Burgess
Burns
Burton (IN)
Buyer
Calvert
Capito
Carson (IN)
Carson (OK)
Carter
Chabot
Clyburn
Coble
Cole
Collins
Costello
Cramer
Crenshaw
Culberson
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Doyle
Duncan
Edwards
English
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Forbes
Ford
Franks (AZ)
Frelinghuysen
Garrett (NJ)
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Gibbons
Gilchrest
Gillmor
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Goode
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Green (TX)
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Hobson
Hoeffel
Holden
Hostettler
Hunter
Hyde
Isakson
Istook
Jackson-Lee (TX)
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kildee
King (IA)
King (NY)
Kingston
Kleczka
Kline
Lantos
Larson (CT)
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (OK)
Lynch
Marshall
McCarthy (MO)
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Nethercutt
Ney
Norwood
Nussle
Obey
Ortiz
Owens
Pascrell
Payne
Pearce
Pence
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
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Vitter
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Bonilla
Brown-Waite, Ginny
Combest
Doolittle
Emerson
Gephardt
Gordon
Langevin
Oxley
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1848

Messrs. NETHERCUTT, MORAN of Kansas, CARSON of Oklahoma, PENCE, Mr. RYUN of Kansas, MEEK of Florida, BURTON of Indiana, RUPPERSBERGER, Ms. BROWN of Florida, Messrs. WYNN, TIAHRT, LARSON of Connecticut, and WILSON of South Carolina, Ms. ROS-LEHTINEN, and Mr. SHADEGG changed their vote from ''aye'' to ''no.''

Messrs. KIND, TOOMEY, THOMPSON of California, WATT, WALDEN of Oregon, PALLONE, LAMPSON, MARKEY, NADLER, RAHALL, CROWLEY and Ms. HARRIS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LANGEVIN. Mr. Chairman, on rollcall No. 219, my vote was not recorded, but had it been recorded I would have voted ''no.''

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Chairman, I was absent from the House floor during rollcall vote 208 through rollcall vote 219. Had I been present, I would have voted ''aye'' on rollcall votes numbered 208, 209, 210, 211, 212, 213, 214, 217, 218, and 219. I would have voted ''nay'' on rollcall votes 215 and 216.

Mr. BOEHLERT. Mr. Speaker, I submit the following letter for the RECORD.

COMMITTEE ON SCIENCE,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2003.

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

DEAR MR. CHAIRMAN: I understand that the Armed Services Committee has requested that the Committee on Science waive its right to a referral on several sections of H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. It is also my understanding that the Parliamentarian's office has confirmed that the Science Committee has jurisdiction over several provisions in H.R. 1588.

To expedite the consideration of this bill by the House, the Committee is willing to waive its right to a referral, provided that the Science Committee's right to participate as conferees on those provisions within its jurisdiction is also protected. I would also appreciate if this exchange of letters could be included in the record of debate on H.R. 1588 during floor consideration.

Thank you for your consideration in this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

Mr. BLUMENAUER. Mr. Chairman, providing national defense is one of the federal government's most significant functions, and today it is more important than ever. Our military superiority, as demonstrated during the war in Iraq, is unmatched. In terms of numbers, the United States spends more on defense than the next 25 nations combined.

Yet this $400 billion authorization, the largest defense allocation in history, does not sufficiently address long term threats to our national security. In fact, it takes us in the wrong direction by exempting the Pentagon from its future environmental responsibilities and not providing adequate resources to clean up the legacy of past defense-related pollution.

With such an enormous authorization of resources, we must make sure that the money is being spent wisely. Unfortunately, we have not eliminated unnecessary, wasteful programs that do little to enhance the security of the United States. Despite agreement on the need for deep and lasting changes to military strategy, doctrine, and force structure, the Pentagon's focus so far has been on acquiring new capabilities rather than on re-evaluating current questionable priorities and programs. While the Pentagon identified only $24.3 billion to fund ''transformation goals,'' roughly one third of that amount is also budgeted for missile defense, a Reagan era program that continues to suffer from technological difficulties and cost overruns. This is misdirected funding taking away from other defense commitments and ignores the fact that we are more at risk from terrorist with trucks, suitcases and motorboats than missiles.

We are not meeting our commitments to ''hometown security.'' More of this money should be directed to our struggling communities to address the real security threats they are facing, as demonstrated by the current code orange security status.

We are not meeting our commitments to our veterans. Our spending priorities should include funding concurrent receipts, which enable retirees who were injured in the line of duty to receive both their deserved retirement pay and disability payments. The number one issue I hear about from military retirees in my district is veterans' health care funding, which has vast unmet needs.

We are not meeting our environmental commitments. We should not lay the burden on our communities of cleaning up the Department of Defense's toxic legacy. In particular, we should fund remedies to the problem of unexploded ordnance. There are some 2,000 former military properties in every state and nearly every congressional district where these hidden dangers lurk. This is a prime example of the need for the federal government to be a better partner and clean up after itself.

In addition to the unwise and wasteful expenditures in this bill, it also authorizes unnecessary and destructive waivers of important environmental protections essential to the health of Americans and the health of our land and water. The bill would weaken one of the key provisions of the Endangered Species Act involving critical habitat protection. It would also weaken the definition of ''harassment'' in the Marine Mammal Protection Act. Unfortunately these laws apply to all ocean users, not just the Department of Defense. If we exempt the largest landowner in the country from environmental regulations, how can we expect anyone else to follow our laws?

Instead of addressing real threats to readiness, the Bush administration and Republican leadership are taking on an easier target: endangered species. Using national defense as cover, the Republicans propose to make changes to environmental laws in ways that have nothing to do with defense readiness, suggesting that was not their goal in the first place. The provision in this bill are too broad to protect the environment, yet too narrow to deal with the wide range of problems that hinder military readiness, like encroachment and sprawl.

This is the same sprawl and unplanned growth that threatens our farms and forestlands, pollutes our air and water, and congests our roadways.

There is much that we could do to strengthen and better protect America with the enormous resources authorized in this bill. There are too many items authorized that threaten Americans' health and safety or waste tax dollars with no tangible benefit. We must do better in shaping our Nation's defense policy and honoring our existing commitments to veterans, the environment, and our community.

Ms. BALDWIN. Mr. Chairman, I rise today to oppose the FY 04 Defense Authorization bill.

Since September 11, 2001, our nation has faced the threat of international terrorism.

Every Member of Congress has taken seriously one of our most important responsibilities; protecting the lives and property of all Americans. I have supposed many of President's Bush's initiatives to address the threat posed by Al Qaida and international terrorism when I believed they would enhance our country's security. I have opposed proposals when I believed they would not.

The test of any defense related legislation is: Does it make our country safer? This bill fails that test. In fact, in some ways, this bill will decrease our security.

First, this bill encourages nuclear proliferation. This bill will eliminate the prohibition on the research, development and deployment of low-yield nuclear weapons, even as the United States works to stop proliferation of nuclear weapons elsewhere. The list of countries with nuclear weapons keeps growing: the United States, Russia, Great Britain, France, China, Israel, India, and Pakistan. Now North Korea has them. Who's next? The United States committed to work toward disarmament when the Nuclear Non-proliferation Treaty (NPT) went into effect in 1972. We should be taking bold steps toward ending the threat of nuclear holocaust once and for all, not creating new ones.

The United States must show leadership by refraining from the use of nuclear weapons. Developing new ones sends exactly the opposite message. By continuing the development of new nuclear weapons at the same time we are trying to convince other nations to abstain from such weapons, we undermine our credibility to fight proliferation. Now is not the time to send an ambiguous non-proliferation message to those nations who would try to join the nuclear club.

These ''tactical'' nuclear weapons are not needed for our defense. Conventional ''bunker buster'' bombs have been used and additional research is ongoing to improve their effectivess. A ''robust earth penetrator'' would not be a targeted ''smart bomb,'' since fallout would harm human beings in the area of the blast. One that successfully penetrates deep enough to contain the fallout would need to have sufficient explosive power to no longer be considered a ''mini'' or tactical nuclear weapon. The only permanent solution to the nuclear threat is to eliminate these weapons entirely through a global legal commitment, backed by strong oversight and enforcement mechanisms.

Second, the overall spending level in this bill is excessive. This will be the largest defense budget in the history of the United States. The Center for Strategic and Budgetary Assessment has calculated that it is 10 percent higher in real terms than the average military budget during the Cold War. At $400.5 billion, this bill is $7.6 billion higher than the current authorized level. It represents 51 percent of Fiscal Year 2004 discretionary spending. The first Defense Authorization bill passed after I was elected to Congress in 1998 was the FY 2000 bill. That legislation authorized $291.0 billion.

Clearly we are the preeminent military power in the world. Our military spending is 8 times as large as the next largest military—Russia. No other nation, or collection of nations, is anywhere close to being able to challenge American military power. Continuing to increase our military spending beyond the rate of inflation and in a time of budget deficits and a stagnant economy is not a wise use of taxpayer dollars. We can be safe without spending more.

Before significantly increasing defense spending, we need to eliminate the waste, fraud and abuse within the department. The department's inspector general found that the department could not account for more than $1 trillion in spending. Yes, $1 trillion. That's two and half yearly defense budgets. A General Accounting Office report found that the Army could not account for 56 airplanes, 32 tanks, and 36 missile command launch-units. The GAO found that the department has 2,200 overlapping accounting systems which cost a total of $18 billion per year. $18 billion, and apparently they don't even work. The GAO estimates there is at least $20 billion in savings that could be found in the defense budget.

