

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

When I vote "yes" today, I will be voting for America's hardworking families and their children. I will be voting to strengthen the economy and support American jobs, Mr. Speaker. I invite my colleagues on both sides of the aisle to join me in voting "yes" today on both the rule and the underlying bill. I cannot think of a better vote to take than a vote for America's children and families, the economy and American jobs. It is the right thing to do.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The SPEAKER pro tempore (Mr. KNOLLENBERG). 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. UPTON (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, a request for a recorded vote on amendment No. 25 printed in House Report 108-499, offered by the gentleman from Kansas (Mr. RYUN), had been postponed.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I'd like to commend the leadership and hard work of Chairman HUNTER and Ranking Member SKELTON in producing this Defense Authorization.

I'd also like to thank my distinguished colleague from Washington, Congressman BAIRD, for offering this amendment with me.

In March, we heard about a higher suicide rate for our troops in Iraq than elsewhere. We've heard about problems with morale.

We're all committed to maximizing our troops' effectiveness. To keep them in fighting shape, we've got to safeguard their psychological resiliency.

We know from past experience, articles in the press, and meeting personally with our returning troops the difficulties of readjusting to civilian life after duty in a combat area.

They're troubled by anxiety and sleeplessness bred by the hyper-vigilance required in

combat. At its utmost worst, the ravages of war on a person's psyche may change them completely from those who knew them before, manifesting itself in depression, drug abuse, domestic violence, or suicide—we need to protect our troops from that.

The intensity and nature of ground combat and urban warfare our troops face may produce some of the most lingering scars of war, those that lie beneath the skin: The emotional and the psychological.

And the stress and emotional hardship our military families cope with may not necessarily end with the return of their loved ones.

Our Nation and our Department of Defense need to address these needs and with this amendment, we make sure that they will.

Ms. HARMAN. Mr. Chairman, I thank Mr. CUNNINGHAM for his leadership on this issue, and rise in strong support of the Cunningham-Harman amendment.

Let me tell you a story about four exceptional people who shared several things in common. What are the things that Jose Gutierrez, Jesus del Suarez, Francisco Martinez-Flores, and Jose Garibay had in common? They all loved this country, they all served in the U.S. Marine Corps, and they all died fighting for this country in Iraq. Something else they shared, Mr. Chairman—none of them were U.S. citizens.

The amendment we are now considering appropriately recognizes these four young men and the thousands of other noncitizens whose service and ultimate sacrifice often goes overlooked.

Based on legislation that Representative CUNNINGHAM and I introduced last fall, this amendment authorizes construction of a memorial at Arlington National Cemetery honoring the noncitizens killed in the line of duty while serving in the U.S. Armed Forces.

Many of our military heroes, past and present—from the American Revolution to Operation Iraqi Freedom and beyond—were, like Jose, Jesus, Francisco and Jose—born outside of the United States. In fact, an estimated 20 percent of Medal of Honor recipients—the Nation's highest military honor—are immigrants.

Among the hundreds of U.S. service men and women we have lost in Iraq, at least 24 are foreign-born.

A quote etched at Arlington's Memorial Amphitheater translates from Latin to read, "It is sweet and fitting to die for one's country." Those words hold just as true for our foreign-born patriots who have served and made the ultimate sacrifice for their adopted country.

Our amendment honors the memory of these young men and all of our noncitizen heroes. It is the least we should do for them, their families and in acknowledgement of their sacrifice.

Mr. REYES. Mr. Chairman, I rise in strong support of this amendment offered by my friend and colleague, Mr. CUNNINGHAM. The amendment would honor noncitizens killed in the line of duty while serving in the U.S. Armed Forces with a memorial in Arlington National Cemetery.

Throughout American history, foreign-born men and women have served in our military, standing shoulder to shoulder with U.S. citizens in defense of our Nation. Today, there are over 36,000 noncitizens serving in our Armed Forces. Tragically, in the first year of the war in Iraq alone, 24 of these brave serv-

ice members made the ultimate sacrifice, giving their lives for their adopted country.

Mr. Chairman, we all know that we can never fully express our gratitude for the service and sacrifice these heroes have made. However, establishing a memorial at Arlington National Cemetery in their honor is a fitting way to show the appreciation of a grateful Nation for the thousands of people who have come to this great country and given their lives for America.

I thank my colleague from California for offering this amendment, and I urge all of my colleagues to give it their strong support.

Ms. DEGETTE. Mr. Chairman, while I voted against the resolution authorizing the war with Iraq and wholeheartedly disagree with the way this administration has handled the conflict in Iraq, I strongly support our troops. Congress has been unwavering in its support for our troops in Iraq and Afghanistan, passing resolutions and giving speeches praising their sacrifice and courage. However, such words are hollow if Congress does not proceed with real action. For that reason, I have supported legislation in the past and will support the bill in front of us today because it provides our tireless troops with the benefits they so rightfully deserve.

This bill will make long-overdue changes to the current military pay and benefit rules for all members of the Armed Services. Among other things, this legislation will make permanent the increases in "combat pay," the Family Separation Allowance and hardship duty pay that Congress passed on a temporary basis last year. More than any tax cut ever could, these increased benefits will provide substantive relief to the soldiers and their families in their time of need.

This bill also recognizes the vital contribution that reservists have made to our country's military operations in Iraq and Afghanistan. Indeed, our country has not depended on the members of the Reserve forces and National Guard as much as we do now since the Korean war. This bill appropriately ensures that, after uprooting these men and women from their lives and putting them in the line of fire, they do not return home without adequate benefits. This bill extends healthcare coverage to National Guard members and reservists and their families who lack health insurance. It also provides pay parity to reservists, ensuring that reservists are paid the same bonuses and special pay as active duty members are.

Not only does passing this bill keep our commitment to our troops, it also importantly keeps the promise we made to our country's veterans years ago. For years, the widows of veterans have unfairly seen their survivor benefit decrease after the age of 62, even though in many cases, retirees and survivors were never informed of the reduction when they signed up for the plan. This bill would rightly eliminate the reduction in the Survivor Benefit Plan annuities, thereby upholding our country's commitment and restoring the faith of our veterans who were unaware of the reduction.

While I do not believe this bill is perfect, I cannot in good faith turn my back on the courageous men and women who have so valiantly served to preserve the peace in Iraq and Afghanistan and protect our safety at home. Also, I am pleased to vote for a bill that delivers on a promise that we made to veterans and their families years ago—to provide surviving spouses the full benefits they deserve and the benefits that were promised to them.

Mr. STARK. Mr. Chairman, I rise in opposition to this defense authorization bill. We are voting today on another bloated Pentagon budget full of wasteful and irresponsible spending. It seeks billions more for Iraq without mention of an exit strategy. It does not go far enough to help our troops who continue to fight in harms way.

This bill continues to waste billions on the development of ineffective or duplicative weapons systems that pad the pockets of big defense contractors. It authorizes \$10.2 billion on pie in the sky missile defense, a \$1 billion increase over last year. Yet, this unproven cold war concept does not address the very real security threat posed by weapons of significant magnitude that are readily delivered in a suitcase or cargo container.

This bill also throws money at building up nuclear weapon capabilities for use in conventional warfare. It authorizes \$28 million for the Robust Nuclear Earth Penetrator or "nuclear bunker buster bomb" and \$9 million for research on so-called low-yield nuclear weapons to be deployed in combat. The bill also provides nearly \$30 million to replace plutonium pits in existing nuclear warheads without evidence that such upgrades are necessary.

This rush to nuclear weapons development won't deter terrorists or rogue nations like North Korea. It challenges them to answer in kind, especially as the Bush administration pursues its belligerent policy of preemption. It also undermines cooperative efforts to stop the proliferation of destructive weapons that keep them out of the hands of those who would do us harm.

There is no question that this money is better spent securing uranium stockpiles, assisting cooperative threat reduction and advancing nonproliferation programs. But Republicans seem content to take that gamble with our national security and the cooperative security of the world.

This bill also authorizes the President's request for \$25 billion for Iraq. Make no mistake, our troops in Iraq deserve all the support we can provide to keep them safe. But, as their deployments are extended and hostilities increase, our troops also deserve to know our exit strategy. Even after the June 30 transfer of power, 135,000 troops will remain on the ground, in the words of General Myers, "for the foreseeable future."

There's no question that America can't cut and run, but the American people ought to know what lies ahead and at what cost. We've spent \$166 billion thus far in Iraq without any clear strategy. Earlier this year, the administration said they didn't need any money. The President didn't account for anything in his budget. Now, they say they only need \$25 billion.

But, if you tally up what will be required for over the coming year, this just isn't enough. When you consider the over \$4 billion we spend each month and the cost of replenishing needed equipment, the price tag is closer to \$66 billion. I'm not sure how any American can be confident that we're really being told what is required. Yet, it is clear that we can no longer shoulder this effort alone and must move to share the responsibility with our major allies.

Even as Republicans move forward to authorize this \$25 billion for Iraq, they refuse to accept quality of life and force protection initiatives to help our troops. They refused to allow

an amendment providing targeted pay raises to retain our forces. They shot down funding to test countermeasures to improvised explosive devices that continue to take the lives and limbs of our troops in Iraq. And they dismissed a proposal to provide free life insurance for soldiers serving in harms way.

I urge my colleagues to vote down this wasteful and irresponsible bill. It is time we had a defense budget that lives within its means, an accounting for what is truly required in Iraq, and the best possible support we can provide our troops.

Ms. NORTON. Mr. Chairman, I would like to address provisions contained in section 2841 of H.R. 4200 that authorizes a transfer of 38 acres in the District of Columbia from the Department of Navy to the General Services Administration for the purpose of housing the Department of Homeland Security at the Navy Complex on Nebraska Ave.

First let me say I support the commitment of the Department of Homeland Security to remain in the District of Columbia and commend Secretary Ridge for his personal involvement in this decision. Since the Department was created two years ago I have worked with both the Department and the General Services Administration to identify suitable space in the District to house the new department, and am delighted that for now and until the Transportation Committee reviews and approves its housing plans, they will be housed at the Naval Complex on Nebraska Ave.

However, I do have objections, and these are bi-partisan objections shared with my colleagues on the Transportation Committee, about authority contained in section 2841 that transfers the Naval property into the GSA inventory.

Section 2841 transfers the property to the General Services Administration using the phrase "administrative jurisdiction," rather than the more traditional and routinely used phrase "custody and control."

Mr. Chairman, by way of background, officials from the White House, Office of Management and Budget, The Department of Homeland Security, General Services Administration and the Navy agreed to a three step approach whereby: (1) the Nebraska Ave. Complex would be transferred to GSA; (2) GSA would lease the space to Homeland Security; and (3) the Navy would be made whole for the expenses associated with its move from the site. In fact in February of this year these officials met with Transportation Committee staff, on a bi-partisan basis, to review the details of this approach.

This provision reflects that approach, except that the property should be transferred to the full custody and control of the Administrator of GSA. The reason for this change is quite simple. According to GSA's lawyers, administrative jurisdiction is undefined and thus open to interpretation regarding the bundle of rights and responsibilities associated with use and ownership of property in the GSA inventory. Such uncertainties associated with the transfer of responsibility for property inevitably lead to delays based on different legal interpretations and often to litigation.

