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 considerd as read.

The SPEAKER pro tempore. The gentlewoman 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

and surveillance programs. The legislation contains provisions to eliminate procurement obstacles and field commercially available technology on an expedited basis, something that is much needed. At home, this legislation meets the needs of our military personnel with numerous quality-of-life improvements.

Among the many initiatives are a 3.5 percent across-the-board pay raise, special pay and bonuses, and improved housing, as well as the complete phase-out of out-of-pocket housing expenses.

This conference report makes great strides in addressing the disparity by which disabled military retirees have their pension benefits reduced, dollar by dollar, by the amount of disability benefits they receive from the Department of Veterans Affairs. The fiscal year 2004 act authorized full concurrent receipt to be phased in over 10 years.

The conference report continues to build on this improvement by removing disabled retirees who are rated 100 percent disabled from the 10-year phase-in period. These retirees are authorized for full, concurrent receipt effective January 2005. Our veterans have given deeply and heroically, and it is only fair that we recognize their service.

So let us pass the rule and pass the underlying Defense Authorization Conference Report. At the end of the day, we are going to make our homeland safer and we will be supporting our sons and daughters serving in the military. We will be preparing for war, thereby ensuring victory. At this crucial time in our history, this bill is most important.

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 thank the gentlewoman for yielding me the customary 30 minutes.

The annual defense authorization bill is one of the most important bills the Congress considers. During my 26 years in Congress, I have been dedicated to and I have worked to ensure that the United States has the strongest national defense of any nation on earth. This year is no exception; in fact, the defense authorization bill is more important than ever.

This past December, I spent several days in Iraq where I had the distinct honor and privilege to meet with our rank-and-file soldiers on our front lines and to thank them personally for their brave and distinguished service and personal sacrifices. And I was reminded of this enormous sacrifice upon my return. The cargo plane we flew out of Baghdad on carried the coffins of two American soldiers who had been killed just 3 days before Christmas.

It seems like almost every night Americans turn on the news at home and see reports of violence in Iraq. But when I turn on my television, I cannot help but recall the selflessness and courage I saw while in Iraq, and the mix of pride and sorrow I felt on the flight home.

America's sons and daughters in Iraq represent our country well, but their job continues to be very difficult and very dangerous. And that is why the bill before us is so important.

Before anything else, the defense authorization bill is a bill to support our troops. This bill will help keep our service men and women in Iraq and around the world safe, will provide them with the tools they need to fight the war on terror, and will give them and their families the better quality of life that they so richly deserve.

First and foremost, this conference report provides $25 billion in supplemental funding for the wars in Iraq and Afghanistan to ensure that our troops have everything they need to successfully accomplish their mission and return home to their families safely. The conference report authorizes new funding for armored Humvees and body armor. We help ensure the strength of our military by putting 39,000 more Army and Marine Corps personnel on the ground. We give our troops a 3.5 percent pay raise, and we help ensure that all of our fighting men and women receive health care by expanding TRICARE coverage to Reservists and their dependents.

The conference reports also helps those who have served our country so honorably over the years by making sure that those who are left behind when a soldier falls receive the full benefits that they deserve through the Survivor Benefit Plan.

Mr. Speaker, I want to thank the conferees on both sides of the aisle who worked so hard to complete this important bill before we return home for the election. There has never been any doubt that this House, this Nation, and its people stand 100 percent behind our men and women in uniform, fighting to secure peace the world over. Let us pass this bill and this rule to keep our troops safe and give them the tools they need to do their jobs.

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

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

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

I want to raise some issues today with regard to certain aspects of this conference report and certain authorizations, particularly those dealing with the Defense Intelligence Agency and the responsibility of this Congress to oversee ways in which intelligence is used by the executive branch.

There are very disturbing aspects of the way in which intelligence is used. We know that most of the expenditures for intelligence in our country are spent by the Defense Intelligence Agency. I am interested in why the majority party has not exercised its oversight responsibilities with the way in which intelligence has been misused in ways that are misleading. That goes all of the way back to a time prior to the attack of September 11, 2001.

