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.

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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

Review, the Defense Science Board and the Vice Chairman of the Joint Chiefs of Staff have all identified a need for this study to go forward.

Mr. Chairman, this is not a new issue. We debated this same topic last year when we considered the defense bill and we, as a Congress, decided to go forward with this study. Furthermore, we rejected a similar amendment in full committee last week that would have cut funding for this study.

□ 1315

Mr. Chairman, I would urge my colleagues to defeat this amendment.

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

Mrs. TAUSCHER. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri (Mr. SKELTON), the ranking member of the full committee.

Mr. SKELTON. Mr. Chairman, I strongly support the Tauscher amendment. Let us talk common sense on this issue. The key to neutralizing hard and deeply buried bunkers is solid and accurate and detailed intelligence. So let us remember. Remember the political fallout when we accidentally bombed the Chinese embassy in Belgrade? We should remember that. Imagine the fallout literally and figuratively if we were to use a nuclear weapon to take out a bunker and we got the location wrong. No President would authorize the use of a nuclear weapon on a bunker without having solid rock intelligence on it. We need to have strong intelligence, and this should not go forward.

Mr. EVERETT. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), who is both knowledgeable on this subject and a valued member of our subcommittee as well as the full House Committee on Armed Services.

Mrs. WILSON of New Mexico. Mr. Chairman, there is a fundamental question here, and that is what is the role of nuclear weapons in America's national defense?

Nuclear weapons have been an important part of deterrence over the last 40 years, and the key to their effectiveness is that we need to be able to hold at risk the things that people most value, particularly the leaders of countries whose interests and whose values are very different from our own. And the reality is that those countries are burrowing in their command and control facilities, their chemical weapons, their missiles; and we must continue to hold those at risk.

Over 10 years ago under the Clinton administration, they identified the need for this new capability and had begun the process of studying it. But let us be very clear. This is not a new nuclear weapon. In fact, under the Clinton administration, they looked at using an existing nuclear bomb called a B–61 and hardening it. This is an extension of that idea so that it would be hardened even further so that it could penetrate further and hold those targets at risk.

Bipartisan majorities of the Congress and two Presidents from two different parties have seen this need and the need to study whether this can be done. But the military has as well. In 1994 the Strategic Command came out with a missions-need statement that said they have to develop new ways to hold these targets at risk. The Air Force has requested this study, and the Nuclear Weapons Council, dominated by the Defense Department, has approved that request. Therefore, both the military and the political leadership over a long period of time have recognized the importance of this work.

In addition, I think we need to understand what the other program, Advanced Concepts, is for. We used to do a lot of studying of nuclear weapons, their effects, the robustness and safety and security of our own weapons, but we stopped doing that a while ago; and we need to restart that because other countries, particularly Russia, are continuing to develop new nuclear weapons, and the United States must maintain its understanding of nuclear weapons, how they work, how they function over time so that we can understand and advise our own leadership about those capabilities. We can never be in a position to lose that expertise when other countries are continuing to develop it.

I would urge my colleagues to oppose this amendment. It has been opposed in the committee, and both the RNEP program and Advanced Concepts have received long-time support from this Congress.

Mrs. TAUSCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from the State of Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in support of the Tauscher amendment for two reasons. Conventional precision-guided munitions are a better technical solution than the Robust Earth Penetrator for hardened and deeply buried targets; and because the fallout, both figurative and literal, from the use of nuclear weapons will make the Robust Nuclear Earth Penetrator an extensive showpiece rather than a usable weapon.

We have the B–2. We have the means of delivering a JDAM missile, a 5,000-pound bunker buster, and the EGBU–28. All of these are a better approach than a nuclear option. Henry Kissinger, former Secretary of State, says that nuclear weapons are for deterrence, that we are not entering an era of nuclear war-fighting; and so if we are going to have to use something, then we want to make sure it is a conventional weapon to go after these deep underground targets.

We have seen the fallout from what has happened in Iraq in this prison. Did the United States use tactics that were questionable? Think of what the fallout politically would be if we were using nuclear weapons in a war-fighting context. Conventional weapons are a much better choice. Let us approve the Tauscher amendment. Let us improve our intelligence. Let us improve the conventional capabilities. Why? Because they are usable. Nuclear weapons are not usable; conventional weapons are.

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

I remind the gentleman from Washington that we are not proceeding down the path of building. We are simply studying this weapon.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), another great member of our subcommittee and the House Committee on Armed Services, who is very knowledgeable also on this subject.

Mr. THORNBERRY. Mr. Chairman, this amendment tries to eliminate a research program designed to explore whether or not we can threaten deeply buried targets with an existing nuclear warhead. As the chairman of the subcommittee just said, to build an actual weapon requires Congress's approval. That is not what this amendment is about. This amendment is about whether we want to know what our options may be. And to stick our head in the sand and pretend that we are somehow safer if we do not know or to pretend we are somehow safer if we limit our options seems to me not only foolish but actually dangerous.

I agree with the gentleman from Washington, it is about deterrence. But we do not deter anybody if they know we are not going to use a weapon. They have to have a realistic expectation that we might in order to discourage them to do something.

Clearly, there is a trend toward burying things. It may be a leadership bunker. It may be a weapon-production facility. It may be weapons themselves. And today we are very limited in our ability to threaten things which are buried. The more limited we are, and especially the more we limit ourselves, the more it encourages potential adversaries to go underground.

We have heard all these conclusions giving reasons why we should not use such a weapon. The problem is these are conclusions not based on scientific study and scientific fact, and they come with a political agenda. We ought to step back from political agendas and objectively study what the pros and cons of this approach are and then collectively make a judgment call on whether it is a good idea or not. But we are not anywhere close to that at this point.

I am for putting all the money we need into research into conventional weapons that can accomplish the same goal; and if more money is needed to effectively and productively take advantage of those programs this year, then I am all for it. But this is so important that to limit our options at this time, to not even explore what the options are and what may be available to us, I think, is extremely shortsighted. Therefore, I urge Members to again this year, as we did last year, reject this amendment and vote ''no.''

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentlewoman from California (Mrs. TAUSCHER) has 6 minutes remaining. The gentleman from Alabama (Mr. EVERETT) has 2 minutes remaining.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, I rise in support of this amendment for a number of reasons. First, there are serious doubts within the scientific community about whether the so-called bunker busters will actually be able to destroy deeply buried targets. Second, why would we even want to use a first-strike nuclear weapon? The RNEP would result in high levels of radioactive fallout and would put civilians and U.S. troops in harm's way. And, finally, if we decide to develop new tactical nuclear weapons, that means resume testing at the Nevada test site; and for those of us who live downwind, those are fighting words.

Supporters of these weapons say that they do not necessarily lead to testing. But if we are going to spend a half billion dollars over the next 5 years on a new weapons program, we are going to have to test it at some point or, quite frankly, we are just throwing away taxpayer dollars that should go to other weapons programs that actually stand a chance of defending Americans.

I close with a comment from an editorial in today's Salt Lake Tribune: ''If the strategic foolishness of the project were not enough to condemn it, the waste of money should be. At a time when we have so many genuine national security needs, every dime piddled away on Cold War technology not only fails to save lives, it actually endangers them.''

I thank the gentlewoman from California (Mrs. TAUSCHER) for her leadership on this issue.

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

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise in support of the Tauscher amendment, which I am pleased to cosponsor. The amendment improves the military's ability to penetrate deeply buried targets by redirecting funds from nuclear options that will never be used to conventional methods that could be.

For too long, the debate over the Robust Nuclear Earth Penetrator has focused on the utility of the weapon and not its consequences.

In the real world, no President or operational commander is going to be launching a nuclear device to strike a deep bunker. The fallout would render the target area off limits to reconnaissance by U.S. troops for too long. The harm to any local population would be devastating. The geopolitical reaction would be severe.

The Tauscher amendment invests $25 million in conventional penetrating technologies, which represent a much more realistic alternative to meeting the requirement.

Why on Earth should we spend millions of dollars to study or produce a weapon we will never use? It is a definition of wasteful government spending. Vote for the Tauscher amendment.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER), our distinguished chairman of the full Committee on Armed Services.

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

Mr. Chairman, this is about the most basic part of our military strategy. The gentleman who just spoke said if we do not use these weapons, they are a total waste, and people used to say why do we have all these nuclear weapons that could kill the Russians 100 times over? The reason we had them was so we would never have to kill a single Russian because we would have a deterrent.

Whom do we have to deter? Do we deter a private in a barrack? Do we deter a housewife in her home in the land of our adversary? Do we deter children in a school or people in a hospital?

The answer is no. The very best deterrent target is the people who pull the trigger, and that is the leadership of the adversarial nation, that is, the people who make the decision to attack the United States. Those are the people who like to go deep.

Hitler had a bunker. Saddam Hussein had a bunker. The people in North Korea have bunkers. We have to have this type of a program to hold the leadership at risk. This is deterrence. Vote ''no'' on this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I think the point that the gentleman from Maine (Mr. ALLEN) was making and that I am making is that we think there are conventional alternatives to a nuclear weapon that are usable. So my concern is if we have a conventional approach with JDAMs, with the 5,000-pound bunker buster, EGBU–28, three very good conventional approaches to go after deeper targets, we should keep working and spending our money on those options.

My concern is his concern. We will not use this weapon. Even if we build it, we will not use it, because nuclear weapons are the weapon of last resort for deterence.

We have improved our military capability by having developed our conventional capability with the B–2, with the B–1s, the B–52s, with JDAMs, with the small diameter bomb, because they are usable; and that is more of a deterrent. When the enemy knows we can use that weapon and it will be effective, it is more of a deterrent than a nuclear weapon. We just will not use it. That is the problem, and it is a waste of money.

Mr. EVERETT. Mr. Chairman, I yield 30 seconds to the gentlewoman from New Mexico (Mrs. WILSON).

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Mrs. WILSON of New Mexico. Mr. Chairman, the gentleman from Washington (Mr. DICKS) is right that we do need to develop our conventional intelligence capabilities, and that is why there is such a significant commitment in this bill to continuing those programs that do so. But we also recognize that there are limitations to what we can do with those conventional weapons and what we can hold at risk.

Nuclear weapons are useful because they are unusable. That is the core of deterrence.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT), another cosponsor of the amendment.

Mr. SPRATT. Mr. Chairman, let me just pick up on where we left off. We have got thousands of nuclear weapons in order to achieve deterrence. This weapon is not necessary. It is not only unnecessary, it is counterproductive at a time when we are trying to get countries like Iran and North Korea and countless other want-to-be nuclear countries to give up their nuclear ambition.

And it raises a fundamental question: How long can we move the world in one direction while we move in another direction, and do we want to backslide into an era that we finally emerged from where we had a nuclear weapon for every tactical mission?

They are not practical, they are not necessary, and this weapon will not come close to destroying or hardening up the hardened, deep geological targets for which they are reputedly available. To the extent we want to go after a target like that, we have bombs for that effect, and you can dial a yield. In addition, we have conventional weapons that serve this purpose.

This is not necessary. And anyone who thinks this is a minor item, the justification indicates that $480 million needs to be spent for this particular program over the next 5 years. This is a major item in the defense budget.

This amendment should be adopted.

Mrs. TAUSCHER. Mr. Chairman, as our final speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), a cosponsor of the amendment.

Mr. MARKEY. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, the gentlewoman and I have been making this amendment for 3 years, $500 million on a program for a weapon which is unusable. Can you imagine on the first day of Shock and Awe if we had dropped a nuclear bunker buster in the middle of Baghdad to get Saddam Hussein, and he was not in the command bunker, he was not there at all? The catastrophe for our

country across the whole world would have been disastrous. We found him in a spider hole, 5 feet deep.

You cannot drop a nuclear bomb in the middle of a city. It is an unusable weapon.

Our threat is that Iran and North Korea and other terrorist groups are trying to get a nuclear weapon. We cannot preach temperance from a bar stool; you cannot tell a kid not to smoke while holding a Camel cigarette in your hand.

If we want other countries to disavow the desire to develop nuclear weapons, we cannot be developing new usable nuclear weapons, which is what the Republican majority, the Bush administration, wants to do. We must use our political and our moral high ground to convince every other country in the world to disavow that interest.

This is the worst public policy decision that the Bush administration is making. We started a war in Iraq because of our fear of him having nuclear weapons. We are sending a signal to Iran, to North Korea, to Syria, to Egypt, to every other country in the world, that nuclear weapons are usable and we will use them. Well, they will develop them as well, Mr. Chairman, and the next generations of Americans will be less secure, not more secure.

Vote for the Tauscher amendment if you care about the security of the children and the grandchildren in our country. It is the only way in which we can convince this military-industrial complex that they could not have won in Iraq if they had used nuclear weapons. They would have destroyed our capacity for evermore to be a political and moral force in the world.