For example, the ability of GSA to operate, maintain, and protect buildings is for buildings under the custody and control of the Administrator, but the ability to perform these activities is unclear for facilities under administrative jurisdiction. Further, the ability to assign and re-

assign space is for those buildings under the custody and control of the Administrator, but it is unclear that the Administrator would preserve the complex for federal purposes under "administrative jurisdiction." Finally, the application of NEPA and historic preservation provisions are unambiguous for buildings under the custody and control of the Administrator but would not apply for buildings under the administrative jurisdiction.

Needless to say, a simple remedy of inserting "custody and control" will clarify any use or ownership circumstances that could affect these 38 valuable acres in my District.

My staff has been working with staff from the House Armed Services Committee on a freestanding bill that will make this section obsolete. On a bi-partisan basis, we believe there is a way to deal with this issue. Once we reach agreement on appropriate and legally sufficient language we hope this agreement will be reflected in the DOD conference report.

Mr. FILNER. Mr. Chairman, today, our nation is at war—a war that should never have been started, a war without an exit strategy, a war without allies, and a war I will continue to oppose. Congress ought to be debating these issues—now! But what is not debatable is the fact that all of us in Congress support our dedicated men and women serving in harm's way.

This bill is not perfect—and includes many very bad provisions. This hulking bill, authorizing well over half of our nation's spending every year, has often been the culprit in funding dangerous cost overruns and government spending waste.

Just like last year's Defense Authorization bill, this bill authorizes previously prohibited research on low-yield nuclear weapons. The bill also authorizes \$28 million to study the feasibility of developing a high-yield, earth penetrating nuclear weapon to destroy hardened and deeply buried targets.

Another troubling provision is the approval of the administration's request of \$10.2 billion for ballistic missile defense programs—\$1.1 billion, or 13 percent more than the current level. The total includes funding for the initial deployment of a national missile defense system based in Alaska and California. In today's world of terrorist cells scattered around the globe, this \$10.2 billion expenditure is a wasteful boondoggle left over from another time.

There were many good provisions that the Republican Leadership would not even allow the People's House to debate and vote on. These Democratic amendments related to the war in Iraq, and dealt with important issues, such as why money is going to the Iraqi National Congress despite repeatedly bad intelligence from them, affirmations of the Geneva Convention and training requirements, support for Reserves and National Guard, and the need for greater international military support. Shutting out a full debate on these issues is a great failing of this bill.

Possibly most troubling is the lack of oversight Congress is exercising in this bill. Since the spring of 2003, Congress has appropriated more than \$166 billion for the war efforts in Iraq and Afghanistan. Since the last supplemental measure, the administration had been claiming additional funds would not be needed until next year. Unbelievably, the President's FY 2005 defense authorization request, in fact, contained no money for Iraq operations.

However, the worsening situation in Iraq forced the White House last week to ask for an additional \$25 billion for operations there this year—and the Armed Services Committee authorized the funding with little discussion on the floor.

In essence, the President of the United States hasn't been honest with either the Congress or the American people about what this war is costing, and what funding he needs in the months, and potentially years, to come. The Congress missed a golden opportunity to discuss and debate the substance of the nation's deepening descent into Iraqmire.

Despite these shortcomings, the bill contains many important provisions that are essential to our soldier's serving in combat. I strongly support the 3.5 percent across-the-board pay raise, special pay and bonuses for reservists and active duty personnel, and improved housing provisions. The bill also includes an authorization for additional body armor and armored Humvees, which have been, tragically, in short supply over the last year in Iraq.

I am very happy that after many of us have struggled for years to end the Survivor Benefit Penalty, the Republican Leadership has finally relented in this bill. Democrats have worked with veterans' and military officers' organizations to press for the elimination of the social security offset under the SBP by increasing the annuities paid to survivors of military retirees who are 62 or older from 35 percent of retired pay to 55 percent. This is a major victory for our nation's military retirees and their spouses.

In addition, this bill contains a 2-year delay of the Base Realignment and Closure process (BRAC), which I strongly support. This delay in the BRAC process is important to all of us in San Diego, and we all need to stand up to the President's desire to complete the next round of base closings as soon as possible. I hope the final bill stands up to the Presidential blustering threats of veto.

Mr. Chairman, I am supporting this bill because it keeps faith with our men and women in uniform, serving in combat halfway around the world.

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to the bill we are considering today. A major issue of concern is the additional \$25 billion authorized for military operations in Iraq gives the Pentagon a blank check to spend the money as it sees fit. The Secretary of Defense wants unfettered flexibility in the disposition of these funds free from Congressional oversight. As Bob Woodward's book details, the administration cannot be trusted to seek Congressional approval to reprogram resources. The administration secretly moved approximately \$200 million out of Afghanistan operations into Iraq war planning in 2002 without the approval of Congress. There must be more Congressional oversight in this \$422 billion bill.

Additionally, I am, frankly, disappointed in the work of the House Armed Services Committee to address several key issues, especially the lack of attention given to the problem of sexual assault and abuse within military circles. I appreciate the efforts of Representatives SKELTON and SLAUGHTER to make improvements in this area, but I think we could have done better.

This measure allows the Pentagon to continue to do business as usual. I find that unac-

ceptable; therefore, I cast my vote against this measure. I am hopeful that a better bill will emerge from conference when the House meets with the other body to iron out a compromise agreement.

Mr. UDALL of Colorado. Mr. Chairman, I have strong reservations about this bill, but I will support it.

We are three years into our war on terrorism and still engaged in military action in Iraq and Afghanistan. There is no doubt that we must continue to focus on defending our homeland against terrorism, we must support our military personnel, and we must give our military the training, equipment, and weapons it needs to beat terrorism around the world.

In particular, we must respond to the needs of our men and women in uniform in Iraq as they struggle against a persistent and dangerous insurgency with too few troops and inadequate supplies.

That's why I'm in favor of increasing protection for our troops in Iraq through funding provided in the bill for expedited production of armored Humvees, body armor, and armored trucks. And I'm also in favor of provisions in the bill authorizing the largest increase in military end-strength in decades—increasing active duty Army by 30,000 personnel and the Marine Corps by 9,000. Our army is overstretched, and we can't and shouldn't continue to rely on National Guard, reservists, and private contractors to fill in the gaps. I'm pleased also that the bill includes provisions—such as the continuing extension of TRICARE coverage—to ease the particular hardships that our campaign in Iraq has.

The bill includes provisions authorizing \$25 billion in response to the president's most recent supplemental budget request for the war in Iraq. The costs of our Iraq mission continue to skyrocket, adding to our ballooning federal deficit and shortchanging domestic programs. But these costs must be paid. So I am encouraged that this bill doesn't give the president a blank check. Instead, it breaks down the \$25 billion and specifies that certain amounts be spent on operations and maintenance, personnel, and weapons procurement.

I support the BRAC provisions in the bill. BRAC is an important process that has the support of Members on both sides of the aisle. But no process should go forward blindly, without taking into account changing facts on the ground. In my view, given the uncertainty of the current wartime environment, it makes sense to give Congress time to consider what resources our military might need in the future. We are still making decisions regarding the number of troops needed in Europe and Asia and where they should be located. Many of them may return to the U.S. This bill itself increases troop strength by 39,000—and it isn't clear how this increased end-strength will figure in to the next BRAC round. The Department of Defense is still completing its global posture review, yet as reported by CongressDaily recently, DoD officials have no plans to share the review with Congress. Yet that review no doubt informs the BRAC process in ways that Congress needs to understand.

So I think it's important for Congress to have a year to review reports from DoD on its global basing strategy and its infrastructure needs.

I'm also in favor of provisions in the bill establishing new rules for the interrogation of

prisoners and commending the actions of Joseph Darby, the brave soldier who first notified authorities of the prisoner abuse at Abu Ghraib prison.

The bill also provides for our men and women in uniform an across-the-board pay increase of 3.5 percent, boosts military special pay and extends bonuses, and funds programs to improve living and working facilities on military installations. These are all necessary and important provisions that I support.

I do have a number of serious reservations about the bill.

I don't believe it addresses 21st century threats as well as it could. With the exception of the Crusader artillery system and the Comanche helicopter, the Administration and Congress have continued every major weapons system inherited from previous administrations. So although the bill brings overall defense spending to levels 18 percent higher than the average Cold War levels, it doesn't present a coherent vision of how to realign our defense priorities.

I am strongly opposed to the authorization of \$10 billion to deploy a missile defense system that doesn't work and that wouldn't protect against the terrorist threats that we face today.

And I'm strongly opposed to the funding provided in the bill to study the feasibility of developing nuclear earth-penetrating weapons and to authorize previously prohibited research on low-yield nuclear weapons. Low-yield nuclear weapons have an explosive yield of five kilotons or less—"only" a third of the explosive yield of the bomb dropped on Hiroshima. Our obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) require the United States to work towards nuclear disarmament, rather than further increase the size and diversity of our arsenal. By continuing the development of new U.S. nuclear weapons at the same time that we are trying to convince other nations to forego obtaining such weapons, we undermine our credibility in the fight to stop nuclear proliferation.

I also was disappointed in the way the bill was handled here on the floor of the House.

Not only was inadequate time allowed for debating this important and far-reaching measure, the House was prevented from even considering amendments on some aspects of the bill—such as the missile defense system—or was able only to consider amendments that were too narrow in scope.

An example of the latter is the amendment by my friend from Tennessee, Mr. WAMP.

The Wamp amendment is well-intentioned, and by itself it would do no harm. So, it is not surprising that it was adopted by a voice vote. However, I am concerned that adoption of the amendment may send the wrong signal to the Administration and to the Cold War warriors it is supposed to help.

The amendment would change one small part of the compensation program established by the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

Originally enacted as part of the Fiscal Year 2001 Defense Authorization Act, that compensation program is split into two parts.

One is administered by the Department of Labor for workers exposed to radiation, beryllium and silica. It has worked fairly well—something that can't be said about the second part.

The second part, commonly referred to as Subtitle D, is administered by the Department of Energy and covers workers exposed to radiation, and other toxic hazards.

Under Subtitle D, DOE is required to use physicians panels to evaluate whether an illness is work related, and relies upon state workers' compensation programs to assure payments for wage loss and medical benefits.

The Wamp amendment would fine-tune the way the physicians' panels work and smooth the linkage to state workers' compensation programs.

But these are marginal changes at best—and they would do nothing to fix the most serious problem with Subpart D.

That problem is that, by DOE's own admission, for too many people Subpart D simply will not work.

In fact, as many as 50 percent of claimants may find that even if a physicians panel finds their illness is covered, there is no "willing payer" that will follow through by providing compensation. Colorado is one of the states where this can happen, along with Ohio, Iowa, Alaska, Kentucky, Missouri, and other states.

The GAO recognizes this "willing payer" issue is one that cannot be ignored. The federal government should not make compensation under the program depend on geography. EEOICPA needs to be amended to make sure that doesn't happen.

Furthermore, so far DOE has processed fewer than 2 percent of its caseload under Subpart D. In fact, I am told that as of March of this year, there were approximately 22,000 claims pending—and only ONE had been paid, even though DOE had spent approximately \$50 million to administer this part of the law. On the other hand, the Department of Labor has processed 97 percent of its 52,000 claims it has received and issued over \$825 million in payments and medical benefits.