We know, for example, that all during the spring and summer of that year we were getting intelligence information talking about an impending attack on the United States. In fact, at one point, George Tenet, the Director of the Central Intelligence Agency, pointed out that the lights were flashing red. Others indicated that something very, very, very big was about to happen.

Then on August 6 of that year, the President received his daily briefing and in the context of that daily briefing, which was entitled ''bin Laden Determined to Attack the United States,'' there were substantial amounts of information about how it was discerned that an attack upon the United States in various ways was imminent, and there was even discussion about the potential use of airplanes, but no actions were taken, not during the spring and summer when the first information came, not after the President's daily briefing of August 6. Nothing was done. And then the attack occurred.

Mr. Speaker, why are we not looking into the way in which the intelligence operation is having an effect on the executive branch? Why are we not overseeing those kinds of activities?

Then, of course, we had the report just yesterday from the United States weapons inspector in Iraq, Mr. Duefler, which again said very, very clearly that there was no evidence of weapons of mass destruction in Iraq. Prior to that we had the report of the Senate Intelligence Committee, the 9/11 Commission Report, all of which said, no connection between Iraq and the attack, and also no weapons of mass destruction.

It just seems to me that as we make these authorizations, the majority party here, which sets the agenda and has the responsibility of oversight through the committee system of the way in which the executive branch is operating, ought to have paid much more attention to this and ought to be paying much more attention to it now.

We are spending tens of billions of dollars. I am not sure what the exact number is at this particular point, soon it will be $200 billion, but at least it is $140–150 billion being spent in Iraq. All of the loss of life, all of the injuries, and all of the destruction of our image around the world, why are we not in this Congress, in this House of Representatives, living up to our obligations and responsibilities for oversight when so much of the intelligence that we have paid for has been ignored, so much of the other intelligence that we are paying for has been misused to mislead this Congress and to mislead the American people?

This is an issue that has not been addressed and must be addressed by this House. The sooner it is done, the better off everyone is going to be.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, probably one of the least known things about the President's budget request over the year is that in June 2001 President Bush presented his defense budget to Congress and in it asked for the authority to conduct a round of base closures in 2003 called the Effective Facilities Initiative.

In September of that year, after the House had refused to act on it, the other body passed by a very small margin the authority for two rounds of base closure. Later, the House conferees worked that down to one round, but in the year 2005. But this May, knowing how close we were coming to it and the fact that our Nation was at war not only in Iraq and Afghanistan, in a much smaller war, but still a war, in Colombia, this body by almost a 100-vote margin voted to delay BRAC for 2 years. There were a lot of good reasons for that.

The President asked for this in June 2001. Our Nation was at peace. We had no troops in Afghanistan or Iraq. We were talking about shrinking the military.

In this bill we are going to vote on shortly, we expand the ranks of the Army by 20,000. We expand the ranks of the Marine Corps by 2,000. Those are both good things.

The President is talking about bringing troops home from Korea and Europe. Where is he going to put them because, by the administration's own admission, they are not talking about closing one base or two bases, they are talking about closing 25 percent of all of the bases in America, not overseas. This base closure commission is about closing bases in America, not Europe or Korea. That is one base out of four.

What further complicates this and what I found interesting is, when I expressed my opposition to this and when I asked the different service secretaries who have come before the House Committee on Armed Services, who tell us repeatedly we have 25 percent overcapacity, name one base you would like to see closed, the Secretary of the Army would not name one base; the Secretary of the Navy could not name one base; the Secretary of the Air Force could not name one base. They cannot name one, yet they keep insisting that they want to close one base out of four.

Mr. Speaker, what happens when a base is closed? Number one, we lose that capability that the taxpayers have paid for forever. America is not getting less populated, it is more populated. It is not less crowded, it is more crowded. When you lose that land, you lose the ability to train there. Every single weapon we have requires more of a stand-off in order to train, not less. Things that used to shoot for yards now shoot for miles. Things that used to shoot for miles now shoot across a continent. We need more land to train. We are talking about bringing troops home, and yet they want to shut down bases.