Third, this bill continues funding for weapons systems that are expensive and unnecessary. The bill would authorize $1.05 billion to purchase 9 new MV–22 Osprey tilt-rotor aircraft and continue program research and development. This aircraft has had continuing design problems that have already cost us $15 billion, four crashes and the lives of 23 Marines. We don't need these planes. We also do not need the F–22 Raptor. Like the Osprey, it has continuing technical problems and cost overruns. Each aircraft costs $260 million. We could save $3.5 billion if we did not purchase the proposed 22 this year.

The bill also makes it harder to close unneeded military bases. We have and will continue to restructure our forces to meet our new security needs. That process requires us to reduce our expenses by closing excess bases. Keeping unnecessary bases open wastes valuable defense dollars that could be used to enhance our security.

Perhaps the biggest boondoggle in the defense budget is the national missile defense system. The bill calls for $9.1 billion to continue research, development and initial deployment in Alaska. Each year we put more and more resources into this unproven technology that does not address the most likely threats from weapons of mass destruction. Is a nuclear weapon likely to arrive on an intercontinental ballistic missile? Homeland security experts don't believe so. They are worried about our ports and our borders. The GAO found that ''an effective port security environment may be many years away.'' The U.S. maritime system consists of more than 300 sea and river ports with more than 3,700 cargo and passenger terminals. In excess of 6 million transport containers enter our ports each year. With $9.1 billion we could secure our ports, and have money left over to address other urgent homeland security needs like funding for first responders, research on chemical, biological and nuclear weapons detection, improving our border security, and providing more resources for non-proliferation efforts overseas. These should be our priorities.

Fourth, the bill includes many unwise, inappropriate and unnecessary provisions. The bill would exempt the Department of Defense from certain aspects of the Marine Mammal Protection Act and Endangered Species Act. These laws already contain exemptions in cases where national security is at stake. Both the General Accounting Office and EPA Administrator Whitman have testified that environmental laws have not affected military readiness. This provision will undermine our environmental laws and threaten endangered species.

The bill gives the Secretary of Defense unprecedented ability to bypass civil service personnel rules and establish new personnel systems. Civil service rules were established to protect workers and protect the public interest by ensuring that fair rules and professionalism replace political favoritism and cronyism. The Bush Administration submitted this sweeping and unprecedented request at the last minute. We don't even know what kind of system the Secretary of Defense intends to create. Any major change like this one requires extensive hearings and in-depth analysis before Congress makes a decision. We should not be railroaded into dismantling an effective, honest civil service system. Furthermore, we should not give a blank check to the Administration in designing this system.

Finally, I am concerned about the continued funding of counter-narcotics military operations in Colombia. The involvement of our military in Colombia's civil war is counterproductive and dangerous. This bill allows counter-narcotics funding and equipment to be used by the Colombian government to fight its civil war. This policy should come to an end.

Mr. Chairman, we can keep our nation secure. Unfortunately, this defense authorization bill does not do so. This defense budget wastes money. If I believed that the increased expenditures were appropriately focused on paying our brave servicemen and women what they deserve and increasing their readiness, I would support it. But this defense budget is targeted at the wrong threats. This defense budget sets the wrong priorities.

Mr. UDALL of Colorado. Mr. Chairman, this bill is one of the most important measures that the House will consider this year. It is intended to set out our vision for the defense of our country in the years ahead—both in terms of policy direction and spending priorities. Unfortunately, the vision this bill puts forth is not one I can endorse, and so I cannot vote for it.

We are over a year into our war on terrorism and fresh from military action in Iraq. 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.

That's why I'm in favor of provisions in the bill that support those men and women who made our victory possible in Afghanistan and Iraq. The bill provides an average 4.1 percent pay raise for service members, boosts military special pay and extends bonuses, and fund programs to improve living and working facilities on military installations. Those are all good provisions that I support.

I'm also in favor of ensuring our defense capabilities are up to the task of defending against 21st century threats. Secretary Rumsfeld continues to try to refocus and reprioritize our defense programs along 21st century lines, but I'm not sure his vision has the support of some of our colleagues here in the House, who seem content to address new threats with Cold War-era technologies. Indeed, with the exception of the Crusader artillery system, the Administration and Congress have continued every major weapons system inherited from previous administrations.

So my first objection to this bill is that although it brings overall defense spending to

levels 13 percent higher than average Cold War levels, it doesn't present a coherent vision of how to realign our defense priorities. We need to make clear decisions about our defense spending, and this bill doesn't begin to consider the choices that must be made.

I have other strong objections to the bill. It includes provisions similar to those in H.R. 1935, a bill we considered in the Resources Committee, to exempt the Department of Defense from compliance with the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). There is a broad-based support for existing environmental laws—as there should be—and these laws already allow case-by-case flexibility to protect national security. The Pentagon has never sought to take advantage of this flexibility, so it strains belief that these laws are undermining our national security. Indeed, the General Accounting Office has found that training readiness remains high at military installations notwithstanding our environmental laws.

Lacking any compelling data to conclusively demonstrate that military readiness and training have suffered as a result of compliance with the ESA and MMPA, I am not persuaded that the changes to these acts proposed by the military are justified. If anything, the recently completed Iraqi Freedom campaign verifies once again that our armed forces remain the best trained, best equipped force on the planet. The Administration has opportunistically selected the present circumstances as a thin veneer behind which to move legislation to weaken key aspects of the ESA and MMPA that it could not achieve otherwise. Such over-reaching should not be rewarded, and the House should not have included these provisions in the bill we are considering today.

I am also concerned about the bill's provisions to overhaul DOD's personnel system. Last year, Congress authorized the largest government reorganization over thirty years with the creation of the Department of Homeland Security, affecting 170,000 Federal employees. Following extensive debate, the new DHS Secretary was given authority to establish a flexible personnel system that at least attempted to protect workers' rights. The provisions in this bill would create even wider ranging exemptions for the Department of Defense, stripping almost 700,000 civilian employees of fundamental rights relating to due process, appeals, and collective bargaining.

The Administration only knows that it wants to gut the current system, but it hasn't provided an alternative. This bill provides a blank check for the Administration to undo many of our civil service laws in an unprecedented unilateral approach to civil service reform. What's worse, the Rules Committee wouldn't allow the House to consider a sensible amendment that would restore a system of checks and balances for our Federal workers. I cannot support the way this bill treats so many dedicated civilian employees of the Department of Defense.

Finally, I am concerned about the bill's provisions on nuclear weapons. This year's bill provides funding to study the feasibility of developing nuclear earth-penetrating weapons and 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 Hiroshina.

Mr. Chairman, 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. Indeed, we're working even now to prevent North Korea, Iran, Syria, and other countries from gaining access to nuclear weapons. 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 believe we must be extremely cautious before we consider expanding applications of nuclear use. We all agree on the need to maintain the deterrent capability of our nuclear forces, but I don't believe we need more or new weapons to maintain our deterrent. This bill takes our nuclear posture a step backwards, putting the U.S. in a position of leading the world in the direction of developing more nuclear weapons.

Mr. Chairman, if the House had been permitted to consider more needed amendments to the bill, it might have been improved enough so that I could support it. But the Rules Committee rebuffed sensible amendments at every turn, denying us a voice on civil services protections and the environment, among other issues. So in view of my strong objections outlined above, I cannot support this bill.

Mr. VAN HOLLEN. Mr. Chairman, it is my intention to vote for the National Defense Authorization Act for fiscal year 2004 now before the House. The brave men and women risking their lives in Iraq deserve the support of the United States Congress and we have a responsibility to provide the military with the means to protect all of us. However, I am deeply troubled by portions of the Act that have the potential to undermine America's standing in the world, decrease our security, undermine the protections guaranteed under current law for civil servants working in the Department of Defense, and endanger our environment. Earlier today an important amendment failed to be included in the final version of the Act that we are now being asked to vote on.

The Tauscher Amendment would have transferred money from the Robust Nuclear Earth Penetrator to a conventional weapon system meant to defeat hardened and deeply buried targets. The development and possible use of such a bunker-busting nuclear weapon is a dangerous step for this Congress to authorize. Such weapons would disperse deadly radioactive fallout into the atmosphere, could lead to the resumption of nuclear testing and would undercut US efforts to halt the proliferation of weapons of mass destruction.

We were also denied the opportunity even to cast a vote on the other amendments. An amendment I proposed with Mr. COOPER and Mr. DAVIS to ensure that protections for the 700,000 civil service employees of the Department of Defense remain in force was excluded from consideration by the Rules Committee yesterday. In the Committee on Government Reform, of which I am a member, representatives from the Department of Defense made it clear that our military success in Iraq was the result of a team effort; a team effort between the military and the civil servants within the Department of Defense that provided them crucial support. It was a true partnership. Yet, just a few weeks after our military success in Iraq, the Pentagon launched what can only be described as a sneak, surprise attack on the rights of those civil servants within the Department of Defense. If these civil service protections, in existence since the Presidency of Theodore Roosevelt, are thrown out it will open up the Department of Defense to party politics and will change our security. We want a personnel system that rewards people based on merit, not based on political favoritism. We want, for example, our procurement officers to be looking out for the public interest, to be looking out for our national interests, not the interests of the most politically connected contractors. I support the idea of pay for performance; but it should be merit-based performance, not a political loyalty test. I think this bill, which is important to our national security, should not contain this provision which damages the integrity of the Civil Service.