The Wamp amendment well might improve DOE's claims processing—which certainly need improving. But it will not guarantee payments for meritorious claims in Colorado and other states across the nation. Too many of our cold war veterans are headed down a dead end street. Speeding the trip isn't the answer—we need to change the route.

The Wamp amendment won't do that. That was why I hoped the House would have been able to consider the amendment filed by my friend from Ohio, Mr. STRICKLAND.

The Strickland amendment would have required the President to submit to Congress a proposal for legislation to establish a Federal payer for Subpart D claims, if legislation to solve the problem is not enacted during this Session of Congress.

Unfortunately, the Republican leadership did not allow the House to even consider that amendment, just as they refused to permit consideration of the amendment I filed with my colleague from Colorado, Mr. BEAUPREZ.

The purpose of our amendment was to help some people who worked at DOE's Rocky Flats nuclear-weapons plant.

Some of them are suffering from cancer or other conditions because they were exposed to radiation or other hazards while they were working there. So they are covered by the EEOICPA program.

For those who worked at most sites, coverage requires a finding that their condition is as likely as not to have resulted from on-the-job exposure. That's a reasonable require-

ment—provided there is adequate documentation of exposures. But, unfortunately, over the years there were serious problems with the way DOE kept records at Rocky Flats. So, as things stand now, there is a real risk that many Rocky Flats workers who should be covered will not get coverage in time to benefit from it, because their claims are tied up in red tape.

Nonetheless, Mr. Chairman, despite my concerns and disappointments, I do think enactment of this bill will help support our men and women in uniform and help them win the peace in Iraq and to defeat terrorism in Afghanistan. And, while in my view Congress was wrong to allow the president to rush us into war in Iraq, I think it now is imperative to provide our men and women in uniform with what they need.

So I will support this bill today.

Mr. WAXMAN. Mr. Chairman, I will vote for H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, because it contains a number of provisions that I support that will address the needs of the brave men and women serving on the front lines in Iraq, as well as the needs of our dedicated members of the civil service here at home.

This bill includes much needed increases in separation allowance and combat pay for troops that are deployed in combat. It also includes provisions that will greatly improve the A-76 process, which governs competitions between the private sector and federal employees. These provisions will ensure, among other things, that federal employees are permitted to compete for their jobs before they are outsourced to the private sector and will give them the same legal rights as contractors enjoy. These are important protections that I strongly support.

However, I have a number of concerns with other provisions in the bill, and believe it should have gone further than it does in some areas.

Iraq is fast becoming a hall of mirrors. When the Administration says conditions are getting better, they are probably getting worse. When the Administration says they have a plan, they usually don't. And when the Administration says they are trying to build an international coalition, they may actually be further alienating our allies.

We can add another contradiction to this list: When the Administration says they will closely scrutinize the work of private contractors in Iraq, what they mean is that they have given the contractors a virtual blank check.

The Coalition Provisional Authority has identified over 2,000 specific reconstruction projects in Iraq. The contracts to perform this work should be bid competitively, so that market forces would dictate the costs to taxpayers. But under the Administration's approach, not a single one of the 2,000 reconstruction projects will be awarded on the basis of competition. Instead, they will all be performed on a cost-plus basis by large private contractors who have been awarded monopolies over large sectors of the reconstruction effort.

The public wonders why unsupervised private contractors would be allowed to interrogate and abuse prisoners in Abu Ghraib . . . how Halliburton could be allowed to charge inflated prices for gasoline and to submit bills for millions of meals it never served . . . and why there is so little to show for the billions that the

Administration has spent on the reconstruction effort.

There is one answer to all of these questions: whether by design or incompetence, the Administration is failing in its responsibility to oversee the reconstruction effort and to protect the taxpayer from waste, fraud, and abuse.

Under these circumstances, aggressive and impartial oversight is obviously crucial. Yet as I and others described in a report released yesterday, the Administration has outsourced this essential oversight responsibility to private contractors who have significant conflicts of interest.

While Parsons is supposed to oversee Fluor's electricity work in Iraq, Parsons and Fluor have a huge \$2.6 billion joint venture in Kazakhstan. CH2M Hill has been permitted to oversee the Iraq work of Washington Group International, Fluor, and AMEC even though it has existing contractual relationships with all three companies in the United States. Parsons is even in a position to benefit its own reconstruction efforts through the use of its oversight powers.

This is an unacceptable situation that I would have liked to address with an amendment to this bill. Unfortunately, it was not made in order.

Another way to ensure vigorous congressional oversight of the Iraqi reconstruction efforts would be to require the Defense Department to provide contract information to both the chair and ranking members of committees with jurisdiction.

For months I have attempted to obtain information from the Administration about the contracting in Iraq. For the most part, the Administration has a poor record of complying with these requests.

I have written four letters to the White House requesting information about the inflated prices Halliburton was charging to import gasoline into Iraq under a sole source, IDIQ contract from the Army Corps of Engineers. The only responses they received were two nearly identical, two-paragraph letters from Condoleezza Rice saying that Pentagon auditors are investigating the overcharges.

The White House hasn't offered any justification for Halliburton's \$2.64 per gallon price of gasoline from Kuwait. The White House hasn't turned over task orders or invoices for the gasoline importation work either.

It's not just the White House. I've also written to Secretary Rumsfeld to request information about Halliburton's subcontractors and the process by which they were selected. I sought basic documents, like the subcontracts themselves and the bid proposals from potential subcontractors. Over five months have passed, but the Defense Department has not produced any of the requested documents.

Under the bill, the Department is required to respond to a request from the Ranking Member of the Armed Services Committee. That is a start. I would have liked to offer an amendment to also require the Department to respond to the Government Reform Committee, which has government-wide jurisdiction over contracting issues. But again, unfortunately, the amendment was not made in order.

One of the reasons events are not going well in Iraq is that there has not been enough accountability and oversight by this House. No one was held accountable for the Administration's false claim that Iraq attempted to obtain

uranium from Niger or misleading claims about Iraq's alleged weapons of mass destruction. While we all agree that the abuse and torture of Iraqi detainees at the Abu Ghraib prison is completely unacceptable and universally condemn this illegal and inhumane misconduct, the House has yet to fully investigate this terrible episode.

Today, I offered a procedural motion to express the sense of the House of Representatives that a select committee should immediately be established to investigate the treatment of detainees held by the Administration in connection with the global war on terrorism. A select committee is necessary because this House has ignored its constitutional responsibility for holding the Administration accountable. Time and time again, the Republican leadership has demonstrated that it has no interest in performing any serious oversight of the Administration. I am disappointed that the motion failed by a vote of 202–224.

There are other troubling elements of this bill that I do not support. I staunchly oppose the more than \$10 billion authorized for ballistic missile programs plagued by massive cost overruns and consistent failures in testing. I also oppose other wasteful programs like the \$4.2 billion included for the F/A–22 Raptor, a fighter aircraft best known for its technical difficulties, questionable utility, and unprecedented price-tag of between \$200 to \$300 million per plane. I find it most disturbing that the bill also allows continued research for the development of low-yield nuclear weapons for deployment in combat and directs \$36 million to research the feasibility of an earth-penetrating nuclear weapon that existing research shows is more likely to spread contamination than destroy its target.

The Bush Administration's quest for usable nuclear weapons contravenes the basic principle of nuclear deterrence and threatens to undermine decades of U.S. leadership non-proliferation efforts. Together with the doctrine of pre-emption and the President's policy endorsing the use of nuclear weapons against non-nuclear states, the effort sends the wrong message at a time when we are trying to get the international community to help us challenge proliferation in North Korea and Iran.

Mr. BLUMENAUER. Mr. Chairman, I hope this bill signals the beginning of a different approach from Congress in dealing with Defense Authorization. I'm pleased that there is at least some money for Iraq, with some instructions on how it's to be spent rather than relying exclusively on the discretion of the administration. It is encouraging that more attention is given to the specific needs of our men and women on the ground in Iraq. It's unfortunate that despite hundreds of billions of dollars authorized in previous bills, not enough has made it to our troops for essential things that they need.

The bill continues to spend too much money on the wrong things. The most graphic example is the 13 percent increase for missile defense; \$10.2 billion that's critically needed in other areas of homeland security and defense activities.

One other area I take strong exception to is delaying the next round of base closings. Base closings have historically been highly controversial and political, and Congress was unable to deal with it until we had a BRAC process that helped to de-politicize the process. This bill represents an unfortunate step

backwards placing politics over economic or military concerns. We continue to have inventory left over from a bygone era of defense needs that is far more than is necessary. It doesn't speak to today's demands, to say nothing of where we're going to be in the future. We have to be able to close and realign military facilities.

Part of the reason that people are upset when a military base is closed is that we do a terrible job of transitioning what can be extraordinarily valuable resources back to the community. If we were to clean them up and recycle them in a way that helped the environment, local governments, and local enterprises, there would be much less reticence. Unfortunately, we hamper communities by not providing the resources or guidance to bring these lands back to productive use. Simply delaying the next round of BRAC closures gives us the worst of both worlds. We have an inappropriate inventory of facilities, and we do nothing to speed the transition that could help everyone—the taxpayers, the military, and the local communities in which they're located.

I am disappointed that my amendment to help the Department of Defense return former military bases back to local communities was not made in order. My amendment would have codified a recommendation by the Defense Science Board, issued in November, 2003, to implement a national Wide Area Assessment for unexploded ordnance (UXO). This assessment would enable the Department to determine the extent of UXO contamination and help restore at least 8 million acres of potentially contaminated sites scattered throughout the country.

This is the largest and arguably the most important authorization Congress takes up each year. It helps shape the largest single federal expenditure. I long for the day when there is a full and open debate and when there's a way to right-size and re-direct these funds. Never has the need been greater. It's unfortunate that this bill continues to miss the mark.

Mr. HOLT. Mr. Chairman, I strongly support the provision in the FY 2005 Defense Authorization Bill that would finally end the Survivor Benefit Penalty (SBP), a reduction in survivor benefits when a beneficiary reaches age 62. I have heard from many veterans and military families among my constituents who have waited for too long to end this discriminatory policy. Members who signed up for SBP in the 1970s were led to believe they were purchasing annuities that would provide their surviving spouses 55 percent of retired pay for life. After paying decades of premiums, they understandably feel betrayed upon learning that their benefit drops by more than one-third when they reach age 62. To make matters worse, the U.S. Defense Department Actuary has confirmed that the federal subsidy has dropped to 19 percent—far below the 40 percent level Congress intended when the program was first enacted. There could be no more effective way for the Federal government to restore the intended cost-sharing relationship than by raising the age-62 SBP annuity.

I have been a long-standing cosponsor of two free-standing bipartisan bills, H.R. 548 and H.R. 3763, to make this change in the law and eliminate this penalty as quickly as affordable. Unfortunately, these bills remained stuck in committee until a discharge petition was filed a few weeks ago to bring this matter to

a vote. I was happy to co-sign that discharge petition, just as I was glad to be one of nearly 170 Democrats in this House to co-sign the letter sent to Congressman DUNCAN HUNTER, chairman of the House Armed Services Committee, urging that this provision be included in this bill. Now we must fight to retain this provision in conference to ensure a 5-year phase-in to finally eliminate this penalty once and for all.