The CHAIRMAN pro tempore. The gentleman from Alabama (Mr. EVERETT) has 30 seconds remaining.

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

Mr. Chairman, let me just simply say that we are not spending half a billion dollars to develop a new weapon. First of all, this is a modification of an old weapon, and everyone very well knows that.

Secondly, the study period is only $122 billion.

Thirdly, the proponents of this amendment are saying, let us just stick our heads in the sand and not study this.

Mr. Chairman, I urge the defeat of this amendment. This amendment is not worthy of passing this House.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I wholeheartedly support the Amendment being offered by a number of my distinguished colleagues including Ranking Members SKELTON and SPRATT, both of whom played large roles in crafting the Defense Authorization Act. This Amendment would take the responsible course of action by transferring $36.6 million for studying the feasibility of developing new nuclear weapons, including the Robust Nuclear Earth Penetrator, and direct it instead towards increasing both intelligence capabilities to get at heard and deeply buried targets and providing improved conventional bunker-busting capabilities. This Amendment allows our nation to develop a strategy and the proper equipment to fight our enemies even when they go below ground to evade us. However, where this Amendment truly succeeds is in the fact that it keeps our nation from breaking our long held belief in nuclear disarmament.

This Defense Authorization in its present form that endorses the development of new nuclear weapons sets a dangerous precedent that will be seen worldwide. This Administration seeks to lift the ban on developing low-yield nuclear weapons which so far have not yet proven effective. The goals we hope to achieve with these low-yield nuclear missiles can also be accomplished by conducting research on the use of conventional missiles in penetrating and destroying enemy bunkers. If we allow ourselves to research and develop these more accessible nuclear weapons it will only encourage other foreign nations to do so as well. Our nation already faces great challenges in keeping traditional nuclear weapons out of the hands of rogue nations, if we allow ourselves to develop these new low-yield nuclear weapons our nuclear disarmament efforts will be seen by the global community as hypocrisy.

Ever since the use of nuclear weapons in World War II our nation and the global community has realized the devastating potential that a nuclear war poses. With the end of the Cold War, our nation has rightfully sought the course of nuclear disarmament. While this effort is far from complete, what we do know is that the grave danger of a nuclear war is still very much a possibility. If we allow this Defense Authorization to pass without this Amendment then we will have retarded our nuclear disarmament efforts of the past few decades.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

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

Mrs. TAUSCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 9 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER) will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The Clerk designated the amendments en bloc, as follows:

Amendments en bloc offered by Mr. HUNTER printed in House Report 108–499 consisting of amendment No. 10; amendment No. 12; amendment No. 13; amendment No. 15; amendment No. 16; amendment No. 17; amendment No. 18; amendment No. 19; amendment No. 20; amendment No. 21; amendment No. 22; amendment No. 23; amendment No. 24; amendment No. 26; amendment No. 27; amendment No. 28; amendment No. 29; amendment No. 30; amendment No. 31; and amendment No. 32.

AMENDMENT NO. 10 OFFERED BY MR. HUNTER

The text of the amendment is as follows:

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

SEC. ___. AUTHORITY TO ACCEPT CERTAIN VOLUNTARY SERVICES.

Section 1588 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(8) Voluntary services to support programs of a committee of the Employer Support of the Guard and Reserve as authorized by the Secretary of Defense.''; and

(2) in subsection (f)(1), by inserting ''and (a)(8)'' before the period at the end.

At the end of subtitle G of title X (page 385, after line 10), insert the following new section:

SEC. ___. PHASED IMPLEMENTATION OF NEW PROGRAM FOR TRANSPORTING HOUSEHOLD GOODS OF MEMBERS OF THE ARMED FORCES.

The Secretary of Defense may not implement the new program for the transportation of household goods of members of the Armed Forces and their dependents beyond phase I of the program, which includes the testing of electronic bill processing at 14 sites, until the Secretary submits to Congress a report evaluating whether Phase I met its objectives and whether it is in the best interest of the Department of Defense and members of the Armed Forces to move forward to Phase II of the program.

In section 1001(b)(3) (page 350, line 5), strike ''section 1522'' and insert ''section 1519''.

At the end of subtitle A of title X (page 358, after line 2), insert the following new sections:

SEC. ___. FISCAL YEAR 2004 TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1582) is amended by striking ''$2,500,000,000'' and inserting ''$3,000,000,000''.

SEC. ___. REPORT ON AMOUNTS REMITTED AND REIMBURSED DURING FISCAL YEAR 2004 UNDER SECTION 1007 OF PUBLIC LAW 108–136.

Not later than 30 days after the end of fiscal year 2004, the Secretary of Defense shall submit to the congressional defense committees a report on amounts remitted and reimbursed during fiscal year 2004 under section 1007 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1585; 10 U.S.C. 2241 note).

Page 393, line 17, insert ''by striking'' after ''is amended''.

Page 456, line 20, insert after ''title'' the following: ''are available upon the enactment of this Act and''.

At the end of title I (page 27, after line 10), insert the following new section:

SEC. 1___. ADDITIONAL AMOUNT FOR PATRIOT MISSILE PROCUREMENT.

(a) ADDITIONAL AMOUNTS.—The amount in section 101 for Army procurement, missiles, is hereby increased by $90,000,000, to be available for Patriot missiles.

(b) OFFSETTING REDUCTIONS.—(1) The amount in section 101 for Other Support Space Programs is hereby decreased by $27,000,000, to be derived from Titan Space Boosters (SPACE).

(2) The amount in section 301(4) for operation and maintenance, Air Force, is hereby reduced by $15,000,000, to be derived from the transportation working capital fund.

(3) The amount in section 201(4) for research, development, test, and evaluation, defense-wide, is hereby reduced by $48,000,000, to be derived from the Ballistic Missile Defense System Interceptor program element (PE 63886C).

At the end of subtitle A of title II (page 28, after line 14), insert the following new section:

SEC. 2___. PROGRAM INCREASES.

(a) NANO-COMPOSITE HARD-COAT FOR AIRCRAFT CANOPIES.—The amount provided in

section 201(2) for research development, test and evaluation, Navy, is hereby increased by $5,000,000, to be available for Nano-composite hard-coat for aircraft canopies in Program Element 0205633N.

(b) COMMAND-AND-CONTROL SERVICE LEVEL MANAGEMENT.—The amount provided in section 201(3) for research development, test and evaluation, Air Force, is hereby increased by $5,000,000, to be available for command-and-control service level management in Program Element 0207443F for best-commercial practices and enterprise wide architectures for military command-and-control applications.

At the end of subtitle A of title III (page 43, after line 3), insert the following new section:

SEC. 3___. REDUCTION IN AUTHORIZATION FOR AIR FORCE OPERATIONS AND MAINTENANCE.

The amount authorized to be appropriated in section 301(4) is hereby reduced by $10,000,000, to be derived from the transportation working capital fund.

Strike section 215 (page 36, lines 1 through 9).

Strike section 2818 (page 514, lines 1 through 16) and insert the following new section:

SEC. 2818. REPORT ON FEASIBILITY OF VETERANS MEMORIAL AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on whether the City of Irvine's anticipated future uses of the former MCAS El Toro property would permit the establishment and maintenance of a veterans memorial at no cost to the Federal Government.

AMENDMENT NO. 12 OFFERED BY MR. DICKS

The text of the amendment is as follows:

In section 117(b) insert ''no later than March 1, 2005'' after ''program'' (page 25, line 10).

AMENDMENT NO. 13 OFFERED BY MR. HASTINGS OF WASHINGTON

The text of the amendment is as follows:

At the end of title XXXI (page 556, after line 10), insert the following new section:

SEC. 31___. ADDITIONAL AMOUNT FOR DEFENSE SITE ACCELERATION COMPLETION.

(a) ADDITIONAL AMOUNT.—The amount in section 3102 is hereby increased by $50,000,000, to be available under section 3102(1) for defense site acceleration completion.

(b) OFFSET.—The amount in section 301(4), operation and maintenance, Air Force, is hereby reduced by $50,000,000, to be derived from the transportation capital fund.

AMENDMENT NO. 15 OFFERED BY MRS. MALONEY

The text of the amendment is as follows:

At the end of subtitle A of title III (page 43, after line 3), insert the following new section:

SEC. 3___. ELIMINATION OF BACKLOG IN PROCESSING FORENSIC EVIDENCE COLLECTION KITS AND ACQUISITION OF SUFFICIENT STOCKS OF SUCH KITS.

The Secretary of Defense shall take such steps as may be necessary to eliminate the current backlog in the processing of forensic evidence collection kits used by the Department of Defense, to shorten the time period between the use of such kits and their processing in the future, and to ensure an adequate supply of such kits for all domestic and overseas United States military installations, including the military service academies, and for units of the Armed Forces deployed in theaters of operation.

AMENDMENT NO. 16 OFFERED BY MR. CHABOT

The text of the amendment is as follows:

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

SEC. 825. REQUIREMENT TO TREAT SURETIES IN SAME MANNER AS FINANCING INSTITUTIONS WHEN CONTRACTORS DEFAULT.

(a) AMENDMENT TO TITLE 31.—Section 3727(c) of title 31, United States Code, is amended by inserting ''surety on a bond provided in connection with a contract or other'' before ''financing institution''.

(b) AMENDMENT TO REVISED STATUTES.—Section 3737(b) of the Revised Statutes (41 U.S.C. 15) is amended in the first sentence by inserting ''surety on a bond provided in connection with a contract,'' before ''or other financing institution''.

AMENDMENT NO. 17 OFFERED BY MR. MANZULLO

The text of the amendment is as follows:

At the end of title VIII (page 337, after line 15), insert the following new section:

SEC. 825. PROVISIONS RELATING TO CREATION OF JOBS IN THE UNITED STATES BY DEFENSE CONTRACTORS.

(a) AUTHORITY TO EXCLUDE CERTAIN SOURCES ON BASIS OF CREATION OF JOBS IN UNITED STATES.—Section 2304(b)(1) of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; or''; and

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

''(G) would create jobs in the United States.''.

(b) REQUIREMENT TO INCLUDE CREATION OF JOBS IN UNITED STATES AS EVALATION FACTOR.—(1) Section 2305(a)(3)(A) of title 10, United States Code, is amended—

(A) by striking ''and'' at the end of clause (ii);

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause:

''(iii) shall include the creation of jobs in the United States as an evaluation factor that must be considered in the evaluation of proposals; and''.

(2) Section 2305(a)(3)(B) of such title is amended by striking ''clause (iii)'' and inserting ''clause (iv)''.

AMENDMENT NO. 18 OFFERED BY MR. DAVIS OF ILLINOIS

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE XXXVI—SMALL BUSINESS ADMINISTRATION

SEC. 3601. ADDITION OF LANDSCAPING AND PEST CONTROL SERVICES TO LIST OF DESIGNATED INDUSTRY GROUPS PARTICIPATING IN THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

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

''(5) landscaping and pest control services.''.

(b) LANDSCAPING AND PEST CONTROL SERVICES.—Section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by redesignating subsection (e) as subsection (f), and

(2) by inserting after subsection (d) the following new subsection:

''(e) LANDSCAPING AND PEST CONTROL SERVICES.—Landscaping and pest control services shall include contract awards assigned to North American Industrial Classification Code 561710 (relating to exterminating and pest control services) or 561730 (relating to landscaping services).''.

AMENDMENT NO. 19 OFFERED BY MR. WELDON OF PENNSYLVANIA

The text of the amendment is as follows:

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

SEC. ___. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PERSONAL PROPERTY SUITABLE FOR FIREFIGHTING USE TO SUPPORT FEDERAL EXCESS PERSONAL PROPERTY PROGRAM.

(a) IN GENERAL.—Section 2576b of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Subject'' and inserting ''Notwithstanding any other provision of law and subject''; and

(B) by striking ''a firefighting agency in a State'' and inserting ''the United States Forest Service'';

(2) in subsections (b)(2) and (c), by striking ''recipient firefighting agency'' and inserting ''Forest Service'; and

(3) by striking subsection (d) and inserting the following new subsections:

''(d) PRIORITY FOR RURAL FIREFIGHTING AGENCIES.—(1) Subject to paragraph (2), the Secretary of Defense shall enter into an agreement with the Secretary of Agriculture to use the existing property disposal program of the Forest Service, known as the Federal Excess Personal Property Program, to facilitate the reutilization of Department of Defense personal property described in subsection (a) by firefighting agencies in rural areas.

''(2) An agreement under paragraph (1) shall not provide for the reutilization of Department of Defense aircraft by the Forest Service until the end of the one-year period beginning on the date on which the Secretary of Agriculture submits a report to the Committee on Agriculture and the Committee on Armed Services of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Armed Services of the Senate detailing measures taken by the Forest Service in response to National Transportation Safety Board Recommendations A-04-29 through A-04-33.

