for the transmission from any element of the Department of Defense as expeditiously as possible to the Secretary of Defense and the Joint Chiefs of Staff of any report, assessment, or evaluation commissioned from any level within the Department of Defense that results in the identification of any of the items on the list required by subsection (a). As part of that policy, the Secretary should establish a timetable for transmission of any such report, assessment, or evaluation to the responsible major command upon receipt of the final document by the commissioning authority.

(d) **TIME FOR ISSUANCE OF GUIDANCE.**—The Secretary of Defense shall establish the list required by subsection (a) and issue the guidance required by that subsection not later than 90 days after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 648, the gentleman from Florida (Mr. MEEK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Chairman, I yield myself as much time as I may consume.

First of all, I am so appreciative here tonight. I want to thank the gentleman from California (Chairman HUNTER) and also the gentleman from Missouri (Ranking Member SKELTON) for the work that both their staffs have put on this amendment.

In the Committee on Armed Services we had great discussions about some of the testimony we heard from Joint Chief of Staff Myers and also from Secretary of Defense Donald Rumsfeld about some of the issues that happened in Iraq that did not necessarily make it to the top of the chain of command, but they were committed to making sure that we correct those inequities within the DoD chain of command.

What this amendment does that I am offering today is making sure that the critical information from the theater moves up to the Pentagon when that information warrants.

It requires the Secretary to make sure that he identifies what kind of information he needs to know to determine the information that is critical to the strategic plan in theater, giving instructions to personnel on how to identify that information when they see it, and allow it to make it to the Secretary for them to determine how to deal with it in a timely manner.

The Secretary will also deem what is important information and what is not important information. This is basically giving some level of direction and a great deal of discretion to the Secretary, but making sure that this information can get to the Secretary's desk as soon as possible.

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

Mr. SKELTON. Mr. Chairman, let me take a moment. I rise in support of this amendment offered by my good friend from Florida.

When the Secretary of Defense appeared before the House Committee on

Armed Services testifying about the prison abuses, he stated he could not possibly monitor each of the thousands of ongoing cases which might be important enough to warrant his needed attention. He does not need to do that. He needs to monitor only those ones that have potential strategic impact; and during that hearing and in subsequent discussions and investigations, it has become apparent that he has no mechanism to lift those sorts of matters to his attention expeditiously.

The gentleman from Florida's (Mr. MEEK) amendment does just that, and I support it.

Mr. MEEK of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to say I do not think we need to take time on this side except to just say I think we have got a good work product here, and I think this reflects some pretty good bipartisan work in what are fairly useful sessions where we have briefings by SEC DEF and the other relevant leadership in DoD.

He brought up the fact, and we talked about the fact, that in the Abu Ghraib prison situation you had General Sanchez starting an investigation immediately after the soldier came forward, and the investigation proceeded apace; and under the UCMJ, the prosecutions proceeded apace; but nobody flagged this as something of particularly extraordinary or explosive impact. So we did not have a system that flagged something.

In this age of television and instant communications, these pictures were out in the press before SEC DEF knew about it or we knew about it or other people knew about it.

So I think this is a good result of the gentleman understanding that, talking it back and forth with DoD. The gentleman from Missouri (Mr. SKELTON) worked on it, and we looked at it and worked on it; and I think the gentleman has a good work product here. It is a way in which they can do essentially what I understand the Air Force has right now, which is when you have something that could have enormous impact, it is flagged up the line so the Secretary and the other leadership can act on it.

I think the gentleman has done a good job, and I appreciate his thoughtfulness and his hard work on the committee; and I think this is a good amendment.

Mr. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

I just want to say, Mr. Chairman, that I appreciate the insight, also the insight from the gentleman's staff and the Democratic staff here. This is working towards definitely troop protection in theater and making sure that at the highest levels of the Pentagon that there are some criteria of what is critical to strategic planning and troops in theater.

So I want to thank the Chairman for his help.

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

The CHAIRMAN pro tempore. Does any Member claim time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Florida (Mr. MEEK).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 108-499.

#### AMENDMENT NO. 6 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HASTINGS of Florida:

At the end of subtitle A of title XII (page 424, after line 12), insert the following new section:

#### SEC. . SENSE OF CONGRESS REGARDING LIMITATION ON USE OF FUNDS FOR THE RECONSTRUCTION OF IRAQ.

It is the sense of Congress that—

No funds available to any department or agency of the United States Government may be used to provide assistance for the reconstruction of Iraq unless the President certifies to Congress that the United States Government has entered into an agreement with the Iraqi Governing Council or a transitional government in Iraq under which Iraq agrees that it will expend a significant portion of its revenues generated from oil production for reconstruction activities in Iraq.

