

Mr. COLE. Mr. Chairman, on May 20, 2004, for rollcall vote 202, I was unavoidably detained. If I had been present, on rollcall vote No. 202, I would have voted "aye."

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Chairman, earlier today I was unavoidably detained and missed rollcall vote 202. I wish the RECORD to reflect I would have vote "yes" on that amendment.

PERSONAL EXPLANATION

Mr. BROWN of Ohio. Mr. Chairman, I was unavoidably detained and missed rollcall vote 202. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. CARSON of Oklahoma. Mr. Chairman, on Thursday, May 20, 2004, I regret that I was unable to cast my floor vote on rollcall Nos. 200, 201, and 202. The votes I missed include rollcall vote 200 to eliminate the 2-year Base Realignment and Closure (BRAC) delay contained in H.R. 4200; rollcall vote 201 expressing the sense of Congress that the Secretary of Defense should assist the Iraqi Government in destroying the Abu Ghraib prison and replacing it with a modern detention facility; and rollcall vote 202 requiring the Secretary of Defense to develop a comprehensive policy to prevent and respond to sexual assaults involving members of the Armed Forces.

Had I been present, I would have voted "nay" on rollcall vote 200; I would have voted "aye" on rollcall vote 201; and I would have voted "aye" on rollcall vote 202.

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. SIMPSON) having assumed the chair, Mr. LAHOOD, 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.

MOMENT OF SILENCE IN HONOR OF MEMORIAL DAY AND OUR FALLEN HEROES

The SPEAKER pro tempore. The Chair would ask the House to observe a moment of silence in honor of Memorial Day and our fallen heroes.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on a special order speech on the topic of fallen heroes and that all such remarks be printed in the CONGRESSIONAL RECORD of May 20, 2004.

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

Mr. RANGEL. Mr. Speaker, reserving the right to object and I will not ob-

ject, I just want to take this opportunity to thank my friend and colleague from New York for affording this House the opportunity to express ourselves on this Memorial Day in honor of these fallen heroes. I appreciate working with him and I thank him very much for this opportunity.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1047, MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2003

Mr. CRANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. THOMAS, CRANE, SHAW, RANGEL, and LEVIN.

There was no objection.

REPUBLICANS WIN GREAT CONGRESSIONAL SHOOTOUT

(Mr. HAYES asked and was given permission to address the House for 1 minute.)

Mr. HAYES. Mr. Speaker, believe it or not, this House works together on a bipartisan basis on a number of things.

This past Monday my colleague and cochair of the Sportsmen's Caucus, the gentleman from California (Mr. THOMPSON), and I got together and enjoyed a wonderful day afield. The Sportsmen's Caucus is the largest group of a bipartisan nature on the Hill for anyone who enjoys the out-of-doors.

In this particular instance, it was the Great Congressional Shootout. Fortunately, the Republicans won, but our Democratic friends, including the gentleman from Minnesota (Mr. PETERSON) who was top gun for the Democrats and the gentleman from California (Mr. CUNNINGHAM), top gun for our side, did a great job.

Mr. Speaker, I yield to my colleague and cochairman the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank my friend from North Carolina for yielding.

I too want to express appreciation to everyone in the Sportsmen's Caucus

who came out, put aside the partisan battles and entered into some good fun and sportsmanship in advance of the shooting sports and to congratulate everyone who participated.

This year we had a record turnout, 13 Democrats, 13 Republicans. Most important, a whole group of new Members who came out had never participated in the event in the past. Next year, I would only ask that you not spray the Democrats' targets with the bullet-proof spray paint so we have at least a chance.

Mr. HAYES. I thank my colleague and I thank everyone who participated. Our cochairs, also, the gentleman from Iowa (Mr. BOSWELL) for the Democrats and the gentleman from Nevada (Mr. GIBBONS) on our side.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to file a supplemental report on H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005 for the purpose of providing the Ramseyer Report as prepared by the House Office of Legislative Counsel.

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

There was no objection.

GENERAL LEAVE

Mr. EVERETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4200.

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

There was no objection.

PERMISSION TO INCLUDE EXCHANGE OF LETTERS BETWEEN COMMITTEE ON WAYS AND MEANS AND COMMITTEE ON ARMED SERVICES ON H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to include in the RECORD a letter from the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), regarding section 585 of H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, and my response, and ask that it be printed as part of the debate on H.R. 4200.

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

There was no objection.

PERMISSION TO INCLUDE LETTER FROM CHAIRMAN OF COMMITTEE ON INTERNATIONAL RELATIONS ON H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to include in the RECORD a letter from the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, and ask that it be printed as part of the debate on that bill.

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

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.

□ 1309

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. LAHOOD (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. 14 printed in House Report 108-499 offered by the gentleman from Missouri (Mr. SKELTON) had been disposed of.