''(3) The transfer of Department of Defense personal property described in subsection (a) to the Forest Service for reutilization by firefighting agencies in rural areas shall be afforded a property disposal priority at least equal to the priority given the military departments and other entities within the Department of Defense.

''(e) DEFINITION OF STATE.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2576b. Excess personal property: reutilization to assist firefighting agencies''.

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576b and inserting the following new item:

''2576b. Excess personal property: reutilization to assist firefighting agencies.''.

AMENDMENT NO. 20 OFFERED BY MR. BROWN OF SOUTH CAROLINA

The text of the amendment is as follows:

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

SEC. ___. EXPANSION OF DEPARTMENT OF DEFENSE EXCESS PERSONAL PROPERTY DISPOSAL PROGRAM TO INCLUDE HEALTH AGENCIES.

(a) INCLUSION OF HEALTH AGENCIES.—Section 2576b of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) TRANSFER TO STATE HEALTH AGENCIES.—The Secretary of Defense may expand the program authorized by this section to include the transfer to State health agencies of personal property of the Department of Defense that the Secretary determines is—

''(1) excess to the needs of the Department of Defense; and

''(2) suitable for use in responding to health or environmental emergencies.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2576b. Excess personal property: reutilization to assist firefighting agencies and health agencies

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576b and inserting the following new item:

''2576b. Excess personal property: reutilization to assist firefighting agencies and health agencies.''.

AMENDMENT NO. 21 OFFERED BY MR. BROWN OF SOUTH CAROLINA

The text of the amendment is as follows:

At the end of subtitle A of title XXVIII, insert the following new section:

SEC. 28___. CONSIDERATION OF COMBINATION OF MILITARY MEDICAL TREATMENT FACILITIES AND HEALTH CARE FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) DEPARTMENT OF DEFENSE CONSIDERATION OF JOINT CONSTRUCTION.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2816. Consideration of joint construction and use of military medical treatment facilities and health care facilities of the Department of Veterans Affairs

''In the case of the budget submitted under section 1105 of title 31 for any fiscal year, the Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the budget a certification that, in evaluating for inclusion in the budget for that fiscal year any military construction project for construction in the United States (or a territory or possession of the United States) of a new military medical treatment facility, the Secretary, after consulting with the Secretary of Veterans Affairs, evaluated the feasibility of carrying out the project so as to establish with the Department of Veterans Affairs a joint medical facility that—

''(1) could serve as a facility for health resources sharing between the Department of Defense and the Department of Veterans Affairs; and

''(2) would be no more costly to each Department to construct and operate than separate facilities for each Department.''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2816. Consideration of joint construction and use of military medical treatment facilities and health care facilities of the Department of Veterans Affairs.''.

(b) DEPARTMENT OF VETERANS AFFAIRS CONSIDERATION OF JOINT CONSTRUCTION.—Section 8104(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(9) In the case of a prospectus proposing the construction of a new or replacement medical facility, the Secretary's certification that the Secretary, after consulting with the Secretary of Defense, evaluated the feasibility of carrying out the project so as to establish with the Department of Defense a joint medical facility that—

''(A) could serve as a facility for health resources sharing between the Department of Defense and the Department of Veterans Affairs; and

''(B) would be no more costly to each Department to construct and operate than separate facilities for each Department.''.

AMENDMENT NO. 22 OFFERED BY MR. JOHNSON OF ILLINOIS

The text of the amendment is as follows:

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

SEC. 598. AUTHORITY FOR REMOVAL OF REMAINS OF CERTAIN PERSONS INTERRED IN UNITED STATES MILITARY CEMETERIES OVERSEAS.

(a) REMOVAL AND TRANSPORTATION OF REMAINS.—Upon receipt from a qualifying survivor of an application with respect to a person interred in a United States overseas military cemetery, the Secretary of Defense may, upon approval of such application, provide for—

(1) the removal of the remains of that person from the cemetery in which interred; and

(2) transportation of such remains to a location in the United States selected by such qualifying survivor.

(b) REQUIREMENT FOR APPROVAL OF APPLICATIONS.—(1) An application under this section may be approved only if the application presents sufficient evidence that, at the time of the initial disposition decision (as defined in paragraph (2)), there was a misunderstanding or error related to that disposition decision that the Secretary finds warrants approval of the application.

(2) In paragraph (1), the term ''initial disposition decision'', with respect to the remains of a person who died outside the United States and was interred in a United States overseas military cemetery, means a decision by a family member (or other designated person) as to the disposition (in accordance with laws and regulations in effect at the time) of the remains of the person with respect to whom the application is submitted, such decision being to have the remains interred in a United States overseas military cemetery (rather than to have those remains transported to the United States for interment or other disposition in the United States).

(c) ABMC ASSISTANCE.—The American Battle Monuments Commission shall provide the Secretary of Defense with such assistance as the Secretary may require in carrying out this section with respect to cemeteries under the jurisdiction of the Commission.

(d) TIME FOR APPLICATION.—An application under subsection (a) must be submitted to the Secretary of Defense not later than the end of the two-year period beginning on the date of the enactment of this Act.

(e) NO EXPENDITURE OF FEDERAL FUNDS.—No costs associated with the removal and transportation of remains provided for under subsection (a) may be paid by the United States.

(f) DEFINITIONS.—For purposes of this section:

(1) UNITED STATES OVERSEAS MILITARY CEMETERY.—The term ''United States overseas military cemetery'' means a cemetery located in a foreign country that is administered by the Secretary of a military department or the American Battle Monuments Commission.

(2) QUALIFYING SURVIVORS.—The term ''qualifying survivor'' means the following, in the order specified.

(A) The surviving spouse.

(B) All surviving children (including adoptive children), acting concurrently.

(C) A birth parent or, if both survive, both birth parents, acting concurrently.

AMENDMENT NO. 23 OFFERED BY MR. BAIRD

The text of the amendment is as follows:

At the end of title VII (page 306, after line 13), insert the following new section:

SEC. 723. STUDY OF MENTAL HEALTH SERVICES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of mental health services available to members of the Armed Forces.

(b) PERSONS COVERED.—The study shall evaluate the availability and effectiveness of existing mental health treatment and screening resources—

(1) for members of the Armed Forces during a deployment to a combat theater;

(2) for members of the Armed Forces returning from a deployment to a combat theater, both—

(A) in the short-term, post-deployment period; and

(B) in the long-term, following the post-deployment period;

(3) for the families of members of the Armed Forces who have been deployed to a combat theater during the time of the deployment;

(4) for the families of members of the Armed Forces who have been deployed to a combat theater after the member has returned from the deployment; and

(5) for members of the Armed Forces and their families described in this subsection who are members of Reserve components.

(c) ASSESSMENT OF OBSTACLES.—The study shall provide an assessment of existing obstacles that prevent members of the Armed Forces and military families in need of mental health services from obtaining these services, including—

(1) the extent to which existing confidentiality regulations, or lack thereof, inhibit members of the Armed Forces from seeking mental health treatment;

(2) the implications that a decision to seek mental health services can have on a military career;

(3) the extent to which a social stigma exists within the Armed Forces that prevents members of the Armed Forces and military families from seeking mental health treatment within the Department of Defense and the individual Armed Forces;

(4) the extent to which logistical obstacles, particularly with respect to members of the Armed Forces and families residing in rural areas, deter members in need of mental health services from obtaining them; and

(5) the extent to which members of the Armed Forces and their families are prevented or hampered from obtaining mental health treatment due to the cost of such services.

(d) IDENTIFICATION OF PROBLEMS UNIQUE TO RESERVES.—The study shall identify potential problems in obtaining mental health treatment that are unique to members of Reserve components.

(e) REPORT.—The Secretary of Defense shall submit to Congress a report on the

study conducted under this section not later than 90 days after the date of the enactment of this Act. The report shall contain the results of the study and make specific recommendations—

(1) for improving the effectiveness and accessibility of mental health services provided by Department of Defense to the persons listed in subsection (b), including recommendations to ensure appropriate referrals and a seamless transition to the care of the Department of Veterans Affairs following separation from the Armed Forces;

(2) for removing or mitigating any obstacles identified under subsection (c); and

(3) for steps that can be taken by the Department of Defense or Congress to bring parity to mental health services available to members of Reserve components and members of the Armed Forces on active duty.

AMENDMENT NO. 24 OFFERED BY MR. HEFLEY

The text of the amendment is as follows:

At the end of subtitle F of title V, insert the following new section:

SEC. 560. BOARD OF VISITORS OF UNITED STATES AIR FORCE ACADEMY.

Section 9355 of title 10, United States Code, is amended to read as follows:

''§ 9355. Board of Visitors

''(a) A Board of Visitors to the Academy is constituted annually. The Board consists of the following members:

''(1) Six persons designated by the President.

''(2) Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives.

''(3) Three persons designated by the Vice President or the President pro tempore of the Senate, two of whom shall be members of the Senate and the third of whom may not be a member of the Senate.

''(4) The chairman of the Committee on Armed Services of the House of Representatives, or his designee.

''(5) The chairman of the Committee on Armed Services of the Senate, or his designee.

''(b)(1) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is designated. The President shall designate persons each year to succeed the members designated by the President whose terms expire that year.

''(2) At least two of the members designated by the President shall be graduates of the Academy.

''(c)(1) If a member of the Board dies or resigns or is terminated as a member of the board under paragraph (2), a successor shall be designated for the unexpired portion of the term by the official who designated the member.

''(2) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

''(d) The Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board. Board meetings should last at least one full day. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.

''(e)(1) The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

''(2) The Secretary of the Air Force and the Superintendent of the Academy shall provide the Board candid and complete disclosure, consistent with applicable laws concerning disclosure of information, of all institutional problems.

''(3) The Board shall recommend appropriate action.

''(f) Within 30 days after any meeting of the Board, the Board shall submit a written report concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives with its views and recommendations pertaining to the Academy.

''(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

''(h) While performing duties as a member of the Board, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.''.

AMENDMENT NO. 26 OFFERED BY MR. FLAKE

The text of the amendment is as follows:

At the end of subtitle G of title V (page 174, after line 15), insert the following new section:

SEC. ___. REQUIREMENTS FOR AWARD OF COMBAT INFANTRYMAN BADGE AND COMBAT MEDICAL BADGE WITH RESPECT TO SERVICE IN KOREA AFTER JULY 28, 1953.

(a) STANDARDIZATION OF REQUIREMENTS WITH OTHER GEOGRAPHIC AREAS.—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Korean defense service: Combat Infantryman Badge; Combat Medical Badge

''The Secretary of the Army shall provide that, with respect to service in the Republic of Korea after July 28, 1953, eligibility of a member of the Army for the Combat Infantryman Badge or the Combat Medical Badge shall be met under criteria and eligibility requirements that, as nearly as practicable, are identical to those applicable, at the time of such service in the Republic of Korea, to service elsewhere without regard to specific location or special circumstances. In particular, such eligibility shall be established—

''(1) without any requirement for service by the member in an area designated as a 'hostile fire area' (or by any similar designation) or that the member have been authorized hostile fire pay;

''(2) without any requirement for a minimum number of instances (in excess of one) in which the member was engaged with the enemy in active ground combat involving an exchange of small arms fire; and

''(3) without any requirement for personal recommendation or approval by commanders in the member's chain of command other than is generally applicable for service at locations outside the Republic of Korea.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Korean defense service: Combat Infantryman Badge; Combat Medical Badge.''.

(b) APPLICABILITY TO SERVICE BEFORE DATE OF ENACTMENT.—The Secretary of the Army shall establish procedures to provide for the implementation of section 3757 of title 10, United States Code, as added by subsection (a), with respect to service in the Republic of Korea during the period between July 28, 1953, and the date of the enactment of this Act. Such procedures shall include a requirement for submission of an application for award of a badge under that section with respect to service before the date of the enactment of this Act and the furnishing of such information as the Secretary may specify.

AMENDMENT NO. 27 OFFERED BY MR. SHIMKUS

The text of the amendment is as follows:

At the end of subtitle G of title V, insert the following new section:

SEC. ___. ARMY COMBAT RECOGNITION RIBBON.

(a) REQUIREMENT SIMILAR TO THAT FOR NAVY COMBAT ACTION RIBBBON .—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Combat recognition ribbon

''(a) REQUIREMENT.—The Secretary of the Army shall establish a combat recognition ribbon to recognize participation by members of the Army in combat. The Secretary shall award the combat recognition ribbon to each member of the Army who meets the criteria for that ribbon based upon service performed after August 1, 1990.

