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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Forbid, Lord, that our roots become too firmly attached to a given moment in time or that our love be limited to earthly things.

Help us to understand that this journey of life is but an introduction, a preface, a school of love for what is yet to come.

Grant us, Lord, true perspective. Then shall we not be possessed by the things we possess, or love only the things of time, but come to love the things that endure.

Save us from the tyranny of possessions which we have no leisure to enjoy or property whose care becomes a burden or of games which only rob us of time.

May we have the courage to simplify our lives around family, friends and faith.

And by Your grace, may we be fully alive, not merely exist, enjoy our work and find balance in daily living so as to live as the free children of God now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Iowa (Mr. BOSWELL) come forward and lead the House in the Pledge of Allegiance.

Mr. BOSWELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 160. Concurrent resolution expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 515. An act to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency.

The message also announced that pursuant to the provisions of Public Law 107–306, the Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Select Committee on Intelligence of the Senate, announces the appointment of the following individuals to serve as members of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: The Honorable Fred Thompson of Tennessee. Bran Ferren of California.

The message also announced that pursuant to Public Law 99–498, the Chair, on behalf of the President pro tempore, appoints Claude O. Pressnell, Jr. of Tennessee, to the Advisory Committee on Student Financial Assistance for a three-year term.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints the following individual to the United States Commission on International Religious Freedom: Michael K. Young of Washington, D.C.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 10 1-minute speeches on each side.

HONORING CONGRESSIONAL RESEARCH SERVICE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Members of Congress need access to information. The problem is there is so much of it that to process it and use it to make decisions is often difficult. My staff mines through a lot of information, does a great job with limited resources, and they often need help. And that is where the Congressional Research Service comes in.

CRS helps with research on nearly any topic. They are able to track down new stories, books. They can talk through issues, help review legislation. Congress would not be the same without the valuable service they provide. My office has had the privilege of working with CRS quite closely on a number of issues. In particular, Ted Stedman and Wayne Riddle helped update my Dollars to the Classroom Act.

Tim and Wayne and their colleagues at CRS are an invaluable part of what we are trying to accomplish here in Congress. I thank CRS for their hard work, for their dedication in providing Congress with the tools that we need to address the issues our Nation faces.

HONORING BETTI AND CARLOS LIDSKI

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay special tribute to two

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wonderful individuals in my congressional district: Betti and Carlos Lidski, National Trustees of The Foundation Fighting Blindness.

The Foundation is working valiantly to find a cure for retinal degenerative diseases. These debilitating diseases currently claim the sight of over six million Americans. Through the tireless efforts of the scientists at the Foundation and through the generosity of individuals like the Lidskis, exciting strides have been made in finding a cure and providing viable treatment options for those who suffer with these illnesses.

I thank Betty and Carlos and their entire family for the love, compassion, and unwavering dedication that they demonstrate every day for the visually impaired. They are truly an inspiration, not only to our South Florida community but indeed to our entire Nation.

Gracias to Betti and Carlos.

URGING THE FCC TO COMPLETE ITS WORK

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, as the Members know, I with many others in our Congress have served halfway around the world in a place called Southeast Asia. Sometimes we wondered how long it would take to get the equipment to us. It would take up to a month, but it always arrived. It always got there.

Mr. Speaker, I am sure all of us in this Chamber would agree that we must ensure the government operates efficiently and in a timely manner. However, a situation has come to my attention that I find very troubling.

Three months ago, the FCC adopted its Triennial Review order. I believe the economic implications of this action will be of great benefit throughout our Nation. However, the FCC has had 3 months to issue rules on this action and has done nothing. Meanwhile the companies are held hostage because, quite frankly, their hands are tied.

Mr. Speaker, how is it possible the United States can ship a large piece of military equipment halfway around the world in a shorter period of time than it takes the FCC to send its rules up a flight of stairs?

I am here today urging the FCC to complete its work and bring some certainty to the telecommunications industry so that our Nation can move forward and our economy can once again begin to grow.

JOBS AND GROWTH PACKAGE

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, today or tonight this body will get another chance to vote on the Jobs and Growth package. The benefits of this bill are so obvious, one has to wonder what is going on in the minds of anyone who still opposes it. From their arguments, the opponents in the press and in this building seem to be saying, ''Do not create jobs, do not trim taxes, do not stimulate the economy. Washington needs the money to spend on new programs and bigger government.''

On the other hand, maybe these tax relief antagonists are saying, ''We do not want a Jobs and Growth package because stimulating the employment and energizing the economy will not get us reelected'' .

Then again, perhaps the jobs and growth opponents are saying ''Give the people our money? Oh, no, you don't. It is our money, not the people's money. Every dollar in tax relief is a dollar out of our hands. We cannot let that kind of power slip out of our control.''

The truth is, listening to the tortured arguments of those who still oppose this bill makes even the casual observer want to put a bag over his head just for tuning in.

This is not rocket science. Simple economics tells us when we put more money in the hands of working families and small businesses, we get more spending, new jobs and a revived U.S. economy. It works.

EXTENDING UNEMPLOYMENT BENEFITS

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, if the House does not act today or tomorrow, 80,000 Americans will be denied extended unemployment benefits on June 1. Every week thereafter, another 80,000 laid-off workers will be denied benefits, totaling $2 million over the next 6 months. This is in addition to the one million unemployed workers who have already exhausted their extended benefits.

Last week, Democrats tried three times to get a vote on extending unemployment benefits, but each time the Republicans said no. We are now in the longest period of negative job growth since the Great Depression. The unemployed are looking for work, but they cannot find jobs. They need and deserve extension of unemployment benefits.

Mr. Speaker, I would hope that you would entertain a request to immediately consider legislation introduced by the gentleman from New York (Mr. RANGEL) and myself, H.R. 1652, to extend unemployment benefits for millions of Americans who have lost their jobs, not just those who have exhausted their State benefits. This request would simply ensure that the unemployed at least get a vote on the floor before we adjourn. We have the money in the Federal Unemployment Trust Fund to pay for these benefits. That is the least we can do.

BROADBAND REGULATION

(Mr. BASS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BASS. Mr. Speaker, by most measures the United States is the most technologically advanced country in the world. One measure, however, where the U.S. is sorely lacking behind other industrialized nations is high-speed Internet access for citizens and small businesses alike. The United States is not even among the top five countries in these broadband access rates. In fact, we are behind South Korea, Canada, Taiwan and Sweden, just to name a few. The statistics for DSL, a form of broadband that uses the telephone infrastructure, are even worse. The U.S. is not even in the top 10.

The Federal Communications Commission has begun to see that regulation of DSL harms the ability of companies to deploy that technology. Part of the FCC's Triennial Review, adopted this past February, improved some of the DSL regulations. That should help make DSL deployment easier.

However, there are two problems. The first is that the FCC has yet to actually issue these rules agreed upon in February, and the second is that action in February is just a start.

The FCC is looking at whether or not to regulate DSL as a telephone service. The broadband provided over cable, satellite or wireless is not as regulated as telephone.

I urge this body to urge the FCC to move forward on this rule-making process.

□ 1015

GOING OUT WITH A BANG

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, Congress can recess for the Memorial Day break with a big bang. We are going to increase the debt ceiling by $984 billion, almost $1 trillion, and also later today the Congress will vote to borrow over $300 billion to reduce the taxes, principally of a wealthy few in this country, under the premise that under trickle-down economics, they will invest that money in such a way it will create jobs.

Well, the last tax cut of $1.2 trillion cost the country 1.7 million jobs and caused us to borrow another $1 trillion, because we are now running deficits.

We could make real investments and put people back to work, investments in roads, bridges, highways, mass transit, sewer, water systems, things that increase the productive capacity of the country and the wealth of the country.

By the administration's own measures, if we diverted that money instead of borrowing it to give to wealthy people in the hope it might create the 1

million jobs the President hopes for, we could create 13 million jobs directly in construction, with a huge spillover in economic activity across the country.

There is a very viable alternative: do not borrow money to give to a few people. Never have we borrowed so much to give to so few.

GOVERNMENT WASTE

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Mr. Speaker, I came to Congress from a business background, and I ran for Congress in large part because I believe that we need more of a small business perspective here in Washington, especially when it comes to eliminating wasteful spending.

Every day, the families and businesses in my district have to make tough decisions. They have to meet a payroll, they have to live within a budget, and small businesses and families must eliminate wasteful spending. I do not think the Federal Government should be any different.

This year the Heritage Foundation identified $386 billion of wasteful Federal Government spending. Mr. Speaker, that was $386 billion. If Congress would only eliminate waste, mismanagement, and inefficiency in the Federal Government, we could save the taxpayers billions and billions of dollars.

But it is not enough to just complain. We have to do something about it. This week the majority leader, the gentleman from Texas (Mr. DELAY), and the Committee on the Budget chairman, the gentleman from Iowa (Mr. NUSSLE), announced a significant effort to root out and eliminate government waste during the 108th Congress. I applaud their effort, and I pledge that I will join them and my colleagues to reduce waste, fraud, and abuse in government in my time in Congress. I urge my colleagues on both sides of the aisle to join in this effort.

ON RAISING THE DEBT LIMIT

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, at the very time negotiators are putting the final touches on a tax cut that will add several hundred billion dollars to our national debt, the leadership in Congress is planning on slipping through the largest increase in the debt limits in the history of our country, without any debate up or down.

We are about to engage in brinksmanship with the full faith and credit of the United States Government by adjourning before Congress completes action on the debt limit, in order to force the other body to approve the largest debt limit in history. We are going to cut and run.

Mr. Speaker, I am willing to support a temporary increase in the debt limit. In a few moments I will offer a unanimous consent request to approve legislation providing for an increase in the debt limit through the end of the current fiscal year, with the requirement that the President submit a plan to bring our budget back into balance. This will allow us the time to consider a long-term larger increase with the deliberation the serious matter deserves.