We were also denied the right to vote on an amendment to protect our environment. I am appalled by the provisions in this bill that exempt the Defense Department from important environmental protections. It is a sad irony that the Department, which is responsible for protecting our nation from enemy assaults would ask for an exemption from laws to prevent assaults on our environment here at home.

The work of the Department of Defense is crucial to protecting both the physical security of our citizens and ensuring that we as Americans can live in a society that protects our interests in the long run. I will vote for the Act, but my support is tempered by my serious concern that certain elements of this bill could prove detrimental to other important national interests.

Mr. STARK Mr. Chairman, I oppose HR 1588, the Defense Authorization Bill.

This bill will enact a defense budget 23 percent higher than the average military budget during the Cold War. It then sets the stage for a 17 percent increase in defense budgets over the next decade. Republicans seek to finance these increases by taking money away from basic domestic priorities and saddling our children with a deficit as far as the eye can see.

Of course, the President and Republicans won't provide the funds needed to improve our

schools and guarantee our children a high quality education. They won't provide a real Medicare prescription drug benefit for our seniors and people with disabilities. They won't even give so-called ''first responders'' the resources to protect Americans against terrorist attacks that may well be spurred by this Administration's fanatical foreign policy.

There isn't a dollar in the President's overall budget for school modernization, but this defense budget has us spending $9.1 billion on a pie-in-the-sky missile defense system. 28,000 kids will be cut from Head Start, but $15 million will go to researching something called nuclear ''bunker buster'' bombs.

Make no mistake about it, the Bush Administration has us on the edge of a new nuclear arms race by pushing for research into so-called ''low-yield'' nuclear weapons. The idea behind their development is their possible use in conventional warfare! So much for the theory of nuclear deterrence. Such a policy would only welcome more nations—on top of North Korea—into a renewed worldwide nuclear weapons race. I don't even want to imagine a future where the world's armies use nuclear weapons to fight wars.

At the same time this bill raises the nuclear ante throughout the world, we'll be spending $28 million less than the federal government says is necessary for non-proliferation efforts. These are vital to keeping weapons of mass destruction out of the hands of Al Qaeda and other terrorist organizations.

Republicans are also overriding basic environmental protections in this defense bill before us today. Their bill will allow military bases to override the Endangered Species Act—putting rare species at risk of decimation. It also allows the Navy to use sonar devices that have led to the deaths of whales and other threatened marine mammals.

It doesn't stop at endangering our environment. It also tramples the rights of workers at the Department of Defense and other who work for our military. If enacted, this bill will scrap basic civil service protections at the Defense Department that have long promoted a professional federal workforce. It even fails to provide women on military bases overseas with access to potentially needed reproductive health services—even if they pay for those services with their own money.

Mr. Chairman, this Department of Defense Authorization bill is wrong in many ways. It dedicates too much of our limited federal budget to defense at the expense of other vital domestic needs. It spends those dollars in ways that could add to our defense costs by inciting a new nuclear arms race. It weakens protections for those who work in the Department of Defense or otherwise serve our military. And, it endangers environmental protections here at home. I urge my colleagues to join me in opposition to this dangerous bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I want to thank the Chairman, the Ranking Member and both Republican and Democratic members of the Armed Service Subcommittee on Total Force and the full Committee for unanimously supporting an amendment to increase the number of military academy appointments from American Samoa, Guam and the Virgin Islands to the U.S. Military Academy, the United States Naval Academy, and the United States Air Force Academy.

For my constituents, this means that American Samoa will be able to send two students to each service academy. Given that American Samoa has a population of over 57,000 people, a per capita income of less than $4,500 and almost 5,000 men and women serving in the U.S. Armed Services, I am pleased that we may be able to offer more students the opportunity to attend one of our nation's prestigious military academies.

Like other States and Territories, American Samoa has a long and proud tradition of supporting and defending the United States of America. In 1900, the traditional leaders of American Samoa ceded the island of Tutuila to the United States.

Tutila's harbor is the deepest in the South Pacific and the port village of Pago Pago was used as a coaling station for U.S. naval ships in the early part of the century and a support base for U.S. soldiers during World War II. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

American Samoa also has a per capita enlistment rate in the U.S. military which is as high as any State or U.S. Territory. Our sons and daughters have served in record numbers in every U.S. military engagement from World War II to present operations in our war against terrorists. We have stood by the United States in good times and bad and I believe it is only appropriate that this relationship should be acknowledged by increasing our number of military academy appointments.

Again, I want to thank Chairman JOHN MCHUGH and Ranking Member VIC SNYDER of the Subcommittee on Total Force for supporting my request to increase the number of military academy appointments for American Samoa. I also want to thank my good friends, the Chairman of the Committee on Armed Services, Congressman DUNCAN HUNTER and Ranking Member IKE SKELTON, for their support.

On a personal note and as a Vietnam Veteran, I also want to thank the sons and daughters of this great nation who are currently serving in the U.S. Armed Forces. As we consider the National Defense Authorization for Fiscal Year 2004, I am hopeful that we will remember the sacrifices they are making to protect our liberties and in so remembering I urge my colleagues to support this reauthorization.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I rise today in support of the defense authorization bill and commend Chairman HUNTER, ranking member SKELTON and the committee staff on their strong efforts in crafting this legislation.

As our soldiers, sailors and airmen continue the global war on terrorism and as thousands of them return home from the liberation of the Iraqi people and elimination of the threat posed by Saddam Hussein, it is a fitting tribute to them and to their families that we pass this legislation.

Our men and women in the military and their families are this bill's primary focus. This bill authorizes another 4.1 percent average pay raise and other incentives that are critical to maintaining retention, morale, recruitment, and quality of life. The thousands of men and women who get up and put on a uniform to serve their country abroad or on the seas should do so with the best equipment and the best training possible. Their service will protect our shores, provide stability in unstable regions, provide security to our friends and allies, and deter or destroy those who wish to harm us.

A lesser-known aspect of our Operations Enduring Freedom and Iraqi Freedom is the success of the logistical support structure of those operations. The logistical coordination that supported our efforts in Afghanistan and Iraq can be described as nothing less than an organizational marvel. It takes teamwork, training, skill and courage, Mr. Chairman, and critical to that achievement is the work of the 157th Air Refueling Wing of the Air Mobility Command based at Pease Air National Guard Base located in my district. In Operation Iraqi Freedom, tankers flew more than 17,050 refueling missions supporting aircraft from all services—the 157th Air Refueling Wing completed over 400 sorties, offloading over 26 million pounds of fuel to aircraft from all the services. In fact, the 157th was recently selected as the recipient of the Air Force's Most Outstanding Unit Award for the second year in a row due to their performance. Therefore, I am happy that this bill includes an airborne tanker initiative of $229 million that would give the Air Force the flexibility of retaining KC–135E aircraft, meeting unfunded requirements for depot maintenance of tanker aircraft.

Mr. Chairman, yesterday I had the honor of meeting Air Force Capt. Jeremy Shane Carter and 1st Lieutenant Drew Bjerken, two courageous airmen who recently have returned from Operation Iraqi Freedom. They are part of the electronic warfare component of our military success that does not receive the full credit it deserves. Capt. Carter and Lieutenant Bjerken operated one of the real jewels in our electronic warfare arsenal, the Compass Call aircraft. This platform monitors and jams communications and targeting systems used by adversaries. Compass Call air crews flew over 200 combat sorties providing 24/7 coverage in all major combat engagements including the operations to recover POW Pvt. Jessica Lynch and the capture of the oil facilities at the Al Faw peninsula in Iraq. Saving Private Lynch is it own fantastic story. But it should be remembered that Compass Call aircraft were essential to the successful capture of Al Faw by special operations foiling the sabotage of oil facilities by Iraqi soldiers and averting a major environmental and economic disaster for the country and region. I am pleased that this bill includes an additional $9 million that will go toward the completion of upgrades to Compass Call aircraft to the block 35 configuration.

Mr. Chairman, this legislation continues our efforts at transforming our military for the threats of the future. The bill contains $3.5 billion for the procurement of 21 F–22 fighter aircraft, ensuring that the U.S. maintains air dominance in any conflict in the years ahead. The bill also continues our efforts to have the Pentagon procure smarter and more efficiently through continued research and development of the F–35 Joint Strike Fighter. Variants of the F–35 will eventually replace four aircraft, the F–16, the A–10, and the AV–8B and F–18 C/D, bringing important cost savings to our taxpayers not only in production but also in the maintenance and operation over the life of each aircraft.

Air dominance today and in the future is directly attributable to the electronic warfare capability of our aircraft, helicopters and satellite systems. BAE Systems' Electronic Systems division in my home state of New Hampshire is the world leader in electronic warfare systems,

providing protection, surveillance, stealth and lethality for our pilots and aircrews in all the services. I am pleased with the programs included in this bill that fund research and development for countermeasures to protect our pilots and other important electronic systems.

As every regional military commander will attest, our Navy is stretched thin, especially our submarine force. Although this bill does not fund the refueling of the USS *Jacksonville,* I would like to highlight the need to refuel all of the remaining Los Angeles Class submarines in our fleet. Taxpayers have already paid half the job. The reactors for these submarines have been procured at a cost of over $200 million each, it makes sense for us to finish the job and keep these boats in service for the remainder of their design life.