And there are other unintended consequences. Half of our military retirees, those people who have given our Nation 20 years of their blood, sweat and tears, 20 years away from their families, over half of our Nation's military retirees intentionally chose to retire near a military facility so they could use the base hospital, because they were promised use of that base hospital for the rest of their lives.

□ 1730

They intentionally retired near a commissary because they were promised the use of the commissary for the rest of their life. You know what? They spent 20 years away from their families, being called chief or sergeant or colonel or captain, and they like going back to the base and being called chief or sergeant, colonel or captain.

When you close the base, you close the commissary. When you close the base, much more importantly, you close the base hospital. You have broken the promise of lifetime health care for these military retirees.

So why, when we are at war in Afghanistan, when we are in a war in Iraq? I happen to, unfortunately, have been on the same flight with the gentleman from Texas (Mr. FROST) when those two young GI's came home in a coffin from Iraq. Why, when we are asking young Americans to enlist to serve because we want to give them good things?

This body is given the constitutional authority to provide for an Army or a Navy, turn around and give that authority to some handpicked bureaucrats who have already been told, close one base out of four.

In particular, to my friends from Florida, I come from hurricane country. I know what it is like to see houses destroyed. I know what it is like to go to funerals of people who have died in hurricanes. We got lucky this time in Mississippi. You did not. You have had four hurricanes this year.

Why would the President of the United States as Commander in Chief tell the people of Florida he is going to go there and close one base out of four knowing that their economy has already been devastated. Why would he tell his military retirees, who intentionally bought houses in Florida so they could use the hospital, so they could use the commissary: We are sorry. We are going to close the base. We are going to close the hospital. We will close the commissary. You are out of luck.

In a little while, I will offer a motion to defeat the previous question, and it will be very sweet and simple. It will instruct the clerk to put back the language that passed this House by very close to 100 votes, including the vote by the chairman of this committee, that says we are going to delay BRAC. If we are growing the force, which we are, if we are bringing troops home from Europe, if we are bringing them home from Asia, we will need a place to put them. Let us not close bases now and not have a place for them.

Mr. Speaker, there are so many reasons to be against BRAC. The biggest of all is the false notion that it saves the taxpayers money. They predicted great savings. Let me tell you what they did. They shut down bases, and threw Americans out of work. They deprived military retirees of their basic health care. They deprived them of their commissary. But, most importantly of all, we did not sell the bases; we gave them away. Before we gave away bases, this Nation spent $13 billion, with a B, $13 billion cleaning up facilities just to give them away. And then you never get them back.

Go to Cecil Field in Florida. Right now, our Nation is spending tens of millions of dollars buying land in North Carolina. Why? So we can build a runway. What do we need a runway for? For the F–18s to land when they come off the ships. Why did we not send them to another base? Well, we had another base. It was called Cecil Field. It had three 8,000-foot runways. It had a fourth 10,000-foot runway. It had a hospital. It had a commissary. It had places for the troops to live. It had places for the family to live. It had mess halls. It had all the things that a base is supposed to have, but a previous round of BRAC shut it down. So when the F–18s need a place to land when they come off the carriers, we have got to go buy land to make up for what was already given away.

It is very rare in this body where we get a chance to prevent a long-term mistake. Another round of base closures is a long-term mistake. I am giving you the opportunity to do the right thing for your country. In a few minutes, I will offer that.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of this committee.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me time.

I will say, I have the highest respect for the gentleman from Mississippi (Mr. TAYLOR) who is a very valuable member of our committee, and we have done great work over the last many months putting this bill together. And I would hope that the members of the House, rather than focusing on what this bill does not do in terms of stopping the BRAC process or other issues that were of concern to members, to focus on what it does do.

I just remind my colleagues that, in this bill, we have a 3.5 percent across-the-board increase for the men and women who wear the uniform of the United States.