If my friends on the other sides of the aisle honestly believe that tax cuts with borrowed money is good economic policy, they should stand up and vote to increase the national debt to pay for their tax cuts, relying on parliamentary maneuvers to avoid an up-or-down vote on the issue.

Mr. Speaker, in light of this, I ask unanimous consent that the House end this charade of borrowing money to pay for tax cuts and immediately take up H.R. 2156, which provides a temporary increase in the public debt, but makes no room for additional debt-financed tax cuts.

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's consistent guidelines, the gentleman is not recognized for that purpose, and his time has expired.

KEEPING MONEY IN THE PRIVATE SECTOR

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, it is really very simple: there is waste in the private sector, just like there is waste in the public sector; but the waste in the business world pales in comparison to the waste in government. Thus, every dollar we can keep in the private sector creates more jobs and lowers more prices. We get more bang for the buck, so to speak, from every dollar kept in private hands.

Who benefits the most from having more jobs and lower prices? The poor and lower-income and working people of this country. This has been proven time and again all over the world. Small government means a good economy. Too much government means a starvation economy where the middle class gets wiped out.

Mr. Speaker, that is what this tax cut is all about. If people really want to help the lower-income and working people of this country, they will support the President's tax cut initiative.

ECONOMIC CLASS WARFARE

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the Republican tax plan is nothing more than voodoo economics. Only in Washington would Republicans tell average American families that raising their national debt is a way to solve this economy's malaise. Raising their debt.

This is not a $350 billion tax package; it is a $1 trillion tax package, because no one believes that it will be ultimately eliminated once it is enacted. And that $1 trillion tax package is a job killer, not a job creator. Ask the 2 million-plus jobs we have already lost under the original Bush tax plan.

And, yes, it has a child tax credit; but then, before you know it, it is taken away and eliminated. But guess what is not eliminated? The accelerated reductions in the top income tax. They are forever. Child tax credit: here today, gone tomorrow. Top tax relief: there forever. That is class warfare.

FEDERAL PRISON INDUSTRIES TAKING AMERICAN JOBS

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOEKSTRA. Mr. Speaker, one of the fastest growing companies in America today is Federal Prison Industries. In the last 2 weeks they have unveiled a brand-new scheme to take jobs from the private sector and move them into Federal Prison Industries.

Their new scheme is, under competitive bidding, companies come in and present their bids; and at the opening, companies get excited because they have won the bid. But Federal Prison Industries comes in and says no, no, no, you do not understand the new bidding process. Give us your bid. We will take a look at it, and then there will be a second round of bidding. But the only company that gets to bid in the second round is Federal Prison Industries.

Mr. Speaker, it is time to stop this charade. It is time to provide best value to government contractors. Let the bidding process work. Let American workers compete against Federal prisons, so they can keep their jobs.

TAX CUT PLAN A FRAUD AND FAILURE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. INSLEE. Mr. Speaker, I rise to salute the common sense of the American people who, after weeks of stumping by the President, have concluded that this alleged tax cut plan is a fraud and a failure.

According to the Wall Street Journal, Americans two to one have concluded that this plan will have no real effect on U.S. economic performance, and the American people are right. Six out of ten Americans have concluded that this plan shortchanges job creation in favor of tax cuts weighted to the rich; six out of ten Americans have concluded that this tax cut plan benefits the wealthy more than average people; and six out of ten Americans

have concluded that this tax cut plan will increase the Federal budget deficit. And they are right, because we will now have to increase our debt limit $894 billion.

Mr. Speaker, the American people have got it right, because they have common sense. In the midst of this situation, we ought to create jobs, not debt. In the midst of this situation, we ought to be favoring working people, not just the wealthy.

The American people have got it right; and I will tell you, they are not buying this used car from this President.

CIVIL SERVICE REFORMS: REINSTATING A WORKERS' BILL OF RIGHTS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in frustration over the Committee on Rules' failure to allow the Cooper Civil Service Bill of Rights to be offered today as an amendment to the defense authorization bill.

On the day that Congress left for the Easter recess, the Department of Defense presented Congress with the largest civil service reform package in nearly half a century. Impacting nearly 620,000 Department of Defense civilian employees, the proposed bill strips workers of fundamental protections, including the right to collective bargaining and the right to belong to a union without fear of discrimination. In fact, it does not even guarantee overtime pay for firefighters.

Although I agree that the Department of Defense civil service reforms are necessary, the manner in which these reforms have been moving through this body is disgraceful.

Congress is doing a disservice to our hard-working men and women at the Department of Defense by failing to bring this issue up for a debate. The Cooper amendment would have restored, among many things, critical worker protections, including veterans' preferences, freedom from political patronage, collective bargaining rights, membership in labor organizations, and protection from discrimination.

Mr. Speaker, the leadership in this body has failed our Department of Defense employees.

BURDENS BEING PLACED ON BACK OF VETERANS

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, as we approach the Memorial Day weekend, I think it is important for the veterans across this country to understand what this body is doing. We are placing additional burdens on the backs of our veterans for the health care they receive through the VA system in order to give a larger, more generous tax cut to the richest people in this country, many of whom have never served this country in the military.

Why do I say that? We passed a budget in this House supported by the President that asked for a $250 annual enrollment fee so that many of our veterans will be able to participate in the VA health care system. If they do not pay the enrollment fee, they cannot participate.

The President has asked for an increase in the co-payment for prescription drugs from $7 to $15 a prescription. They have placed a gag order on their health care providers, saying they can no longer actively inform veterans of the benefits they are legally entitled to receive.

So here is what we have: a decision by the President and the Congress to put an additional financial burden on the backs of our veterans so that we can give a more generous tax cut to the richest people in this country. It is wrong.

PROPOSED TAX PLAN KILLING JOBS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, 2 years ago President Bush brought a $1 trillion tax cut to the American public in the name of creating jobs and stimulating the economy. Since the time that he has done that, the economy has lost 2.7 million jobs; 2.7 million Americans out of work, the deficit has soared dramatically, and the economy is moving sideways, at best.

Now what does the President suggest? Today he suggests we cut taxes again, another $1 trillion, and that $1 trillion is supposed to create jobs. Very shortly President Bush will reign over the loss of 3 million jobs since he has come to office.

The President keeps putting forth this plan as a means of creating jobs. What it has done is it has killed 3 million jobs. The President's economic plan has yet to create its first job, its first job; but it has killed 3 million jobs in the American economy. The American public ought to understand, it is a $1 trillion giveaway to the richest people in the country and a job killer for working Americans.

APPOINTMENT OF CONFEREES ON H.R. 2, JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. STENHOLM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2 be instructed—

(1) to include in the conference report the fiscal relief provided to States by section 371 of the Senate amendment, and

(2) to the maximum extent possible within the scope of conference agree to a conference report that will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

□ 1030

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. THOMAS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

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

Mr. Speaker, in his State of the Union address, the President told us this country has many problems, and that we will not deny, we will not ignore, we will not pass along our problems to other Congresses, other presidents, and to other generations.

As a proud grandfather who wants to leave a better future for my grandchildren, I applauded that statement; and I applaud it today. Unfortunately, our current budget, our current economic game plan, our current budget policies, would do precisely what we all applauded we should not do. Every dollar of the tax cuts passed by the Senate will be added to our $6.4 trillion debt.

At the same time, we are debating another round of tax cuts, the leadership of this House is trying to slip through an increase in our debt limit of nearly $1 trillion, the largest increase in the history of our country. Our total debt in this country in 1979 was less than the amount that we will borrow in a period of less than 2 years. That is what we are objecting to in this motion to instruct conferees.

I do not oppose tax cuts. In fact, I have stood with my fellow Blue Dogs and an overwhelming majority of this side of the aisle, and a few from that side of the aisle, and voted this year to do the tax cuts on the marriage tax penalty, to do the child tax credit speed-up. But our budget, our bill, did not borrow the money to do it.

My objection to the tax cuts that we are about to vote on today is that they are being done with borrowed money. It is irresponsible to pass a tax cut for ourselves today that leaves the bill to our children and grandchildren in the form of a crushing national debt.

If my friends on the other side of the aisle honestly believe that tax cuts with borrowed money is good economic policy, they should be willing to stand up and vote to increase the national debt to pay for their tax cuts, instead of relying on parliamentary maneuvers to avoid an up-and-down vote on this issue.

Our current economic and budget policies will increase the most wasteful spending in the Federal budget, the $332 billion collected from taxpayers simply to cover our national interest payments. The tax bill passed by the House would increase this wasteful spending by $273 billion over the next 10 years.

The best way to ensure that we, as well as our children and our grandchildren, are all overtaxed for the rest of our lives is to keep borrowing money and running up our debts. Our children will be forced to pay even higher taxes just to pay the increasing interest on the debts we incurred and getting fewer services from the government for the taxes they pay.

Under the majority's budget, the debt tax will consume more than 20 percent of all taxes going to pay the interest on our national debt by the end of the decade; $520 billion the Congress will have to tax the people in 2012, assuming 4 percent interest, assuming 4 percent interest.

That is under the economic game plan that, if it works exactly like the proponents and the chairman of the Committee on Ways and Means who will defend this, sincerely in his own heart, if it works exactly like they say and it creates exactly the amount of jobs that they propose, we will increase our national debt to $13 trillion over the next 10 years, continuing to ignore the baby boom retirements that will occur beginning in 2011, continuing to postpone to the next Congress and the next president dealing with the most serious problem facing the economy and this country, which is, how do we deal with the crushing unfunded liability of the Social Security system and the Medicare system, ignoring that in order to pass what they will explain, as we have heard in 1-minutes today, is a jobs-creating tax bill.

I hope they are right. As I said 2 years ago when we stood on this floor and opposed the then tax cut of the 2001 variety, I hoped that I would eat the biggest plate of crow in town. I sincerely did. For the good of our country, I hope my friends on the other side of the aisle are right, because it will be better for our country if they are right.