Mr. Chairman, this bill is a good balance of our resources to continue our military's transformation to meet the challenges of tomorrow. It responds to the realities of the war on terrorism and sets us on course to meet the new challenges that unquestionably lie ahead. I urge my colleagues to support the bill.

Mr. WOLF. Mr. Chairman, I congratulate our men and women in uniform and in civilian positions who helped liberate Iraq from the grip of Saddam Hussein. Our military—the finest in the world—has in the course of just two years liberated Afghanistan, played a vital role in defending the homeland against terrorism, and worked with our allies to hunt down terrorists. I am grateful to all those who protect our national security, both in and out of uniform. They have my deep respect. They are outstanding Americans and valued federal employees. Indeed, a large number of federal employees, many of whom work for the Department of Defense, call the 10th Congressional District of Virginia their home, and I am proud to be their Representative in Congress.

As we debate H.R. 1588 the National Defense Authorization Act for fiscal year 2004, I want to express my support for many important programs included in this bill which are investments to make sure that our military remains the best in the world, as it should. Our service men and women and those civilians who support them deserve only the best. Our colleague and my classmate, DUNCAN HUNTER, chairman of the House Armed Services Committee, deserves our congratulations for the hard work of his committee in bringing this bill to the floor.

There are some provisions in this bill, however, which deeply concern me. Those address the wholesale personnel reforms and management authority changes at the Defense Department which I believe could shortchange civilian employees and come on the heels of the many recent historic accomplishments made possible by these very employees.

The Department of Defense has acted with lightning speed in presenting to Congress a number of changes to its personnel system. There was minimal consultation with members of Congress, little notice of its plans provided, and relatively few hearings held about this sweeping proposal. Why such a rush to change?

H.R. 1588 would radically alter the way in which many Department of Defense employees are paid, establishing a pay-for-performance plan with standards which are in some cases subjective. The Secretary of Defense would be able to overrule the director of the Office of Personnel and Management in making personnel decisions, if the President agreed with the Secretary.

The Department of Defense would be granted more power than ever before in how it structures policies which will impact its 746,000 civilian employees. While I understand the need for flexibility in the modern-day federal workplace, I am very concerned that some of the changes in H.R. 1588 champion flexibility at the expense of oversight and congressional involvement in ensuring employee protections on a fair and level civil service playing field. When oversight is limited and decisions are channeled to one source, red flags should go up about accountability and the decision-making process at DOD.

I also am concerned about what appears to be some ambiguity on the question of veterans' preference in hiring at the Department of Defense. Veterans are given preference in hiring for civil service positions in recognition of their military service to our nation. This long-standing policy allows the Department of Defense as well as other government departments and agencies to recruit and retain veterans who can continue to provide valuable service to their nation in their civilian lives. It is unclear under this legislation whether the veterans preference in hiring will remain totally intact in all areas of hiring in the Department of Defense. This lack of clarity is troubling not only as a matter of practice, but as a matter of principle: there should be a clear understanding that the veterans preference cannot be waived in any hiring circumstances.

Because of the controversial personnel change included, in this legislation, I am very disappointed that the House Rules Committee foreclosed the opportunity to amend that section of the bill. No amendments were made in order concerning the civil service portion of H.R. 1588. Some colleagues, including Representative COOPER were prepared to offer a valuable amendment and had submitted it to the Rules Committee. That amendment would have created an Employees Bill of Rights offering fundamental civil service protections for the civilian employees at the Department of Defense. That amendment should have been made in order, and this House should have had the chance to debate that amendment. Had we been given that opportunity, I would have voted for the Cooper amendment.

Our colleague Representative IKE SKELTON, the ranking member of the Armed Services Committee, argued yesterday in a Washington Post op-ed that ''major reassignments of constitutional authority such as this demand the same sort of thoughtful foresight as a war plan.'' He added that ''the only thing that is obvious and consistent throughout the 50 provisions included in this bill is the aggregation of power sought for the Department of Defense, removing the legal restrictions and congressional oversight that should safeguard against any abuses, however unintentional. This approach is a rush to judgment that will affect vast numbers of people and, in many cases, will enshrine bad policy in law.''

Secretary of Defense Donald Rumsfeld responded to Congressman SKELTON'S arguments today in his own Post op-ed. He laid out his case for what he sees as necessary ''flexibility and agility'' in managing the civilian workforce at DOD in the 21st century. I would not disagree that we are in a changed world and that the federal government must respond to those changes.

But the secretary should heed his own op-ed conclusion. He stated: ''The fact is that the transformation of our military capabilities depends on the transformation of the way the Defense Department operates. This does not mean an end to congressional oversight. What it means is that we need to work together to ensure the department has the flexibility to keep up with the new threats emerging as this century unfolds.''

Indeed. We need to work together. That means giving Congress the opportunity for thoughtful and deliberate study of this plan, time to investigate its implications, and the chance to ask the tough questions to make sure we fully understand how this plan will impact the lives of the people at the Pentagon who work to serve their country. That doesn't mean that Congress just salutes and says, ''Yes, sir,'' and rubber stamps the secretary's controversial plan.

We must ask what message this plan sends to the rest of government. Will the Department of Defense's rush into a personnel transformation plan encourage other government departments and agencies to do the same, affecting even more federal employees? Because of my concern about responding to the terrorism threat in our country, I voted for the legislation establishing the new Department of Homeland Security and allowing the department to set up new model rules which could be used to judge future decisions on personnel policy. We are on new ground and don't as yet know how well this model works. The DOD personnel proposal before the House could not only affect the Department of Defense, but may impact the entire government in ways which we cannot yet know.

I also must share my concern about a pattern of unilateral action we continue to see within the Office of the Secretary of Defense. There have been troubling news reports about how some high ranking military personnel have been treated at the Department of Defense. I am concerned how senior civilian employees would fare under the new personnel proposals for DOD.

Our Armed Forces deserve the very best, and I am pleased that this bill authorizes giving those in uniform and those civilians supporting them the funding they need to continue to do their jobs in the outstanding way in which they have in the past and will do in the future.

Unfortunately those parts of the bill relating to personnel issues have not been adequately investigated by Congress and will impact civilian employees at the Department of Defense in ways that we can only guess at this point. These Federal employees and the military deserve more than a rushed plan that fundamentally alters the way the Department of Defense interacts with its civilian employees.

Mr. KIND. Mr. Chairman, as we were reminded last week with the triple bombing in Saudi Arabia, international terrorism still threatens our world. Currently we have troops around the world fighting in the global war against terrorism, and it is important that we make sure they have the resources to prevail.

The United States has the best trained, best equipped fighting force in the world, and the legislation today seeks to ensure America's military supremacy in the future. It provides for a sizable procurement agenda allowing the United States to stay at the cutting edge of technology. It also provides a 4.1 percent pay

increase for our deserving military personnel who sacrifice to ensure the security of America, most recently in dangerous battlegrounds in Afghanistan and Iraq.

Further, this bill reduces housing expenses for service members, contains new benefits for reservists, and authorizes $35 million for the Impact Aid program that serves school districts with high numbers of military children. H.R. 1588 also moves forward new weapons programs critical to meet 21st century challenges, as well as funds important for non-proliferation and weapons of mass destruction security activities in Russia and other nations.

In past years, defense authorization bills have generally been approved with wide bipartisan support. And while most provisions of the legislation in front of us today are necessary and widely supported, the majority party and the administration have decided to include a few highly controversial riders that need to be addressed. Under the rules of debate set up by the majority party, however, we will not have an opportunity to debate and attempt to amend provisions that strip civil services protections for 700,000 Federal employees, unnecessarily discard environmental regulations and hinder nuclear nonproliferation efforts. These provisions do not serve to enhance the security of our Nation, and at the very least, deserve to be thoroughly considered by Congress with input from the public.

In the name of transformation, the administration has proposed eliminating civil service protections of the 700,000 civilians working in the Department of Defense. This unprecedented proposal stabs at the heart of our Federal civil service which has been crafted over decades based on concerns and needs of employees and the federal government to protect federal employees from political pressure and favoritism. Most offensive, however, is the arrogance of the administration in seeking to remove the civil service protections from dedicated employees without consulting with Congress or employee representatives on a replacement plan. In fact, the General Accounting Office (GAO) notes that the Department of Defense (DOD) does not have a good track record on working with employee representatives, raising additional concerns that the needs of employees will not be considered as a new personnel plan is formulated.

I was pleased that the Government Reform Committee stepped in to curtail the administration's proposal; however, the language passed by that committee and included in the legislation before us still fails to adequately protect our federal employees in areas such as due process, appeal, and collective bargaining rights. In addition, it grants the Secretary of Defense, and all future Secretaries of Defense, wide latitude in making sweeping, and potentially politically motivated, personnel changes without respect to the needs of the employees. The GAO, does not find adequate justification for these personnel proposals considering the enormous impact they will have on the Federal workforce.

The Bush administration has been attacking civil service rights since day one, regardless of whether any new proposal will be good for employees or good for the federal government. While it is important that we update Federal Government personnel systems to ensure our Federal workforce is modeled to meet the challenges of today and the future, this must be done in a systematic and inclusive manner based on sound principles, innovation, and experience. An amendment drafted by Mr. Cooper would have removed these provisions dismantling the civil service system, and allow Congress to thoroughly weigh the need for flexibility in personnel management with the needs of the Federal workforce. However, the majority has refused to allow debate or consideration on this amendment.