For the first time in our history, we have what is known as a survivor benefits program. We are doing away with

the so-called widow's tax. And that is where the surviving spouse of a military retiree will no longer have to offset their survivors' benefits against their Social Security check.

We increase what is known as concurrent receipt for our veterans. That means that a disabled veteran will no longer have to offset to the degree that he did before his disability check against his retirement check. We have over $700 million for up-armoring our Humvees. Those are the vehicles that will be driven by young men and women in theaters like Iraq and Afghanistan. We have, across the board, enough personnel benefits to really justify calling this bill the bill that represents the year of the soldier and marine.

We have this increase of some 20,000 and some 3,000 Marines. A hard increase and a permissive increase of the Army and Marine Corps of an additional 10,000 soldiers and an additional 6,000 Marines. We have this increase in imminent-danger pay and an increase in family-separation pay. And the 24,000 housing units, which the presumed paralysis of that housing program, where we thought we would actually have 24,000 family housing units hanging this year because of a funding glitch and a scoring glitch; we fixed that in this conference. And that means that the families of the men and women who wear the uniform of the United States will have family housing much quicker than we thought they would have it.

So, for all those reasons, I just hope and would ask my colleagues, Democrat and Republican, to support this rule and to vote for the previous question when the gentleman from Mississippi (Mr. TAYLOR) raises it.

I tell the gentleman that I understand his concern and that he and I both know that it is tough to retrieve these bases with the maze of environmental regulations that will face any administration in the future who wants to reach in and retrieve a base that has been closed, but that, nonetheless, I think that with the good judgment of the Members of this House overseeing this and watching this process and the members of Blue Ribbon Panel watching this process, and all the good things that are in this bill, it is appropriate for us to move forward. I hope that we pass this bill.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR) to close the debate.

Mr. TAYLOR of Mississippi. Mr. Speaker, let me begin by complimenting my chairman on the very genteel way he is handling this. He has done a good job with the bill, with one glaring exception. And some mistakes are so bad that they cannot be retrieved, and we need to retrieve this now while we have a chance.

Mr. Speaker, I will be calling for a ''no'' vote on the previous question. If the previous question is defeated, I will offer an amendment to instruct the enrolling clerk to amend the conference report to reinsert language that was in the House-passed bill that would postpone the 2005 round of base closures and realignments until 2007.

As we know, this legislation was included in the original version of the defense authorization bill that passed in this House in May. However, it, like several other provisions, mysteriously disappeared when the bill was in conference.

Mr. Speaker, this is just one of many examples where good legislation and amendments that passed this House just seemed to vaporize behind closed doors. That is a bad way to do business. Tonight, we have a chance to stop that.

Let us do the right thing today. Let us reinsert the provision that passed by very close to 100 votes right now. I think the Members of this House must decide for themselves whether or not they want another round of base closures. As I have said before, when given the opportunity, the service secretaries could not name and would not name one single installation they want closed. Read the Constitution, article I, section 8 says that Congress shall provide for an Army and a Navy. Not the bureaucrats. We decide.

We are going to leave here and go beg for the opportunity to represent a sliver of America. We are going to beg for the opportunity to fulfill congressional obligations. How many of you are going to go out there and say, Please elect me congressman so I can let some bureaucrat make the tough decisions for me. I am not. I want to do my job. I do not trust bureaucrats with my job. I will not vote to allow a group of bureaucrats to shut down bases at a time when we are at war and we are getting ready to bring troops home and we are growing the Army and we are growing the Marines. This does not make sense.

So let me make it perfectly clear. A ''no'' vote on the previous question will not, will not stop consideration of this conference report. A ''no'' vote will allow the House to vote to reinsert the provision that passed this House by almost a 100-vote margin. However, a ''yes'' vote on the previous question will prevent the House from delaying the closing of one base out of every four in America, one base out of every four. I urge a ''no'' vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of this amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

Mr. FROST. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 13 minutes remaining. The gentlewoman from North Carolina has 23½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I urge my colleagues to defeat the previous question so my colleague, the gentleman from Mississippi (Mr. TAYLOR) can bring to the floor legislation that would delay the Base Realignment and Closure process better known as BRAC.