''(b) CRITERIA FOR AWARD.—The Secretary shall establish the criteria for award of the combat recognition ribbon. To the maximum extent practicable, the criteria for the award of such ribbon shall be based upon, and be similar to, the criteria for award of the Navy Combat Action Ribbon, including any special criteria for service during a particular period of time or in a specific location.

''(c) LIMITATION.—The combat recognition ribbon may not be awarded to a member of the Army with respect to the same period of service as service for which the member was awarded the Combat Infantryman Badge or the Combat Medic Badge.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Combat recognition ribbon.''.

(b) IMPLEMENTATION FOR SERVICE BEFORE DATE OF ENACTMENT.—The Secretary of the Army shall establish procedures to provide for the implementation of section 3757 of title 10, United States Code, as added by subsection (a), with respect to service during the period beginning on August 1, 1990, and ending on the date of the enactment of this Act. Such procedures shall include a requirement for submission of an application for award of a ribbon under that section with respect to service before the date of the enactment of this Act and the furnishing of such information as the Secretary may specify. Such procedures shall be established not later than 180 days after the date of the enactment of this Act.

AMENDMENT NO. 28 OFFERED BY MR. SMITH OF WASHINGTON

The text of the amendment is as follows:

At the end of part I of subtitle D of title XXVIII (page 535, after line 7), insert the following new section:

SEC. 28___. MODIFICATION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

(a) PROPERTY TO BE TRANSFERRED TO SECRETARY OF THE INTERIOR IN TRUST.—Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315) is amended—

(1) by striking ''may convey to'' and inserting ''may transfer to the Secretary of the Interior, in trust for''; and

(2) by striking ''Washington, in'' and all that follows through the period and inserting ''Washington. The Secretary of the Army may make the transfer under the preceding sentence, and the Secretary of the Interior may accept the property transferred in trust for the Nisqually Tribe under the preceding sentence, only in conjunction with the conveyance described in subsection (b)(2).''.

(b) INCREASE IN ACREAGE TO BE TRANSFERRED.—Such subsection is further amended by striking ''138 acres'' and inserting ''168 acres''.

(c) QUALIFICATION ON PROPERTY TO BE TRANSFERRED.—Subsection (a)(2) of such section is amended—

(1) by striking ''conveyance'' and inserting ''transfer''; and

(2) by striking ''or the right of way described in subsection (c)'' and inserting ''located on the real property transferred under that paragraph''.

(d) CONSIDERATION.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''conveyance'' and inserting ''transfer''; and

(2) in paragraph (2), by striking ''fee title over the acquired property to the Secretary'' and inserting ''to the United States fee title to the property acquired under paragraph (1), free from all liens, encumbrances or other interests other than those, if any, acceptable to the Secretary of the Army''.

(e) TREATMENT OF EXISTING PERMIT RIGHTS; GRANT OF EASEMENT.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) TREATMENT OF EXISTING PERMIT RIGHTS; GRANT OF EASEMENT.—(1) The transfer under subsection (a) recognizes and preserves to the Bonneville Power Administration, in perpetuity and without the right of revocation except as provided in paragraph (2), rights in existence at the time of the conveyance under the permit dated February 4, 1949, as amended January 4, 1952, between the Department of the Army and the Bonneville Power Administration with respect to any portion of the property transferred under subsection (a) upon which the Bonneville Power Administration retains transmission facilities. The rights recognized and preserved include the right to upgrade those transmission facilities.

''(2) The permit rights recognized and preserved under paragraph (1) shall terminate only upon the Bonneville Power Administration's relocation of the transmission facilities referred to in paragraph (1), and then only with respect to that portion of those transmission facilities that are relocated.

''(3) The Secretary of the Interior, as trustee for the Nisqually Tribe, shall grant to the Bonneville Power Administration, without consideration and subject to the same rights recognized and preserved in paragraph (1), such additional easements across the property transferred under subsection (a) as the Bonneville Power Administration considers necessary to accommodate the relocation or reconnection of Bonneville Power Administration transmission facilities from property owned by the Tribe and held by the Secretary of the Interior in trust for the Tribe.''.

(f) CONFORMING AMENDMENTS.—(1) Subsection (c) of such section is amended by inserting ''of the Army'' after ''Secretary''.

(2) Subsection (e) of such section (as redesignated by subsection (e)(1)) is amended—

(A) by striking ''conveyed'' and inserting ''transferred'';

(B) by inserting ''of the Army'' after ''Secretary''; and

(C) by striking ''the recipient of the property being surveyed'' and inserting ''the Tribe, in the case of the transfer under subsection (a), and the Secretary of the Army, in the case of the acquisition under subsection (b)''.

(3) Subsection (f) of such section (as redesignated by subsection (e)(1)) is amended—

(A) by inserting ''of the Army'' after ''Secretary'' both place it appears; and

(B) by striking ''conveyances under this section'' and inserting ''transfer under subsection (a) and conveyances under subsections (b)(2) and (c)''.

AMENDMENT NO. 29 OFFERED BY MR. CUNNINGHAM

The text of the amendment is as follows:

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.

(b) APPROVAL OF DESIGN AND SITE.—The Secretary of the Army, in consultation with Secretary of Veterans Affairs, shall approve an appropriate design and site within Arlington National Cemetery for the memorial marker provided for under subsection (a).

(c) USE OF FEDERAL FUNDS.—Federal funds shall not be required or permitted to be used for the design and construction of the memorial marker provided for under subsection (a).

(d) AUTHORITY TO ACCEPT DONATIONS.—(1) The Secretary of the Army may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the design and construction of the memorial marker provided for under subsection (a).

(2) The authority of the Secretary of the Army to accept gifts and donations under paragraph (1) shall expire on the date that is five years after the date of the enactment of this Act.

AMENDMENT NO. 30 OFFERED BY MR. SKELTON

The text of the amendment is as follows:

Page 479, in the table following line 9—

(1) in the item for Robins Air Force Base, strike ''$15,000,000'' and insert ''$21,570,000''; and

(2) in the total at the bottom of the table, strike ''$398,714,000'' and insert ''$405,284,000''.

Page 483, line 2, strike ''$2,493,679,000'' and insert ''$2,500,249,000''.

Page 483, line 5, strike ''$398,714,000'' and insert ''$405,284,000''.

Page 492, line 7, strike ''$114,090,000'' and insert ''$107,520,000''.

AMENDMENT NO. 31 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

At the end of title I (page 27, after line 10), insert the following new section:

SEC. ___. TRANSFER OF CERTAIN ARMY PROCUREMENT FUNDS.

(a) INCREASE FOR CERTAIN HELICOPTER ITEMS.—The amount provided in section 101(1) for procurement of aircraft for the Army is hereby increased by $4,000,000, of which—

(1) $2,000,000 shall be available for procurement of the Aircraft Wireless Intercom System; and

(2) $2,000,000 shall be available for procurement of bladefold kits for Apache Helicopters.

(b) OFFSET.—The amount provided in section 101(5) for Other Procurement, Army, is hereby reduced by $4,000,000, to be derived from amounts for Information Systems.

AMENDMENT NO. 32 OFFERED BY MR. HOBSON

The text of the amendment is as follows:

At the end of subtitle F of title V (page 172, after line 9), insert the following new section:

SEC. 5___. ESTABLISHMENT OF COLLEGE FINANCIAL ASSISTANCE PROGRAM FOR DISTRICT OF COLUMBIA NATIONAL GUARD.

(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may, in recognition of the unique position of the District of Columbia in the Federal system, provide financial assistance to eligible members of the National Guard of the District of Columbia for expenses of such a member while enrolled in an approved institution of higher education in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution of higher education) leading to a recognized educational credential at the institution of higher education. Any such assistance may be provided only during the program applicability period specified in subsection (i).

(b) AUTHORITY SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The authority provided in subsection (a) is subject to the availability of appropriations for that purpose.

(c) ELIGIBILITY.—To be eligible for financial assistance under this section, a member of the National Guard of the District of Columbia must—

(1) be a member of the National Guard of the District of Columbia for not less than the 12 consecutive months preceding the commencement of the tuition assistance and continue to be such a member while receiving such assistance;

(2) agree to serve one year in the National Guard of the District of Columbia for each academic year of assistance provided;

(3) be enrolled or accepted for enrollment in a program of education referred to in subsection (a) at an institution of higher education; and

(4) if already enrolled, maintain satisfactory progress in the course of study the member is pursuing in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)).

(d) COVERED EXPENSES.—Expenses for which financial assistance may be provided under this section are the following:

(1) Tuition and fees charged by an approved institution of higher education involved.

(2) The cost of books.

(3) Laboratory expenses.

(e) AMOUNT.—(1) The amount of financial assistance provided to a member of the National Guard of the District of Columbia under this section shall be prescribed by the Secretary concerned, but may not exceed $2,500 for any academic year. The Secretary concerned shall prorate assistance under this section for members who pursue a program of education on less than a full-time basis.

(2) A member may not receive more than $12,500 under this section.

(f) CONSTRUCTION.—Nothing in this section shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable a member of the National Guard of the District of Columbia to enroll in the institution.

(g) DEFINITIONS.—In this section:

(1) The term ''approved institution of higher education'' means an institution of higher

education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that—

(A) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(B) has entered into an agreement with the Secretary concerned containing such conditions as the Secretary may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia National Guard.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Army, in the case of the Army National Guard of the District of Columbia; and

(B) the Secretary of the Air Force, in the case of the Air National Guard of the District of Columbia.

(h) ANNUAL REPORT.—At the close of each year during which the program under this section is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on the effectiveness of the program in improving recruiting and retention for the District of Columbia National Guard. Each such report shall include such recommendations for changes in law or policy as the Secretary considers appropriate. In the first such report, the Secretary shall include an analysis of means for improving the effectiveness as a recruitment and retention incentive of any program providing tuition assistance for members of the District of Columbia National Guard in existence as of the date of the enactment of this Act.

(i) PROGRAM APPLICABILITY PERIOD.—Financial assistance may be provided under this section to eligible members of the National Guard of the District of Columbia for periods of instruction that begin during the three-year period beginning on the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 648, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 10 minutes.

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

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

Mr. Chairman, this is a number of amendments, some of them technical in nature, others amendments cleared with both sides. They include amendments by myself, the gentleman from Washington (Mr. DICKS), the gentleman from Washington (Mr. HASTINGS), the gentlewoman from New York (Mrs. MALONEY), the gentleman from Ohio (Mr. CHABOT), the gentleman from Illinois (Mr. MANZULLO), the gentleman from Pennsylvania (Mr. WELDON), the gentleman from South Carolina (Mr. BROWN), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Washington (Mr. BAIRD), the gentleman from Colorado (Mr. HEFLEY), the gentleman from Arizona (Mr. FLAKE), the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Illinois (Mr. DAVIS), the gentleman from Washington (Mr. SMITH), the gentleman from California (Mr. CUNNINGHAM), the gentleman from Missouri (Mr. SKELTON), the gentleman from Georgia (Mr. MARSHALL), the gentleman from New York (Mr. ISRAEL), the gentleman from Ohio (Mr. HOBSON) and by the gentlewoman from the District of Columbia (Ms. NORTON).

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

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

Mr. Chairman, I happen to agree with the en bloc amendments put forward by the chairman. We have examined them thoroughly and discussed them thoroughly. I think they are certainly worthy of passing.

However, if I may comment on other amendments, much has been said, Mr. Chairman, about the contractor situation in Iraq and Afghanistan. I would like at this moment to make reference to two amendments that were adopted in the committee that were passed out onto the floor, and I would like to make reference to them now, two outstanding amendments.

The gentleman from Tennessee (Mr. COOPER) had an amendment that requires the chairman or ranking member of the Committee on Armed Services, the Secretary of Defense to provide copies of contract documents within 14 days to the committee, and it also allows greater transparency in the contracting system, particularly when we have been having so many problems in Iraq and elsewhere. This is critical to our oversight responsibility, and I compliment the gentleman from Tennessee (Mr. COOPER).

There was another amendment that was adopted in the committee that we should make reference to today offered by the gentleman from Hawaii (Mr. ABERCROMBIE), which requires guidance previously recommended by the GAO on how to manage contractors that support deployed forces.

It requires report and contractor oversight, rules of engagement in Iraq, and requires better information gathering on how many security contractors are in Iraq. It directly responds to concerns raised in a letter that I sent to the Secretary of Defense on April 2.

We are on top, I think, as a result of these two amendments by the gentleman from Tennessee (Mr. COOPER) and the gentleman from Hawaii (Mr. ABERCROMBIE), to make sure that we are tending to the deep concern we have about the contractor use and the contractor hiring in those two countries.

I do agree with the chairman on the en bloc amendments.