Another area of concern is the exemption from environmental regulations being sought by the administration and included in this bill. While it is understandable that the Defense Department must have the ability to properly train our soldiers, sailors, airmen, and Marines in realistic combat conditions, the necessity of exempting 25 million acres of land at the more than 425 installation nationwide from the Resource Conservation and Recovery Act, Clean Air Act, Superfund, Endangered Species Act, and Marine Mammal Protection Act has not been proven. Again, the GAO has found that training readiness remains high at most military installations.

DOD currently has the ability to seek national security and military training exemptions in federal environmental law to address encroachment concerns. However, as we debated in the House Resources Committee two weeks ago, DOD has never sought an exemption from the Endangered Species Act or Marine Mammal Protection Act. Exempting the DOD from these proven environmental laws is simply not necessary to ensure the best training of our troops and will harm the tremendous progress made in protecting important species for future generations. An amendment drafted by the ranking member of the House Resources, Mr. RAHALL, would have removed this unnecessary exemption. Again, however, the majority has refused to allow consideration of this important amendment.

While current times call for increased attention to national security, it is also important that Congress make responsible funding decisions and dedicate limited resources to defense projects needed for our security in the 21st century. I have consistently criticized the hurried efforts of the administration to develop a ballistic missile defense system that is questioned by most experts and will post enormous costs to the taxpayers. Formidable technical challenges plague the proposed missile defense program in which every component is behind schedule, over budget, and unable to perform its mission. Yet, the administration's answer is to exempt the program from accountability requirements and increase funding. The legislation in front of us contains $9.1 billion for the ballistic missile defense program, which is a 17 percent increase over last year's level, and five times the amount spent on proven nuclear non-proliferation efforts. This is a perfect example of how Congress must better prioritize the national security threats, and work to reduce funding for ineffective and obsolete programs.

In conclusion, Mr. Chairman, we need to continue to fund a strong national defense to meet the emerging challenges of tomorrow but at the same time highlight the deficiencies in the majority's proposal. We are doing well, but we can do better. For this reason, I urge my colleagues to oppose the majority's rule for debate that denies us the opportunity to consider amendments to remove the sweeping personnel and environmental revisions of this bill.

Currently our nation is under a ''Code Orange'' homeland security alert, meaning that the risk of a terrorist attack on our nation is high. The tireless work of our soldiers, sailors, airmen, and Marines, along with other security and intelligence officials, have protected the American people from further devastating terrorist attacks, and we need to make sure they have the resources they need to do their job. If we can remove the detrimental provisions from this legislation, we will certainly be able to pass a truly effective and bipartisan bill.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 1588, the National Defense Authorization Act for fiscal year 2004. The authorizations of appropriations in this important piece of legislation are consistent with the levels established in H. Con. Res. 95, the Congressional Budget Resolution. On April 11, this body passed a conference report that made available the budgetary resources for our most urgent constitutional responsibility—the common defense. We provided $400.6 billion in budget authority for national defense.

The principal reason for these considerable budget resources is, of course, Congress's unwavering commitment to win the war against terrorism. But in addition to combating terrorism, we provided a blueprint in the resolution to give service members a pay raise averaging 4.1 percent, increased housing allowances, and increased incentive pay. Consistent with the resolution, the bill we are considering today also contains levels of weapons procurement not seen since the Reagan administration, and the largest amount ever for research and development.

This bill improves our national security by striking a balance between modernizing existing forces and investing in transformational capabilities. U.S. forces have seen nearly every type of conflict in recent months, from air campaigns and armored warfare, to special operations and urban street combat. They have fought terrorists and irregular forces while conducting psychological warfare and other convert operations. H.R. 1588 draws on the ''lessons learned'' from those conflicts.

The budget resolution also provided an allocation of $70 million so that proceeds from Post Exchanges and other facilities on closed bases can be re-applied without an appropriation. H.R. 1588 would codify that in law.

I will note that H.R. 1588 contains a provision affecting the Pentagon's Military Housing Privatization Initiative. There were some technical problems because the Congressional Budget Office has recently reconsidered its scoring rules for activities involving loans, loan guarantees, and other ways the government encourages private sector participation in military housing projects. But working together, the Armed Services and Budget Committees have achieved an agreement that allows this program to be appropriately reflected in the budget. I am pleased that we were able to resolve this issue in a spirit of cooperation.

Several provisions of this bill directly affect thousands of my constituents who work at the Rock Island Arsenal in the Quad Cities in Eastern Iowa. Funding for the Army's Future Combat Systems program, increased funding for replenishing of munitions stocks, and overall spending levels will enhance the ability of these workers to continue their very important job. The employees of the Rock Island Arsenal do a superb job of equipping the world's best Army, and this bill reflects Congress's continued commitment to those workers.

With that I express my support for H.R. 1588.

Mr. FARR. Mr. Chairman, earlier in the year, Department of Defense (DOD) approached Congress with a request to exempt itself from several fundamental environmental laws in order to strengthen military readiness. At the time this request shocked most of us, because the readiness of our military is the best in the world but that the state of some of our natural resources are not. Things went from bad to worse when the House Armed Services Committee reported out a bill that went way above and beyond what DOD had originally asked for.

H.R. 1588, the fiscal year 2004 defense authorization bill, contains provisions that fundamentally change the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA), two major pieces of legislation that directly affect my home district in California. There are many species listed under ESA in my home district. These include the California condor, which has been through an intense reestablishment program, the San Joaquin Kit Fox that lives on Fort Hunter Liggett, steelhead trout that breed in our rivers and streams, and the snowy plover which nests on our beaches.

The continued existence of many of these species relies on the designation of ''critical habitat,'' which is basically the homes and breeding grounds that are necessary for their survival. For example, the Santa Cruz long-toed salamander has only six breeding ponds on which the whole species depends. Without the designation of these breeding ponds as critical habitat, the salamander would be left without a vehicle for bringing them back from the brink of extinction.

This bill aims to make critical habitat designation only when it is ''necessary'' and not when its ''prudent and determinable'' as the law currently states. I ask you when would it be ''necessary'' to designate critical habitat? I'm not sure because ''necessary'' is not defined in the bill. So basically, the Secretary of the Interior and the Secretary of Commerce would be able to make a decision with no set criteria. The Bush Administration has clearly stated its belief that critical habitat provides no protection, and as such this provision could result in many species without homes and breeding areas such that the Santa Cruz long-toed salamander would have no ponds, the snowy plover would have no open beaches, and the marbled murrelet would have no trees.

H.R. 1588 not only guts ESA, but it also puts whales and dolphins in jeopardy by changing the Marine Mammal Protection Act.

The intent of the MMPA is to prohibit the ''harassment'' of marine mammals. The language in H.R. 1588 weakens the definition of ''harassment'' not just for DOD related activities but also for all people who use our oceans and coasts. The waters of Monterey Bay in my home district are home to sea otters, sea lions and harbor seals and serve as a migratory route for majestic humpback and blue whales. These animals are important economic resources because people visit my district to see them. Likewise, people travel to see the orcas in the waters of Puget Sound, Washington, the whales in the Gulf of Maine, and the manatees along the coast of Florida.

Current MMPA language aims to protect these animals from being harassed, from being injured, and from being killed. But H.R. 1588 drastically weakens this protection and would allow an increasing number of harmful interactions such as: oil and gas exploration and high intensity sonar testing. Such increased harassment and harm to marine mammals would go largely unchecked by wildlife agencies and left unmonitored and unmitigated.

Struggling sea otters are currently dying at record levels in the State of California. They are listed both under ESA and MMPA. Our sea otters need these laws to protect what's left of their population; without them they will go extinct in California.

Consideration of fundamental changes to these laws should be taken up during re-authorization of ESA and MMPA when there is ample time for hearings and discussion, and not under the guise of national security.

Mr. KLECZKA. Mr. Chairman, we are not currently at war with another nation and the Cold War has been over for more than a decade. But we alone already spend more on our military than the 21 countries with the next largest defense budgets combined. Our military spending is greater than the total defense budgets, added together, of Russia, China, Japan, the United Kingdom, France, Germany, Saudi Arabia, Italy, India, South Korea, Brazil, Taiwan, Israel, Spain, Australia, Canada, Netherlands, Turkey, Mexico, Kuwait, and the Ukraine.

Nonetheless, before us today is a bill, H.R. 1588, FY04 Defense Authorization, that would authorize an increase of $7.6 billion for a total defense budget of $400.5 billion, the highest in this country's history.

This legislation authorizes $3.5 billion for the F–22 Raptor, an air superiority fighter designed to fight the Soviet Union. This program has seen continual cost overruns and encountered technical problems, and now represents the most costly jet fighter ever built. However, the other fighters that the F–22 is designed to replace continue to perform admirably and the only countries that possess aircraft that even come close to parity with our existing fighters are our allies in NATO, as well as Russia. Given this program's troubled history, it is likely to balloon in cost even more, and is hardly a bargain for our military and taxpayers.