Mr. Chairman, I oppose those provisions in the FY 2005 Defense Authorization Bill which authorize an additional \$28 million on the nuclear bunker buster, the Robust Nuclear Earth Penetrator, plus \$9 million for "advanced concept initiatives." The direction in which the Bush Administration is leading our nation on nuclear weapons policy by steadily increasing funding for this type of de-stabilizing research is reckless and ill-advised. That is why I support the amendment offered by my colleagues, U.S. Representatives TAUSCHER, MARKEY, and SPRATT, which would have shifted the funding in this bill away from Robust Nuclear Earth Penetrator to increase both U.S. intelligence capabilities to get at hard and deeply buried targets and improved conventional bunker-busting capabilities.

The U.S. Department of Energy, DOE, originally planned to spend \$45 million on such research between FY2003 and FY2005. According to the Congressional Research Service, DOE now projects spending \$71 million through FY2006.

We should be stepping away from researching new tactical nuclear weapons for new uses, not warming to that proposition. We are sending the wrong message to our allies and potential adversaries around the world. When they see the Bush Administration steadily increasing U.S. spending for this kind of research, they are understandably concerned that the U.S. is opening Pandora's box and encouraging the development and procurement of a new generation of nuclear weapons.

Furthermore, this type of research does not make practical, scientific sense.

Supporters of the nuclear bunker buster claim that such weapons would accomplish the destruction of deeply buried targets without causing massive collateral damage. But they ignore some fundamental considerations that are underscored in several recent scientific studies including some by scientists at Princeton University and by the Union of Concerned Scientists.

First, since weapons cannot penetrate very deeply into the ground, then destroying deep hardened targets would require powerful, high-yield nuclear warheads.

Second, it is relatively easy to build a bunker so deep, 1,000 yards underground, that no earth-penetrating nuclear weapons, no matter how large its yield, could destroy such a bunker.

Third, even a small, low-yield earth-penetrating nuclear weapon will create enormous radioactive fallout because the explosion could not be contained underground. The radioactive debris thrown into the air would drift for miles on the wind.

Fourth, there is no guarantee that a nuclear blast would successfully destroy chemical or biological weapons. In fact, a nuclear attack on a bunker that contains chemical or biological weapons could easily lead to the release and spread of those agents.

Fifth, there are conventional alternatives to the use of nuclear bunker busters. Current

precision-guided conventional weapons could instead be used to cut off a bunker's communications, power, and air supply, thus effectively keeping the enemy weapons underground and unusable until U.S. forces could secure them.

Finally, it is very troubling to me that, while Bush administration officials are quick to point out that no funds are authorized in this bill for production of these weapons, it is worth noting that their preferred federal budget plan over the next 5 years outlines spending \$485 million to move into the deployment and engineering phases for the Robust Nuclear Earth Penetrator.

Mr. COSTELLO. Mr. Chairman, I rise today in support of retaining the BRAC language in the Defense Authorization Act for FY 2005. The bill as it currently stands would postpone BRAC for 2 full years, and require the Pentagon to submit reports by certain dates or BRAC will not take place.

The United States military is being stretched thin due to the war against terrorism and the effort to rebuild Iraq. In addition, the Department of Defense, DOD, is currently considering significant realignments of forces in Europe and Asia while it transforms its forces. While I agree that we should evaluate overseas bases first before considering closing domestic bases, for DOD to make irreversible decisions to close or realign military installations before these changes have been fully considered by both DOD and Congress would be an enormous mistake.

Further, the BRAC process is estimated to cost roughly \$15 billion with savings not required until 2011. These funds could be used now for more equipment and supplies for our military troops. Make no mistake, our troops will be in Afghanistan and Iraq for a long time. It is our responsibility to provide them with the necessary resources they need for survival. In addition, savings from previous BRAC rounds are almost entirely due to significant reductions in force structure and end-strength. DOD and Congress are not decreasing either of these; instead, we are increasing end-strength by 39,000 over 3 years and considering increases in force structure.

I also continue to be extremely concerned that if the BRAC round in 2005 commences, we will revert back to pre-World War II days when our valuable military assets were located in very few places. The attack on Pearl Harbor in 1941 completely crippled our Pacific Fleet. Further, the September 11th attacks are a fresh reminder that our homeland and our military headquarters, the Pentagon, are susceptible to attacks. History tells us we should not push for more base closures and consolidation of our forces.

Finally, as the BRAC process currently stands, Congress is virtually eliminated from the decision-making process. There has been no effort on the part of DOD to work with Congress on basing locations, rotational plans and policies, and overseas and domestic infrastructure requirements which all directly affect BRAC.

Mr. Chairman, since September 11th, the needs of our Nation continue to change. We are constantly reevaluating what resources we will need in the future. When a base is closed, that asset is lost forever to the community it serves and the military. We have fundamental decisions to make about overseas basing, transformation, and major military deployments

before we make BRAC decisions. It is my preference that we eliminate this process completely; however, if Congress decides to move forward on another BRAC round, we have only one opportunity to do this right and Congress must be given the opportunity to provide sufficient oversight of the BRAC process. We cannot afford to act hastily. I urge my colleagues to support the BRAC language currently in H.R. 4200.

Mr. HOLT. Mr. Chairman, I support the provision in this bill which would at least postpone the 2005 BRAC Round until 2007.

Since September 11, 2001, the national security and defense needs of our nation have been changing and are still changing. We are still uncertain as to what resources we will need in the future.

First, U.S. troops will remain in Afghanistan and Iraq for an uncertain period of time. Just look at Bosnia and Korea. In fact, after considerable effort to keep Congress from increasing end-strength, DOD is not reducing the number of military personnel in Iraq as planned, and Congress is increasing end-strength by 39,000 over 3 years.

Second, the U.S. Department of Homeland Security is still in the process of being established and the facilities and resources needed for its diverse challenges, including any current military infrastructure that might be needed, are unknown.

Third, difficult decisions are yet to be made about the number of troops needed in Europe and Asia and where they should be located.

Fourth, there are efforts underway to raise or remove the caps on the number of troops in Colombia, and we have 2,500 Marines in Haiti. Similarly, we also see moves to shift at least 3,600 troops from South Korea to Iraq.

Fifth, congressional oversight of the re-deployment and re-positioning of American troops is needed now more than ever. Yet, there has been no structured, deliberate, and timely effort on the part of DOD to work with Congress to prepare our nation to confront additional and unprecedented challenges in the post-9/11 world. In fact, as reported in the National Journal last month, "The department [DOD] has no plans to share the study [global posture review] with Congress, although Pentagon officials say the study will inform the BRAC process."

Sixth, the BRAC process is estimated to cost approximately \$15 billion. Savings above the cost of implementing BRAC are not required until 2011. These funds could be used now for our troops now.

Seventh, we are confronting very different circumstances in 2005 compared to the BRAC Rounds conducted in 1988, 1991, 1993 or 1995. Savings from previous BRAC rounds were derived almost entirely from substantial reductions in force structure and end strength. But now, we are increasing end strength and considering increases in force structure.

Mr. Chairman, the following reports are required from DOD between January 1, 2006, and March 15, 2006, or the BRAC process dies:

a. The Pentagon's Integrated Global Basing Strategy, including basing locations, rotational plans and policies, and overseas and domestic infrastructure requirements associated with that strategy;

b. A study of the infrastructure requirements associated with force transformation efforts; a report on infrastructure requirements related to

changes to the active and reserve personnel mixtures of the services;

c. A study of the infrastructure requirements resulting from the Secretary of Defense's "10-30-30" objective; a reassessment of excess infrastructure capacity that is based upon infrastructure, facility, and space requirements of current, future, and surged military forces; and

d. A definition of, and infrastructure requirements associated with, "surge requirements" as determined by the Secretary as required by section 2822 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

It is prudent for implementation of BRAC to be put off 2 years (1 year if you start at the final due date of the reports) to allow Congress the opportunity and more time to review these reports in light of our nation's evolving defense needs. Realistically, even if Congress was to obtain the reports I've cited during the current BRAC timeline, there would not be enough opportunity for Congress to fully review and debate the merits before we would be required to vote on closure and realignment choices.

We should postpone the 2005 BRAC Round for at least 2 years.

Mr. EVERETT. Mr. Chairman, I submit for the RECORD a letter from the chairman of the Committee on Ways and Means, Mr. THOMAS, regarding section 585 of H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, and a response from the gentleman from California (Mr. HUNTER).

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, May 19, 2004.

Hon. DUNCAN HUNTER,  
Chairman, House Armed Services Committee,  
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HUNTER: I am writing concerning H.R. 4200, the "National Defense Authorization Act for Fiscal Year 2005," which was reported to the House by the House Armed Services Committee on May 14, 2004.

As you know, the Committee on Ways and Means has jurisdiction over tax matters. Section 585 of H.R. 4200 allows individuals to donate their frequent traveler miles through the Department of Defense to deployed members of the armed forces and their families. This provision requires an amendment to the Internal Revenue Code, and thus falls within the jurisdiction of the Committee on Ways and Means. However, we will not take action on this proposal. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4200, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, May 20, 2004.

Hon. WILLIAM THOMAS,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of May 19, 2004 regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.



I agree that the Committee on Ways and Means has a valid jurisdictional claim to section 585 in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Ways and Means is not waiving its jurisdiction. Further, per your request, your letter and this response will be included in the Congressional Record during floor consideration.

With best wishes.

Sincerely,

DUNCAN HUNTER,  
Chairman.

Mr. EVERETT. Mr. Chairman, I submit for the RECORD a letter from the chairman of the Committee on International Relations, Mr. HYDE, regarding H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005.

COMMITTEE ON INTERNATIONAL RELATIONS,  
HOUSE OF REPRESENTATIVES,

Washington, DC, May 19, 2004.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services,  
Washington, DC

DEAR MR. CHAIRMAN: I appreciate the close cooperation between the Committee on Armed Services and the Committee on International Relations concerning H.R. 4200, the FY 2005 National Defense Authorization Act. I commend your leadership, and that of Mr. SKELTON, in bringing forward this important bill which will give the courageous men and women of our armed forces what they need to continue to prosecute the war on terrorism successfully.

Further, several of the provisions of Title XIV (in particular, in Subtitle A concerning export controls) amend the Arms Export Control Act, a matter under the jurisdiction of the Committee on International Relations. These provisions will also make an important contribution to our Nation's interests by ensuring that United States weapons systems and technology do not fall into dangerous hands. Two provisions in particular (sections 1401 and 1402) relate to the controls required by United States law over our most significant military technology and clarify that this technology is to be handled with the utmost care. Because of the importance and sensitivity of these areas, it is useful to set forth for the record an explication of several points highlighted in your Committee's report that have figured in the deliberations between our two Committees during consideration of H.R. 4200. Accordingly, when H.R. 4200 is taken up on the Floor for adoption, I ask that you consent to include the full text of this letter in the record, memorializing our discussions on these matters.