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

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

Mr. Chairman, I just want to take this time, because I always have to follow the leadership of the gentleman from Missouri (Mr. SKELTON) in this area, to just thank all the staff that have been working this armed services bill. The committee staff has been tirelessly working this bill, putting it together in the subcommittees, full committee and now on the floor, and I want to thank everyone who has been part of this product.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I understand that the gentleman from Texas (Mr. ORTIZ) offered an amendment at full committee markup on May 12, 2004, and that the amendment was passed by the committee within a manager's amendment. Unfortunately, however, the amendment offered by the gentleman from Texas (Mr. ORTIZ) was not printed in the committee report 108–491.

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

Mr. REYES. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, that is correct. It is an unfortunate error that the amendment was not printed in the report. The Ortiz amendment was adopted by the full committee.

Mr. REYES. Mr. Chairman, in light of that, I ask unanimous consent that a copy of the amendment accepted at full committee be made part of the record.

Mr. HUNTER. Mr. Chairman, I support that request.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SKELTON. Mr. Chairman, I yield, for the purpose of making a unanimous consent request, to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in favor of the en bloc amendment, and especially my amendment dealing with the Comp Demo.

Mr. Chairman, I appreciate the opportunity to briefly review my proposed amendment to H.R. 4200.

My amendment is a simple, highly targeted, and non-controversial effort to better balance the way that small business set aside, SBSA, goals are met by Federal agencies, including the Department of Defense. Presently, these goals are unevenly distributed with some product and service sectors experiencing a disproportionate rate of small business set aside while other small businesses in other product or service sectors see little in small business set-aside contracts come their way, despite the fact that there are capable small businesses involved in those industries. This can obviously work to deny a large number of small businesses the benefits of the small business set aside program that Congress has long supported.

My amendment would address this problem through a small, targeted improvement of an existing Federal law called the Competitiveness Demonstration Program (P.L. 100–656), also known as the ''Comp Demo'' law.

The legislative history of Comp Demo shows that it was enacted to prevent disproportionate assignment of small business set aside goals into a small, unrepresentative number of NAICS codes. It began when Congress took major steps to enhance competition

and diversity in small business procurement opportunities by enacting section 921 of P.L. 99–661, which requires that small businesses receive a ''fair proportion'' of Government contracts in each industry.

That effort later led to the enactment of the Comp Demo law. Essentially, Comp Demo recognized that in certain NAICS codes, work was being disproportionately set aside, even though overall small business participation in the open market-place in these industries was high. While these industries had too much work set aside, many more industries have seen little or no set-aside contracts come their way, despite representation of capable small firms in those other industries.

My amendment would build on the existing Comp Demo law by adding the NAICS codes for landscaping services and exterminating & pest control services to the existing Comp Demo list. These two NAICS codes would be added to the existing Comp Demo list which presently includes the NAICS codes for: (1) construction, (2) refuse systems and related services; (3) architectural and engineering services, and (4) non-nuclear ship repair.

Under the Comp Demo law, Federal agencies may not set aside procurements for small businesses in these designated NAICS codes, provided small businesses otherwise win 40 percent of all prime contract awards in that NAICS code. This means that small businesses are required to win a minimum of 40 percent of the prime contract awards. If they do not win that minimum amount, small business set-aside for that NAICS code would be automatically reimposed.

The effective result of both the current Comp Demo law and my amendment is to assure that small business set aside awards are more evenly distributed across all NAICS codes and benefit the greatest number of small businesses in the largest number of product and service sectors possible.

Indeed, the existing Comp Demo law has shown that small businesses in the four NAICS codes on the current Comp Demo list compete for, and win, large numbers of contracts, though on an unrestricted basis. The intent of the Comp Demo program is to ensure that each agency balances its procurement needs so that set aside contracting opportunities for small businesses are as widely distributed as possible across as many industries as possible.

Also important is the fact that the Comp Demo amendment does not affect 8(a) or HUB Zone set asides. They are not impacted by either the current Comp Demo program or my amendment's proposed improvement of the current law.

It is also worthy to note that my proposed amendment of the Comp Demo law has no budgetary impact—that is, amending the program to include landscape services and exterminating and pest control services will not increase the federal deficit.

In sum, Mr. Chairman, the existing Comp Demo program and my amendment to it will require a more even distribution of small business set asides across a larger number of NAICS codes. It does not change or reduce the size of agency small business aside goals; it just makes the programs benefits available to a greater number of small businesses across a larger number of industries.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman from California (Chairman HUNTER) and the ranking member, the gentleman from Missouri (Mr. SKELTON) and their outstanding staffs on both sides for working with us on this tanker amendment.

One of the things that I am convinced of, and I am even more convinced today, is we need to start a program of tanker replacement. Every single airplane that bombed in Afghanistan and in Iraq had to be refueled multiple times.

One of the reasons we are a superpower is because we have got these tankers. All of the original planes were built between 1957 and 1963. I have been to Tinker Air Force Base, I have seen the condition of these planes. The corrosion is significant and the cost of maintenance is going right through the roof. It is time to move out on this program.

The people who made mistakes in the contracting are being disciplined in the process, in the criminal process, and we should look at this on the merits. The chairman's amendment lays out a process whereby we can go forward.

If the chairman wants to explain it, I would be glad to yield to him. But basically we are going to have an analysis of alternatives, then we are going to have a negotiation session on the contract, then we are going to have a panel review with the Secretary of Defense; and we hope that by March 1, we will be able to finalize this and enter into an agreement to go forward with the 767 tanker.

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

Mr. DICKS. I yield to the gentleman from California.

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

Mr. Chairman, I think the gentleman has analyzed it correctly. We call this ''Fresh Start.'' It is based on the premise that the tanker fleet is the keystone to the projection of American air power. Even our tactical air, coming off of carriers in Afghanistan, for example, had to drink four or five times from tankers going to target and coming back. Of course, the long-range stuff, all of our deep-strike capability hinges on tankers.

So our idea was, we take the mess, that is, all the personalities, all of the charges and countercharges, and we move that all aside; and we say, we are going to address the one thing we should be addressing, which is the requirement for our country.

We are going to take the requirement, and we are going to have a ''Fresh Start'' on tankers and use a blue ribbon panel of people with good judgment, and they are going to pass judgment on the business deal.

Mr. DICKS. Mr. Chairman, reclaiming my time, the key thing here is, we are buying an off-the-shelf aircraft. That means no development costs whatsoever.

I asked the chairman of the Boeing Company today what it would cost if we had to develop a new airplane, just in development before we got into production. He said $15 billion to $18 billion, and it would take a number of years to do that. So that option is not good.

I do not believe this House wants to buy this airplane from AirBus, so therefore before the 767 line goes down next year, we have got to enter into this agreement, militarize that line, and use it for tankers, which are so critical to our national security.

Mr. HUNTER. Mr. Chairman, if the gentleman will yield further, let me just say to the gentleman, I think it would be a massive mistake for the United States to buy foreign in this very important part of our national security.

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Mr. SKELTON. Mr. Chairman, I yield 30 seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, this is a point we want to make. If we can get this done, we can do this for a lot less money than any of the other options, and we can do it with an American airplane; and we have blocked obsolescence before in the C–141s. If we had that problem, we will undermine our military capabilities. So this amendment in this en bloc is very important for us to move forward. And I commend the chairman and ranking member for their leadership on this issue.

Mr. HUNTER. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from New Mexico (Mrs. WILSON).

(Mrs. WILSON of New Mexico asked and was given permission to revise and extend her remarks.)

Mrs. WILSON of New Mexico. Mr. Chairman, I am going to support the en bloc amendments. I do have some reservations about one of the amendments included in it.

I oppose the amendment offered by my friend and colleague from Washington State.

DOE does not have the authority to reclassify, on its own, high level waste as low level waste. Yet, they proposed to do just that so that they could send some of this waste to WIPP. The $350 million DOE requested for the ''high level waste proposal'' cleanup projects included funds for activities that a Federal court has ruled violated the Nuclear Waste Policy Act.

To address this, we did two things: (1) We required an external scientific study (the National Academy of Sciences) before any laws regarding high level waste are rewritten; (2) We removed $100 million for activities clouded by litigation, but allowed for the possibility of reprogramming if additional funds are needed, and asked DOE to provide the House and Senate defense committees with a list of projects it feels it can proceed with and why.

While my colleague's amendment retains the external scientific study, it restores DOE's high level waste cleanup funds to $300 million by transferring $50 million from the transportation capital fund for Air Force operations and maintenance.

I continue to oppose this amendment. First, because this could have a negative effect on

a number of bases, including those in New Mexico, and, second, to the extent that this softens the message we sent to DOE that we do not want them reclassifying waste on their own.

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

Mr. BAIRD. Mr. Chairman, I thank the distinguished ranking member and the chairman for including in this en bloc amendment an amendment drafted by the gentleman from Rhode Island (Mr. KENNEDY) and me.

In essence, what our amendment does is ask the Department of Defense to study the availability of mental health services for our returning soldiers and their families. I have been to Walter Reed on many occasions, and we are providing outstanding physical health care and mental health care for those folks. But when people come back to their small rural towns, we need to make sure if they are suffering the emotional after-effects from the things they have seen and experienced, that they get the help they need, so they can return to their families, return to their work and not suffer lasting impacts.

For 23 years before serving in Congress, I worked as a psychologist, often with veterans and in VA hospitals; and I know we can provide care that will help our warriors return home. We need to do that.

I thank the chairman and ranking member for making sure this will happen and look forward to working with them when the report is returned from the DOD.

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

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT), a member of the Committee on Armed Services and ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Chairman, among the amendments included in the en bloc is an amendment known as the Hastings amendment.

The Department of Energy requested $350 million for accelerated clean-up of defense sites, old nuclear weapons production sites, where some of the world's most radioactive nuclear waste is stored.

The chairman's mark authorizes 250 of the $350 million that DOE asks for. I am glad to see us go close to at least 300. I wish we could have gone to 350. But the amendment before us does leave out the fence or the conditions or the limitations that DOE would have imposed.

Both of these provisions, both the additional money taking us to $300 million and the lack of any fence of conditions are steps in the right direction, and I commend the gentleman for his amendment and urge everyone to support it.

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

Mr. HUNTER. Mr. Chairman, we have no further requests for time.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) for including my amendment in the en bloc amendments.

My amendment directs the Secretary of Defense to eliminate the backlog in rape and sexual assault evidence collection kits, reduce the processing time of those kits, and provide an adequate supply of those kits at all domestic and overseas military installations and military academies.

This amendment is similar to legislation this House passed earlier with the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS), and the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from Ohio (Ms. PRYCE) that uses DNA technology to really convict rapists and to put them behind bars.

We know from the Department of Defense report that there are many kits that are gathering dust, that are not being processed. We know that rapists will strike up to eight times according to the FBI. They rate it the second worst crime preceded only by murder. And it is unconscionable that these are not being processed.

This merely helps convictions and helps protect men and women in the military. I thank very much the gentleman from Missouri (Mr. SKELTON) for working to have this included.

Mr. HASTINGS of Washington. Mr. Chairman, my amendment will restore $50 million cut by the House Armed Services Committee from the Department of Energy's proposed nuclear waste cleanup budget.

It is important that the Federal government meet its legal and contractual cleanup obligations.

By returning $50 million to the Defense Site Acceleration Completion account, this amendment helps make certain that funds are available to ensure the Federal government continues the progress being made at cleaning up our Nation's nuclear waste sites.

Although the Committee decreased the portion of the nuclear waste cleanup budget related to high-level liquid waste, the remainder of the cleanup budget was fully authorized by the Committee. I am grateful for the support shown for cleanup by Armed Services Committee Chairman HUNTER and Subcommittee Chairman EVERETT. However, I offered this amendment because I believe Congress ought to make certain that the funds deemed necessary for cleanup next year by the Department of Energy, and included in the President's budget, are made available.

The Committee's action to cut funding for high-level liquid waste cleanup comes after a Federal district court ruling on high-level waste. While agreement on this matter has not yet been realized between the Department of Energy and the States in which affected waste sites are located, I believe it is important for the Congress to make available the funding so that planned cleanup activity does not have to be postponed due to unavailability of funds.

By adding back $50 million, my amendment helps advance cleanup progress next year.

The Federal government has a responsibility—a responsibility under the law...a contractual responsibility with the affected States...and a moral responsibility—to cleanup its nuclear waste sites.

At the Hanford cleanup site in my Washington State congressional district, there are 177 underground tanks containing more than 50 million gallons of liquid waste that are affected by this funding.

For many, those figures may be difficult to imagine—but for the people I represent in Washington State, the more than 50 million gallons of radioactive, nuclear waste is very real.