Likewise, the ''Star Wars'' missile defense program also receives a huge boost in this measure, increasing by 17 percent over last year to a total of $9.1 billion. Despite massive spending since the 1980s on this program, a working system has yet to be produced. Furthermore, we live in an age in which those wishing to do us harm would be more likely to smuggle a nuclear device into our country through a port where overworked customs inspectors rarely examine the bulk of arriving cargo. Firing a ballistic missile at the United States is suicide, and any potential enemies know it.

The defense authorization measure would also unnecessarily circumvent important environmental laws like the Endangered Species Act (ESA). The Department of Defense (DoD) has control over 25 million acres of land that provide habitats for over 300 endangered and threatened species, and portions of this land have been designated for special protection in recognition of the endangered wildlife present. Under the ESA, the DoD works with environmental agencies to provide protection for these species that live within the boundaries of military installations.

The bill before us allows DoD to avoid its obligations under the ESA by filing alternative resources management plans. Concerns have already been raised that such plans may be inadequate to protect endangered species, and as a result are currently the subject of court challenges.

The bill's sponsors claim that this new provision is necessary to ensure that training is not affected. However, a General Accounting Office (GAO) report last year found no evidence to support the contention that critical habitat designations conflict with military training or other activities. And even if such conflicts were to arise, the Pentagon is already able to obtain national security exemptions from the ESA critical habitat conservation measures. No Secretary of Defense has ever requested such an exemption in the 30 years the law has been in effect. The ESA provision has no place being included in this defense legislation.

Lastly, this bill allows DoD to scrap the civil service procedures currently in place to safeguard the rights of 700,000 of its civilian employees. The legislation would allow managers, including Administration political appointees, to change the existing pay scale, the appeals process for employees that disagree with decisions related to their employment, and the right to join a union in some cases.

While the Administration claims that it wants these provisions in order to institute more flexible, performance-based pay and personnel policies, last month the GAO's Comptroller General warned that ''moving too quickly or prematurely at DoD or elsewhere can significantly raise the risk of doing it wrong . . .'' The GAO testified that such changes would first require having a ''credible . . . validated performance management system in place with adequate safeguards, including reasonable transparency and appropriate accountability mechanisms to ensure fairness and prevent politicization and abuse.''

GAO said the DoD does not have these safeguards, transparency, or accountability in place. We should not rush to rubber stamp an Administration plan that could lead to favoritism, appointment of political cronies, or discrimination in hiring, tenure, promotion, or other conditions of employment due to an employee's political opinions or affiliation.

The defense of our nation is a critical issue to which every Member is committed, and I certainly support increasing military pay, providing quality health care for those who serve and their families, and funding necessary modernization priorities.

But this bill contains unnecessary weakening of environmental laws and elimination of worker civil service protections while providing an increase to a military budget besides which already far outpaces all other allies and potential enemies. It would make move to devote increased resources to homeland security to prevent future terrorist attacks than spend more money on weapons systems that are designed to fight Cold War adversaries that no longer exist.

Therefore, I must regretfully cast my vote against this legislation.

Mr. TOWNS. Mr. Chairman, I rise in opposition to the rule for H.R. 1588, the National Defense Authorization bill.

In one swift act, this bill would make sweeping changes to the civil service system that has served its employees and our nation well

for 100 years. The recent quick and decisive action by our armed services in Iraq demonstrated that the current civil service system has not harmed our military's effectiveness. I strongly believe that our DOD civilian employees deserve all of the same protections that workers in other agencies enjoy.

Even if some of these ideas had merit, which they clearly do not, DOD is not ready to implement such a major personnel change without first making critical management reforms. In a hearing on April 8, Comptroller General David Walker said that although DOD may get an ''A'' for fighting and winning armed conflicts, it receives a ''D'' for its management practices. Previously, the Comptroller General described the financial management problems at DOD as ''pervasive, complex, long-standing, and deeply rooted in virtually all business operations throughout the department.'' This does not sound like an agency that is ready for wholesale changes to its personnel system. The GAO has also noted repeatedly that agency-wide, the entire government does not have the systems in place to implement meaningful performance-based pay that this bill would enact as well.

Although civil service reform may warrant consideration, all of the nonpartisan, credible information indicates that this bill goes way too far and that the DOD is not ready to effectively make such changes.

This rule did not allow our side to offer an amendment that would help address the shortcoming in the civil service section of the bill. So I urge the defeat of this unfair and poorly crafted rule.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in opposition to H.R. 1588. This bill allows the Department of Defense to severely alter the current civil service system, to trample over environmental laws, and to develop more nuclear weapons while providing more money to the DOD, despite the fact that it still cannot pass an audit. It strips away the fundamental rights from almost 700,000 civilian employees at the Department of Defense (DOD). These rights include collective bargaining, due process and appeal rights, and the congressionally passed annual pay raise. This bill also exempts the Department of Defense from public health and environmental laws, dramatically weakening protections for marine mammals and endangered species and undermining the role of states that administer pollution control laws. Finally, this bill promotes unnecessary irresponsible funding for the development of more nuclear weapons such as the infamous ''bunker buster'', and authorizes over $9 billion for ballistic missile defense programs—a program that will not work.

I also want to mention my support of the Sanchez amendment, which simply gives American women overseas the same legal abortion rights they would receive if they were home. The current ban on abortions at overseas U.S. military facilities denies women who have volunteered to serve this country a right they would ordinarily have if they were not overseas. This sends the wrong message to women who believe in the freedoms for which this country stands and want to serve this country to preserve those freedoms.

H.R. 1588 will authorize over $400 billion to the Department of Defense, $20.6 billion more than the President's budget request for FY2004. U.S. taxpayers will pay $15.7 billion for nuclear weapons in FY2004. For that same amount of money, we could have provided health care to 2,803,167 more people, including 132,473 in my home state of Illinois.

I support efforts to provide our military with the necessary funding needed to defend our country and to increase the salaries of our men and women in the Armed Forces but I am not willing to compromise the environment, workers' rights, and domestic priorities, such as education and health care, to achieve this goal. I urge my colleagues to vote against this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to begin by saying that I opposed the war in Iraq. I support the brave men and women who sacrificed their lives and safety to fight in Operation Iraqi Freedom, but I feel that war should always be the last option.

While I opposed the war in Iraq, at the same time I recognize that it is important to ensure our national security. It is important for us to strike a balance: protect our national security but not rush to engage in war.

Our ongoing fight against terrorism makes it more difficult to strike this balance. The world has watched in horror as suicide bombings orchestrated by terrorist groups have ravaged countries overseas. There have been nine suicide bombing attacks in Saudi Arabia in the last few weeks. Twenty-five innocent victims lost their lives including eight U.S. citizens. There have been thirteen suicide bombing attacks in Morocco that killed 28 people. The al-Queda terrorist network is suspected in many of the bombings. The FBI has announced that the bombings abroad may be a prelude to attacks on American soil. As a result the Department of Homeland Security recently elevated the terrorist threat level to ''High.''

The fight against terrorism and the labor to protect our national security is multifaceted. Part of protecting our national security is protecting those who secure our nation. The individuals include America's many veterans and also the troops returning to the United States from Operation Iraqi Freedom. It is critical that H.R. 1588, have sufficient fund allocations for programs for our veterans and troops from Iraqi freedom, as well as other valuable programs.

I have proposed an amendment to H.R. 1588 to direct the Secretary of the Department of Defense to study the feasibility of using small, minority, and women-owned businesses in the efforts to rebuild Iraq. During the course of cooperative discussions with the leadership of the House of Representatives' Armed Services Committee, it was agreed that the language of my amendment would better serve the needs of the small, minority, and women-owned business community if there were revisions.

My revised amendment would read, ''The Secretary of Defense shall ensure that outreach procedures are in place to provide information to small business, minority-owned businesses, and women-owned businesses regarding Department of Defense requirements and contract opportunities for the rebuilding of Iraq.

Both the Majority and Minority Party leadership agreed to work in conference to include the revised language in the final passage of the bill. This is a better foundation of the language of the amendment, and it protects small, minority, and women-owned businesses from unnecessary delay. In fact, the Leadership of the Armed Services Committee agreed to work ''robustly'' in conference, and with me to ensure that this amendment language is in the final version of H.R. 1588, and also to ensure that small, minority, and women-owned business participate fully in rebuilding Iraq.

The adoption of my amendment coupled with the support of the leadership of the Armed Services Committee will give me the power to insist that the Department of Defense use small, minority, and women-owned businesses in the efforts to rebuild Iraq. This valuable program must be followed-up, and followed through. It is because of amendments to H.R. 1588 that I support the bill.

The sections of H.R. 1588 that I am concerned with deal with funding the production of weapons. Under H.R. 1588, the Army is appropriated $1,594,622,000 for missiles, the Navy and Marine Corps are appropriated $2,529,821,000 for missiles and torpedoes, and the Air Force is appropriated $4,348,039,000 for missiles.

I am absolutely opposed to missile defense and nuclear weapons expenditures. Missiles are inherently dangerous and are an outdated weapon in our armed services' arsenal. Take for example the missile known as the cluster bomb. Cluster bombs are designed to hit their target and disperse sub-munitions, also called ''grenades'' in surface-delivered weapons and ''bomblets'' in air-delivered weapons, over a large area, thereby increasing the radius of destructive effect over a target. Typically cluster bombs are used by U.S. Forces on troop concentrations, airfields, and air defense units.