It is now in order to consider amendment No. 9 printed in House Report 108-499.

AMENDMENT NO. 9 OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. 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. 9 offered by Mrs. TAUSCHER:

At the end of title II, insert the following new section:

**SEC. 2. ADDITIONAL AMOUNTS FOR ORDNANCE TECHNOLOGY AND FOR STRATEGIC CAPABILITY MODERNIZATION.**

(a) AIR FORCE CONVENTIONAL MUNITIONS.—The amount in section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$25,000,000, of which—

(1) \$10,000,000 is to be available in program element 0602602F, Conventional Munitions, for ordnance technology applicable to defeat of weapons of mass destruction and hardened, deeply buried targets; and

(2) \$15,000,000 is to be available in program element 0603601F, Conventional Weapons Technology, for ordnance technology applicable to defeat of weapons of mass destruction and hardened, deeply buried targets.

(b) DEFENSE-WIDE STRATEGIC CAPABILITY MODERNIZATION.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$11,557,000, to be available for program element 0603910D8Z, Strategic Capability Modernization.

(c) OFFSET.—The amount in section 3101(a)(1) for weapons activities is hereby reduced by \$36,557,000, of which—

(1) \$27,557,000 is to be derived from the Stockpile Services Robust Nuclear Earth Penetrator study; and

(2) \$9,000,000 is to be derived from the Stockpile Services Advanced Concepts program.

The CHAIRMAN pro tempore. Pursuant to House Resolution 648, the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from Alabama (Mr. EVERETT) each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment redirects funds in the defense authorization bill from new nuclear weapons to conventional programs that meet the same threats. The amendment that I am offering with the gentleman from Missouri (Mr. SKELTON), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from South Carolina (Mr. SPRATT) the gentleman from Washington (Mr. DICKS) and the gentleman from Maine (Mr. ALLEN) transfers funds for the Robust Nuclear Earth Penetrator and advanced concepts to, instead, improve conventional capabilities and intelligence required to defeat hardened targets.

The President called for international cooperation to control the proliferation of weapons of mass destruction in a February speech at the National Defense University, but his vision is directly undermined by the contents of this defense bill. By calling for new, more usable nuclear weapons, the United States sends a message to the world that nuclear weapons are legitimate weapons that should be acquired. Resorting to nuclear weapons to destroy hardened targets is a disproportionate response with too many negative ramifications and little benefit.

There are several reasons not to consider new nuclear bunker busters. Here are a few:

First of all, the military has not asked for them.

Second, they will produce massive collateral damage and expose our own troops to massive doses of radiation.

Third, a nuclear strike against a WMD stockpile could release deadly agents into the atmosphere.

Fourth, even the most powerful nuclear weapons cannot destroy bunkers over a certain depth, and rogue regimes will just dig deeper to avoid them.

Fifth, an RNEP will cause mass casualties miles away from the targeted bunker and potentially harm our allies.

And sixth and furthermore, developing new nuclear bunker busters would undermine decades of United States leadership aimed at preventing non-nuclear states from acquiring nuclear weapons and encouraging nuclear states to reduce their stockpiles.

They are also unnecessary because the United States already has conventional programs to defeat hardened targets.

My amendment strengthens these conventional programs and improves intelligence needed to get at hardened targets. The costs of missing the target with a conventional weapon is bad enough, but missing it with a nuclear warhead is far worse. Even the hawkish Defense Science Board that advises the Pentagon recently stated that U.S. interests are best served by preserving into the future the half-century-plus nonuse of nuclear weapons.

I urge my colleagues to support this amendment.

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

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

Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentlewoman from California. The \$27.6 million included in the bill by the House Committee on Armed Services for RNEP would support the Air Force-led study concerning the feasibility of modifying an existing nuclear weapon to destroy what are known as hardened and deeply buried targets.

It has long been recognized that these hardened targets are increasingly being used by potential adversaries to conceal and protect leadership, command and control, weapons of mass destruction and ballistic missiles. I believe it is imperative that we finish this review as a part of a larger effort to ensure that we further our technological edge.

I would like to take this opportunity to remind my colleagues that this funding does not authorize the production of any weapons. In fact, as a result of the compromise reached in last year's defense bill, any effort beyond a study is prohibited unless the President approves it and the necessary funds are authorized and appropriated by Congress. Some will claim that the military does not have a requirement for this weapon. I would have to disagree with that.

Just yesterday, I spoke with the commander of STRATCOM, Admiral James Ellis, who assured me that a military requirement does exist for the RNEP study. Specifically, a military requirement for this study can be traced back 10 years to the Clinton administration when STRATCOM and the Air Combat Command both issued a mission needs statement for a method to defeat these hardened and buried targets. Since then, the Quadrennial Defense Review, the Nuclear Posture