The CHAIRMAN pro tempore. Pursuant to House Resolution 648, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for working with me to make this amendment in order; and I commend the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services; and the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member, my very good friend, for the work that they have done on this entire bill.

Mr. Chairman, we can all agree wholeheartedly that supporting our soldiers and providing them what they need to get the job done is our highest priority. However, there are some other important matters that must also be addressed regarding the National Defense Authorization Act, issues that the American people want to hear about.

From the President on down to many of us, we have the view that Iraq could fund its own reconstruction. Prior to the war, the Secretary of Defense and his deputy testified to Congress that a war in Iraq and subsequent reconstruction costs could be financed by oil profits in Iraq.

This was reconfirmed on March 27 when Deputy Secretary of Defense Mr. Wolfowitz suggested that Iraqi oil revenues could pay for the cost of reconstituting Iraq. To date, Congress has already appropriated \$148 billion to fund the war and reconstruction efforts, and the President is requesting an additional \$25 billion for fiscal year 2005.

Moreover, Deputy Secretary Wolfowitz has suggested that between 50 and \$60 billion is actually needed, and I, for one, agree with that; but this funding has yet to be supplemented by Iraqi oil revenue.

My amendment expresses the sense of Congress that no funds available for Iraqi reconstruction purposes may be used unless the President certifies to Congress that the United States Government has entered into an agreement with Iraq that it will expend a significant portion of its revenues generated from oil production on its own reconstruction.

This amendment is not intended to use Iraqi oil money to finance the broader U.S. military campaign. Instead, it states that the United States ought to share the cost of Iraqi reconstruction with the free government of Iraq for the benefit of the Iraqi people.

The United States has a responsibility to finish what we are involved in in Iraq. Iraq is an integral and critical ingredient in our recipe for success in the entire region. Nevertheless, the American people should not be expected to bear the full burden of these costs. American tax dollars are building roads in Mosul, but not in my hometown of Miramar.

We are building schools in Baghdad, but not in Boston; and we are funding hospitals in Basra, but not Baltimore. I find this troubling, especially in light of Iraq's vast natural resources and some of the comments that have been made regarding the funding reconstruction efforts with Iraqi oil revenue.

The fact is that if that is unhealthy for Iraq, it should not be healthy for the United States. After all, we are not the ones sitting on a \$7 trillion oil reserve. At the very least, Iraqis should share this economic burden. To finance this huge effort, we need partners; and Iraq should be our first and foremost partner in the rebuilding of their country. We cannot afford these efforts any other way, and I ask for my colleagues' support for my amendment.

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

Mr. HASTINGS of Florida. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I think this is a good amendment, and I join the gentleman; and I urge its adoption.

We support the Iraqis. Everyone in America knows that, and we are supporting them with nearly 140,000 troops, \$87 billion-plus in reconstruction funds, and I think the Americans expect this oil-rich country to help pay for reconstruction. This is not unreasonable to expect that they start investing in their own future as well.

As their oil sector recovers, they should be reinvesting those revenues in their own future. I think all across our country people will say why not, what is wrong with the Iraqis paying for their very own reconstruction and helping us in the process.

So I congratulate the gentleman, and I urge the adoption of this.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the ranking member for his comments.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. HUNTER), the chairman.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for the time, and let me just add to the remarks made by my colleague, the gentleman from Missouri (Mr. SKELTON). I think it is absolutely appropriate that Iraqi resources be used to rebuild Iraq, and we have no objection to this amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I am pleased to yield back the balance of my time.

The CHAIRMAN pro tempore. Who seeks time in opposition?

The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 14 printed in House Report 108-499.

AMENDMENT NO. 14 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, as the designee of the gentlewoman from New York (Ms. SLAUGHTER), I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SKELTON:

At the end of title V (page 200, after line 24), insert the following new section:

**SEC. 598. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.—(1) Not later than January 1, 2005, the Secretary of Defense shall develop a comprehensive policy for the Department of Defense on the prevention of and response to sexual assaults involving members of the Armed Forces.