The citizens of Washington State did not invite this waste into our State—in the 1940s as part of the Manhattan Project, the Federal government moved farmers from their land and uprooted several small communities from a 586 square mile area along the Columbia River to make room for a top-secret effort that ultimately helped lead to an end of the Second World War, and over the decades that followed, to victory in the Cold War. The legacy of this nuclear production is the more than 50 million gallons of liquid waste.

It is the Department of Energy's obligation to cleanup these wastes—and I will hold the Department responsible for getting this work done. I pushed this amendment to restore $50 million to the cleanup budget because it is essential that the funds be available to keep cleanup on track. I also firmly believe that the State of Washington must be involved in these decisions. I have opposed and will oppose any effort to force a solution on Washington State. Department of Energy officials have expressed their commitment not to pursue a change in the law that does not have the support of the affected states—and that commitment is constructive to resolving this matter.

It has been my consistent view that the Department of Energy and States have a shared responsibility to resolve the current situation—and I want to strongly reiterate that for the sake of cleaning up this massive volume of waste, reducing its potential threat to health and the environment, and to make certain cleanup progress is not jeopardized, that the sooner this matter is resolved, the better. I know the Department of Energy and States are committed to cleaning up these wastes—and continued disagreement only makes that shared goal more difficult. I will keep pushing for a resolution and I will continue working to make certain funds are available for cleanup work.

I also want to express my great respect and appreciation to Mr. SIMPSON of Idaho and Mr. BARRETT of South Carolina for the assistance and support they provided for this amendment and for success in adding $50 million to the cleanup budget.

Mr. BARRETT of South Carolina. Mr. Chairman, I rise in support of the amendment offered by my esteemed colleague, Representative DOC HASTINGS of Washington. For over 50 years, the United Sates has stored the legacy of our Nation's nuclear weapons programs at sites throughout the Nation. For example, the Savannah River Site, which is located in my district, has 35 million gallons of radioactive nuclear waste in 49 storage tanks. Like the Savannah River Site, other facilities throughout our Nation must ensure the American public is protected against the environmental risk

posed by such waste. However, we all bear this responsibility because this waste represents a security created on behalf of all Americans. As a result, this Congress has the duty to reduce the environmental risk posed by this waste in a safe, expeditious, and cost effective manner.

A vote in favor of the Hastings amendment fulfills this obligation because it maintains the current accelerated cleanup schedules and saves the American taxpayers billions of dollars across our Nation's nuclear complexes. The problem of nuclear waste will not solve itself. There is no doubt the less priority we give to cleaning up our nuclear waste today, the greater costs we impose on the public tomorrow. The Hastings amendment responsibly places our country in a better position to fulfill its duty of expediting environmental cleanup to save costs in the long run.

I urge my colleagues to support the American taxpayer by voting in favor of the Hastings amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am pleased to add my voice in support of the Baird-Kennedy amendment that will ensure that mental health services are available to our troops. Just like it would be crazy to send troops into a prolonged battle without medics and surgeons to tend to their physical wounds, it would also be inappropriate to send soldiers to the battlefield without support from professionals capable of dealing with their mental health issues. Poor mental health can hamper a soldier's ability to do his or her job, and can thus jeopardize the safety of comrades, and the success of the mission. Moreover, mental health issues can persist even after the soldier comes home, affecting their families, their workplace, our VA hospitals, and our society. Our troops deserve top-quality mental health services, for their own sake and for the sake of the Nation.

Such support and resources must include adequate and appropriate mental health care to minimize the impact that the trauma of combat, separation from one's family, and other stresses associated with deployment have on the health of our troops. We also owe it to those who sacrifice for the country to give them every opportunity to return to their families intact, mentally as well as physically.

In pursuit of these goals, this amendment to the House's National Defense Authorization Act for FY2005 would require the Pentagon to conduct a comprehensive study of the availability, accessibility, cost and effectiveness of the mental health services available to U.S. military personnel deployed to combat theaters. In addition, it requires the Secretary to examine the post-deployment mental health screening procedures used for soldiers returning from combat theaters, as well as treatment availability for families of deployed servicemembers.

This is a sensible approach to an important problem. We have seen in Abu Ghraib, and in recent reports of sexual promiscuity and abuse in our military—that the stresses of war can bring about behaviors and emotional responses that are fundamentally incompatible with American values and our mission overseas. We need to prevent these problems whenever possible, through mental health interventions, and treat victims when others go astray. First we need to find out the need for and availability of care.

I commend my colleague from the Science Committee, Congressman BAIRD, for his leadership on this issue.

Mr. JOHNSON of Illinois. Mr. Chairman, today is a significant day for families throughout the United States. Not just because the House of Representatives is passing the National Defense Authorization Act for Fiscal Year 2005, but also because 3½ years of perseverance are beginning to pay off. Thanks to Chairman DUNCAN HUNTER of the House Armed Services Committee, Chairman CHRIS SMITH of the House Veterans' Affairs Committee, Chairman DAVID DRIER of the Rules Committee, their staffs, and mine, family members of those who are buried in an overseas United States military cemetery will finally have an avenue into the Department of Defense to present evidence that the decision to leave the remains of their loved ones overseas was based on a misunderstanding or error.

My amendment is simple and straightforward. It gives families with loved ones buried in an overseas military cemetery a way to present to the Department of Defense that they should be allowed to bring the remains of their family member home and, if ultimately approved, to do so at no cost to the United States. There is a 2 year period from the date of enactment of this bill for application and I believe that amount of time is sufficient and fair. In the coming weeks as this bill moves into conference, I will be commenting on my amendment and what I believe a ''misunderstanding'' or ''error related to the disposition decision'' means. I merely wanted to take this opportunity to thank the respective chairmen and my colleagues for supporting my amendment.

Mr. CUNNINGHAM. Mr. Chairman, first, I want to thank the Committee Chairman and Ranking Member for allowing this amendment to be considered. I have had great bipartisan support in raising this issue, most notably my colleague from California, Ms. HARMAN.

My amendment directs placement of a memorial in Arlington National Cemetery honoring noncitizen service members killed in the line of duty while serving in the United States Armed Forces. The amendment designates the Secretary of the Army to coordinate and direct this effort. In addition, the amendment allows for the collection of private donations for design and construction, while restricting the use of Federal funds. It is no cost to the taxpayers and has no budgetary implications for the DoD bill. Finally, authority for accepting donations and pursuing the memorial expires 5 years after the date of enactment.

Honoring our service members is a process that begins on the battlefield through ensuring that our troops have the best equipment and other essentials. It continues as we welcome them home upon returning from war, when we fly the POW–MIA flag, when we care for them and their families and, ultimately, when we lay them to rest with appropriate remembrance and tribute.

Many American military heroes, past and present, were born outside of the United States. From the thousands of noncitizens who fought for our independence as a Nation, to those who fought for the Union Army during the Civil war, to the more than 36,000 noncitizen members of today's Armed Forces, these men and women have sacrificed for our country and the preservation of our precious freedom.

Our country is united in its support for our service men and women who are prepared to make the ultimate sacrifice to defend our freedom. As of the end of March, we have lost 24 noncitizen service members in Operation Iraqi Freedom, including a member of my district, Lance Corporal Jesus Suarez Del Solar.

It is time that we appropriately recognize their bravery, valor, and patriotism. Arlington, the Nation's premier military cemetery and shrine honoring the men and women who served in the Armed Forces, is a particularly fitting place for this tribute. I encourage you to support this bipartisan effort.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to give bipartisan support to the gentleman from Illinois, Mr. MANZULLO, on his amendment to H.R. 4200, the Defense authorization bill. This proposal would allow for procurement officials within the Department of Defense to include the creation of jobs in the United States as an evaluation factor.

The House Armed Services Committee and Chairman HUNTER's office have reviewed this proposal and has found it to be acceptable.

As Mr. MANZULLO has indicated, procurement officials don't have the ability to consider whether procurement will add jobs or take away jobs from U.S. shores. They can't consider it in a Best Value determination and analysis of the impact on U.S. jobs is not part of acquisition planning schemes. The premise behind this proposal is to help our procurement agents to help the American job market and our workers by using taxpayer dollars to support them.

The amendment is included as an evaluation factor and doesn't require vendors to create jobs here. It does, however, give an incentive to companies—foreign and domestic—to foster job creation here. It supports insourcing and gives the job-creators an edge in the evaluation process.

For example, if there are multiple firms that are competing for a contract, companies that create jobs here in the United States get extra consideration versus those that don't. It becomes a competitive advantage. You can also have a solicitation where no firm creates jobs. Thus, the solicitation would be unaffected by the provision. Finally, a foreign firm could be in the final selection process with a domestic firm, where the foreign company wins the contract because they pledge to create jobs in the United States while the domestic company plans not to add any new jobs. Enforcement would be done by past performance evaluations.

With this amendment, we would demonstrate that this Congress is committed to creating more jobs in the United States and providing the necessary environment to entice business to stay here.

I am particularly concerned with the huge disparity that exists in the awarding of procurement contracts to minority and women-owned businesses—or M/WBEs here in the United States. Mr. MANZULLO's amendment, if passed, would yield positive benefits that would work to repair this disparity by a significant margin.

I offer as a snapshot of the disparity that exists on a nationwide scale a study of one State.

A primary complaint heard from the business owners interviewed in connection with the study released in 2001 was that large firms tended to be favored for selection as

contractors because of their experience, size, certain bidding practices and selection procedures. Nonminority male firms were seen as the recipients of State contracts because a large percent of them had been in business longer, had more resources, and generated significantly greater revenues than M/WBEs. Some key examples are listed below:

Discrepancies existed between the numbers of employees of M/WBEs compared to nonminority firms. Nine percent of M/WBEs had more than 50 employees, whereas nonminority male firms had a more even distribution among the staff size categories, with 16 percent of nonminority male firms having more than 50 employees.

Thirty-eight percent of the businesses earned $1 million or less in gross revenues for the year 2000. Twenty-three percent of nonminority male firms earned greater than $10 million, while 12 percent of nonminority women firms and 10 percent African American firms earned more than $10 million in 2000. A very small number of Native American firms were surveyed, thereby creating unreliable data. Nonetheless, of the 7 Native American firms surveyed, 2 (40 percent) of these firms had gross revenues greater than $10 million.

African American firms had the highest percentage of applicants of any ethnicity for a business start-up loan. However, only 25 percent of the African American applications were approved at least once, while nonminority male firms had a success rate of 75 percent.

Generally, M/WBEs were more likely to bid as subcontractors than were nonminority male firms. For example, 69 percent of African American firms reported bidding as a subcontractor 1 or more times since 1995. Even greater percentages were found for Hispanic American firms (100 percent), Native American firms (100 percent), Asian American firms (80 percent), and nonminority women-owned firms (78 percent). In contrast, fewer firms owned by nonminority males reported bidding as subcontractors during the study period (60 percent).

Fifty-one percent of African American firms reported that it is commonplace for a prime contractor to include a minority subcontractor on a bid to meet the ''good faith effort'' requirement, and then drop the minority subcontractor after winning the award. Only 21 percent of nonminority women firms agreed with this statement. Nonminority male firms disagreed (51 percent) with this statement, as did Hispanic, Asian, and Native American respondents collectively (54 percent or 13 out of 24).

If we extrapolate the above data nationwide, the disparities show the clear need for the MANZULLO amendment. Mr. Chairman, I support his amendment and urge my colleagues to join me.

Mr. SKELTON. Mr. Chairman, we have no further requests for time, and I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, we have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendments en bloc offered by the gentleman from California (Mr. HUNTER).

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 printed in House Report 108–499.

AMENDMENT NO. 11 OFFERED BY MR. WAMP

Mr. WAMP. 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. 11 offered by Mr. WAMP:

At the end of title XXXI of the bill (page 556, after line 10), add the following new section:

SECTION 3134. IMPROVEMENTS TO ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) STATE AGREEMENTS.—Section 3661 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) is amended—

(1) in subsection (b) by striking ''Pursuant to agreements under subsection (a), the'' and inserting ''The'';

(2) in subsection (c) by striking ''provided in an agreement under subsection (a), and if''; and

(3) in subsection (e) by striking ''If provided in an agreement under subsection (a)'' and inserting ''If a panel reports a determination under subsection (d)(5)''.

(b) SELECTION OF PANEL MEMBERS.—Section 3661 of that Act (42 U.S.C. 7385o) is further amended in subsection (d) by amending paragraph (2) to read as follows:

''(2) The Secretary of Health and Human Services shall select individuals to serve as panel members based on experience and competency in diagnosing occupational illnesses. For each individual so selected, the Secretary shall appoint that individual as a panel member or obtain by contract the services of that individual as a panel member.''.

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

The Chair recognizes the gentleman from Tennessee (Mr. WAMP).