Unfortunately, their track record thus far does not meet the rhetoric that we will hear over and over and over again.

When my Republican colleagues talk about the economic benefits of tax cuts, they conveniently ignore the harm to the economy and the impact on private capital markets from the government running large permanent deficits.

Just yesterday, Federal Reserve Chairman Alan Greenspan told the Joint Economic Committee that deficits do matter in any evaluation. What happens to deficits is an integral part of the analysis. That is why the Congressional Budget Office and the Joint Committee on Taxation both concluded that the tax cuts would actually harm the economy over the long term by increasing the deficit.

I ask my colleagues, as one Democrat who used to vote with them, with my friend who came to Congress at the same time in 1979, when we used to try or we passed the balanced budget constitutional amendment in 1995, what has happened to him? What has caused the gentleman to suddenly start saying that deficits do not matter, balancing the budget does not matter? If we believe that deficits matter, if we agree that we should not be placing a crushing debt burden on our grandchildren, vote for this motion to instruct and then follow it. Do what this motion says.

The motion the gentleman from New York (Mr. RANGEL) has put forward today, or I have been privileged to do on his behalf to this point, is to include in the conference report the fiscal relief provided by the States to the maximum extent possible within the scope of the conference, agree to a conference report that will neither increase the deficit nor increase the amount of debt subject to the public debt limit.

Mr. Speaker, this is a serious matter today. It is probably one of the most serious points in the history of our current generation that we have been to. I hope that those that believe that increasing the debt is not a problem, that there is an unlimited amount of money that the United States can borrow for whatever purposes we wish to borrow and spend it, because if we will look at the spending side of the ledger, we will see that spending is going to increase at the greatest rate in the last 25 years.

So when we hear that it is Congress' spending that needs to be controlled, look at the facts. Do not deal with rhetoric, mine included. Just look at the facts. Somehow, some way we have got to focus on the facts of what we are doing to this country: pursuing an economic game plan that most economists in this country say will not work, cannot work under the conditions we are living in today.

Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. RANGEL) be permitted to control the balance of my time.

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

There was no objection.

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

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

Mr. Speaker, I would ask my friend and colleague, the gentleman from Texas, and I did not know whether he was going to depart the Chamber, having yielded his time, but if he is not, I listened carefully to what the gentleman said. We did come together, and I have read this motion to instruct.

As the gentleman knows, we have to bring the House and Senate together, since two pieces of legislation have passed and they are different in each House. This motion to instruct asks, and we all know that motions to instruct are not binding, but they do focus on what is important to people, the motion asks that we include in the conference report the fiscal relief provided to the States by section 371 of the Senate amendment. That amounts to $20 billion in two different forms, $10 billion to be distributed through the Medicaid structure and $10 billion through a pro rata formulation with minimums to smaller States and smaller territories.

Whenever we have to reconcile the differences between the two bodies, we oftentimes have to listen very carefully to whether or not what one or the other side is asking for is important to them. Having talked to a number of my colleagues, both Democrat and Republican, on the other side of the Capitol, I believe this provision is important to them. I believe it is important to them to the level that, if it is not included, they would seriously consider the way in which they would be required to vote on a conference report that was placed in front of them without this provision.

So I can tell the gentleman that I have every intention of including section 371, as we can mutually agree to internal amendments to that section in the conference report.

The second item in the motion to instruct begins with the language ''to the maximum extent possible,'' which I believe is a very wise and even sage observation that what we are going to do is, as humans, attempt to deal with the situation as best as we are humanly capable of dealing with it, to the maximum extent possible.

I have no problem with any of the language following ''to the maximum extent possible'', although I did hear the gentleman read that section and not read that portion of the section, as though it was a dictate that certain things must follow; but in fact it is not, the way it is written. It is a desire to the maximum extent possible to do certain things. When I read it that way, I have no objection to what the gentleman is saying in the second section, either, when I read it the way it is written.

I would tell the gentleman, his reference to the time we came and the decisions that we have made, at the time we came the gentleman and his party were in the majority. Currently, the gentleman from California and his party is in the majority.

One of the differences between the time the gentleman was in the majority and the time we were in the majority is that we have actually paid down on the national debt more than half a trillion dollars since we have become the majority. So I think not only in word but in deed we agree with the gentleman.

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

Mr. THOMAS. I yield to the gentleman from Texas.

Mr. STENHOLM. Would the gentleman care to revise and extend the remark that he just made about the success of his party in the majority and what has happened to our national debt?

Mr. THOMAS. I did not say what has happened to our national debt. I said ''paid down on the national debt,'' money that went to the reduction of the national debt. That was my statement.

Now, let me go on and talk about his concerns and my concerns about deficits, because when we have a deficit and when we add to a deficit, $1 added to the deficit in one particular way I believe is substantively different than $1 added to the national debt and deficit in a different way.

For example, when we have fought past wars, especially significant societal and in fact world wars, when we have to build that battleship, build that carrier, build that bomber, build that tank, we clearly spent money we did not have. That is a dollar spent in deficit, but it was spent as an investment to ensure our way of life. No one would argue that that was not a very high calling for the deficit dollar.

In the decades following World War II, and especially in the 1960s and in the 1970s and to a certain extent through the 1980s, it became a habit when the revenue did not equal the desired spending of the Federal Government that the Congress would spend $1 it didn't have, a deficit dollar, spent to sustain programs or to create new programs which would then in the future demand more deficit dollars to keep them going, unless there was a decision to raise taxes and bring in the revenue that would be required to cover the new and growing costs of the Federal Government.

What happened was that year after year after year deficit dollars were spent. What for? To sustain spending programs. That became known as the structural deficit, that they just continued a deficit that was built in because it was easier, more convenient, less painful than asking the American people to contribute more to cover the programs they wanted to create.

I do not believe anyone should support for any length of time a structural deficit. That is just wrong. I oppose and I believe the gentleman from Texas opposes structural deficits. That is one kind of a deficit dollar.

The other kind of a deficit dollar I have talked about in the context of war, but we can also talk about a deficit dollar in the context of peace.

□ 1045

Mr. Speaker, because the deficit dollar in war was an investment in national security, you can spend a deficit dollar in peace as an investment in national strength, i.e. make sure the economy is strong, create jobs; and when you have jobs, people are being paid, more revenue comes into the Federal Government, and you can see that deficit dollar is not a structural deficit. It is spent in a way to grow the economy to be able to cover the expenses the Federal Government incurs. That is not a structural deficit. That is an investment deficit dollar.

While there is no question we wish there were no deficit, recent history would clearly indicate what has gone on which certainly has contributed to the problems we have; not just external, internal as well; decisions that people made about investments and the ability to convince people that certain things were real when perhaps they were not, where you create investment opportunities that fail.

One of the great things about this country is you can succeed; but in creating a structure that allows one to succeed, it is also necessary that we have a business structure where we allow people to fail. One of the fundamental differences between the United States and Europe in creating jobs is that we understand creative destruction because we can then rebuild. We can start anew. If we hang onto what we have got, if we do not risk, we cannot gain.

What happened was in many of the investments they were not placed wisely. I do not think that the government should deal with that, but nevertheless it had an impact on the economy. We can go over a number of other factors that have placed us where we are today.

The gentleman's emphasis in the motion to instruct is should we spend deficit dollars not for structural deficits, and that is why we are opposed to significant increases in spending, if we do not have the money, but should we spend a deficit dollar investing in the economy so it can grow. There is a legitimate difference of agreement as to whether, and how we do, it is appropriate or not. I have no problem dealing with that. That is the structure we have here and the debate that will take place.

So the way the gentleman has worded his motion to instruct in which I think to be able to bring back a conference report the first one needs to be included in ways that make it more amenable to more people, and the way the gentleman words his second provision to the maximum extent possible, the gentleman from California would accept the motion to instruct. I have no problem with it based upon our clear difference notwithstanding about the way we spend deficit dollars, because to the maximum extent possible, we will not because it does not say you will not. One does not create a procrustean bed where if you do not fit cramping you in that you are in countervention to your position, no.

Mr. Speaker, I accept what I consider to be a reasonable proposal to the maximum extent possible. I would indicate to the gentleman and if he has now transferred his time to the gentleman from New York, if the gentleman is willing to yield back the balance of his time, I am more than willing to yield back the balance of my time since we are in agreement.

If the gentleman, therefore, and I would recognize the gentleman from New York, is willing to yield back the balance of his time, I will yield back the balance of my time; we will agree to the motion to instruct so we can get on to the conference.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I think I should be recognized by the Speaker.

Mr. THOMAS. I am yielding to the gentleman on my time to respond to my question. Is the gentleman willing to yield back the balance of his time?

Mr. RANGEL. I am anxious to be recognized by the Speaker.

Mr. THOMAS. Mr. Speaker, then I will say to Members, everything that is being said after the refusal to accept the offer to yield back so we can go to conference is nothing more than politically motivated. If they were sincere in this motion to instruct, which we are willing to accept, we would be on to the conference. Instead, we are going to hear a whole series of discussions which obviously can be made when the conference report is brought back.

I see on the other side of the aisle the gentleman from Maryland (Mr. HOYER), the majority whip, who has taken the mike more than once asking, What has happened to the comity in this body? Why are we not working together? We should show decent respect for either side. All I am saying is, here is the offer: let us yield back, let us accept the motion to instruct and go to conference. The answer is, no. Clearly the intentions, the motivations, the language probably is here for an entirely different reason; and actually, I am saddened a little bit.

Mr. Speaker, I tell my friends on the other side of the aisle, you have offered, we have accepted.

POINT OF ORDER

Mr. TANNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his point of order.