(2) The policy shall be based on the recommendations of the Department of Defense Task Force on Care for Victims of Sexual Assaults and on such other matters as the Secretary considers appropriate.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The policy developed under subsection (a) shall address the following matters:

- (1) Prevention measures.
- (2) Education and training on prevention and response.
- (3) Investigation of complaints by command and law enforcement personnel.
- (4) Medical treatment of victims.
- (5) Confidential reporting of incidents.
- (6) Victim advocacy and intervention.
- (7) Oversight by commanders of administrative and disciplinary actions in response to substantiated incidents of sexual assault.
- (8) Disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault.

(9) Disposition of members of the Armed Forces accused of sexual assault.

(10) Liaison and collaboration with civilian agencies on the provision of services to victims of sexual assault.

(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(c) REPORT ON IMPROVEMENT OF CAPABILITY TO RESPOND TO SEXUAL ASSAULTS.—Not later than March 1, 2005, the Secretary of Defense shall submit to Congress a proposal for such legislation as the Secretary considers necessary to enhance the capability of the Department of Defense to address matters relating to sexual assaults involving members of the Armed Forces.

(d) APPLICATION OF COMPREHENSIVE POLICY TO MILITARY DEPARTMENTS.—The Secretary shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) POLICIES AND PROCEDURES OF MILITARY DEPARTMENTS.—(1) Not later than March 1, 2005, the Secretaries of the military departments shall prescribe regulations, or modify current regulations, on the policies and procedures of the military departments on the prevention of and response to sexual assaults involving members of the Armed Forces in order—

(A) to conform such policies and procedures to the policy developed under subsection (a); and

(B) to ensure that such policies and procedures include the elements specified in paragraph (2).

(2) The elements specified in this paragraph are as follows:

(A) A program to promote awareness of the incidence of sexual assaults involving members of the Armed Forces.

(B) A program to provide victim advocacy and intervention for members of the Armed Force concerned who are victims of sexual assault, which program shall make available, at home stations and in deployed locations, trained advocates who are readily available to intervene on behalf of such victims.

(C) Procedures for members of the Armed Force concerned to follow in the case of an incident of sexual assault involving a member of such Armed Force, including—

(i) specification of the person or persons to whom the alleged offense should be reported;

(ii) specification of any other person whom the victim should contact;

(iii) procedures for the preservation of evidence; and

(iv) procedures for confidential reporting and for contacting victim advocates.

(D) Procedures for disciplinary action in cases of sexual assault by members of the Armed Force concerned.

(E) Other sanctions authorized to be imposed in substantiated cases of sexual assault, whether forcible or nonforcible, by members of the Armed Force concerned.

(F) Training on the policies and procedures for all members of the Armed Force concerned, including specific training for members of the Armed Force concerned who process allegations of sexual assault against members of such Armed Force.

(G) Any other matters that the Secretary of Defense considers appropriate.

(f) ANNUAL ASSESSMENT OF POLICIES AND PROCEDURES.—Not later than January 15, 2006, and each year thereafter, each Secretary of a military department shall conduct an assessment of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed



Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(g) ANNUAL REPORTS.—(1) Not later than April 1, 2005, and January 15 of each year thereafter, each Secretary of a military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Force concerned during the preceding year.

(2) Each report on an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported cases that were substantiated.

(B) A synopsis of and the disciplinary action taken in each substantiated case.

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

(D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

(3) Each report under paragraph (1) in 2006, 2007, and 2008 shall also include the assessment conducted by the Secretary concerned under subsection (f).

(4) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on each such report. The Secretary shall transmit the report on 2004 not later than May 1, 2005, and shall transmit the report on any year after 2004 not later than March 15 of the year following such year.

(h) REQUIREMENT TO DEVELOP DEFINITION OF SEXUAL ASSAULT.—Prior to developing policies and programs on the prevention of and response to sexual assaults, the Department of Defense, in consultation with the Service Secretaries, shall develop a definition of sexual assault that is uniform for all the Armed Forces, including but not limited to rape, acquaintance rape, sexual assault, and other criminal offenses.

The CHAIRMAN pro tempore. Pursuant to House Resolution 648, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

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

I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time at this moment.

The CHAIRMAN pro tempore. Who seeks time in opposition to the amendment?

Mrs. CAPITO. Mr. Chairman, I ask unanimous consent to claim the time in opposition, but I am not in opposition.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 5 minutes.

There was no objection.

□ 2115

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

Mr. Chairman, Americans are concerned about the welfare of the men and women we send to defend our country. The American people understand that war is violent. What the American people will not tolerate is the assault or rape of a female soldier by a fellow soldier. Simply put, this is unacceptable.

Recent reports of sexual assaults of female soldiers serving abroad, along with numerous cases of assaults in or around military bases, clearly demonstrate the need for the Department of Defense to change their approach to this problem.

