

inconsistent with the President's constitutional authority with respect to foreign relations, diplomacy, and international negotiations. Therefore, these provisions should be eliminated or cast in precatory rather than mandatory terms.

In Title V, the Administration commends the provisions that add to the Secretary of Homeland Security's flexibility in providing first responder grant funds to certain high-risk areas, but has concerns about border state funding mandates which reduce that flexibility. The Administration opposes provisions in Title V that would create inequities in personnel policy between the FBI and other law enforcement agencies, and looks forward to working with the Congress on a separate and comprehensive reform of law enforcement pay and benefits. The Administration also opposes provisions that would encumber the Federal rulemaking process with duplicative and burdensome new requirements.

The Administration opposes Section 5043 of the bill, which would eliminate the level playing field established for all three branches of government by the Government-Wide Ethics Reform Act of 1989, creating a new regime of non-uniform ethics laws. The financial disclosure process should be modernized to reflect changed circumstances. The Administration urges Congress to adopt the bill to modernize government-wide financial disclosure submitted by the Office of Government Ethics to the Speaker on July 16, 2003.

The Administration is also very concerned about the dozens of new reporting requirements contained in the bill. The Administration will continue to work with the Congress to eliminate or reduce the burden created by unnecessary or duplicative statutory reporting requirements, while respecting the responsibilities of the Congress.

The Administration is also concerned about provisions in Title V that would, taken together, construct a cumbersome new bureaucracy, duplicate existing legal requirements, and risk unnecessary litigation. The Administration urges the House to delete or significantly revise these problematic provisions.

The Administration notes that the Committee bill did not include Section 6 ("Preservation of Authority and Accountability") of the Administration's proposal; the Administration strongly supports inclusion of this provision in the House bill. The Administration's proposal also provides necessary additional authorities for the NID to be able to effectively operate the Office of NID; however, H.R. 10 does not provide the NID with these additional authorities. The legislation should also recognize that its provisions would be executed to the extent consistent with the constitutional authority of the President: to conduct the foreign affairs of the United States; to withhold information the disclosure of which could impair the foreign relations, the national security, deliberative processes of the Executive, or the performance of the Executive's constitutional duties; to recommend for congressional consideration such measures as the President may judge necessary or expedient; and to supervise the unitary executive.

Finally, the Administration has concerns with a number of other provisions in the bill and looks forward to working with Congress to address them as the bill proceeds.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Representative GUTIERREZ's motion to instruct on H.R. 10, I must oppose this motion to instruct.

This motion specifically instructs the conferees to remove sections 3005, 3006, 3007, 3008, 3009, 3032, 3051, 3052, 3053, 3054,

3055, and 3056, something I agree with. However, his motion to instruct also calls conferees to recede from the entire House amendment and thus accept Senate bill, S. 2845, which has some very unacceptable provisions. One such provision exposes the funds we spend on the intelligence community.

Even though he references immigration provisions, which forced me to vote against the House bill, his motion to instruct has the purpose of accepting the entire Senate bill. This is something I cannot agree to.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The question is on the motion to instruct offered by the gentleman from Illinois (Mr. GUTIERREZ).

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

Mr. GUTIERREZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on this motion are postponed.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108-769) on the resolution (H. Res. 843) waiving points of order against the conference report to accompany the bill (H.R. 4200) 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, which was referred to the House Calendar and ordered to be printed.

#### WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 831 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 831

*Resolved*, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of October 8, 2004, providing for consideration or disposition of a conference report to accompany the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military con-

struction, 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.

The SPEAKER pro tempore. The gentleman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, last night the Committee on Rules met and passed this resolution waiving clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules against certain resolutions reported from the Committee on Rules.

The waiver authorized by this resolution applies to any special rule reported on the legislative day of Friday, October 8, 2004, providing for the consideration or disposition of a conference report to accompany the bill H.R. 4200, the Defense authorization conference report for fiscal year 2005. I would advise my colleagues that adoption of this resolution is made necessary because the work of the conferees on the Defense authorization conference report has taken longer than anticipated.

I believe it is imperative that the House considers the proposed conference report on Defense authorization as soon as possible. The last thing we would ever want would be for the necessary armor and weaponry needed by our Armed Forces to be held up or delayed in any way.

My friend from Texas has always been a strong supporter of our military. I trust he, too, would prefer to rapidly approve the Defense authorization conference report; and to that end, I urge my colleagues to support this rule.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. FROST. Mr. Speaker, I have always been proud to support the Defense authorization bill in the House, and this year is no exception. The conference report on the Department of Defense Authorization Act helps ensure the safety of our fighting men and women around the world. It provides them with the tools they need to fight the war on terror, and it provides much-needed benefits that will improve the quality of life for them and their families.

Mr. Speaker, I strongly support moving the conference agreement forward because of its importance to our national security and to our troops in the field.

While I will not oppose this martial law rule which will allow the House to

consider the conference report before we adjourn for the elections, I must take a moment to note there are Members on this side of the aisle who are concerned about rushing to adopt the conference report before Members who were not on the conference committee have an opportunity to study its provisions. It has been the habit of the Republican leadership during this Congress to effectively deny Members the right to know what we are voting for or against.