Many human rights organizations have called to an end to the use of cluster bombs. For example, Human Rights Watch has called for a global moratorium on use of cluster bombs because they have been shown to cause unacceptable civilian casualties both during and after conflict. Cluster bombs have wide dispersal pattern and cannot be targeted precisely, making them especially dangerous when used near civilian areas. Cluster bombs are usually used in very large numbers and have a high initial failure rate which results in numerous explosive ''duds'' that pose the same post-conflict problem as antipersonnel landmines. Equally important, the duds pose a threat to American troops canvassing the area of attack.

Expending hundreds of millions of dollars on missile programs that are dangerous to civilian populations and to American troops is a poor use of Department of Defense Funds. In light of the housing, unemployment, education, and health care crisis America is presently faced with I cannot condone expending such exorbitant sums of money on missiles.

Furthermore, H.R. 1588 is completely lacking in peace-keeping provisions. The Department of Defense is as responsible for promoting peace around the world as they are waging war around the world. This Chamber should demand the Department of Defense allocate more funds toward the peace-keeping mission.

The need for peace and the fears and concerns about terrorism show that it is of critical importance that we fully support and fund the operations and programs of the Department of Defense. The Department of Defense Reauthorization bill that we are considering today is a comprehensive authorization that covers many Department of Defense programs that benefit military personnel.

The most important element of our Armed Forces is the personnel. H.R. 1588 contains

numerous valuable provisions that benefit the brave men and women who serve in our armed forces. H.R. 1588 retains health professionals to fulfill active-duty service commitments, increases the flexibility for voluntary retirement for military officers, and simplifies the annual participation requirements for the Ready Reserves.

H.R. 1588 also makes valuable changes to the Education and Training Programs of the Department of Defense. The bill creates a masters of operational studies degree for the Marine Corps University, expands education assistance authority for cadets and midshipmen, increase in allocation of scholarships under the Army Reserve ROTC scholarship program, and inclusion of accrued interest may be repaid under Selected Reserve critical specialities education loan repayment program.

H.R. 1588 also improves the benefit program by adding more classes of individuals to participate in the Federal long-term care insurance program. Increases assistance to local educational agencies that benefit dependents of the Armed Forces and DoD civilian employees. Other provisions of H.R. 1588, improve the DoD Health care provisions by making improvement to the chiropractic, medical, and dental programs.

I support the provisions of H.R. 1588 that are beneficial to the brave men and women of our Armed Forces. However, I oppose the provisions of H.R. 1588 that fund missiles, and I am disappointed that the bill does not contain more peace keeping measures. Therefore, Mr. Chairman, I support H.R. 1588 with some reservations.

Mr. HOLT. Mr. Chairman, Democrats and Republicans in recent years have recognized the rapidly-changing security challenges that confront our Nation and come together to address them. That is why much of this bill is non-controversial. In particular, we are united since the terrorist attacks of September 11, 2001 in supporting the increased investments needed to strengthen our common defense and to effectively prosecute the war against terrorism.

Let me begin by stating that there is no higher test for this bill, in my estimation, than how it treats the brave men and women who risk their lives every day to defend our freedom. By that standard, I am pleased by the provisions that continue our shared commitment to boost the income for all of our military personnel with a 4.1 percent average increase in base pay. It also extends several special pay provisions and bonuses for active duty personnel through December 31, 2004, including the enlistment and re-enlistment bonus. Furthermore, it calls for reducing the average amount of housing expenses paid by service members from 7.5 percent to 3.5 percent in FY 2004 and eliminates the out-of-pocket expense completely by FY 2005.

But on balance, I am opposing this bill on final passage because I fundamentally disagree with key aspects of its policy presumptions and prescriptions. It will make America less safe.

First and most importantly, the growing reliance upon nuclear weapons that this bill encourages makes our Nation and the world less safe, not more so. Accordingly, I strongly disagree with the funding in this bill to continue work on high-yield, burrowing nuclear ''bunker-busters'' that target underground military facilities or arsenals. I am equally opposed to the language in this bill that lifts the ban on research leading to low yield ''mini-nuclear weapons'' of 5 kilotons or less.

Last month, I sent a letter to President Bush that was co-signed by 34 of my colleagues to convey our grave concern that he is weakening long-standing U.S. policy governing the use of nuclear as opposed to conventional weapons. That action coupled with the examples I've cited and other provisions in this bill further undermine the U.S. non-proliferation efforts of Republican and Democratic Presidents alike and heighten growing international fear that Bush Administration's policies are fueling a new nuclear arms race.

Second, I am opposed to the blanket exemptions from our Nation's environmental protection laws for the Pentagon in this bill. There is no convincing evidence that environmental laws like the Clean Air Act and the Endangered Species Act hinder our military's capacity to defend our Nation.

But you don't have to take my word for it. The out-going EPA Administrator, Christine Whitman, has testified to the Congress that she does not ''believe that there is a training mission anywhere in the country that is being held up or not taking place because of environmental protection.'' Furthermore, the U.S. General Accounting Office (GAO) has reported to the Congress that the Pentagon has failed to produce any evidence that environmental laws have significantly affected our military readiness.

I do not think the Pentagon or any other federal agency should be above the law. Moreover, current law already allows case-by-case environmental exemptions for the Pentagon, when they are determined to be in the national interest.

Finally, this bill also contains provisions that will be very harmful to hundreds of thousands of dedicated civilian men and women who make our Defense Department work.

Last year saw the largest government reorganization in more than three decades with the creation of the U.S. Department of Homeland Security, affecting 170,000 federal employees. Following extensive congressional debate, Secretary Ridge was granted authority to establish a more flexible agency that attempted to protect basic worker rights.

But this bill will give Defense Secretary Rumsfeld broad authority to rollback worker protections for hundreds of thousands of Pentagon employees. There will be nothing to prevent agency managers from abusing their power for political advancement or engaging in discriminatory practices. Allowing managers the ability to waive such protections under the guise of national security and the need for greater flexibility is wrong. It will not make us safer.

At the same time that the Pentagon seeks to do away with its current personnel system in this bill, Secretary Rumsfeld has not offered a serious alternative to replace it. Instead, he has simply requested a blank check to undo, in whole or in part, many of the civil service laws and protections that have been in place for nearly a century to safeguard against the return of an unfair patronage system.

I want to be very clear. I support a strong national defense. I support modernizing our military. I support giving our troops the resources and training they need to keep our nation secure. But I cannot support a bill that contains provisions that will take our military backwards, rather than forwards. I cannot support a bill that will re-ignite a global nuclear arms race, even as we go to war to stop the spread of nuclear weapons abroad! I cannot support a bill that takes away the rights of hundreds of thousands of hard-working Pentagon employees. Finally, I cannot support a bill that disingenuously claims that stripping away important environmental protections will somehow bolster our national security.

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to the bill, H.R. 1588. If this were a straightforward Defense Authorization bill, it would have my support, but the provisions contained in this legislation go far beyond the scope of the Pentagon and the great men and women who grace our uniformed services.

This bill has become a Trojan Horse. The Defense bill is being used as a legislative vehicle by which the President, the Secretary of Defense and a complaint majority in this chamber can rewrite the rules that conserve our land and wildlife resources.

This bill is not about providing for the health and welfare of our armed services, or taking care of military needs at home and abroad, or about advancing our military capabilities. The underlying bill contained a major rewrite of the Endangered Species Act (ESA) and the Marine Mammal Protection Act that goes far beyond what the military needs or requested. The Endangered Species Act specifically allows the Secretary of Defense to waive requirements for purposes of advancing our national security. In other words, the Secretary has waiver authority under present law.

But for reasons that are beyond me, the Secretary of Defense wants broader exemptions than are found in current law. For example, the bill weakens ''critical habitat'' designation requirements to such an extent that they are only done on a discretionary basis. These changes to our national environmental laws are being railroaded without consideration of a full debate and without an opportunity to consider a more sensible alternative. The majority, in its rush to pass bad legislation, has denied the opportunity for Members to consider an alternative environmental provision authored by my fellow colleague from Michigan, Mr. DINGELL, and the distinguished gentleman from West Virginia, Mr. RAHALL. The majority has denied us a right to discuss this important issue and the right to offer amendments.

Mr. Chairman, given the tilted playing field on which H.R. 1588 is being considered, I regret that I must vote against final passage.

Before closing, I want to pay a salute to the men and women of our armed forces and thank them for a job well done and for the sacrifices they are making to protect our Nation. As I recall the swiftness with which they marched into Baghdad, I am puzzled at the implication of some that our present environmental laws and regulations impaired their military readiness. I am convinced that our military is well prepared, and am equally convinced that they can maintain a high standard of readiness under existing environmental laws.

The CHAIRMAN pro tempore. There being no further amendments in order, 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. LAHOOD) having assumed the chair, Mr. HASTINGS of Washington, 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. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths through fiscal year 2004, and for other purposes, pursuant to House Resolution 247, 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.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the 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 the 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. COOPER

Mr. COOPER. Mr. Speaker, I offer a motion.

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

Mr. COOPER. I am in its present form, Mr. Speaker.

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

The Clerk read as follows:

Mr. COOPER moves to recommit the bill H.R. 1588 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

In section 9902 of title 5, United States Code (as proposed to be added by section 1111 of the bill), after subsection (b) (page 353, after line 12) insert the following new subsection:

''(c) EMPLOYEE BILL OF RIGHTS.—

''(1) SENSE OF CONGRESS.—It is the sense of Congress that—

''(A) the Department of Defense should have flexibilities in personnel decisions, including pay and promotion, in order to provide the strongest possible national defense; and

''(B) the Department of Defense should protect fundamental civil service protections of civilian employees at the Department.