Women are serving in the military, and we are mighty proud of them. Along with my colleagues today, the gentlewoman from New York (Ms. SLAUGHTER), the gentlewoman from California (Ms. SOLIS) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), we offer this amendment to help the military work through this problem, understand its causes, and put in place measures that will prevent it from happening.

The amendment calls for the Secretary of Defense to increase training for officers so they are better equipped to deal with sexual assaults. The amendment calls for a clear and precise protocol that protects privacy and ensures safety and which women can follow to report an attack. The amendment ensures access to the appropriate medical treatment and counseling for women at all times during their service, no matter where they are in the world. This policy is to be put in place by January 1, 2005.

Members of both the House and Senate, including my colleagues on the Congressional Caucus for Women's Issues, have examined this issue, along with the Department of Defense's Task Force on Care For Victims of Sexual Assault. We agree that the action called for in this amendment is beyond necessary to deal with the multiple incidents of sexual assaults in the military.

These steps, which are being mirrored in the Senate's version of the legislation, will help the Armed Forces prevent attacks from happening, as well as put proper procedures in place that bring aid and comfort to those who have survived attacks.

I am hopeful the action by this Congress will help bring a change in the attitude in the U.S. military. It needs to be made perfectly clear that it is unacceptable to sexually assault a female soldier; and if you choose to make that mistake, you will be held accountable for your actions, no matter who you are, what your rank is, or what condition you serve under. I am in full and hardy support of this amendment.

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

Mr. SKELTON. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentlewoman from New York (Ms. SLAUGHTER), the principal author of this amendment,

and that she be allowed to control that time.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman from Missouri very much for his leadership.

Mr. Chairman, I rise in support of an amendment to the fiscal year 2005 DOD authorization bill which I am offering with the leadership of the Congressional Caucus for Women's Issues and my good friend, the gentlewoman from West Virginia (Mrs. CAPITO).

This bipartisan amendment will help us take a first step in addressing the problems of sexual assault within the military. Last Thursday, the DOD Task Force on Care For Victims of Sexual Assault released its report and recommendations concerning the problem based on a 90-day study. The Slaughter/Capito/Solis/Brown-Waite amendment is based on the report findings and will help to implement several of the recommendations made by the DOD task force.

Specifically, it would require the Secretary of Defense to develop a comprehensive policy for DOD on the prevention of and response to sexual assaults involving members of the Armed Forces. This comprehensive policy would be based on the recommendations of the task force. In addition, the amendment would require the DOD to take related measures to address sexual assaults in the military, such as reporting the improvement of DOD's capability to respond to sexual assaults, applying the comprehensive policy to all military departments instead of each branch having its own, modifying the policies and procedures of the military departments, annually assessing the policies and procedures, and issuing reports to the Senate and the House Committee on Armed Services.

On March 31 of this year, the Congressional Caucus for Women's Issues held a forum on sexual assaults in the military and submitted its report from the caucus to the Secretary. The Congressional Caucus for Women's Issues has committed to continuing to take a leadership role in addressing this issue.

Mr. Chairman, 120 women have already come back from Iraq saying they have been sexually assaulted by their fellow soldiers. Only 20 of them reported it in the military because of the fact it would end their career. We want to change this attitude and this culture.

Now, a similar version of this amendment has already been included in the Senate version of the fiscal year 2005 DOD authorization bill and has good bipartisan support in the Senate. It has been developed in consultation with the Pentagon and is intended to help the Pentagon start implementing the concrete proactive measures that are outlined in the task force's report.

We want to help, because the Pentagon, in previous reports, has stated

over and over again the problem; but very few solutions have come from it. It is by no means intended to be a quick fix to the problem of sexual assault, but, instead, is intended to be a positive first step towards remedying this terrible problem.

Along with my colleagues on the Congressional Caucus for Women's Issues, I also plan to introduce a comprehensive legislation package to deal with other aspects of this issue based on the findings from the Congressional Caucus for Women's Issues hearing, additional research and information that we have been gathering, as well as the task force report.

We look forward to continuing to work together in a productive manner to eliminate sexual assaults of our United States servicewomen. Again, it is a first step, and I encourage my colleagues to approve this amendment to the fiscal year 2005 DOD authorization bill.

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

Mrs. CAPITO. Mr. Chairman, I yield myself 1 minute. Mr. Chairman, I want to take this time to thank the members of the Congressional Caucus for Women's Issues, and my co-chairwoman, the gentlewoman from New York (Ms. SLAUGHTER). Her work on this issue has been very valuable, and she has been very aggressive; and I think the result of our hearings are bearing fruit here in this amendment.