Mr. TANNER. Mr. Speaker, is it permissible for a Member to impugn the motives of another Member? I think he is out of order because he has impugned the motives of the gentleman from New York (Mr. RANGEL) and those of us who want to speak on this issue by his words.

The SPEAKER pro tempore. In the opinion of the Chair, a Member who has only talked about political motivation would not be in violation of the rules.

The gentleman from California (Mr. THOMAS) is still recognized.

Mr. THOMAS. Mr. Speaker, apparently my friends on the other side of the aisle are interested in employing parliamentary maneuvers so I am not able to continue to make a very basic point. The basic point is this: if we had yielded back our time, it would have been a sincere offer and a sincere acceptance.

Since they are not willing to yield back, everybody understands what this is all about.

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

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

Mr. Speaker, let me first thank the graciousness of the distinguished chairman of the Committee on Ways and Means and congratulate him on the sincerity with which he accepts the motion to instruct the conferees for creating the atmosphere so we can have discussion on what is happening here.

This is a motion to instruct the conferees; and to people who are not aware of it, there is an assumption that there is a conference, a conference that involves Members of the House and the Senate appointed by our great Speaker to resolve the technical differences in a bill from the House of Representatives and the Senate, for us to be represented, Democrats and Republicans alike. And the distinguished chairman of the committee says that he will accept our recommendations that were drafted in parliamentary language to report neither an increase in the Federal budget deficit nor an increase in the amount of the debt subject to the public debt.

Now, while he is saying that this is his conduct in the conference, all of last night and this morning we have heard that the chairman of the Committee on Ways and Means has already reached agreement with his Republican friends in the Senate. I do not know who is going to be appointed as a conferee, but it is abundantly clear that they have reported to the press that they have already decided what they are going to do, and so the whole idea that democracy is taking place here has really been shattered by the fact that the Republicans have yet to come out of the dark room that they have been in to share with us where will the conference be.

I do hope that we understand this, that the eloquence with which the chairman of the Committee on Ways and Means described how repugnant the deficit is to him, that he only found it difficult to live with because it was caused by Members of Congress' propensity to spend money for programs.

I really think that is the key to the whole thing. He has no problem in creating the deficit for tax cuts, but his problem is when we are spending it for education and housing and Social Security and Medicare and prescription drugs. That is where he draws the line.

It seems as though while the papers are concerned with whether the negotiators, and that is what is referred to on the front page of the Wall Street Journal, not the congressional conferences taking place trying to resolve differences, but what he and his Republican counterpart have decided that they are going to do for long-term economic gain, something similar to what they did several years ago when they said they had a program to create jobs, and it turns out that they had a program to increase deficits.

So here we are today saying that they have agreed on a $350 billion tax cut when everyone inside the Beltway and in the House and Senate knows that they have agreed to a trillion dollar tax cut and a trillion dollars in borrowed money; and the fact remains that for the next decade the interest that we will be paying on the money that has been borrowed for tax cuts will be more than the money that we ever will be paying for discretionary programs to provide assistance for Americans.

So now that they have come out of the dark room and agreed that they are going to do the best, I can tell Members this: no matter what they come out with, it is the American people who are going to pay the price for this dramatic shift as to when did we start borrowing trillions of dollars in order to reduce the taxes on the precious few already-blessed people with high incomes that will be the beneficiaries of it.

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

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

Mr. Speaker, I will reach my hand out once again; we are willing to accept it. You slapped it away once. I hope the gentleman does not slap it away a second time because as the gentleman from Maryland (Mr. HOYER) has reminded us time and time again, there is not enough comity in this House, that we ought not treat each other the way we have been treated. I thought I would take the initiative.

I find it interesting when the request is made repeatedly on this side, apparently it is just a request. When I accept that offer and reach my hand back, it is denied. So then you wonder why the request was made in the first place, or perhaps it was just a request that they hoped would remain out there, floating ephemeral.

What I have done is I have put my hand out and said let us get to conference. The gentleman from New York (Mr. RANGEL) says he does not know where the conference is or where it is going to meet. I tell the gentleman from New York, I do not know either. Why, as the gentleman well knows, the Senate is organizing this conference. It is the chairman of the Senate Committee on Finance who will be the chairman of the conference. They will organize it, and they will structure it.

If we can get this motion to instruct behind it, I would have preferred yielding back the balance of my time, but obviously statements need to be made, but then maybe we will find out where it is; and he and I can go together to where it is that the chairman of the Senate Committee on Finance will decide where and when it should meet.

So if the gentleman is concerned he does not know, once again, on a totally equal basis, I do not know either. We will try to pursue that together. Perhaps that is one thing we can do together today because clearly you are not willing to accept the gesture of moving on so we can actually do it by accepting our offer on the motion to instruct.

□ 1100

I guess it just concerns me a little bit because from now on when I sit on the floor and listen to the platitudes about how we ought to work together, we will have a little better understanding of the context in which those statements are made. We understand it is political rhetoric, just as everything that is going to be said from now on is political rhetoric.

I just wanted you to know that in all sincerity, to live up to what you said, I wanted to give you a chance. You offered. We are willing to accept. You are not willing to accept our offer to accept. That really is sad.

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

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

I am even more frightened now that the chairman has indicated publicly how little he knows about what the Senate is doing since he has been on television all night sharing with us that he has been negotiating with the Senate, but I accept his lack of understanding of where the conference is going to be.

Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Speaker, the chairman can say over and over and over again that he reaches out his hand in comity in seeking bipartisan participation. But no matter how often he says it, no matter how sincerely drips the lines from his mouth, the reality is starkly different. Yes, we reject a sham offer for a sham process, predetermined and not inclusive, a process that is leading to the injuring of our country, the undermining of our economy, the destruction of jobs. Those are the facts, as the gentleman from Texas (Mr. STENHOLM) said earlier. The creation of gargantuan debt. And, yes, as the chairman knows but will not repeat, under Mr. Reagan and Mr. Bush, their budget request, forget about what Democrats did, their budget request requested more spending than the Congress gave them in those 12 years. This

President has asked for more spending than we had last year.

Mr. Speaker, I urge my colleagues to support this motion to instruct, not caveated, not if you mean this or that, as the chairman says. This motion instructs conferees on the tax bill to include the provisions on State aid as provided for in the Senate. Frankly, I know it galls many of my colleagues on the other side of the aisle, none more so I think than the chairman, that the States are now asking the Federal Government for help in weathering their worst fiscal crisis since World War II, caused in large part by the fiscal policies of this administration. Do we ignore the fact that many States are now considering massive layoffs in an effort to save money and balance their budgets? The chairman would say yes. Do we ignore the fact that States are now considering Draconian cuts to Medicaid and other vital services for our most vulnerable citizens? The chairman would say yes. Do we ignore the fact that at least one State, Kentucky, is even considering letting prison inmates out early to save money?

Mr. Speaker, that puffed-up piety, that dripping sanctimony that so often laces the lectures on fiscal responsibility that our Republican friends are so fond of making would have far more credibility if the GOP actually practiced what it preached. But the party that turned record budget surpluses into record deficits, the party that squandered a projected $5.6 trillion surplus, and the party that later today intends to vote for a $350 billion bill, it says, but everybody on this floor who is at all honest knows it is a trillion dollars, plunging us deeper into debt, demanding a record increase in the statutory debt limit should not be lecturing anyone on fiscal responsibility.

This motion instructs conferees not to increase the deficit, which the CBO now projects will be well over $300 billion, and not to include language to raise the debt limit. Our Democratic alternative, of course, was paid for with offsets. The GOP bill is not.

Ladies and gentlemen, if you care about your country, if you care about honesty with the American public, if you care about any personal responsibility that we have as Members of the Congress, you will vote for this motion to instruct and against this package that will harm our country.

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

The gentleman from Maryland called my offer to yield back the balance of the time and accept the motion to instruct a sham offer. All you have got to do is call me on it to see if it is a sham or not. You yield back your time; I will yield back my time. That was rejected.

The next test will be since we have already said we would accept the motion to instruct is when we finish debate, all time has expired and the question will be on the motion. We do not intend to call a rollcall vote. There would be no need to call a rollcall vote if in fact you have offered and we have accepted. It would be a sham to call a rollcall vote. We do not intend to call a rollcall vote. If you on the other side of the aisle call a rollcall vote after you have offered and we have accepted, then it is pretty obvious where you are going. Words piled upon words cannot bury this simple fact: I offered; you refused.

Of all sad words of tongue or pen, the saddest are these: ''It might have been.''

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

It is certainly understandable why the chairman of the committee would not want us to talk about this bill. It is certainly understandable that he would not want the American public to learn from us that this is a trillion-dollar tax bill that plunges this country faster and further into debt than anytime in history. He certainly would not want us to tell the American people that when they did their first tax bill of a trillion dollars 2 years ago, that since that time we lost 2.7 million jobs, the economy has faltered, the market has faltered and the Bush administration and the Republicans in the House and the Senate do nothing.

They do nothing but take care of the Bush class in America against the middle class in America. I am sure the gentleman from California would not like to have us tell that to the American public, just as he did not want us to tell the American public when we had a substitute and they denied us time to talk about it, they denied us the right to offer. Why? Because we had a substitute that was fair and fast acting, would have created a million jobs and no long-term deficit. They could not figure out how to construct one. They did not have the discipline to construct it. They did not have the morals to construct it. They did not have the ethics to construct it, so they just dove into the pit of debt and deficits and red ink.

And now as they emerge from that pit, it drips off of them, deficits, red ink, muck, to be left to the future generations. That is their plan. And I am sure they would not like us to talk about it. And I am sure that he will beg us to yield back our time. But we think this is the House where the people rule. This is where the people ought to hear what is taking place here. The facts that cannot be buried, as he would say, is the exploding deficit, the cost of these tax bills, a $400 billion deficit this year, a $7 trillion deficit over the long term and the immorality of passing that on to future generations.