I cannot oppose this martial law rule, but I think it is long past time when the Republican leadership of this body stops depending on party loyalty to pass bills and instead moves towards ensuring that legislation is considered in a bipartisan manner. That is the best thing for the country and, in the end, best for both political parties.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to express my strong support for provisions in the Department of Defense conference report which reform the Energy Employees Occupation Illness Compensation Program Act of 2000.

First, I would like to thank my friend, the gentleman from Missouri (Mr. SKELTON), the ranking member of the committee, for his leadership. I also would like to say a special thanks to Hugh Brady of the Committee on Armed Services staff, Cindy Blackston of the Committee on the Judiciary staff, and Peter Rutledge of the Committee on Education and the Workforce staff.

In addition, I would like to commend the hard work of the gentleman from Kentucky (Mr. WHITFIELD), along with a bipartisan group of Senators, including Senators BUNNING, BINGAMAN, KENNEDY, VOINOVICH, DEWINE, CLINTON, CANTWELL and others.

Despite opposition from the administration, Members in both Chambers rolled up their sleeves and on a bipartisan basis did the hard work and included an amendment in this conference report which makes significant and greatly needed reforms to the Energy Employees Occupation Illness Compensation Program.

□ 1700

Now, in the year 2000, we passed landmark legislation establishing a program to compensate our nuclear workers made sick while toiling in the Nation's atomic weapons factories. For the first time, the Federal Government acknowledged that it placed its cold war veterans in harm's way.

Unfortunately, the Department of Energy has fallen down on the job to run its part of the compensation program. With more than \$90 million appropriated to DOE for administering the compensation program, a mere 31 claims of over 25,000 have been paid in

the last 4 years. That track record is not acceptable.

The Department of Labor, on the other hand, has successfully processed 95 percent of its more than 55,000 claims.

The amendment included in today's Defense conference report will shift DOE's responsibilities to the Department of Labor, provide for a Federal willing payer, establish guaranteed funding for payment of claims, and create a Federal benefit structure for all of those workers injured and made ill due to the exposure to hazardous materials and toxic substances while working in our nuclear arsenal. We promised to compensate these injured veterans, and now we are fulfilling that promise.

Although I wish we could have passed such an amendment years ago, I am very pleased that today we are doing the right thing and we are honoring a national commitment to assist these veterans of the cold war.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule and to speak on the Defense Authorization Conference Report because, Mr. Speaker, when it comes to nuclear weapons, President Bush and the House Republican leadership just do not get it. Instead of investing in programs that will truly secure America, like nonproliferation initiatives and vigorous inspection regimes whenever possible, these Republicans spend America's money on more and bigger weapons.

This Defense Authorization bill authorizes billions of dollars for nuclear weapons research and testing, and there has to be a better way of doing things. We have to do it differently.

Investing in new nuclear weapons does not prevent America from being attacked. In fact, it encourages nuclear proliferation, because such investments incite our enemies and encourage other nations like Iran to develop nuclear weapons of their very own.

Instead of engaging in a nuclear arms race for the 21st century, the United States must engage in a smart security strategy for the 21st century. Being smart about national security requires the United States to set an example for young democracies, and we can set that example by renouncing the first use of nuclear weapons and the development of new nuclear weapons. We can also set that example by engaging in aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements, and inspection regimes.

If we truly want to keep our country safe for years to come, then we must promote and pursue a smart security strategy for America's future.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it would be better if we did not have to be considering this special rule, but I will support it because I support the conference report and hope it can be passed as soon as possible. There are things in the conference report that I do not like, and there are some things I hoped that would be included that have been left out, but my concerns are outweighed by my strong approval of several provisions that are included.

One is the renewal of the Energy Savings Performance Contracts program. This is the best tool we have to encourage energy efficiency in the Federal Government, but its authorization ended a year ago; and since then, it has been in limbo. So this is a very important provision.

The conference report also makes many improvements in the compensation program for people injured while working in the nuclear weapons program. My colleague, the gentleman from Ohio (Mr. STRICKLAND), was just discussing these important provisions. It is also important for Colorado because we are the home of the Rocky Flats Nuclear Waste complex, a former nuclear weapons site. And with the rest of our delegation, I have been pressing to make sure that the people who work there are properly treated. That is the purpose of this compensation program. Right now, the program has serious problems; but this conference report, as I have suggested, goes a long way towards solving them.

The report consolidates the responsibility for handling claims in the Labor Department, which can help untangle red tape for thousands of claims; and it provides that the Federal Government, not the States, will pay claims and provide medical benefits, something that is vital because otherwise many people will not be paid, even though they have valid claims. Further, it makes sure that people will be paid by making payments an entitlement. These are all great steps forward and long overdue.