I would also like to thank the chairman of the committee and the ranking member for their letting us offer this amendment and also, hopefully, making it a part of the bill.

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

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS), the vice chair of the Congressional Caucus for Women's Issues on the Democratic side.

Ms. SOLIS. Mr. Chairman, today I rise in support of the amendment as vice chair of the Congressional Caucus for Women's Issues. As we all know, our dedicated military servicemen and -women dedicate and risk their lives in order to protect our great Nation. We stand united on both sides of the aisle today as the Congressional Caucus for Women's Issues to bring awareness to an alarming trend of sexual assaults against women in all branches of the military.

The Pentagon itself has reported more than 100 cases of sexual assaults amongst troops deployed in Iraq and Afghanistan over the past 14 months. These numbers are not necessarily reflective of the actual situation, because women are discouraged from seeking help or reporting their assaults because of our military system, which has no comprehensive policy to address sexual assaults.

We are in the midst of a growing problem of violence against women that will not be tolerated. In March,

the Congressional Caucus for Women's Issues held a hearing on sexual assaults in the military, where we heard directly from a courageous survivor, Captain Machmer. Her message was very powerful and clear: the military has a pervasive culture that needs to be aggressively addressed. She said, and I quote, "My assailant received a reduction in rank to specialist, forfeited \$826 for 2 months, and had extra duty for 30 days. And, still, this person works on the base I worked on."

In fact, studies estimate that 75 to 84 percent of alleged offenders are honorably discharged. What type of message are we sending to women serving in our country, and, more importantly, the next generation of women interested in joining the Armed Forces?

Last week, the DOD Task Force on Care For Victims of Sexual Assault released a report with recommendations. In line with these recommendations, this amendment that we are presenting here tonight would require the Secretary of Defense to develop a comprehensive policy to prevent and respond to sexual assaults in the Armed Forces.

This amendment would also require the Secretary to take steps to improve the Defense Department's capacity to respond to sexual assaults and restructure procedures on how assaults against women are to be handled.

What we need is a commitment to taking action. At this time, when our troops are valiantly committed to our country, I urge my colleagues on both sides of the aisle to support this bipartisan effort.

The CHAIRMAN pro tempore. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri (Mr. SKELTON) will be postponed.

Mr. HUNTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FEENEY) having assumed the chair, Mr. SIMPSON, Chairman pro tempore 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. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER ADDITIONAL AMENDMENTS AND MODIFICATION TO AMENDMENT 13 DURING FURTHER CONSIDERATION OF H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HUNTER. Mr. Speaker, first I just want to commend the chairman pro tempore, the gentleman from Idaho (Mr. SIMPSON), who has presided over the last several hours of debate. I thank him for a great job.

Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4200, pursuant to House Resolution 648, the amendments I have placed at the desk shall be in order as though printed in House Report 108-499 and numbered 29, 30, 31, and 32; and

amendment No. 13 in that report be modified in the form that I have placed at the desk; and

the amendments and the modification that I have placed at the desk shall be considered as read for purposes of this unanimous consent request.

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

Mr. SKELTON. Mr. Speaker, reserving the right to object, and I shall not object at this point, but I wish to offer a brief explanation to one aspect of one of the amendments addressed by this request offered by the gentleman from California, and I do so on behalf of my colleague, the gentleman from Georgia (Mr. MARSHALL).

Mr. Speaker, if you read the text of the amendment, it is very difficult to decipher, so the unanimous consent request makes in order this amendment to correct a mistake in the drafting of the bill. The amendment proposes to add a military construction project to replace the fire crash/rescue station for Warner Robins Air Force Base, Georgia. The amendment offsets this addition by deleting another military construction project, the Visitors Quarters at Homestead Air Reserve Base in Florida.

With that explanation, Mr. Speaker, I agree with the chairman in his request.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The text of the amendments and the modification are as follows:

#### AMENDMENT NO. 29

At the end of title X (page 409, after line 13), insert the following new section:

**SEC. 1077. PLACEMENT OF MEMORIAL IN ARLINGTON NATIONAL CEMETERY HONORING NONCITIZENS KILLED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES.**

(a) IN GENERAL.—The Secretary of the Army shall place in Arlington National Cemetery a memorial marker honoring the service and sacrifice of noncitizens killed in the line of duty while serving in the Armed Forces of the United States.