#### SEC. 1401. DEFINITIONS UNDER ARMS EXPORT CONTROL ACT

As the report by the Committee on Armed Services makes clear, the addition of several new definitions to section 47 of the Arms Export Control Act (AECA) will help ensure that the future administration of United States law in this sensitive area is carried out in accordance with longstanding principles that have safeguarded our Nation's security and foreign policy interests for many years. Of particular importance, the terms "agent" and "exporting agent" have long been in common usage in the AECA but have lacked precise definitions. This absence appears to have given rise to a recent controversy in which some maintain the term "agent" can be construed as any foreign person who has a general association with a foreign government receiving United States defense articles or defense services, such that any (and potentially all) foreign corpora-

tions located in the same country could be eligible to receive custody or ownership of, or access to, the United States articles or services without any need to seek the U.S. Government's consent to such a transfer from the foreign government to its private sector. However, such a construction would run counter to well-established principles in our laws. In this respect, section 3(a) of the AECA and section 505(a) of the Foreign Assistance Act are very important. Section 3(a) provides that "no defense article or defense service shall be sold or leased by the United States Government . . . and no agreement shall be entered into for a cooperative project . . . unless—"(2) the country . . . shall have agreed not to transfer title to, or possession of, any defense article or related training or other defense service . . . to anyone not an officer, employee, or agent of that country . . . unless the consent of the President has first been obtained."

Section 505(a) provides a nearly identical requirement with respect to military assistance provided under Chapter 2 of the Foreign Assistance Act. These provisions (which also provide a legal framework for commercial arms sales and training under section 38 of AECA) ensure that all of the stringencies and safeguards that apply under United States law to a weapons related export also apply equally to any subsequent re-export or retransfer to third parties (including third parties located in the country to which the original export was authorized).

Section 1401 will make abundantly clear that the term "agent" must be understood in its classic and commonly understood form, as a person that is specifically authorized by the foreign government to represent its interests (other than an officer or employee, who are presumptively authorized representatives), and one that is subject to the foreign government's supervision and control and for whom the foreign government is responsible (such as an officer or employee). This type of "agency" relationship occurs commonly in the foreign military sales program where foreign governments routinely designate freight forwarders and other agents through contractual relationships to receive and transport United States defense articles. Section 1401 accommodates this practice. Similarly, but less frequently, a foreign government may establish an agency relationship with one of its corporations for the purpose of carrying out part of a cooperative agreement it has entered into with the Department of Defense under section 27 of the AECA. Such relationships would still be acknowledged under section 1401, provided that a bona fide agency relationship has been established. On the other hand, this definition is intended to resolve, definitively in favor of longstanding principles in United States law, the recent controversy related to the proposition that any foreign corporation located in a foreign country with which the United States has entered into a cooperative agreement under section 27 of the AECA (or another similar provision in United States law) may be presumed to be an agent provided only that it is a participant at some level in the cooperation (irrespective of whether the foreign corporation is, in fact, a true agent of the foreign government). In such matters, the clear intent of the AECA and the Foreign Assistance Act is that persons who are not specifically authorized agents of the foreign government must be subject to the specific approval of the U.S. Government before United States defense articles or defense services are made available to them, whether by satisfaction of the requirements of section 3, pursuant to issuance of an export license under section 38, or by other statutorily provided means (e.g., U.S. Government approval when such persons are designated

as agents in an international agreement to which the United States is a party).

#### SEC. 1402. EXEMPTION FROM LICENSE REQUIREMENTS FOR EXPORT OF SIGNIFICANT MILITARY EQUIPMENT

This provision would amend section 38(b) of the Arms Export Control Act in order to codify the longstanding regulatory practice not to establish exemptions in regulation from the munitions export license requirements of section 38 that apply to commercial defense exports by private U.S. and foreign persons for any defense article that has been designated as "significant military equipment." The President's authority under section 38 has been delegated by Executive Order to the Secretary of State. The regulations that implement the President's authority in this area are the International Traffic in Arms Regulations (22 CFR §§120-130). "Significant military equipment" (or "SME," as it is commonly referred to) is any defense article required to be so designated on the United States Munitions List, "for which special export controls are warranted because of the capacity of such articles for substantial military utility or capability" in accordance with section 47(9)(A) of the Arms Export Control Act (22 U.S.C. 2794(9)(A)). By longstanding practice, an export license has generally been required for the permanent export of any SME defense article or technical data (such as production or manufacturing know-how for SME articles), except in certain areas (described below) pertaining to official use by the Department of Defense and other U.S. Government agencies that section 38(b)(2) of the Arms Export Control Act itself (as distinct from an exemption established by the President in regulation) specifically declares to be outside the ambit of the export licensing requirements imposed on private U.S. persons.

However, as part of an ongoing process to "reform" or relax military export controls, the Committee on International Relations has recently been informed of the State Department's intention to establish a new exemption in regulation available to private U.S. persons for the export of a wide range of cargo, transport and trainer fixed-wing aircraft, as well as certain utility rotary aircraft, to a large number of foreign governments. The aircraft that would be exempt are: C-21, C-22, C-130 Hercules (earlier than J configuration), CT-39, T-1, T-3, T-6, T-34, T-37, T-39, T-41, T-42, T-43, T-44, UH-1 Huey, CH-46, OH-58, and U-27. Most of these aircraft would be eligible for export without a license to any one of the 26 NATO member governments, as well as to Australia, Japan, Austria, Finland, Ireland, Sweden, Switzerland, and those other countries designated as major non-NATO allies under section 517 of the Foreign Assistance Act (Israel, Egypt, Republic of Korea, Jordan, Argentina, New Zealand and, prospectively, Pakistan). Some of these aircraft would only be eligible for NATO countries, Australia and Japan. All of these aircraft are designated as SME. Certain of these aircraft (e.g., C-130, T-6, T-37, OH-58 and UH-1) are also "major defense equipment," an additional category of defense articles required to be identified on the Department of Defense's List of Major Defense Equipment. Under section 47 of the Arms Export Control Act, items that are "major defense equipment" are those that are both SME and have been designed and developed through major DoD procurement programs (i.e., involving \$50 million or more in non-recurring Research and Development or \$200 million or more in total production costs).

Section 1402 would bar the establishment of such exemptions for the export of defense articles designated as "significant military

equipment." It is difficult to understand why some apparently believe it is appropriate or timely to relax our military export controls in the midst of the global war on terrorism, least of all over defense articles that fall into the SME category. Under the Arms Export Control Act, these articles are intended to be the subject of "special export controls" which historically have included the requirement for the foreign end user to sign a U.S. Government nontransferable and end-use certificate before a license is issued. A further consideration is that the State Department has not yet been able to put into place an adequate system for monitoring and tracking exports of SME that are approved under licenses (let alone exemptions). In this respect, more than four years after the enactment of Public Law 106-113 requiring a quarterly report to Congress of all SME exports licensed under section 38, the State Department has yet to submit its first report. Further, State announced earlier this year that it was deferring implementation of a regulation to require reporting by exporters of technical data and defense services exported under section 38, suggesting that its initial report is not in the immediate offing.

The Committee on International Relations is very sympathetic to the goal of expediting the export of such defense articles to our coalition partners in the war on terrorism (although a list of our coalition partners might not necessarily coincide with the above list of countries drawn up by State). This said, it would be far preferable to establish priorities in the export license process such that our closest coalition partners are placed at the head of the line. In this way, exports involving coalition partners can be processed more securely (without the increased risks of diversion that arise from license exemptions) and more quickly, with licenses issued in a matter of a few days rather than many weeks. Initiatives to relax military export controls when our country is at war, as reflected in such proposals and others which the Committee on International Relations understands may be forthcoming in the context of a new policy to promote defense trade (National Security Policy Directive 19), are inherently inconsistent with the national security interests of our Nation.

By the same measure, section 1402 would not significantly alter the existing regulatory regime in this area. Until now, the principal exceptions to the practice of not exempting SME defense articles from munitions license requirements have not resulted from exemptions established by the President in regulation, but from the express exclusion by Congress when enacting the Arms Export Control Act of certain U.S. Government (chiefly Department of Defense) activities from the ambit of section 38 of the Arms Export Control Act. Section 38(b)(2) of that Act provides that "... no license shall be required for exports or imports made by or for an agency of the United States Government (A) for official use by a department or agency of the United States Government, or (B) for carrying out any foreign assistance or sales program authorized by law and subject to the control of the President by other means (22 USC 2778(b)(2))." This provision (section 1402), therefore, does not affect the export of defense articles that are expressly precluded by section 38(b)(2) from export licensing under the Arms Export Control Act, including defense articles that are SME, and without regard to whether they are unclassified or classified (provided, in the latter case, that they are subject to the control and other requirements of applicable United States law and regulation concerning handling and shipments of classified material). Nor does this provision affect any regulatory procedures in place or promulgated in the fu-

ture to facilitate the import or export of defense articles through U.S. ports of entry and exit that meet the exclusionary standards of section 38(b)(2). Such regulatory procedures do not constitute the establishment of an exemption in regulation by the President, but merely facilitate activities by the Department of Defense and other U.S. Government agencies that have been expressly excluded in law from license requirements by the Congress.

Similarly, section 1402 is not intended to affect the longstanding practice with respect to exports to Canada, where the Congress has also provided an exemption in law in section 38(f)(3) of the AECA with respect to export license requirements. Further, section 1402 is concerned fundamentally with permanent exports and is not intended to impinge on regulatory practice to permit license exemptions, under well-defined conditions relating to "temporary" exports under well-defined circumstances by United States defense firms, of significant military equipment for purposes of exhibition and demonstration to friends and allies of the United States.

Thank you for your kind and immediate attention to this matter.

Sincerely,

HENRY J. HYDE,  
*Chairman.*

Mr. LANGEVIN. Mr. Chairman, as a member of the House Armed Services Committee, I am pleased to speak in support of the bill before us. I wish to thank Chairman HUNTER and Ranking Member SKELTON for their leadership in crafting a bill that will provide our military—and the men and women who serve in it—the resources they need to keep America strong in the 21st century. It is always a daunting task to craft legislation that balances the needs of our services, and such an effort is even more challenging during a time of military conflict. Chairman HUNTER and Ranking Member SKELTON have succeeded admirably in this endeavor, and the product before us today is a fine example of careful craftsmanship and bipartisan cooperation. I am particularly appreciative of the Chairman's theme of "The Year of the Soldier," and the commitment this legislation demonstrates to force protection and quality of life enhancements. We are proud of our men and women in uniform, and we must ensure that they are given the resources necessary to succeed in their mission.

I am pleased that the legislation includes provisions that I offered with Congressman JIM COOPER during committee consideration to ensure that civilian employees at the Department of Defense do not lose their jobs to private contractors without first having the opportunity to compete for the work. The legislation closes loopholes that have allowed the Department of Defense to reclassify or reorganize work to avoid Congressionally mandated competition requirements. It also supports efforts to provide civilian employees with comparable legal standing to private-sector workers when appealing contract decisions. These provisions will offer equality to our civilian employees and significant savings to our taxpayers.

I also appreciate the committee's effort to correct the problem of reduced survivor benefits for military spouses. For too long, military spouses have witnessed their survivor benefits drop by more than one-third once reaching the age of 62. Comparable civilian plans provide survivors a lifetime annuity of 50–55 percent of retired pay and protect against a drop in annuity at age 62. As a cosponsor of the Military

Survivor Benefits Improvement Act, I have supported efforts to repeal this unfair burden and am pleased that this legislation would restore benefits gradually to 55 percent by March 2008.