Mr. THOMAS. Might I ask the Speaker the remaining division of time?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. THOMAS) has 12½ minutes, and the gentleman from New York (Mr. RANGEL) has 11.

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

The gentleman from California indicated that they were quite disappointed that their substitute was not made in order. What the gentleman full well knows is that the substitute did not conform to the rules. That they could not construct, or chose not to construct a substitute that did not violate the rules, that was outside the rules. And what they wanted was to ignore the rules.

What the majority did was construct a program that fit the rules. I understand, based upon the way you behaved when you were the majority, that you do not like the constraining aspect of rules. We believe that you ought to play the game according to the rules, and you do not think rules should apply to you. We understand that. But for you to argue that your motion should be made in order in which we had to follow the rules of the House and you did not is to say, let's have a game of baseball. You get nine in the field, we get 28. You get three outs, we get 12.

I certainly understand based upon the way you performed when you were in the majority, you do not get it. Why can we not have 28 in the field? Why can we not have 12 outs? Why can we not spend more than we raise year after year after year when you had the ability not to? But now somehow the Holy Grail is to not spend more than you take in, and we would sip from that cup every day if we did not face the problems we face now. Just as we did in wartime when we spent dollars we did not have to try to save our country, we are trying to do the same thing right now.

I understand your desire to score political points. But the argument that somehow we do not want people to know what we are attempting to do, as soon as we can get to conference, is absolutely the most amazing argument I have ever heard. You know why? Because once you understand what we are doing, it completely blows up your rhetoric. Those old yellowed sheets of class warfare give to the rich are actually going to have to be rewritten. Or maybe you just ignore, as you have done a number of times, reality.

What we are attempting to place before this body is a change in the Tax Code that does not give no taxation of dividends or capital gains to the most rich. Warren Buffett does not get zero. Bill Gates does not get zero. We are attempting, and the longer we stand here the longer it is going to take us to present it to you, to create a change in the Tax Code that gives zero to who? No tax on dividends or capital gains to those who pay the lowest amounts of taxes. In the 10 and the 15 percent bracket, zero. Their modest investment

in the engine that drives our economy, the private sector, should not be subjected to the Federal Government taking money out of that small pot. That is what we want to put in front of you. I think you are a little worried about it because your old syllabus will not work. We do not want to provide zero tax to the richest in America. We want to provide zero tax in the investment of the engine of this economy to those on the bottom and the second to the bottom rung of the ladder, so that they can amass wealth, they can understand what it means to be a capitalist, they can share in the resources of this country; and I believe your real fear is that eventually they will understand what it means to think and be a Republican.

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

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

It is so sad that the gentleman constantly refers to this as some type of a game. I am certain to the millions of people without jobs and without hope that they consider this tax cut just as repugnant as the words that have been uttered about this class warfare. It is a class warfare, and it is the working class that are the victims.

Mr. Speaker, it is a great honor to yield 2 minutes to the gentlewoman from California (Ms. PELOSI), our distinguished leader.

□ 1115

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, I listened intently to the comments of the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, just now as he talked about the rules of the House and those rules foreclosing the option of the Democrats to be able to bring a bill to this floor.

What I heard the gentleman say is that the rules of this House are rigged against working families in America; that the rules of this House under his interpretation are rigged against bringing a bill that would create jobs, that would invest in infrastructure in our country and immediately create jobs which would help address the concerns of cities, States, and localities in terms of homeland security needs so important to the American people; that it is rigged against extending unemployment benefits to America's workers where the money is there for that purpose and which would inject demand immediately into the economy, immediately creating jobs because of people having to spend that money on necessities; and that the rules of the House are rigged against fiscal responsibility.

The Democratic proposal was at a cost of zero. It paid for itself. It was offset. So if the rules of this House do not allow us to come here and fight in a very direct way for working families in America, for the middle class in America, then the rules of the House should be changed.

The gentleman knows full well that the minority had every opportunity for amendment and substitutes when the Democrats were in power. But it is no use talking about process. Let us talk about jobs. Let us talk about job creation. Let us talk about immediately infusing demand into the economy. Let us talk about fiscal soundness. Let us talk about the debt limit, that this irresponsible, reckless Republican proposal that may be coming to this floor will demand that we lift the debt ceiling once again, further indebting, further indebting America's children well into the future, but without a vote and without a debate and without the American people understanding the damage that the Republicans are doing to our economy and to our future.

Republicans are supporting record debt increases to finance a tax cut that hundreds of economists and Federal Reserve Chairman Alan Greenspan agree will not grow the economy. And sadly what President Bush did by putting forth his proposal has started the unraveling of fiscal responsibility in our country. That is not leadership. How irresponsible that was.

But the Republicans in Congress picked up the baton and started a feeding frenzy of further tax cuts, further responsibility in terms of our budget. And some of their proposals even administration allies, such as Kevin Hassett of the American Enterprise Institute, are saying that what they propose in their dividend plan is one of the most patently absurd tax policies ever proposed.

Mr. Speaker, public policy is important. Fiscal policy, budget policy makes a difference. It has ramifications in the economy. In order to back up their claim that passing this bill will stimulate the economy this year, House Republicans are using gimmicks that border on the absurd and have very damaging public policy ramifications. Their bill delays billions of corporate tax payments, otherwise due September 15, for 16 days until October 1 when the next fiscal year begins. How does delaying taxes for 2 weeks create jobs for American workers?

Again this is process. We want jobs. In order to jam more tax breaks for the wealthy into this bill, Republicans have included provisions to end middle-class-oriented tax cuts, leaving middle-class Americans with a tax increase in 2006. This will force a future Congress to either increase taxes or add billions to our spiraling debt just as baby boomers are retiring.

The tax cuts for the higher end ought to be left alone. The middle class is asked to subsidize the wealthy. That is simply not right. The projected deficit for this year is already a record high, and the Republican's want to add $1 trillion more in debt to pay for this tax cut. It defies logic. It defies economics, and it contradicts promises made to the American people.

Shortly after taking office, President Bush said, ''We should approach our Nation's budget as any prudent family would.'' And last August he reiterated, ''We cannot go down the path of soaring deficits.'' We cannot go down the path of soaring deficits? What are we doing today? This tax bill breaks that promise.

The reckless tax bill promoted by Republicans in Congress fails to help those who need it most, the middle class; fails to create jobs; fails to maintain fiscal responsibility.

Democrats have their own initiative, a plan that creates one million new jobs this year and gets the economy moving again without adding to the deficit, and the Republicans tell us that the rules do not allow that.

We are fighting for a return to fiscal responsibility. The motion to instruct is part of that fight. I urge my colleagues to support it, and I commend the gentleman from New York (Mr. RANGEL) for his leadership in putting it forth.

Mr. THOMAS. Mr. Speaker, I yield such time as I may consume.

I find it ironic that the yellowed notes made their way down into the well in terms of, need I say, class warfare, in terms of cuts for the richest people in America and the poor working people do not get a break. If someone would actually examine what it is we propose to do, it is to remove the dividend and the capital gain tax on working Americans, on those in the 10 and the 15 percent bracket, that we retain taxes on the richest Americans, remove them from those in the lowest brackets.

I know it does not fit their yellowed notes, but that is what we propose to do. And I know change is difficult.

I especially know change is difficult when the minority leader takes the well and begins to talk about how fair they were when they were in the majority, but never mind that. And if the Members will read in the CONGRESSIONAL RECORD, it trails off into a failure to present specifics about how reasonable and fair they were. In fact, she said the rules of the House have been rigged against them. I find it ironic because all we say is follow the rules.

But since the subject was brought up, let us visit a little recent history. When they were in the majority, there was not even a motion to recommit guaranteed to the minority. The present rules of the House under this majority are the most liberal rules ever extended to a minority in the history of the House of Representatives. They just apparently do not remember or do not want to remember. Their rules were far more restrictive toward the minorities than the current rules. Guarantees in today's rules; not guaranteed under their rules.

So everything we hear is rhetoric. Some of it comes close to being accurate.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), who has made such an

outstanding contribution to the Committee on Ways and Means and Congress.

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

Mr. LEVIN. Mr. Speaker, make no mistake. The hand the chairman has reached out is one of the hands that has strangled democracy in this institution. It is no longer a deliberative body. It is the rule of one, the Republican majority.

The gentleman from California (Mr. THOMAS) says zero taxation for low-income people. Why? Because in most cases they have no dividends or capital gains to tax. Under his original proposal, and it remains essentially the same, a millionaire gets 90,000 bucks more in tax cuts. The average taxpayer gets a couple hundred bucks.

Mr. THOMAS, whom are you warring on? Middle-income and low-income families in this country.

The President came here today to declare victory. Time will declare this a defeat for the Nation because the Republican party has turned red, red ink, red ink. The gentleman from California (Mr. THOMAS) says he is opposed to structural deficits, but they have built in more and more debt into this structure. The only way it is not a structural debt is the hole is so deep the way they built it they cannot build anything on it.

Now you say you favor creative destruction? Two and a half million jobs lost. That is very creative under this President and under the leadership of the House majority here.

This is a fiscally irresponsible bill for the Nation. It is unfair to individual taxpayers. It will not stimulate economic growth, as the gentleman from Texas (Mr. STENHOLM) and others have said. They are mortgaging the future of my children, of my grandchildren. We should pass this and then go on to defeat this conference report.

Mr. THOMAS. Mr. Speaker how much time remains?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California has 6 minutes. The gentleman from New York has 6½ minutes.

Mr. THOMAS. The gentleman from New York (Mr. RANGEL) has more time than the gentleman from California?

The SPEAKER pro tempore. By 30 seconds.

Mr. THOMAS. I find that astounding. With all the speakers and all the time that was consumed, he still has more time?