Mr. Speaker, I congratulate the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Ranking Member SKELTON) and all of the other conferees, as well as the Committee on Armed Services staff and the staff of the other committees involved. Their task was not easy because the administration has not been particularly helpful, but we can all be proud of this outcome. They deserve our thanks, Mr. Speaker, and the conference report deserves our approval.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate him on his fine service in this body on the Committee on Rules and in so many other areas.

I rise in support of this rule, but also to speak in strong support of the National Defense Authorization Act which will be before this body later on tonight. I am also pleased, and I thank the chairman and ranking member, that an amendment that I offered to the House version of this bill has been included in the conference report.

My amendment directs the Secretary of Defense to eliminate the backlog in rape and sexual assault evidence collection kits, reduce the processing time of those kits, and provide an adequate supply of the kits at all domestic and overseas U.S. military installations and military academies. The provisions in this legislation also direct the Secretary to ensure that personnel are trained in the use of these kits.

This marks the second time this week that the House has passed legislation recognizing the importance of DNA evidence. It is better than a fingerprint. DNA never forgets and can never be intimidated.

I am glad to see that the military will be addressing this issue, and I hope that civilian victims and survivors of rape will soon get similar justice with the passage of the comprehensive DNA legislation that has been bottled up in the other body.

I would like particularly to thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Ranking Member SKELTON) for their leadership, and I urge my colleagues to support the underlying bill.

I will say that my DNA collection bill grew out of the scandal, really, in the military of rapes at military academies and in Iraq and Afghanistan. The bipartisan Women's Conference and Caucus here in Congress held hearings, meetings, and issued a report. As one of the victims said, the best thing you can do is just convict the rapist. DNA evidence will help us to protect the innocent and protect women from rape in the future and place rapists behind bars.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members to refrain from improper references to the Senate.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this rule and the underlying bill. I think there is much that is desirable to be found in it. Certainly it is important to meet the needs of our Armed Forces in this difficult time, especially in Iraq.

However, the bill continues to spend too much money on the wrong things. One of the most graphic examples is an 11 percent increase for missile defense, over \$10 billion, that is critically needed now in areas of homeland security and defense activities.

There are also important elements for protecting our communities that are underserved in this legislation.

With almost \$446 billion, we ought to be able to have the Department of Defense clean up after itself. What this bill does not address is literally a ticking time bomb.

I have come to the floor in the past talking about the millions of acres around the country that are contaminated with military contamination, unexploded ordnance, or UXO, the military waste and unexploded bombs left over from former military sites. The estimates range from 10 million to 40 million contaminated acres. I noted a moment ago my colleague, the gentleman from Colorado, was here. They are having subdivisions creeping out to the Lowry Air Force Base, a former bombing range, where soon people will be living near areas where we fear there are unexploded ordnance. I note the gentleman from Texas is here. He is near an area in Arlington where there were people out Rototilling their backyards in a new subdivision literally turning up an unexploded bomb.

The Department of Defense estimates that identifying, assessing, and cleaning up contamination from military munitions will cost in the area of \$8 billion to \$35 billion, but most experts say it is going to cost far more. But we are spending at a rate of only \$106 million annually. According to GAO, it will take 75 to 330 years to clean up these unexploded ordnance on already closed sites, and it does not include all the new contamination that we are creating.

Leaving this toxic legacy does no favor to the Department of Defense. In the long run it is going to cost more to clean it up, because clean it up we must. It is going to threaten the environment, and we have seen situations like the Massachusetts military reservation that is creating serious ground water pollution; it endangers our military and their families.

I sincerely hope this is the last such piece of legislation that does not appropriately address the problem of unexploded ordnance and military contamination.

Mr. FROST. Mr. Speaker, I do not have any additional requests for time. I urge adoption of the rule, and I yield back the balance of my time.

Mrs. MYRICK. 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.

#### WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 843 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 843

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4200) 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, today the Committee on Rules met and granted a normal conference report rule for H.R. 4200, the Defense Authorization Act for Fiscal Year 2005. The rule waives all points of order against the conference report and against its consideration. In addition, it provides for 1 hour of debate, equally divided and controlled between the chairman and ranking minority member of the House Committee on Armed Services.

This should not be a controversial rule; it is the type of rule we grant for every conference report that comes through the House. This legislation firmly shows our commitment to restoring the strength of our Nation's military. The conferees authorized \$447.2 billion in budget authority for the Department of Defense, DOD, and the national security programs of the Department of Energy, DOE.

□ 1715

I want to thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for all of the work they have done in their tireless support for our brave sons and daughters in uniform. The safety and security of our troops and our Nation can be attributed to the contributions they have made.

This legislation authorizes the funding necessary to defend the Nation and our interests around the globe. More than 200,000 soldiers, sailors, airmen and Marines have served in the global war on terrorism. We owe them our gratitude for defending our freedom.

Their success in Iraq and Afghanistan is a testament to their bravery, training and equipment, and their commitment to defend our freedom.

On the battlefield, we provide critical force protection resources, including countermeasures for improvised explosive devices, improved surveillance and reconnaissance capabilities and the latest infantry equipment.

H.R. 4200 adds more than \$2 billion for force protection measures, including armor, munitions, communications