Mr. Speaker, at war in Afghanistan and Iraq, the Army is restructuring itself. We are assessing our base structure overseas and plan to bring two divisions home from Europe and to reduce our troop strength over a period of time from South Korea by at least 12,000 troops. We are increasing the end strength in this bill to relieve the stress on our troops. We are still developing the Pentagon's role in homeland security. The division of labor between active duty forces and the Reserve component is still being evaluated and is a question mark. This is really a heck of a time to be conducting BRAC.

Voting ''no'' on the previous question will allow the gentleman from Mississippi (Mr. TAYLOR) to bring up legislation that would delay BRAC 2 years. I think a 2-year delay is prudent. Given the turbulent times facing our military, the legislation will not kill BRAC; it will just delay it. The House voted decisively several months ago to delay the base closures, but this provision was dropped by the conference. The House deserves a serious, serious debate on this issue. I support the gentleman from Mississippi (Mr. TAYLOR) on a ''no'' vote.

Mr. FROST. Mr. Speaker, we do not have any additional requests for time.

I would note that the gentleman from Mississippi (Mr. TAYLOR) will oppose the previous question, and if he is successful, then he will have the opportunity to offer his amendment to the conference report.

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

The material previously referred to by Mr. TAYLOR of Mississippi is as follows:

At the end of the resolution add the following new section:

SEC. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution—

(1) which has no preamble;

(2) the title of which is as follows: ''Concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of 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.''; and

(3) the text of which is as follows: ''That in the enrollment of 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, the Clerk of the House of Representatives shall add at the end of subtitle C of title XXVIII the following new section:

SEC. 2835. TWO-YEAR POSTPONEMENT OF 2005 BASE CLOSURE AND REALIGNMENT ROUND.

(a) POSTPONEMENT UNTIL 2007.—Notwithstanding any other provision of law, the Secretary of Defense shall not publish in the Federal Register or transmit to the congressional defense committees and the Defense Base Closure and Realignment Commission any list of military installations inside the United States that the Secretary recommends for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) before May 16, 2007.

(b) CONFORMING AMENDMENTS.—(1) Section 2914 of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in the section heading, by striking ''2005'' and inserting ''2007''; and

(B) in subsection (a), by striking ''May 16, 2005,'' and inserting ''May 16, 2007,''.

(2) Subsection (d) of section 2914 of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in paragraphs (1) and (2), by striking ''September 8, 2005'' both places it appears and inserting ''September 8, 2007''; and

(B) in paragraph (6)—

(i) by striking ''in 2005'' and inserting ''under this section''; and

(ii) by striking ''July 1, 2005'' and inserting ''July 1, 2007''.

(3) Subsection (e) of section 2914 of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in paragraph (1)—

(i) by striking ''in 2005'' and inserting ''under this section''; and

(ii) by striking ''September 23, 2005'' and inserting ''September 23, 2007'';

(B) in paragraph (2), by striking ''October 20, 2005'' and inserting ''October 20, 2007''; and

(C) in paragraph (3)—

(i) by striking ''November 7, 2005'' and inserting ''November 7, 2007''; and

(ii) by striking ''in 2005'' and inserting ''in 2007''.

(4) Section 2912 of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in the section heading, by striking ''2005'' and inserting ''2007'';

(B) by striking ''fiscal year 2005'' each place it appears and inserting ''fiscal year 2007'';

(C) in subsection (b)(1), by inserting ''for fiscal year 2007'' after ''subsection (a)'';

(D) in subsections (b)(2) and (d), by striking ''in 2005'' each place it appears and inserting ''under section 2914'';

(E) in subsection (d), by striking ''March 15, 2005'' both places it appears and inserting ''March 15, 2007'';

(F) in subsection (d)(4), by striking ''calendar year 2005 and shall terminate on April 15, 2006'' and inserting ''calendar year 2007 and shall terminate on April 15, 2008''; and

(G) in subsection (d)(5), by striking ''second session of the 108th Congress for the activities of the Commission in 2005'' and inserting ''second session of the 109th Congress for the activities of the Commission under section 2914''.