The SPEAKER pro tempore. I will tell the gentleman we are pretty good at that up here. The gentleman has 6 minutes.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN), an outstanding member of the Committee on Ways and Means and the Congress.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, I have had a lot of town hall meetings in my district; and I will tell my colleagues what my constituents do not like. That is, they do not like us to charge and spend; and that is exactly what this conference report is going to do. It is going to borrow money in order to give tax breaks.

That does not make a lot of sense. By the Republicans' own number, their budget is going to go from a $6 trillion national debt to $12 trillion, doubling the national debt. Every dollar of tax relief has to be borrowed in which we are paying interest. That does not make sense.

Mr. Speaker, this is a reckless bill. They advertise they give help to low-income people. That is for 1 year only. They give permanent relief to the well-to-do. That is not fair. That is not what we should be doing as a Nation.

This bill is reckless. This bill is not affordable. This bill is going to hurt our economy, not help our economy.

What we should be doing is responsibly managing our resources. We should not be borrowing money to give a tax cut. That is wrong.

Mr. THOMAS. Mr. Speaker, where might I find that Jericho clock somebody apparently has in keeping time?

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

I think I finally get it. The gentleman from Maryland (Mr. CARDIN) indicated that some of these provisions are permanent. I actually thought that since it is under the process called reconciliation, governed by the rules of the Senate, by the way, not the House, that anything that is done under the reconciliation process by definition cannot be permanent. In fact, on the one hand they criticize a number of provisions that expire.

Frankly, when we are trying to stimulate the economy and we offer a reduction on depreciable assets, what we want them to do is make a decision to buy that truck, to buy that computer as soon as possible. That helps stimulate the economy. That helps create jobs. If we leave the offer to reduce the cost on depreciation for the entire decade, a decision can be made anytime during the decade.

The whole concept of a stimulus is to get decisions that will be made sometime in the decade near the current time. Those are supposed to expire.

But for the gentleman to say that some of these provisions are permanent tells me there is an underlying fear on the other side of the aisle that, notwithstanding the statutes will expire, they will not be in the majority when they expire.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I will not yield at this time. I do not have a Jericho clock like some folks have, and my time actually gets ticked off.

□ 1130

The real fear in terms of their arguments, notwithstanding the yellowed notes that they use about the class warfare, which simply is not true, based upon the facts in the tax bill, is that when those provisions do expire, as they must under the temporary provisions of reconciliation, the American people might have the audacity to continue to maintain a Republican majority, because they like what we are doing; and when it comes time to decide whether they get extended or not, they might actually get extended.

Now I get it. You are in the minority, and your fear is if this becomes law, based upon what we do and the positive reaction of the American public, your fear is you will remain in the minority. I will trust to the wisdom of the American public. They have done pretty well in recent years.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER), an outstanding member of the Committee on Ways and Means.

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

Mr. Speaker, this is the first time I have ever been accused of exercising bad faith because we were given 30 minutes to talk about this and we actually took it.

I think that one other point ought to be made, and that is that on January 1, 1995, our national debt subject to limit was $4.8 trillion. On January 1, 2004, it will be $7.4 trillion. That is an increase of 54 percent in 8 years. That is not a political argument; that is a fact, a demonstrable, proven fact.

Now, part two of this motion says, to the maximum extent possible, within the scope of the conference. To me, that means what the Blue Dog plan was that was rejected on the floor, because, to the maximum extent possible, the Blue Dog plan does what we have asked. It neither increases the Federal budget deficit, nor does it increase the amount of debt subject to the public limit. So when one wants to say to the maximum extent possible, we can do that. We could do that by adopting the Blue Dog plan.

The other thing I would simply say is this: if we keep going down this road, we are building in such a structural long-term tax increase called interest on the national debt that the young people of this country are going to be unable to have the options and the choices about what kind of government they want when they are our age, because they will be strapped to the gurney with debt and interest that has to be paid on that debt that we are leaving them.

That is not a political argument either. That is a fact. With interest, compound interest, capitalism, whatever you want to call it, interest must be paid before anything else in our system.

So I would just hope that we would actually take a look at what we are doing.

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

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN), a member of the Committee on Ways and Means.

Mr. SANDLIN. Mr. Speaker, to quote a popular Republican President, ''There you go again.'' With no apparent sense of irony, the Republican leadership scrambled to complete an irresponsible, unaffordable tax package during the same week that the other body will consider a $984 billion increase in the public debt, the largest in American history.

The House leadership pushed a massive increase of $450 billion in the debt limit not even 1 year ago; and here they go again, with a debt limit increase that is more than double the size of last year's record increase. We have about $7 trillion in debt. We pay over $1 billion a day in interest in this country, and it is outrageous.

The Democratic motion to instruct conferees attempts to restore at least some sanity to Congress' fiscal mismanagement of the country by insisting that the tax reconciliation conference report should increase neither the debt nor the deficit in this country.

Further, Mr. Speaker, the Democratic motion to instruct recognizes the necessity of relief to our States. Under the Senate tax bill, Texas would receive approximately $1 billion in fiscal relief, including $571.4 million in increased Medicaid funding. This is especially necessary at a time when the Texas House approved a budget that would slash Medicaid and eliminate coverage under CHIP for 250,000 low-income children.

If the passage of an irresponsible tax cut is inevitable, despite the highest projected budget deficits and a record national debt, the very least we could do is aid our States.

Mr. THOMAS. Mr. Speaker, it is my privilege and pleasure to yield 1 minute to the gentleman from Louisiana (Mr. MCCRERY), a member of the Committee on Ways and Means.

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

Mr. Speaker, the previous two speakers, the gentleman from Tennessee and the gentleman from Texas, talked about the national debt and how much it has increased from 1994 to 2004, and those numbers sound scary to people. But most of that debt, Mr. Speaker, is debt that we are paying to the Social Security trust fund, to the Medicare trust fund; and surely those gentleman are not suggesting that we should not be accumulating that debt in those trust funds and paying interest on that debt.

So I just want to make clear that for several years under the Republican majority we paid down the debt held by the public while we were continuing to accumulate debt in the trust funds. Economists and market watchers distinguish between the publicly held debt and total government debt, and that distinction needs to be made here on this floor.

So, Mr. Speaker, while the figures they gave are technically accurate, they are far from the truth when it comes to fiscal responsibility in this House.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ISRAEL).

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

Mr. Speaker, earlier I listened to the distinguished chairman of the committee talk about the importance of funding our national security budgets, and I agree with him. But make no mistake about it, this tax plan makes it harder for our kids to fund their national security budgets.

The nonpartisan Congressional Budget Office has estimated that starting in 2008 we are going to require defense budgets of $464 billion a year. What does that mean? Within a few years, we are going to have to come up with at least $64 billion a year every year over this year's authorized limits. That is $384 billion for defense before this tax cut expires. You do the math: $384 billion more for defense, and $350 billion less to pay for it. We are draining the Treasury when we need even more for defense.

No conferee would go into a fancy car dealer, pick out the most expensive model, and say, Let my kids pay for it.

Mr. Speaker, this is reckless. For those Members of this body who say they are strong on defense, let them be strong on defense budgets. Strong defense budgets are more important than tax cuts. This plan does the opposite.

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

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, the comments from the gentleman from California (Mr. THOMAS) border on fraud. If more debt would stimulate the economy, then you would think that with the $817 billion of debt that has been added in slightly over 2 years since the passage of the Thomas-Bush tax package and budget, we would have a red-hot economy.

Our friend from Louisiana says that that money we are borrowing goes into the Social Security trust fund. No, I say to the gentleman from Louisiana (Mr. MCCRERY), it is stolen from the Social Security trust fund.

Take the lockbox. Please tell these folks in the gallery where the account is. Because there is not one penny in that account. They cannot find it. It is all IOUs.

They are taking money from working people, Social Security taxes, Medicare taxes; and they are using them to give to other folks in tax breaks, and then they are borrowing the rest, $817 billion, to run our Nation. I say to the gentleman from Louisiana (Mr. MCCRERY), you obviously do not understand the facts.

Mr. Speaker, this is the theft of the future of America. Those people who claim to be for a balanced budget are running up $817 billion worth of debt in 2 years, stealing it from your Social Security trust fund, stealing it from Medicare; and now they are saying the only answer to this is more debt.

Please vote against this.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members not to make reference to the visitors in the gallery.

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

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

Mr. THOMAS. Mr. Speaker, if we are going to be talking about the greatest threats to our children, we ought to at least get it accurate. The greatest threat to our children is our failure to acknowledge that we are currently engaged in the greatest transfer of wealth in the history of the world. They are called the Medicare and the Social Security programs. The failure to modernize and to reform, given the continued growth of those programs in the Federal budget, will choke out every other aspect of the Federal budget. The threat that they will go bankrupt without our addressing them is the greatest threat to our children, denying them the opportunity tomorrow what seniors have today.

So if we are going to talk about threats, let us talk about the failure, the absolute refusal to give up a political bumper sticker, you have all seen it: ''Save Social Security, Vote Democratic.'' If you do not address change, it is going bankrupt. It is not a partisan issue.

Just like the yellowed papers on ''we are favoring the rich and hurting the poor on the tax issue,'' which is absolutely false, your failure to address this fundamental reform is the greatest threat to our children. And probably the greatest insult to Americans is to argue that while you refuse to seriously engage in modernization and reform, you are doing it to save the system. It is about as old and yellowed as all your other arguments.

The test will be the choice made by the American people. They have made it recently; and I believe we will be able, despite the rhetoric that you offer, to make the changes that the American people agree on and move this country forward.

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

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) has 30 seconds remaining.

Mr. RANGEL. Mr. Speaker, I really think that the chairman of the Committee on Ways and Means has adequately concluded this debate. God forbid, if the safety and the solvency of the Social Security system and the

Medicare system, the future education of our children, affordable housing, be placed in Republican hands, then the situation is worse than I ever thought.