As we move forward on this legislation, I hope to work with the Chairman and the Ranking Member to address my concerns about our nation's shipbuilding rates. This legislation would postpone by one year construction of our next-generation destroyer, DD(X), and the Littoral Combat Ship, at a time when our naval fleet is shrinking and our shipbuilding industry is struggling. The proposed \$221 million reduction for DD(X) is particularly disconcerting when the project has been running on budget and on schedule. Admiral Vern Clark, Chief of Naval Operations, has indicated his opposition to these shipbuilding cuts, and I look forward to working with the committee to restore funding for DD(X) and LCS.

Overall, this legislation is a well-balanced approach to the needs of our nation's military, and I commend the Chairman, Ranking Member, and my colleagues on the committee for a fine work product. Thank you, Mr. Chairman.

Mr. BACA. Mr. Chairman, while I do have concerns with this bill, I rise to voice my support for H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. We need to do everything we can to make our armed forces as effective as possible. That's why I support the 2-year delay for the next BRAC round.

California has seen 29 bases close. In the Inland Empire, George and Norton Air Force Bases have been closed. And March Air Force Base was reduced to a reserve base. This cost an estimated 37,000 jobs and \$3.9 billion in economic activity. That is 39 times the size of the San Bernardino city budget. That's real money that could have helped our citizens.

The 22,000 citizens of Barstow are worried that the Nebo Marine Corp Logistics Base and Yermo Annex will close. It is the city's second largest employer. What will happen when it closes?

When Norton Air Force Base closed in a previous BRAC round, it devastated my district. We lost 10,000 military and civilian personnel. And thousands more lost their job off the base. We have never been able to replace those jobs. It's not only communities that will be affected. Base closings will affect our troops and their families. It will set the military on a course of instability. All in order to save a few bucks.

Our troops in Iraq should not have to worry whether their families will be moved to another city or another state. They have better things to worry about. Because of these reasons I support the suspension of BRAC.

H.R. 4200 is far from a perfect bill. But it helps to fix the problems the Administration has not dealt with. It makes the military more effective and it protects our communities and troops.

Mr. SWEENEY. Mr. Chairman, I am pleased to support Chairman DUNCAN HUNTER and the House Armed Services Committee efforts to provide our troops with the equipment necessary to successfully accomplish their missions in the global war on terrorism and Operation Iraqi Freedom, more specifically.

Specifically, the FY05 Defense Authorization bill funds procurement initiatives near-and-dear to my heart, to include full funding for the Up Armor High Mobility Multipurpose Wheeled



Vehicle, providing the ability to purchase over 6,000 up armored Humvees, and funding for ballistic armor for other Humvees and trucks, as well as Interceptor Body Armor funding.

Mr. Chairman, this is of particular concern to me since recently I approached the Chairman after several U.S. Army National Guard soldiers from my District in Charlie Company, 2nd Battalion of the 108th Light Infantry were killed and wounded on Easter Sunday during an attack in Samarra, Iraq.

Private First Class Nathan Brown was killed in action after being struck by a rooftop fired RPG while riding in a 5-ton truck.

Armored and up armored vehicles and body armor equipment are not just necessary but required, and it is Congress' job to provide these resources to troops in combat.

The Pentagon must know it is Congress' intent to provide all the tools needed to successfully complete their missions in Iraq and around the world. The message Congress is sending to the bureaucracy that supports our military and the field commanders in theater is the same. Our collective expectation is for the Department of Defense to put this equipment to the best use immediately, in order to allow the men and women on the ground sacrificing their lives to fully succeed.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 9 offered by the gentlewoman from California (Mrs. TAUSCHER) and amendment No. 25 offered by the gentleman from Kansas (Mr. RYUN).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

#### AMENDMENT NO. 9 OFFERED BY MRS. TAUSCHER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 214, not voting 16, as follows:

[Roll No. 203]

AYES—204

Abercrombie	Bishop (NY)	Cardoza
Ackerman	Blumenauer	Carson (IN)
Alexander	Boehlert	Case
Allen	Boswell	Chandler
Andrews	Boucher	Clay
Baca	Boyd	Clyburn
Baird	Brady (PA)	Conyers
Baldwin	Brown (OH)	Cooper
Bell	Brown, Corrine	Costello
Berkley	Capps	Cramer
Berman	Capuano	Cummings
Berry	Cardin	Davis (AL)

Davis (CA)	Kilpatrick	Price (NC)	Linder	Peterson (PA)	Simpson
Davis (FL)	Kind	Rahall	LoBiondo	Pickering	Smith (MI)
Davis (IL)	Klecza	Rangel	Lucas (OK)	Pitts	Smith (NJ)
Davis (TN)	Kucinich	Reyes	Manzullo	Platts	Smith (TX)
DeFazio	Lampson	Rodriguez	Marshall	Pombo	Souder
DeGette	Langevin	Ross	McCotter	Porter	Stearns
Delahunt	Lantos	Rothman	McCrery	Portman	Stenholm
DeLauro	Larsen (WA)	Roybal-Allard	McHugh	Pryce (OH)	Sullivan
Dicks	Larson (CT)	Ruppersberger	McInnis	Putnam	Sweeney
Dingell	Lee	Rush	McKeon	Radanovich	Tancredo
Doggett	Levin	Ryan (OH)	Mica	Ramstad	Taylor (NC)
Dooley (CA)	Lewis (GA)	Sabo	Miller (FL)	Regula	Terry
Doyle	Lipinski	Sánchez, Linda T.	Miller (MI)	Rehberg	Thomas
Ehlers	Lofgren	Sanchez, Loretta	Miller, Gary	Renzi	Thornberry
Emanuel	Lowe	Sanders	Moran (KS)	Reynolds	Tiahrt
Engel	Lucas (KY)	Sanders	Murphy	Rogers (AL)	Tiberi
Eshoo	Lynch	Sandlin	Murtha	Rogers (KY)	Toomey
Etheridge	Majette	Schakowsky	Musgrave	Rogers (MI)	Turner (OH)
Evans	Maloney	Schiff	Myrick	Rohrabacher	Vitter
Farr	Markey	Scott (GA)	Nethercutt	Ros-Lehtinen	Walden (OR)
Filner	Matheson	Scott (VA)	Neugebauer	Royce	Wamp
Ford	Matsui	Serrano	Ney	Ryan (WI)	Weldon (FL)
Frank (MA)	McCarthy (MO)	Shays	Northup	Ryun (KS)	Weldon (PA)
Frost	McCarthy (NY)	Sherman	Nunes	Saxton	Weller
Gilchrest	McCollum	Simmons	Nussle	Schrock	Whitfield
Gonzalez	McDermott	Skelton	Osborne	Sensenbrenner	Wicker
Gordon	McGovern	Slaughter	Ose	Sessions	Wilson (NM)
Green (TX)	McIntyre	Smith (WA)	Otter	Shadegg	Wilson (SC)
Grijalva	McNulty	Snyder	Oxley	Shaw	Wolf
Gutierrez	Meehan	Solis	Pearce	Sherwood	Young (AK)
Harman	Meek (FL)	Spratt	Pence	Shimkus	Young (FL)
Hastings (FL)	Meeks (NY)	Stark	Peterson (MN)	Shuster	
Hefley	Menendez	Strickland			
Hill	Michael	Stupak			
Hinchee	Millender-	Tanner	Ballance	Fattah	Norwood
Hinojosa	McDonald	Tauscher	Becerra	Fossella	Quinn
Hoefel	Miller (NC)	Taylor (MS)	Burr	Gephardt	Tauzin
Holden	Miller, George	Thompson (CA)	Crowley	Johnson, Sam	Walsh
Holt	Mollohan	Thompson (MS)	Deutsch	LaTourette	
Honda	Moore	Tierney	Doolittle	Leach	
Hooley (OR)	Moran (VA)	Towns			
Hoyer	Nadler	Turner (TX)			
Hyde	Napolitano	Udall (CO)			
Inslee	Neal (MA)	Udall (NM)			
Israel	Oberstar	Upton			
Jackson (IL)	Obey	Van Hollen			
Jackson-Lee	Olver	Velázquez			
(TX)	Ortiz	Visclosky			
Jefferson	Owens	Waters			
John	Pallone	Watson			
Johnson (CT)	Pascarell	Watt			
Johnson, E. B.	Pastor	Waxman			
Jones (OH)	Paul	Weiner			
Kanjorski	Payne	Wexler			
Kaptur	Pelosi	Woolsey			
Kennedy (RI)	Petri	Wu			
Kildee	Pomeroy	Wynn			

#### NOES—214

Aderholt	Chocola	Granger
Akin	Coble	Graves
Bachus	Cole	Green (WI)
Baker	Collins	Greenwood
Ballenger	Cox	Gutknecht
Barrett (SC)	Crane	Hall
Bartlett (MD)	Crenshaw	Harris
Barton (TX)	Cubin	Hart
Bass	Culberson	Hastert
Beauprez	Cunningham	Hastings (WA)
Bereuter	Davis, Jo Ann	Hayes
Biggart	Davis, Tom	Hayworth
Bilirakis	Deal (GA)	Hensarling
Bishop (GA)	DeLay	Henger
Bishop (UT)	DeMint	Hobson
Blackburn	Diaz-Balart, L.	Hoekstra
Blunt	Diaz-Balart, M.	Hostettler
Boehner	Dreier	Houghton
Bonilla	Duncan	Hulshof
Bonner	Dunn	Hunter
Bono	Edwards	Isakson
Boozman	Emerson	Issa
Bradley (NH)	English	Istook
Brady (TX)	Everett	Jenkins
Brown (SC)	Feeney	Johnson (IL)
Brown-Waite,	Ferguson	Jones (NC)
Ginny	Flake	Keller
Burgess	Foley	Kelly
Burns	Forbes	Kennedy (MN)
Burton (IN)	Franks (AZ)	King (IA)
Buyer	Frelinghuysen	King (NY)
Calvert	Gallagher	Kingston
Camp	Garrett (NJ)	Kirk
Cannon	Gerlach	Kline
Cantor	Gibbons	Knollenberg
Capito	Gillmor	Kolbe
Carson (OK)	Gingrey	LaHood
Carter	Goode	Latham
Castle	Goodlatte	Lewis (CA)
Chabot	Goss	Lewis (KY)

#### NOT VOTING—16

Ballance	Fattah	Norwood
Becerra	Fossella	Quinn
Burr	Gephardt	Tauzin
Crowley	Johnson, Sam	Walsh
Deutsch	LaTourette	
Doolittle	Leach	

#### ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1524

Messrs. NEUGEBAUER, MCINNIS, BACHUS and POMBO changed their vote from “aye” to “no.”