(5) Section 2904(a)(3) of the Defense Base Closure and Realignment Act of 1990 is amended by striking ''in the 2005 report'' and inserting ''in a report submitted after 2001''.

(6) Section 2906(e) of the Defense Base Closure and Realignment Act of 1990 is amended by striking ''2005'' and inserting ''2007''.

(7) Section 2906A of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in the section heading, by striking ''2005'' and inserting ''2007''; and

(B) by striking ''2005'' each place it appears and inserting ''2007''.

(8) Section 2909(a) of the Defense Base Closure and Realignment Act of 1990 is amended by striking ''2006'' and inserting ''2008''.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 843 may be followed by 5-minute votes on adoption of House Resolution 843, if ordered, and on the motion to instruct on S. 2845.

The vote was taken by electronic device, and there were—yeas 225, nays 175, not voting 32, as follows:

[Roll No. 524]

YEAS—225

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—175

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—32

Ballenger
Bass
Boehlert
Burton (IN)
Clay
Collins
Filner
Ford
Frank (MA)
Gallegly
Gephardt
Greenwood
Hinojosa
Issa
Jones (NC)
Kaptur
Leach
Lipinski
Majette
Markey
Matsui
Meek (FL)
Meeks (NY)
Miller, Gary
Murtha
Norwood

Ortiz
Paul
Radanovich
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1809

Messrs. THOMPSON of Mississippi, ABERCROMBIE, DEFAZIO, and DINGELL changed their vote from ''yea'' to ''nay.''

Mr. COLE, Mr. DOOLEY of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. SAM JOHNSON of Texas changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 524, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

Mr. BASS. Mr. Speaker, on Friday, October 8, 2004, I regrettably missed recorded vote numbered 524. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON S. 2845, NATIONAL INTELLIGENCE REFORM ACT OF 2004

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on S. 2845, on which further proceedings were postponed earlier today.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 169, nays 229, not voting 34, as follows:

[Roll No. 525]

YEAS—169

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—34

Ballenger
Bass
Boehlert
Burton (IN)
Clay
Collins
DeFazio
Diaz-Balart, L.
Filner
Ford
Frank (MA)
Gallegly
Gephardt
Greenwood
Hinojosa
Issa
Jones (NC)
Kaptur
LaHood
Lipinski
Majette
Markey
Matsui
Meek (FL)
Meeks (NY)
Miller, Gary
Norwood
Ortiz
Paul
Radanovich
Slaughter
Tauzin
Towns
Waters

□ 1835

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 525, I was in my congressional district on official business. Had I been present, I would have voted "yea."

Stated against:

Mr. BASS. Mr. Speaker, on Friday, October 8, 2004, I regrettably missed recorded vote numbered 525, Had I been present, I would have voted "nay."

PRIVILEGES OF THE HOUSE—SPECIAL COUNSEL TO INVESTIGATE ACTIONS OF REPUBLICAN MAJORITY LEADER

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 845) for a special counsel to investigate the actions of the Republican majority leader and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 845

Whereas, in May of 1999, the Committee on Standards of Official Conduct, by letter, admonished Representative Tom DeLay for his conduct in connection with a threat of retribution against an organization for hiring a person connected to the Democratic Party;

Whereas, on September 30, 2004, the Committee on Standards of Official Conduct publicly admonished Mr. DeLay for improperly linking support for the personal interests of another Member as part of a quid pro quo to achieve a legislative goal;

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct publicly admonished Mr. DeLay for his participation in a fundraiser that created an appearance that donors were being provided special access to him regarding then pending energy legislation;

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct publicly admonished Mr. DeLay for intervening in a