No, you do not have to be an economist to figure this move out. What we are talking about is borrowing money, making insecure the Social Security system, privatizing the Medicare system, not having enough funds to and keeping every child behind. And why are we doing this? Are we borrowing it for spending, or are we borrowing it for tax cuts? I think the American people understand what we are doing.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. STENHOLM).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, DELAY and RANGEL.

There was no objection.

□ 1145

VETERANS COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2003

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1683.

The Clerk read the title of the bill.

The SPEAKER pro tempore. At this point, the unfinished business will be deferred until a later moment in time.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 247 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 247

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of 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 for fiscal year 2004, and for other purposes. No further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2. Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 3), may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for 10 minutes (unless otherwise specified in the report) equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment). All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 2 are waived.

Sec. 2. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

Sec. 3. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Sec. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. This rule provides for further consideration of the bill and makes in order only those amendments printed in the Committee on Rules report accompanying the resolution and amendments en bloc described in section 2 of the resolution.

The amendments printed in the report shall be considered only in the order printed in the report, except as specified in section 3 of the resolution, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for 10 minutes, unless otherwise specified in the report, equally divided and controlled by the proponent and an opponent and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of further debate on any pending amendment.

Finally, the rule provides one motion to recommit with or without instructions.

This is a fair rule. It is a traditional, structured rule for defense authorization, and it provides for debate on 30 additional amendments that deal with pertinent issues, including personnel issues, maritime security, quality-of-life issues for our servicemen and women, and a number of noncontroversial concerns.

The most controversial of these measures is certain to be the modernization of the personnel system. Modernizing the management system is imperative to national security and the retention and recruitment of civilian personnel.

The Committee on Armed Services believes that the important lessons learned from various demonstration projects within DOD should be applied across the Department. These projects have shown to improve the expeditious hiring of qualified personnel, have been valuable in providing flexible personnel compensation and assignment systems, and have improved organizational efficiency. These demonstration projects have also been highly successful in attracting and maintaining high-quality work forces.

The reforms included in this legislation would be similar to the flexibility provided to the Department of Homeland Security.

Finally, I believe that the Secretary of Defense should have more flexible management authority.

H.R. 1588 is more than just a signal to our soldiers, sailors, airmen, and Marines that this Nation recognizes their sacrifices. It is the means by which we meet our commitment to providing them a decent quality of life by providing an across-the-board 4.1 percent pay increase for military personnel, so as to sustain the commitment and professionalism of America's all-voluntary

Armed Forces and the families that support them.

While our men and women in uniform have swiftly dispatched our enemies abroad, they face increasingly complex personal and professional challenges at home. We must do more to take care of those who are putting their lives on the line to defend our freedom, and for the families that support them.

Currently, the Survivor Benefit Program for the survivor of an injured or ill service member who lives long enough to be disability retired is better than the benefit for the survivor of a service member who dies instantaneously. I am deeply concerned about this inequity and am pleased that this legislation recommends that the Secretary of Defense review SPB procedures and propose legislation to ensure equitable treatment for the survivors of all members of our military, regardless of their circumstances.

With Memorial Day on Monday, it is only fitting to remember those who gave the ultimate sacrifice in the defense of our country. Let us take this opportunity to reaffirm our commitment to those who are currently defending our homeland and abroad by passing this rule and the underlying legislation.

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

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

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

Mr. FROST. Mr. Speaker, for all of my 25 years in Congress I have worked for a strong national defense. Like so many pro-defense Democrats, I have bent over backwards to put politics aside and work together to support America's men and women in uniform. That cooperative approach is fundamental to our efforts to keep partisan politics from polluting the Armed Forces.

So, repeatedly on the House floor and in the Committee on Rules, I have urged the Republican leadership to stop their assault on the bipartisan cooperation that has defined our approach to defense policy for so long. In response, the chairman of the Committee on Rules kept holding out hope that maybe, just maybe, in this second rule for the defense authorization bill the committee would allow a full and bipartisan consideration of serious defense issues.

Last night, very late, the Committee on Rules reported out the second rule. Guess what? It does even more violence to the tradition of bipartisanship than the first rule did. For the second day in a row, the Republican leadership has prevented the House from considering serious and substantive issues in the defense authorization bill. For the second day in a row, they cast aside bipartisanship to protect the partisan and right-wing ideology that has been attached to this defense authorization bill. This is a shameful way to run this institution, an institution that is supposed to allow the voices of all Americans to be heard.

For instance, Republican leaders used this rule to again defend their assault on America's environmental protections. The ranking members of the Committee on Resources and the Committee on Energy and Commerce, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Michigan (Mr. DINGELL), offered their reasonable substitute to Republicans on environmental language. Republican leaders refused to allow the House to vote on this substitute.

To prevent terrorists from getting nuclear, biological, and chemical weapons, the gentleman from South Carolina (Mr. SPRATT), the second ranking Democrat on the Committee on Armed Services and an acknowledged expert on defense issues, once again tried to strengthen America's cooperative threat reduction program, but the Republican leadership once again refused to allow his amendment, in spite of the fact that it simply does what President Bush has asked for.

To protect the American taxpayers, the gentleman from California (Mr. WAXMAN) tried to require that contracts over $1 million be awarded only in open bidding process, but Republican leaders decided to make it easier for big companies, for example, Halliburton, Brown and Root, Bechtel, to get private deals, so they rejected the amendment of the gentleman from California (Mr. WAXMAN).

The gentleman from Mississippi (Mr. TAYLOR), a staunch defense hawk from Mississippi, had a substantive amendment relating to the next round of base closures. But instead of allowing him and the House the vote they deserve, Republican leaders simply shut out his amendment.

Similarly, Committee on Rules Republicans blocked three important amendments that I offered to address defense issues that I have pursued for some time: helping immigrant soldiers earn U.S. citizenship, providing tuition refunds to Reservists called to active duty, and tax fairness for civilian defense employees serving in combat zones.

Finally, Mr. Speaker, Republican leaders are using this rule to rig the game in favor of their attack on worker rights at the Pentagon. Now, these are the same Pentagon employees who showed such bravery and sacrifice on September 11. So the gentleman from Tennessee (Mr. COOPER), the gentleman from Illinois (Mr. DAVIS), and the gentleman from Maryland (Mr. VAN HOLLEN) proposed an employees' bill of rights. It is a common-sense approach to protecting those public servants who work to protect us. It has the support of America's firefighters. But Republican leaders refused to allow the House to vote to protect Pentagon employees.

All in all, Mr. Speaker, this rule makes a mockery of the bipartisan cooperation that has been the keystone to our approach to defense policy, so I urge my colleagues to oppose the previous question.

If we defeat the previous question, I will amend the rule to allow the House to consider the Pentagon employee bill of rights. If the previous question passes, I urge a no vote on this rule. This is the only way to restore some semblance of bipartisanship to this process and to safeguard America's national defense policy from the partisanship and right wing ideology that are tainting this bill.

□ 1200

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

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. It follows the procedure which, as I said here yesterday, has been addressed year after year.

We are coming forward with a second rule which has a wide range of amendments. Contrary to what my friend from Dallas just said, this is a very bipartisan bill. And I will make a prediction, Mr. Speaker. At the end of the day we will have strong bipartisan support, Democrats and Republicans, voting for the Defense Authorization Bill.

Now, as we proceed with this process that has just been described as, frankly, less than bipartisan, the rule that we are addressing here happens to include amendments from my fellow Californian (Mr. LANTOS), the ranking minority member of the Committee on International Relations; my friend, the gentlewoman from Texas (Ms. JACKSON-LEE), has an amendment in order; my Committee on Rules colleague, the gentleman from Florida (Mr. HASTINGS), has an amendment that is made in order. There is a bipartisan amendment that my colleague, the gentlewoman from California (Ms. WOOLSEY), is working with some Republican colleagues on.

We have amendments made in order by the gentleman from Massachusetts (Mr. TIERNEY), the gentleman from New York (Mr. NADLER). The gentlewoman from Ohio (Ms. KAPTUR) has two amendments that are made in order. My colleague, the gentleman from California (Mr. FARR), came to me and asked that we make in order an amendment that dealt with an important issue to him. We made that in order.

Those are all Democrats I have talked about, Mr. Speaker. So I think it is clear that we have, in fact, proceeded in a bipartisan way to try to allow some concerns that have come forward by our Democratic colleagues to be addressed.

Now, I do know that these two hot buttons of civilian personnel and environmental questions are still out there. Now, I happen to believe that while we did consider this process, as we considered the option of other amendments, we did come to the conclusion that, in fact, the Hefley language that was included in the Hunter amendment was the appropriate way to deal with this issue.

Yesterday, a number of us had a chance to meet with our colleague, with our former colleague, now Secretary of Defense Donald Rumsfeld, and talked about the environmental consequence and what impact this will have on our young men and women in uniform. And I know that the chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), has talked about that and we heard some horror stories of what compliance has in fact done. But this measure does not, in fact, eliminate the compliance with important legislation like the Endangered Species Act and the Mammal Protection Act.

Now, I know on the civilian personnel question we also have this issue that has come to the forefront. Now, I went through this explanation and I know that my very good friend, the gentleman from Missouri (Mr. SKELTON), has come forward and we have now had, and I will acknowledge a change in positions, but initially a request was made of me that we consider making in order an amendment that would strike out the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would be willing as was first asked of me to make in order an amendment that would allow for the striking of the civilian personnel provisions; and they decided that they did not want to have that considered. And so now they are complaining that we have not made another amendment in order. And, yes, it is true, we had nearly 100 amendments submitted to us. We did not make an additional amendment in order on that issue. But we still, Mr. Speaker, are proceeding in a bipartisan way making numerous amendments. In fact, 11 amendments that Democrats have submitted are made in order.

I will be offering an amendment in a bipartisan way with my colleague, the gentlewoman from Northern California (Ms. LOFGREN), to deal with the very important computer security issue which I hope we will have bipartisan support on.