''(2) CIVIL SERVICE PROTECTIONS.—

''(A) The right of an employee to receive a veterans preference in hiring and a reduction in force, as in effect on the date of the enactment of this subsection, shall not be abridged.

''(B) An employee shall have the right to be free from favoritism, nepotism, or discrimination in connection with hiring, tenure, promotion, or other conditions of employment due to the employee's political opinion or affiliation.

''(C) The Secretary shall not refuse to bargain in good faith with a labor organization, except as provided in section 9902(f) (relating to bargaining at the national rather than local level), and shall submit negotiation impasses to—

''(i) an impartial panel; or

''(ii) an alternative dispute resolution procedure agreed upon by the parties;

''(D) An employee shall have the right to full and fair compensation for overtime, other time worked that is not part of a regular workweek schedule, and pay for hazardous work assignments.

''(E) An employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal. Such right includes the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees.

''(F) An employee against whom removal or suspension for more than 14 days is proposed shall have a right to—

''(i) reasonable advance notice stating specific reasons for the proposed action, unless there is reasonable cause to believe that such employee has committed a crime or immediate action is necessary in the interests of national security;

''(ii) reasonable time to answer orally or in writing; and

''(iii) representation by an attorney or other representative.

''(G) An employee shall have a right to appeal actions involving alleged discrimination to the Equal Employment Opportunity Commission.

(H) An employee shall have a right to back pay and attorney fees if the employee is the prevailing party in an appeal of a removal or suspension.

Page 359, line 5, insert ''and'' after ''Secretary;''.

Page 359, line 8, strike ''; and'' and insert a period.

Page 359, strike lines 9 through 12.

Mr. COOPER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COOPER) is recognized for 5 minutes in support of his motion to recommit.

Mr. COOPER. Mr. Speaker, this is the amendment that was banned in Washington. This is the amendment that Republican leadership does not want us to vote on. Why? They are afraid Members will like it. They are afraid it will pass. They are afraid that the real majority in this great House of Representatives, common sense, the Democrats and Republicans working together, will like what is in this amendment.

That is why the Committee on Rules did not allow it to be considered in either rule, and that is why the chairman of the Committee on Armed Services did not allow an amendment like this to be put before the Committee on Armed Services.

What is in the Cooper-Davis-Van Hollen amendment that makes it so controversial? Members will be surprised when they read it. There are copies at the desk.

It is a relatively simple three-page DOD civilian bill of rights. No new rights are extended. All we are trying to do is to make sure, to make absolutely sure, that existing civilian employees' rights are preserved.

Let me read section A. The right of an employee to receive a veterans preference in hiring and reduction in force shall not be abridged.

Who in this House is against that?

An employee shall have the right to be free from favoritism, nepotism, or discrimination.

Who in this House is against that?

The Secretary shall not refuse to bargain in good faith with a labor organization.

Who in this House is against that?

The Secretary shall submit negotiating impasses to an impartial panel.

Who in this House is against that?

An employee shall have the right to full and fair compensation for overtime and pay for hazardous duty work.

Who in this House is against that?

An employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal.

Who is against that in this House?

Such right includes the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees.

Who in this House is against that?

There are simple, basic, due process and appeal rights that these employees have today that you are about to take away unless Members vote for the motion to recommit. These rights include freedom from racial discrimination, so these people have a chance to take their case to the EEOC.

Many on the other side of the aisle will say these rights are already in the bill. If that is true, if that is true, they should welcome this motion to recommit and vote for it. If they are believing their own speeches, they should vote for this motion to recommit, because it will not kill this bill. It will not even delay this bill a microsecond. All it will do is safeguard the rights of DOD employees.

This is the only chance Members will have in this long debate to help these employees. The next time Members visit a military base, the next time a DOD employee or family member appears at a gathering, they are going to ask Members what they did or did not do to help them. They are going to ask us why the Senate helped them and you did not. Because the other body is treating these people in a much fairer manner.

□ 1900

You do not want to tell these 750,000 patriotic families that you do not have time or the interest to consider preserving their existing rights. So now is your chance, your only chance to help these people, 65 of whom died on September 11 when the terrorists attacked

the Pentagon, people who are part of the best employee workforce in the history of the Pentagon.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, over a hundred years ago Republicans and Democrats came together to prevent and preclude and to eliminate a politicized patronage system that was sucking down the quality of public service. What the amendment says is that we will not return to that kind of a system. I agree with the gentleman. If your bill does not do that, this motion to recommit does not harm it. If there is a chance that it does, it precludes it and protects it against a politicized civil service system. Vote for this motion to recommit.

Mr. HUNTER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. HUNTER) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Speaker, this amendment was offered and rejected in the Committee on Government Reform.

The gentleman is right, it was 100 years ago; and today we are in an information age when terrorists move information at the speed of an e-mail, money at the speed of a wire transfer, and people at the speed of a commercial jet liner. But the Department of Defense is still bogged down in bureaucratic processes in an industrial age that goes back 100 years.

Now, we preserve the rights the gentleman talked about, and he alluded to the fact, I am holding up the bill and ask you to read these. This section 9902 has 10 pages of fundamental employee protections. We include Chapters 33 and 35 of title V, which cover veterans' preferences with nonwaivable chapters.

The NSPS strictly forbids political patronage and mandates that the Department comply with all existing civil service protections, sex, age, race discrimination. That is in section 2301 and section 2302 of title V.

Nepotism protections, section 2302, are not waived. They remain in this legislation.

The amendment would require employees to be able to collectively bargain. The legislation at 9902 specifically says that employees may organize, bargain collectively, and participate through labor organizations of their own choosing. And section 9902, the gentleman from New York (Mr. MCHUGH) offered an amendment in committee that sets up an independent employee review panel appointed by the President, not the Secretary of Defense. The McHugh amendment took care of that problem.

These flexibilities are less in most cases than what we just gave the Department of Homeland Security less than a year ago and which dozens of other government departments have. We need to understand that. And they are based on the experience of nine pilot programs and 40,000 employees who have voted, in many cases against the union bosses who oppose them, to continue these kinds of reforms.

Let us take the civil service into the 21st century, and let us pay our employees what they are worth.

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) has 3 minutes remaining.

Mr. HUNTER. Mr. Speaker, the gentleman is absolutely right when he went over the litany of rights and protections that are in this bill. And we had a 25-hour mark up in which members on the Committee on Armed Services had lots of time, Democrat and Republican, to look at this bill. And let me just say, this bill passed 58 to 2 out of the Committee on Armed Services. And I think if folks really thought that this totally stripped due process away from 700,000 Americans, they would not have voted for that. And it does not strip away due process.

You know something, we are asking the Secretary of Defense to rebuild a system, and I think it is a system that is going to end up employing more people in the civil service because those 300,000 people in uniform who are doing the job now, because of bureaucracy, it is too tough to get through to appoint a civil servant, so it is easier to tell a sergeant, Sergeant, you go to it. The sergeant salutes, he goes and does it, and a civil service job is taken away.

This is going to be a great new reform package.

Now, let us get to the big picture. Just a couple of weeks ago American military folks, people coming from the air and the great Air Force, people projecting power from the sea in our Navy, people making combined arms operations with the Marines and the Army, people parachuting in with the 173rd Airborne coming into northern Iraq, the Third Armored Division moving up like a spear point up through the throat of Iraq going straight to Saddam Hussein's hideout, the great First Marine Division, the First Cav., all those Special Operators, those Special Forces, all the great men and women who supported this operation, went out and took what this Congress has given them over the last many years in terms of equipment and training and they carried out America's foreign policy, and they fought for freedom and they did a great job.

This bill does our job. It replaces that equipment. It raises that pay of 4.1 percent average across the board. It helps us to fight the battle of today if we have to engage by bolstering heavy armor and bringing in new precision-guided munitions; and it also looks over the horizon to the battle we might have to fight tomorrow.

Those great men and women in uniform did their job. This bill is our job. Please vote down the motion to recommit, and let us pass this bill.

The SPEAKER pro tempore. 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. COOPER. 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 204, noes 224, not voting 6, as follows:

[Roll No. 220]

AYES—204

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

Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
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
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Bonilla
Combest
Doolittle
Emerson
Gephardt
Greenwood

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Two minutes remain to vote.

□ 1923

Mr. HALL 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. Speaker, 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 361, noes 68, not voting 5, as follows:

[Roll No. 221]

AYES—361

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
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
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
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
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—68

Baird
Baldwin
Ballance
Becerra
Blumenauer
Brown (OH)
Capps
Capuano
Case
Clay
Conyers
Crowley
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Eshoo
Farr
Fattah
Filner
Frank (MA)
Grijalva
Hinchey
Holt
Honda
Jackson (IL)
Kanjorski
Kilpatrick
Kleczka
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren
Markey
McCollum
McDermott
McGovern
Miller, George
Nadler
Oberstar
Obey
Olver
Owens
Paul
Payne
Rush
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Serrano
Solis
Stark
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu

NOT VOTING—5

Bonilla
Combest
Doolittle
Emerson
Gephardt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain to vote.

□ 1931

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 2004 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.