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

Mr. Chairman, the Defense Authorization Act of 2001, which was actually signed into law in the fall of 2000 by President Clinton, included the Energy Employees Occupational Illness Compensation Program Act, EEOICPA, which we wrote and passed to compensate workers who became ill as a result of their work in the Department of Energy facilities across the country. There are nine major sites affected, and I represent Oak Ridge, Tennessee, which handles the largest number of affected workers in the country.

This is a critical issue for many of us, and we have been very involved for a number of years. The Department of Energy has had definite problems administering the program, and some of those programs are brought about by statutory issues that need to be remedied.

Part B of this program is actually administered by the Department of Labor, and people affected qualify for $150,000 lump-sum payments. That has gone relatively smooth. But part D of this program is the DOE portion, and we have had numerous problems identified under subtitle B relative to the claims process, a lack of communication, long delays, et cetera.

Now, the GAO, which we need to listen to in this case, has made recommendations for changes to the Department of Energy. The Department of Energy has made rules changes, but we now need statutory changes. And that is what this amendment actually addresses, three issues that cannot be done by rules. They need to be done by statute here in an amendment, and we have the full support of the Department of Energy; and the administration is asking that these three changes be adopted.

Number one, this amendment eliminates the pay cap for physicians and lets the market set the rate. One of our problems today is that the statute sets physician pay at $69 an hour when, indeed, occupational medicine physicians are paid in the market $130 to $150 an hour. We do not have enough physicians to meet this caseload; and, therefore, we have a backlog. This will help us alleviate the backlog.

Number two, this amendment eliminates restrictions on hiring authority. Today, the Department of Energy can only hire temporary or intermittent experts when, indeed, we need Federal and contract employees full time on the job to move this program forward. This has severely impaired DOE's ability to staff this necessary program and to move it smoothly.

Thirdly, this amendment will eliminate the requirements that an application for a benefit can go forward if, indeed, the State has an agreement in place. Not all States do. Based on the feedback for the advocates of the program and the States at the local level, DOE is moving away from this requirement, and we need to statutorily change the legislation. This will affect 80 percent of the workers.

With all due respect to a few people in this body that may be opposed to this, I know it does not do everything; but we shopped these issues around to the committees of jurisdiction, and this is all we could get. I would like to do more.

There were amendments offered to the Committee on Rules that I said I would be happy to support. They were not ruled in order, and you do have some committees of jurisdiction weighing in.

This is what we can do. And I hope that even though people will express their discontent today on the floor with the Department of Energy which we all have experienced because it is a very frustrating, very complicated program and there was great bipartisan cooperation in bringing it about, I hope that they can support this amendment in the final analysis because this clearly will help immediately many workers who are waiting in line. That is the bottom line.

While it does not get to everyone, there are States that do not have agreements in place. They may not have a willing payer in their State or whatever the issue is. Eighty percent of the workers affected will be expedited if this amendment is adopted and

allows DOE to move forward, getting the physicians, hitting the panels on time, and making this program more effective. It is very complicated, but we need to make these changes today.

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

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentlewoman from California (Mrs. TAUSCHER) is recognized for 5 minutes.

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

Mr. Chairman, I commend the gentleman from Tennessee (Mr. WAMP) for trying to fix the Sick Worker Compensation program at the Department of Energy. His State of Tennessee has 3,000 claims from sick workers pending, and I have two facilities in my district where workers are waiting for their claims to be processed.

This amendment primarily increases the rate of pay for DOE to attract more doctors to review claims in the physicians panel, which is useful but does not fix structural flaws in this program.

The GAO panel has found that even after claims go through a physicians panel, there is no willing payer and that by order from DOE, that is no one to pay these claims for at least 20 to 33 percent of valid claims.

When there is no willing payer, as we have in States like Alaska, Colorado, Ohio, Iowa, Missouri and Kentucky, and we have workers in Nevada, construction workers in New Mexico, Idaho, California and in most other States that DOE cannot find willing payers, without a willing payer, workers who get a finding from the physicians panel will have a piece of paper from DOE saying their illness was caused by exposure to radiation at DOE sites, but they will not get paid.

I support an amendment offered by the gentleman from Ohio (Mr. STRICKLAND) that fixed this problem, but it was rejected by the Committee on Rules.

DOE also does not have a clear mechanism to value claims, inviting additional litigation when the goal of Congress was to take DOE out of the business of fighting sick workers who have served our Nation by building our Cold War deterrent.

This amendment does not fix that either. The Department of Energy's record is catastrophic. Two and a half years into the program, of the 23,000 people who have applied for compensation, the Department of Energy has rejected 5 percent of them and completely processed about 6 percent of them. In other words, 94 percent of applicants are still waiting for their cases to be addressed.

Sick workers were told help was on the way. Four years later, DOE is projecting its caseload will not be completed for at least another 3½ years. I reluctantly oppose this amendment, as it offers a minor technical fix to a program that remains structurally flawed. Throwing more money at DOE only rewards it for failing to compensate sick workers and will make it harder in the future to make real improvements to the program.

There is a bipartisan amendment on the Senate side that I hope many of our colleagues will be able to support in conference. In the meantime, I reluctantly call on my colleagues to oppose the Wamp amendment.

Mr. Chairman, I reserve the balance of time.

Mr. WAMP. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. UPTON). The gentleman has 1 minute remaining.

Mr. WAMP. Mr. Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

(Mrs. WILSON of New Mexico asked and was given permission to revise and extend her remarks.)

Mrs. WILSON of New Mexico. Mr. Chairman, I am supporting this amendment even though I know that it does not do all the things that we all want it to do, but because there is not sufficient jurisdiction here to take care of all the things in this bill.

I look forward to working with the gentleman and my other colleagues who have constituents deeply affected by this for a real comprehensive solution.

Mr. Chairman, I rise in support of the amendment offered by my colleague Representative WAMP, to modify the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The modifications offered in this amendment will address current obstacles in addressing the backlog of cases needing review by physician panels under this program. The report for this bill notes, with bipartisan support, that such remedies were needed to allow timely physician review panel determinations. This amendment is a step forward toward assuring that workers receive the speedy assistance and, where found appropriate, compensation that we in Congress intended. therefore, I strongly support it.

Yet I have to observe that this vote, while an important and positive step, is not by itself enough. I have had the fortune of knowing some of these workers personally and have become familiar with their frustration at the glacial pace of processing of their claims through the Department of Energy. One was Raymond Ruiz, a former worker at Los Alamos and a respected 2-term legislator in the State of New Mexico. His case was finally taken up by a physician panel, but he did not live long enough to receive compensation for his asbestos-related disease. Before his death his colleagues in the State legislature passed a joint memorial requesting reforms in this program. Other New Mexicans have applied under Part D of EEOICPA and most have been backlogged.

In addition to this amendment we need to address three things in the implementation on this part of EEOICPA. First, we need to ensure that the management of the program is sound and effective. The Department of Energy has not created an acceptable track record. It is now working to improve its practices, but it is possible we may need to consider moving the program out of DOE, if that will speed up the appropriate resolution of claims. Second, we need to assure that medical determinations are speedy as well as proper. This amendment is a step in that direction, as are recent adjustments DOE has made to its procedures, but we may need to make other improvements to eliminate the backlog in a timely way. Third, we will need to address solutions to the cases in which "willing payers" are not available.

I urge my colleagues to support this amendment. But we still have work to do to ensure EEOICPA provides the help we in Congress intended for these workers. I look forward to considering additional idea, including insights from the General Accounting Office report currently in preparation, and ideas that may be discussed in the other body.

Mr. WAMP. Mr. Chairman, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, this issue is not about moving the program to the Department of Labor. That is another issue for another day. That may come up at a later time. This is about making the program as it is currently written work much better. That is why I really hope that everybody that has a dog in this hunt will help us do this today.

It is just one step forward, but it needs to be made short of sweeping reforms, which I know are pending before the Senate, but that is a whole different issue, and a lot of people have to get back in line and start over if that does happen.

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

□ 1400

Mrs. TAUSCHER. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. STRICKLAND), the author of the amendment that I wish I could have supported.

Mr. STRICKLAND. Mr. Chairman, why do we not just do the right thing when it comes to this issue, just do the right thing, help all the workers who need help? I appreciate the effort of the gentleman from Tennessee (Mr. WAMP) to improve this program, but I cannot support his amendment.

Unfortunately, DOE's management of this program has been a miserable failure. After spending millions of dollars, they can only point to one claim having been paid through March of 2004. Not only is DOE's claims processing moving at a snail's pace, but by the Department's own admission, as many as 50 percent of the claimants may not have a willing payer. This means that regardless of how quickly DOE processes a claim, many sick workers will get nothing but an IOU.

The gentleman from Tennessee's (Mr. WAMP) amendment does nothing to address this larger problem of a willing payer, which affects my constituents in Ohio and other nuclear workers in Alaska, Colorado, Idaho, Iowa, Kentucky, Missouri, Nevada, and New Mexico, and we do not fully understand the

magnitude of this problem as GAO acknowledges that it is not possible to effectively audit DOE's databases.

Meanwhile, I have a June 7, 2002, DOE letter saying that the Department is compiling a list of sites which would not have a willing payer. Nearly 2 years later, DOE's Under Secretary testified in the Senate, and I am quoting, ''DOE has proposed a study by the National Academies that would commence when sufficient cases have been through the State program to provide meaningful data regarding the finding of willing payers.''

How long can DOE study this obvious problem? Enough is enough. If DOE will not face the problem, then it is our responsibility to take action because DOE apparently thinks that conducting a study is going to help sick workers.

The Senate has been noted as working on an amendment in a bipartisan fashion. I went to the Committee on Rules with a simple amendment that would have made significant progress in resolving the willing payer issue. My amendment was not made in order. Processing claims more quickly falls far short of addressing the glaring flaws in this program.

The intent of this program is not to compensate our Cold War veterans based on geography. We should be paying comprehensive reform of this program so that all meritorious claims can be paid in a timely manner.

Mr. UDALL of New Mexico. Mr. Chairman, my colleague from Tennessee who is proposing this amendment has been very involved in Energy Employees Compensation issues and I thank him for that. Surely, in proposing this amendment, he has good intentions.

However, because the amendment fails to accomplish real reform of the Energy Employees Occupational Illness Compensation Program, I must rise in opposition to the amendment.

It has been almost 3½ years since Congress passed the Energy Employees Occupational Illness Compensation Program Act. This bill was passed in an attempt to bring justice to the thousands of energy workers who incurred illnesses—in many cases deadly—as a result of their work at Department of Energy facilities. In my state of New Mexico, there are over 1,200 workers who have filed such claims.

Yet after 3½ years, less than 3 percent of the cases filed with the Department of Energy have been processed. This means that the vast majority of the men and women who have filed claims through this program—many of whom will die before they ever see a compensation check—are being denied justice.

Conversely, the Department of Labor has processed over 95 percent of the claims in its area of responsibility. DOE recognizes that it has failed yet now it wants more money. Surely I am not the only member on this floor who shudders at the prospect of throwing millions more at a department that has failed this program and these people for almost 4 years.

Unfortunately, this amendment does not include crucial components that are necessary for real reform. By real reform, I mean identifying a willing payer for all claims submitted by energy employees, taking a hard look at how DOE has spent money on the program so far with so few results, and addressing the reasons for the stark difference in progress on claims between the Department of Energy and the Department of Labor.

If this amendment were part of a larger reform package, I may have looked upon it more favorably. I joined Representatives STRICKLAND of Ohio, UDALL of Colorado, TAUSCHER of California, and COOPER of Tennessee, in submitting an amendment to the Rules Committee that would have called upon the President to send legislation to Congress proposing a willing payer. Unfortunately, the Rules Committee did not make this amendment in order.

Because this amendment falls so far short to real reform, I cannot vote for it. Passing this amendment without other crucial reform components rewards the Department of Energy for its failure. The 1,200 people in New Mexico who have filed claims simply cannot afford the status quo.

I recommend a ''no'' vote on the amendment.

Mr. WHITFIELD. Mr. Chairman, I support efforts to streamline the claims process for DOE workers seeking compensation for illnesses resulting from exposure to toxic substances and other hazardous materials, and I will vote in favor of the amendment.

The changes in this amendment will not insure payments to claimants in states like Kentucky where there is no willing payor to cover compensation costs. DOE lacks the authority to direct the DOE contractors or their insurors who employed these workers at the Paducah Gaseous Diffusion Plant to pay compensation claims even if the claims are approved by DOE physicians panels. More important, the Paducah uranium enrichment plant is no longer a DOE-run facility. Plant operations were privatized in 1998 and DOE cannot direct that private operator, USEC, to pay claims approved by DOE physician panels. Only the current DOE contractor employees at Paducah will have a willing payor. So, depending on what state you live in, even if you prove that your illness is work-related, you may never receive a dime in compensation.