Mr. BOEHLERT and Mr. PETRI changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

#### AMENDMENT NO. 25 OFFERED BY MR. RYUN OF KANSAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 25 offered by the gentleman from Kansas (Mr. RYUN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 290, noes 132, not voting 11, as follows:

[Roll No. 204]

AYES—290

Ackerman	Bartlett (MD)	Bishop (GA)
Aderholt	Barton (TX)	Bishop (UT)
Akin	Bass	Blackburn
Andrews	Beauprez	Blunt
Baker	Bell	Boehlert
Baldwin	Berkley	Boehner
Ballenger	Berman	Bonilla
Barrett (SC)	Bilirakis	Bonner

Bono  
Boozman  
Boswell  
Bradley (NH)  
Brady (PA)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Burgess  
Burns  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Capuano  
Carson (IN)  
Carson (OK)  
Carter  
Case  
Castle  
Chabot  
Chandler  
Chocola  
Coble  
Cole  
Collins  
Costello  
Cox  
Cramer  
Crane  
Crenshaw  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (FL)  
Davis (IL)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
DeMint  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dingell  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Everett  
Feeney  
Ferguson  
Flake  
Foley  
Forbes  
Fossella  
Frank (MA)  
Frank (AZ)  
Frelinghuysen  
Frost  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Goode  
Goodlatte  
Granger  
Graves  
Green (WI)  
Greenwood  
Gutknecht  
Hall  
Harman

Harris  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Hooley (OR)  
Hostettler  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kilpatrick  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Langevin  
Lantos  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Lynch  
Majette  
Maloney  
Markey  
Matheson  
Matsui  
McCotter  
McCrery  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meeks (NY)  
Menendez  
Mica  
Michaud  
Millender-  
McDonald  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mollohan  
Moran (KS)  
Murphy  
Murtha  
Muscgrave  
Myrick  
Neal (MA)  
Nethercutt  
Neugebauer  
Ney  
Northup

Nunes  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Pallone  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Pickering  
Pitts  
Platts  
Pombo  
Porter  
Portman  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sánchez, Linda  
T.  
Sanders  
Saxton  
Schiff  
Schrock  
Scott (GA)  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherman  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stenholm  
Stupak  
Sullivan  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Tiahrt  
Tiberi  
Toomey  
Turner (OH)  
Udall (NM)  
Upton  
Vitter  
Walden (OR)  
Wamp  
Watson  
Waxman  
Weiner  
Weldon (FL)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Wu  
Young (AK)  
Young (FL)

Davis (AL)  
Davis (CA)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Doggett  
Dooley (CA)  
Emanuel  
Evans  
Farr  
Filner  
Ford  
Gephardt  
Gonzalez  
Gordon  
Goss  
Green (TX)  
Grijalva  
Gutierrez  
Hill  
Hinchey  
Hinojosa  
Holt  
Honda  
Houghton  
Hoyer  
Insee  
Israel  
Jackson (IL)  
Kanjorski  
Kind  
Klecza  
Kolbe  
Kucinich

## NOT VOTING—11

Ballance  
Becerra  
Burr  
Deutsch  
Fattah  
Johnson, Sam  
Leach  
Norwood

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Two minutes are left in this vote.

□ 1534

Messrs. ABERCROMBIE, CARDOZA and CROWLEY changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. UPTON). Are there any more amendments?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) 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, pursuant to House Resolution 648, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Reyes  
Rodriguez  
Rothman  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sabó  
Sanchez, Loretta  
Sandlin  
Schakowsky  
Scott (VA)  
Serrano  
Shays  
Skelton  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (MS)  
Thornberry  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Van Hollen  
Velázquez  
Visclosky  
Waters  
Watt  
Weldon (PA)  
Woolsey  
Wynn

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WAXMAN. I am, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Waxman moves to recommit the bill H.R. 4200 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

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

**SEC. \_\_\_\_ SENSE OF HOUSE CONCERNING ESTABLISHMENT OF A SELECT COMMITTEE OF THE HOUSE TO INVESTIGATE THE TREATMENT OF DETAINEES HELD IN CONNECTION WITH THE GLOBAL WAR ON TERRORISM.**

It is the sense of the House of Representatives—

(1) that there should immediately be established, during the 108th Congress, a select committee of the House to investigate the treatment of detainees (both within and outside the United States) who are held in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or any other operation within the Global War on Terrorism;

(2) that such a select committee should be composed of 10 members, five to be selected by the Speaker and five to be selected by the Democratic leader; and

(3) that such a select committee's investigation should cover, at a minimum, the following:

(A) The treatment of detainees.

(B) The conduct of United States military and civilian personnel operating facilities at which such detainees are held.

(C) The role of any contractor personnel in detention or interrogation activities.

(D) Allegations of abuse at any of those facilities and the response to those allegations by officials at all levels of the United States Government.

The SPEAKER pro tempore. The gentleman from California (Mr. WAXMAN) is recognized for 5 minutes on his motion to recommit.

Mr. WAXMAN. Mr. Speaker, George Will wrote a column recently about the administration's lack of accountability. He pointed out that no one was held accountable for the administration's false claim that Iraq attempted to obtain uranium from Niger or misleading claims about Iraq's alleged weapons of mass destruction.

He correctly concluded failures are multiplying because of choices for which no one seems accountable.

We are about to repeat this mistake once again. We all agree that the abuse and torture of Iraqi detainees at the

## NOES—132

Abercrombie  
Alexander  
Allen  
Baca  
Bachus  
Baird  
Bereuter

Berry  
Biggart  
Bishop (NY)  
Blumenauer  
Boucher  
Boyd  
Capps

Cardin  
Cardoza  
Clay  
Clyburn  
Conyers  
Cooper  
Crowley

Abu Ghraib prison is completely unacceptable. Congress has rightly condemned this illegal and inhumane conduct; but this House must take the next step, and fully investigate these terrible episodes. We must determine how many individuals were involved and how far up the chain of command this extends.

We also must find out whether this type of abuse has occurred elsewhere, inside or outside of Iraq. We need to review the role of independent contractors; what role they played, to whom were they accountable. If we do not insist on holding the executive branch accountable, we are creating exactly the same situation George Will described, "an administration where failures go unpunished and officials need not worry about the consequences of their conduct."

This motion to recommit would express the sense of the House of Representatives that a select committee of the House should immediately be established to investigate the treatment of detainees held by the administration in connection with the global war on terrorism. A select committee is necessary because this House has ignored its constitutional responsibility for holding the administration accountable.

Time and time again the House majority has demonstrated that it has no interest in performing any serious oversight of this administration. The Republican majority has refused to investigate the alleged White House's outing of CIA agency's Valerie Plame, which might have jeopardized our national security.

The majority has declined to investigate allegations that administration officials threatened to fire the Health and Human Services chief actuary if he disclosed unfavorable cost projections for the Medicare prescription drug benefit to Congress. Now the House majority wants to do as little oversight as possible when it comes to abuse of detainees.

One Republican leader objected to "jerk[ing] those battle field commanders out of Iraq for hearings" even when these same commanders are on the other side of the Capitol testifying before the Senate.

Another suggested the "congressional investigations would inflame hatred of the U.S. by providing fodder and soundbites for our enemies." Our enemies are already gleeful over the tarnishing of our credibility all around the world as champions of democracy and human rights.

On the floor yesterday we were told that public hearings and some closed meetings amount to a "massive investigation." Well, they seem to think this is all that they need to do; but they have not even brought General Taguba before them. They have not even looked at the issue of the civilian contractors. The majority seems to think that it is unpatriotic to ask tough questions and demand answers.

What do they propose? They propose that the administration investigate itself. Well, this is an administration that does not even acknowledge mistakes, let alone accept responsibility to correct them. It has never found the person responsible in the White House for outing Valerie Plame.

We have never heard any action taken about General William G. Boykin, the Deputy Under Secretary of Defense for intelligence who made the egregious anti-Muslim statement that this is a Christian holy war against Muslims.

It has never responded to Richard Clark's revelations about what he said about our preparedness for September 12 except to make an all-out assault on his character.

The administration has never told us who told them to write the Iraq-Niger uranium deal in the State of the Union address which was based on bogus information that the CIA told them was bogus. They have never fired anybody for any of these mistakes.

Well, I do not believe it is our constitutional responsibility to let the administration investigate itself. We have a fundamental responsibility to investigate this issue and to assert oversight over the military campaign in Iraq and the global war on terror.

Mr. Speaker, oversight is not unpatriotic. Oversight is our constitutional duty. Now, I know there are different committees of the House that have different jurisdictions on this matter. Let us bring them all together in one select committee. But let us be sure we do the job of oversight. I ask for support for this motion to recommit.

The SPEAKER pro tempore. Does the gentleman from California (Mr. HUNTER) rise in opposition to the motion to recommit?

Mr. HUNTER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities.

Mr. SAXTON. Mr. Speaker, I rise in opposition to the motion to recommit. My friend, the gentleman from California (Mr. WAXMAN), has made the point that Congress is not investigating. That is simply not true.

Both the Senate and the House, particularly, have held particularly contentious hearings, and the country has seen those hearings because they have been public. But in addition to that, on a frequent basis we have held closed hearings because much of this information is classified. And we ask tough questions in those hearings, Republicans and Democrats together.

But in addition to that, General Antonio Taguba just days after it was discovered, after these events had taken place, was tasked to do an investigation. That was in January. And

through January and February and March and April that investigation went forward resulting in something that has become known as the Taguba Report, a report every bit this high with a 58-page summary.

That report and six other military investigations which are still under way have led to a conclusion that this situation is being well taken care of. The conclusion is that there are a few people who committed some horrific acts and that the problem was the result of the collapse of leadership in one battalion, possibly two, and that some misdirected people got out of control.

While this is going on, there is much good going on in the Middle East, in Iraq. Our troops are fighting to secure the peace in support of the CPA. They are fighting to secure important sites, important to economic growth and the welfare of the Iraqi people. They are fighting to build an Iraqi security service, border police, site police, security police and a police force.

□ 1545

They are fighting to secure hospitals and schools. They are fighting to promote local caucuses, to elect local individuals, and they are fighting to control foreign fighters, insurgents if you will.

So there is a big job to do in the Middle East, and I was taken yesterday as I read in the press of another investigation that is ongoing by the 9/11 Commission when they interviewed Rudy Giuliani. Let me conclude with this. This is not an exact quote, but this is the meaning of what Rudy Giuliani said yesterday. He said words to this effect: There is only one enemy in the war on terrorism and it is not us. It is those who attacked us and murdered our loved ones.

Mr. HUNTER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I think that the gentleman from New Jersey (Mr. SAXTON) said it well. The interesting thing about this entire mess in Abu Ghraib is the fact that General Sanchez, just 3 days in January after that first soldier came forward, started the investigation on his own. There was no media. There was no CNN out there with an investigative reporter. The general did that on his own, and he then announced to the world in a press conference, kept it secret except for the 50 million people watching television, that we Americans were investigating ourselves over what happened in that prison. He started that investigation and it worked its way on down, and it has now culminated in the first conviction that took place just yesterday in Iraq.

So the military has done well, and we held full blown, full Committee on Armed Services hearings here. They had them obviously in the other body. We have spent more time on this than we have any weapons system, any military operation, and we have done a good job.

We have embedded some of the recommendations that were made in the Taguba report in the bill my colleagues are about ready to pass. We have embedded some of those recommendations. We have made some changes and some reforms in that bill.

Now, it is time to refocus, and let me tell my colleagues why it is time to refocus. In the last 24 hours we have had 66 attacks on American and coalition forces in Iraq. We suffered 14 people wounded. We suffered two KIA. We have to return our focus to this war.