Of the 23,000 claims filed with DOE, 2,874 were filed by my constituents because of illnesses they contracted while working at the Paducah Gaseous Diffusion Plant. Those workers and thousands like them across the country deserve more.

I do support the amendment because if Congress takes no other action this session repairing this program, this will at least help expedite the DOE claims process. But I think all former and current workers in the DOE complex would be much better served if we fixed the willing payor problem once and for all and moved the administration of the entire DOE program to the Department of Labor. That is still my goal as we look to the future.

The CHAIRMAN pro tempore (Mr. UPTON). All time has expired.

The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 25 printed in House Report 108–499.

AMENDMENT NO. 25 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. 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. 25 offered by Mr. RYUN of Kansas:

At the end of title XII (page 432, after line 16), insert the following new section:

SEC. 12__. MILITARY EDUCATIONAL EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.

(a) DEFENSE EXCHANGES.—The Secretary of Defense shall undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

(b) EXCHANGES DESCRIBED.—For the purposes of this section, the term ''exchange'' means an activity, exercise, event, or observation opportunity between Armed Forces personnel or Department of Defense officials of the United States and armed forces personnel and officials of Taiwan.

(c) FOCUS OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include exchanges focused on the following, especially as they relate to defending Taiwan against potential submarine attack and potential missile attack:

(1) Threat analysis.

(2) Military doctrine.

(3) Force planning.

(4) Logistical support.

(5) Intelligence collection and analysis.

(6) Operational tactics, techniques, and procedures.

(d) CIVIL-MILITARY AFFAIRS.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(e) LOCATION OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall be conducted in both the United States and Taiwan.

(f) DEFINITIONS.—For purposes of this section:

(1) The term ''senior military officer'' means a general or flag officer of the Armed Forces on active duty.

(2) The term ''senior official'' means a civilian official of the Department of Defense at the level of Deputy Assistant Secretary of Defense or above.

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

The Chair recognizes the gentleman from Kansas (Mr Ryun).

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to thank my colleague the gentlewoman from Guam (Ms. BORDALLO) for her help in cosponsoring this amendment and her continuing efforts to seek a peaceful and stable Pacific Rim. I also want to thank the DOD for their support of this amendment.

Taiwan is facing a very difficult situation. With a clear and rapidly modernizing threat across the straits, I am concerned that Taiwan is increasingly unable to provide a credible deterrent. Unfortunately, this is due, in part, to current U.S. policy.

Although Taiwan has access to U.S. military hardware, it faces two substantial hurdles in being defensively self-sufficient. Taiwan has difficulties integrating these new systems into its current forces, and Taiwan has difficulties prioritizing its own defense needs. Senior officer/official educational exchanges would help fix both problems.

This amendment would require the Secretary of Defense to initiate these senior officer/official educational exchanges with Taiwan. To be held both in the United States and Taiwan, these programs would focus on antisubmarine warfare, ballistic missile defense and C4ISR improvements, the three fields the U.S. Department of Defense says Taiwan needs the most assistance. At the same time, this amendment would provide the Secretary discretion on whom to send to Taiwan and under what circumstances.

Currently, the Department of Defense is prohibited from sending to Taiwan general officers and DOD officials at the deputy assistant level or above. I understand that this is a unique restriction placed only on Taiwan. This restriction is even more surprising, given that Taiwan is one of our democratic allies.

Our commitment to ensuring a peaceful resolution between China and Taiwan must not be just talk. By allowing senior military officers/officials exchanges, we will be encouraging greater Taiwanese self-sufficiency and provide for greater political stability across the Straits.

I ask support for Taiwan through the support of the Ryun-Bordallo amendment.

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

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

Mr. TURNER of Texas. Yes, I am in opposition, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. TURNER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, in 1939, this body took action refusing to upgrade and arm the harbor in Guam. The Japanese Empire took that action as being in a position of not wanting to defend in the Pacific. We all know what happened later in 1941.

This amendment is a dangerous amendment. The State Department of the United States of America is against it. It says that the proposed amendment interferes with the President's constitutional authority to conduct the Nation's foreign affairs.

It would not enhance Taiwan's security. We already have an effective mechanism for ensuring Taiwan's security. It is called the Taiwan Relations Act passed in 1979.

Newt Gingrich, former Speaker of this House, at a hearing and a briefing just a few days ago before the Committee on Armed Services, said that the two most dangerous areas in the world are Pakistan and the Taiwan Straits. He said that is a very dangerous area, and I understand what he said, because if we are not careful, we can send a terrible message to Taiwan.

Read this amendment. Let me tell my colleagues what it says. It shall include exchanges focused on the following, especially as they relate to defending Taiwan against potential submarine attack and potential missile attack, threat analysis, military doctrine, force planning, logistical support, intelligence collection and analysis, operational tactics, techniques and procedures.

My goodness, we are inviting a conflict, I think, very, very well. We are making a severe step in that direction. I oppose the amendment.

Mr. RYUN of Kansas. Mr. Chairman, first of all, I would say DOD strongly supports this.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I rise today to join my colleague from Kansas (Mr. RYUN) in offering an amendment to improve military education exchanges between Taiwan and the United States. Given our commitment to ensure the peaceful settlement of differences between Taiwan and mainland China, it only makes sense that we remind the Chinese at every possible opportunity that war is not an option. By hosting Taiwanese military officers and by sending our own military leadership to Taiwan, we reinforce the bonds of friendship and defense.

The opportunity for dialogue between military planners provided in this amendment will help the Taiwanese Government to have a good net assessment of the strategic situation in the Taiwan Straits.

It is my fervent hope that these military exchanges will also provide a boost to civil-military relations between our two nations. Our model of civilian control of the military within a democratic society is one that Taiwan has truly adopted as its own. Other nations in the region could benefit from the stability of such a system.

Given Guam's proximity to Taiwan, it is a logical place to host these military exchanges. Andersen Air Force Base and the Command Naval Headquarters Marianas have excellent conference and training facilities. The Department of Defense has identified knowledge of submarine operations as a key improvement area for the Taiwanese military. Given that forces from Guam, including our home-ported submarines, would be involved in any joint operations with Taiwan, it only makes sense that we work closely together.

So I urge my colleagues to support this amendment, which is an expression of our friendship with the people of Taiwan.

Mr. TURNER of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. Mr. Chairman, I have the utmost respect for my two colleagues, the gentleman from Kansas (Mr. RYUN) and the gentlewoman from Guam (Ms. BORDALLO), but we have a great stake in impartial diplomacy when it comes to Taiwan and China at every level.

I think that I am one of the Members who has been to Taiwan more than anybody else, at least 40 times because of the business we do with them, and I love the people of Taiwan. I have traveled extensively in the Far East on military trade missions and love the people of both China and Taiwan.

Taiwan is still working through a very divisive presidential election which has only further strained the relationship with China, and of course, we were able to see democracy in action by the people of Taiwan voting.

As one of the few Americans who has traveled to North Korea and talked to officials there, I remind Members, we have multiple dangerous strategic concerns in that area, and China has been kind enough to help us set those meetings with Japan, South Korea and the United States.

So I have to oppose this amendment.

Mr. RYUN of Kansas. Mr. Chairman, I would like to inquire how much time I have remaining.

The CHAIRMAN pro tempore. The gentleman from Kansas (Mr. RYUN) has 1 minute remaining. The gentleman from Texas (Mr. TURNER) has 2 minutes remaining.

Mr. RYUN of Kansas. Mr. Chairman, I yield the remaining time to the distinguished gentleman from California (Mr. HUNTER), the Chairman of the Committee on Armed Services.

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

I appreciate all the comments from both sides of this debate, and Mr. Chairman, Taiwan is our friend, and these are people of freedom who fought for freedom and who recessed to that island across the straits to maintain a free society. We have many relationships now with Mainland China that are very clear economic relationships in principle. We reserve the right to have friends, and encompassed in that friendship is the right to have our military establishment relate and interrelate with their military establishment. That is not a bad thing, and that is very simply what the Ryun amendment does.

I have read the statement by DOD that they support it. They say the requirement for a senior official/officer education and training program is supportable. The amendment properly focuses on areas in the defense of Taiwan which pose greatest threats, submarines and missiles.

We know that greater China is acquiring a vast military arsenal, much

of it being acquired with their vast surplus of trade cash. It is absolutely appropriate that we maintain this friendship with Taiwan and in that friendship engage our military leadership, and I would support the amendment.

Mr. TURNER of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. REYES), a distinguished member of the Committee on Armed Services.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding time, and I rise in opposition to this amendment because it can potentially impact a very important part of the world for this country. It impacts not only trade, not only national security, but also cultural exchange programs.

As a Member, like my colleague the gentleman from Texas (Mr. ORTIZ) that has done extensive travel to both China and to Taiwan, the issues that we are talking about here are important issues for them to resolve. It can potentially upset the One China policy that we all recognize and respect.

It is opposed by the State Department, jeopardizes our One China policy. It creates perhaps another political crisis area at a time we can least afford it.

So I rise in opposition of this amendment, and I urge its defeat.

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

Let me say first that this amendment is not about friendship. We are clearly friends with the People's Republic of China and the people of Taiwan, and let there be no mistake about that. Let me also say that this amendment is not about military exchanges, because they are already authorized under the Taiwan Relations Act.

What this amendment does that is new is requires a higher level of exchanges between high-level military personnel and high-level civilian personnel, which has never, to date, been authorized by any administration.

So I think this is clearly an amendment that is interfering with a very delicate balance that exists with regard to our One China policy. It is opposed by the State Department, it is opposed by the National Security Council members, and employees who work with China. One of them said, ''This is unhelpful to the national interest. It could backfire. It works against our purpose.''

I urge Members to leave this matter in the hands of our President, to allow him to do this. Never have we required these higher-level visits, which to date have never been approved. I urge opposition to the amendment.

Mr. OBERSTAR. Mr. Chairman, I rise today in opposition to the Ryun/Bordello Taiwan Military Exchange amendment.

Military exchanges can advance our national security when they enhance the military professionalism of an ally and foster important relationships between senior military officials. I know the value of these exchanges because I served as a civilian language instructor in Haiti where I taught French and Creole at our Navy military mission to U.S. Marines, and also taught English to Haitian military officers and enlisted personnel at the Haitian military academy. As I witnessed in Haiti, our national security is enhanced when our senior officers share their expertise with their colleagues from other nations.

The great difficulty that I have with this amendment is the faulty premise that the United States should develop a military alliance with Taiwan. In my view, the pursuit of closer military ties with Taiwan sends in inflammatory and dangerous message to China that does not promote our national security or stability in this region. The diplomatic ambiguity of the one-China policy has served our nation well. The promotion of military exchanges with Taiwan, however, will destabilize the region and could very well bring us one step closer to hostilities.

I encourage my colleagues to defeat this amendment. Our relationships with China and Taiwan are complex and nuanced, and the region is still tense after the recent Taiwan referendum. At this critical time, we should not take any action that could be interpreted as promoting Taiwan independence. I am greatly concerned, however, that the enactment of the Ryun/Bordello amendment would send a clear, but misguided, signal that will undermine peace.

Mr. TANCREDO. Mr. Chairman, I rise today in strong support of the Ryun amendment.

This amendment seeks to allow for educational exchanges between high level military officials from the Republic of China on Taiwan, and those in our own country. The amendment will help to improve Taiwan's self-defense capabilities, and enhance stability in the region.

The inclusion of this amendment is critical to assist the Republic of China on how best to organize and prioritize their defense needs, and how to integrate new defensive systems. The amendment also seeks how best to accelerate and facilitate existing educational exchange programs by involving more senior participants and reaching broader audiences.

For many years Taiwan has been one of our closest friends in an increasingly dangerous part of the world. Over the last several years, Taiwan has evolved into a pluralistic, free, and democratic society—despite the constant threat of military force from Communist China, and international diplomatic isolation. As members of the growing family of free nations, the people of Taiwan deserve our cooperation and support.

Mr. Chairman, the Republic of China on Taiwan is a free and democratic country, and has been a long-standing ally of the United States for the better part of a century. The passage of this amendment can only serve to enhance that alliance.

I hope that today this House will resist the efforts of the Communist government in Beijing to engineer the defeat of this important amendment, Mr. Chairman, and I hope that in the future we can enact additional measures to improve and enhance our relationship with the government of Taiwan.

The CHAIRMAN pro tempore (Mr. UPTON). All time has expired. The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

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

Mr. TURNER of Texas. 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 Kansas (Mr. RYUN) 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. BARRETT of South Carolina) having assumed the chair, Mr. UPTON, 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.

PROVIDING FOR CONSIDERATION OF H.R. 4359, CHILD CREDIT PRESERVATION AND EXPANSION ACT OF 2004

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 644 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 644

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague and friend, the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 644 provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.