About 3 years ago, we started this very complex and difficult military operation. It has been tough. We have had reluctant allies. We have had tactical problems. We have had enormous challenges, and through all of this, our troops have carried us, our great American troops. They have killed the enemy at 10,000 feet in the high mountains of Afghanistan. They have engaged him in these fierce fire fights in the choke points in Iraq. They have done a wonderful job, and the 300,000-plus Americans who have served honorably and purely in the Afghanistan and Iraq theaters have received almost no publicity.

When Master Sergeant Bill Pryor attacked an enemy position by himself, killing the four people that he took on and killed the last one in hand-to-hand combat, he received no publicity except maybe among a few of his platoon members that he saved. When Gunny Sergeant Jeff Bohr laid down his life by putting his body between his wounded marines and the enemy, he did not appear on any front pages.

We have attended the Abu Ghraib mess with more press coverage than probably any military operation, including the invasion of Normandy. It is time to refocus. Let us refocus on those great and wonderful 2.5 million people that wear the uniform of the United States. We do that by giving them the tools to get the job done, and this bill, put together by Democrats and Republicans, does that. It gets the job done. Please vote "yes." Vote down the motion to recommit and let us move this bill.

The SPEAKER pro tempore (Mr. SWEENEY). All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

#### RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 202, noes 224, not voting 8, as follows:

[Roll No. 205]

#### AYES—202

Abercrombie	Gutierrez	Neal (MA)
Ackerman	Harman	Oberstar
Alexander	Hastings (FL)	Obey
Allen	Hill	Oliver
Andrews	Hinche	Ortiz
Baca	Hinojosa	Owens
Baird	Hoeffel	Pallone
Baldwin	Holden	Pascarell
Becerra	Holt	Pastor
Bell	Honda	Payne
Berkley	Hooley (OR)	Pelosi
Berman	Hoyer	Pomeroy
Berry	Inslie	Price (NC)
Bishop (GA)	Israel	Rahall
Bishop (NY)	Jackson (IL)	Rangel
Blumenauer	Jackson-Lee	Reyes
Boswell	(TX)	Rodriguez
Boucher	Jefferson	Ross
Boyd	John	Rothman
Brady (PA)	Johnson, E. B.	Roybal-Allard
Brown (OH)	Jones (OH)	Ruppersberger
Brown, Corrine	Kanjorski	Rush
Capps	Kaptur	Ryan (OH)
Capuano	Kennedy (RI)	Sabo
Cardin	Kildee	Sánchez, Linda
Cardoza	Kilpatrick	T.
Carson (IN)	Kind	Sanchez, Loretta
Carson (OK)	Kleczka	Sanders
Case	Kucinich	Sandlin
Chandler	Lampson	Johnson (CT)
Clay	Langevin	Johnson (IL)
Clyburn	Lantos	Schiff
Conyers	Larsen (WA)	Scott (GA)
Cooper	Larson (CT)	Scott (VA)
Costello	Lee	Serrano
Cramer	Levin	Sherman
Crowley	Lewis (GA)	Skelton
Cummings	Lipinski	Slaughter
Davis (AL)	Lofgren	Smith (WA)
Davis (CA)	Lowey	Snyder
Davis (FL)	Lucas (KY)	Solis
Davis (IL)	Lynch	Spratt
Davis (TN)	Majette	Stark
DeFazio	Maloney	Stenholm
DeGette	Markey	Strickland
DeLahunt	Matheson	Stupak
DeLauro	Matsui	Tanner
Dicks	McCarthy (MO)	Tauscher
Dingell	McCarthy (NY)	Taylor (MS)
Doggett	McCollum	Thompson (CA)
Dooley (CA)	McDermott	Thompson (MS)
Doyle	McGovern	Tierney
Edwards	McIntyre	Towns
Emanuel	McNulty	Turner (TX)
Engel	Meehan	Udall (CO)
Eshoo	Meek (FL)	Udall (NM)
Etheridge	Meeks (NY)	Van Hollen
Evans	Menendez	Velázquez
Farr	Michaud	Visclosky
Fattah	Millender-	Waters
Filner	McDonald	Watson
Ford	Miller (NC)	Watt
Frank (MA)	Miller, George	Waxman
Frost	Mollohan	Weiner
Gephardt	Moore	Wexler
Gonzalez	Moran (VA)	Woolsey
Gordon	Murtha	Wu
Green (TX)	Nadler	Wynn
Grijalva	Napolitano	

#### NOES—224

Aderholt	Brown-Waite,	Davis, Tom
Akin	Ginny	Deal (GA)
Bachus	Burgess	DeLay
Baker	Burns	DeMint
Ballenger	Burton (IN)	Diaz-Balart, L.
Barrett (SC)	Buyer	Diaz-Balart, M.
Bartlett (MD)	Calvert	Doolittle
Barton (TX)	Camp	Dreier
Bass	Cannon	Duncan
Beauprez	Cantor	Dunn
Bereuter	Capito	Ehlers
Biggert	Carter	Emerson
Bilirakis	Castle	English
Bishop (UT)	Chabot	Everett
Blackburn	Chocola	Feeney
Blunt	Coble	Ferguson
Boehlert	Cole	Flake
Boehner	Collins	Foley
Bonilla	Cox	Forbes
Bonner	Crane	Fossella
Bono	Crenshaw	Franks (AZ)
Boozman	Cubin	Frelinghuysen
Bradley (NH)	Culberson	Gallagher
Brady (TX)	Cunningham	Garrett (NJ)
Brown (SC)	Davis, Jo Ann	Gerlach

Gibbons	Lewis (KY)	Rogers (AL)
Gilchrest	Linder	Rogers (KY)
Gillmor	LoBiondo	Rogers (MI)
Gingrey	Lucas (OK)	Rohrabacher
Goode	Manzullo	Ros-Lehtinen
Goodlatte	Marshall	Royce
Goss	McCotter	Ryan (WI)
Granger	McCrery	Ryun (KS)
Graves	McHugh	Saxton
Green (WI)	McInnis	Schrock
Greenwood	McKeon	Sensenbrenner
Gutknecht	Mica	Sessions
Hall	Miller (FL)	Shadegg
Harris	Miller (MI)	Shaw
Hart	Miller, Gary	Shays
Hastert	Moran (KS)	Sherwood
Hastings (WA)	Murphy	Shimkus
Hayes	Musgrave	Shuster
Hayworth	Myrick	Simmons
Hefley	Nethercutt	Simpson
Hensarling	Neugebauer	Smith (MI)
Herger	Ney	Smith (NJ)
Hobson	Northup	Smith (TX)
Hoekstra	Nunes	Souder
Hostettler	Nussle	Stearns
Houghton	Osborne	Sullivan
Hulshof	Ose	Sweeney
Hunter	Otter	Tancred
Hyde	Oxley	Taylor (NC)
Isakson	Paul	Terry
Issa	Pearce	Thomas
Istook	Pence	Thornberry
Jenkins	Peterson (MN)	Tiahrt
Johnson (CT)	Peterson (PA)	Tiberi
Johnson (IL)	Petri	Toomey
Jones (NC)	Pickering	Turner (OH)
Keller	Pitts	Upton
Kelly	Platts	Vitter
Kennedy (MN)	Pombo	Walden (OR)
King (IA)	Porter	Wamp
King (NY)	Portman	Weldon (FL)
Kingston	Pryce (OH)	Weldon (PA)
Kirk	Putnam	Weller
Kline	Quinn	Whitfield
Knollenberg	Radanovich	Wicker
Kolbe	Ramstad	Wilson (NM)
LaHood	Regula	Wilson (SC)
Latham	Rehberg	Wolf
LaTourette	Renzi	Young (AK)
Lewis (CA)	Reynolds	Young (FL)

#### NOT VOTING—8

Ballance	Johnson, Sam	Tauzin
Burr	Leach	Walsh
Deutsch	Norwood	

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). There are 2 minutes remaining in this vote.

□ 1611

Mr. COX changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

#### RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 391, noes 34, not voting 9, as follows:

[Roll No. 206]

#### AYES—391

Abercrombie	Baca	Barton (TX)
Ackerman	Bachus	Bass
Aderholt	Baird	Beauprez
Akin	Baker	Becerra
Alexander	Ballenger	Bell
Allen	Barrett (SC)	Bereuter
Andrews	Bartlett (MD)	Berkley

Berman  
Berry  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boswell  
Boucher  
Boyd  
Bradley (NH)  
Brady (PA)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Burgess  
Burns  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Capps  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Carter  
Case  
Castle  
Chabot  
Chandler  
Chocola  
Clay  
Clyburn  
Coble  
Cole  
Collins  
Cooper  
Costello  
Cox  
Cramer  
Crane  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah

Feeney  
Ferguson  
Filner  
Flake  
Foley  
Forbes  
Ford  
Fossella  
Franks (AZ)  
Frelinghuysen  
Frost  
Gallegly  
Garrett (NJ)  
Gephardt  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Gutknecht  
Hall  
Harman  
Harris  
Hart  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hill  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Hooley (OR)  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Istook  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Klecza  
Kline  
Knollenberg  
Kolbe  
LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder

Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Lynch  
Majette  
Maloney  
Manzullo  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCotter  
McCrery  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Michaud  
Millender-  
McDonald  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Murphy  
Murtha  
Musgrave  
Myrick  
Napolitano  
Neal (MA)  
Nethercutt  
Neugebauer  
Ney  
Northup  
Nunes  
Nussle  
Obey  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Pallone  
Pascarell  
Pastor  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Regula  
Rehberg  
Renzi  
Reyes  
Reynolds  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)

Ryan (WI)  
Ryun (KS)  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Sessions  
Schiff  
Schrock  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter

Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stearns  
Stenholm  
Strickland  
Stupak  
Sullivan  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi

Tierney  
Toomey  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Visclosky  
Vitter  
Walden (OR)  
Wamp  
Waxman  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Wynn  
Young (AK)  
Young (FL)

## NOES—34

Baldwin  
Blumenauer  
Capuano  
Franco (MA)  
Grijalva  
Gutierrez  
Hinchey  
Honda  
Jackson (IL)  
Kilpatrick  
Kucinich  
Lee

Lewis (GA)  
Markey  
McDermott  
Miller, George  
Nadler  
Oberstar  
Olver  
Owens  
Paul  
Payne  
Rangel  
Schakowsky

Serrano  
Stark  
Towns  
Velazquez  
Waters  
Watson  
Watt  
Weiner  
Woolsey  
Wu

## NOT VOTING—9

Ballance  
Burr  
Conyers

Deutsch  
Johnson, Sam  
Leach  
Norwood  
Tauzin  
Walsh

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1619

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4200, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

#### PARLIAMENTARY INQUIRY

Mr. HINCHEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HINCHEY. Mr. Speaker, I take it we are about to adjourn, and if that is the case, I am wondering if we are adjourning without doing an extension of unemployment insurance?

The SPEAKER pro tempore. The gentleman is not stating a proper parliamentary inquiry.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

#### ADDRESSING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

Mr. DELAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2092) to address the participation of Taiwan in the World Health Organization, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2092

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION.

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

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan's population of 23,500,000 people is greater than that of ¾ of the member states already in the World Health Organization (WHO).

(4) Taiwan's achievements in the field of health are substantial, including—

(A) attaining—

(i) 1 of the highest life expectancy levels in Asia; and

(ii) maternal and infant mortality rates comparable to those of western countries;

(B) eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

(C) providing children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its counterpart