So I do want to say, contrary to what we will be hearing, the spirit of this rule has been pursued in a bipartisan way as has been the legislation. I urge support of the previous question. I urge support of the rule, and I urge my colleagues to come together and provide strong support for the critically important defense of our Nation.

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

My friend from California, the chairman, I am afraid has somewhat of a selective memory. I have handled the defense authorization rules on this floor for 25 years; and when we were in the majority, we always made in order the main issues of contention under the defense bill. Sometimes they were amendments that I personally opposed and that other prodefense Members on the Democratic side opposed, but we made them in order so that the House could express its will on the main issues raised in the Defense Authorization Bill.

This happened on numerous occasions. Sometimes those amendments came from people to my left in the Democratic Party who perhaps wanted to eliminate certain weapons systems. Sometimes those amendments came from conservative Republicans who did not like things that were in the bill. The main issues, not peripheral issues, and we appreciate the fact that some issues were made in order, some amendments were made in order that individual Members felt strongly about; but when we were in the majority, when there were significant issues that had support from a large number of Members either on our side or on the Republican side, we made those amendments in order and let the House express its will.

There were numerous instances when I personally voted against amendments that were included in the rule that we made in order and that other prodefense Democrats opposed, but we thought that the House should have the opportunity to express its will.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I would simply respond by saying, first, I do appreciate the fact that when Democrats were in the majority, they did allow for consideration of a wide range of Members. I would argue that we made every attempt to deal with both the civilian personnel issue as well as the environmental issue; and we tried to do so in a bipartisan way, as I outlined, by approaching the minority leadership saying the request that was first made of me, that we allow for a striking provision to be made in order. We said we were willing to do that.

On the issue of the environment, the Hefley language, which I know was worked on in a bipartisan way, is in fact included in the Hunter measure. I would argue that we tried our doggonedest to do just what was said.

Mr. Speaker, I thank my friend for yielding.

Mr. FROST. Reclaiming my time, I would point out to the gentleman that when we were in the majority we did not try and dictate what amendments the minority will offer. We did not say, we will give you a Democratic amendment on that subject but the Republicans cannot offer the amendment they want. That is exactly what they have done in the reverse here. They said, we will give you a Republican amendment on this subject, but we will not let the Democrats offer the amendments they want. Of course, Democrats would offer a different amendment on a particular issue than Republicans would. Republicans would offer an amendment which was, of course, much more friendly to the basic provisions in the bill.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, during the floor debate yesterday, the Committee on Rules chairman, the gentleman from California (Mr. DREIER), addressed our complaints by saying, what are you arguing about? We have another rule coming up. Your complaints are premature. As if to suggest we would have another day.

Well, that day has come. Rule number two has arrived; and just to show you how much bipartisanship there is, my amendment which deals with an important project, cooperative threat reduction, destroying weapons of mass destruction in Russia, the former Soviet Union, the Dingell-Rahall amendment which would correct outrageous grants of authority over environmental laws granted to the Department of Defense under this bill, the Cooper-Davis-Van Hollen amendment which goes to the most radical revision of the civil service in the last hundred years with respect to the Department of Defense, all of those substantive amendments are not made in order.

So what we will have here is a sterile, almost pro forma, debate because what is left in contention, really challengeable, is not what is really at fault in this bill at all. We cannot have that debate. We see that substantive alternatives which we are offering, not controversial, not partisan gotcha bills, substantive alternatives simply cannot be brought up here.

What the Republican majority is doing is using procedural devices which they control with a thin majority to deny us fair consideration on substantive issues of the utmost gravity. They may not agree with it, but they cannot dispute the fact that all of these are grave and significant issues.

Let me tell you what my amendment would have done. My amendment would simply have taken this bill and removed from it all kinds of encumbrances, fences, conditions that the President did not seek, request, and does not want with respect to a program called Cooperative Threat Reduction, known better to some as Nunn-Lugar, and with respect in particular

to one project, Shchuch'ye, which is the largest repository of the deadliest chemical weapons that the Soviet Union ever produced. After years of negotiating, years of preparation, we are finally at the threshold of beginning a facility that will destroy those weapons.

I was there last May. I have got two posters here that show you what those facilities look like. Wooden roofs. Look at the windows over here with the makeshift bars on them. That is the kind of security they have got. And on the racks, rack after rack, sitting on dirt floors, wooden racks, what you find are little chemical warheads like that, literally thousands upon thousands of them, gathering dust like bottles of wine, barely secured, any one of which could wipe out the population of a soccer stadium, all of which could poison the entire world. Nerve gas, sarin. The deadliest stuff you could possibly imagine. Do we not want to get rid of this?

Is there any reason to wait. Can we not have at least here in the well of the House a debate on whether or not we need these conditions that the chairman of this committee have imposed? I do not think we do. All I ask is with the 21 years of experience that I have had is the opportunity to make that case in the well of the House. You have diminished the House and diminished this process by denying me that opportunity.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER), another member of the Committee on Rules.

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

Mr. Speaker, I rise in support of H. Res. 247. The Committee on Rules has listened to hours of testimony and made in order 39 total amendments, nine amendments in yesterday's first rule and 30 amendments under the new rule before us today. We made in order 22 majority amendments, 14 minority amendments, and three bipartisan amendments. And while everyone will not be pleased by these decisions, it is a fair rule that will give the House the opportunity to debate a wide variety of national security issues.

Mr. Speaker, the underlying legislation, H.R. 1588, is entirely consistent with what the founders envisioned when they wrote article I, section 8 of U.S. Constitution, to ensure that Congress shall have the power to support, maintain, and provide for military to provide for the common defense.

First, this legislation provides adequate funding to help continue the U.S. military's transition to the 21st century. H.R. 1588, for example, authorizes funding for the U.S. Army to procure weapons and tracked combat vehicles for the U.S. Navy for shipbuilding and conversion and for the U.S. Air Force to procure additional aircraft, including language to maintain the important F/A–22 program.

The authorization for these programs, along with others, will help the U.S. military remain the most efficient, most lethal, and most effective fighting force on Earth. But, Mr. Speaker, we cannot possibly hope to maintain the level of excellence obtained by the U.S. military without the achievements of men and women who proudly wear the uniform.

As a former captain in the U.S. Air Force myself, I continue to draw inspiration from the resolve, patriotism, and strength of commitment exhibited by our servicemen and women. This Congress must work to reinforce that strength, and I believe H.R. 1588 works to that end.

I am pleased that the underlying legislation contains a 4.1 increase in base pay for military personnel. H.R. 1588 also recommends a reduction from 7.5 to 3.5 in the percentage of out-of-pocket expenses military personnel must contribute toward housing cost. Both of these provisions will not only help ease the burden placed on military personnel and their families, but should also help ensure that the U.S. military is able to retain these highly trained personnel.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. Speaker, I think it is outrageous that the rule proposed by the Republican leadership denies the 435 Members of this House the opportunity to vote on the amendment to restore certain rights and protections for the 700,000 civil servant employees within the Department of Defense, rights and protections that are stripped away under the underlying bill. It is particularly sad to see this just after those civil servants joined together with our military in such a successful military operation in Iraq.

Yet this bill does away with so many protections. For example, it takes away the time-honored protections to ensure that civil servants will have their professional career advancement based on merit and professional conduct, rather than political litmus tests.

□ 1215

Do we want our contract officers, do we want our procurement officers to be looking over their shoulder to see if their decision is based on what is best for the taxpayer or best politically for someone in the Defense Department? And yet this bill eliminates those protections that have been in place since Teddy Roosevelt.

Let me just say that the amendment that was proposed, and I will read a provision of the amendment that is being denied an opportunity for us to vote on: ''An employee shall have the right to be free of favoritism or discrimination in connection with hiring, tenure, promotion or other conditions of employment due to the employee's political opinion or affiliation.'' But they do not want us to have an opportunity to vote on that provision.

The head of the nonpartisan General Accounting Office, David Walker, when he was asked about this issue, said, ''I do not believe that we have the infrastructure in place in order to effectively and fairly move to a more performance-based compensation structure at this time.'' In response to a question, he said, ''I think the agency has to demonstrate that they have these systems and controls in place before they should be given the flexibility.''

Mr. Speaker, do we want our Defense Department, the civil servants, to be run using professional judgment, which I think is in the best interest of national security, or do we want them to be driven more by political considerations? I think our national security depends on a nonpolitical, professional civil service; and it is very disappointing that the amendment was not made in order.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I rise in opposition to this rule.

When I testified before the Committee on Rules, Mr. Speaker, I specifically asked that committee for several major amendments, Democratic amendments, and that they be made in order. The first was the Cooper amendment dealing with civil service changes, which would establish a bill of rights for civilian workers within that department. The second, the Spratt amendment, on cooperative threat reduction, which, by the way, Mr. Speaker, the President of the United States requested. The third, the Taylor amendment on base closure. We should have a full and fair debate on that. And the Dingell-Rahall amendment on the environment. The dean of the House, the gentleman from Michigan (Mr. DINGELL), was not given that amendment. As a matter of fact, none of those four amendments were made in order. That is, Mr. Speaker, simply wrong.

Regardless of how Members might feel on the substance of amendments, it is wrong that a major substantive policy amendment is kept from debate. That should not happen. It should be allowed. It should be debated fully on this floor. This is a deliberative body, and many have said the most deliberative body in the whole world. Yet, Mr. Speaker, we cannot debate key issues that come before us. This is not a full debate. It deserves that. We in this institution do not deserve this disservice, and I cannot agree, sadly, with this rule.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Well, here we are again, my dear colleagues, deja vu all over again.

The Republicans told us yesterday how they were going to have a second rule. Well, the second rule is just like the first, unfair, stifling debate, and not allowing discussion.

We are told it is bipartisan. It reminds me of the story of a fellow who complained about the stew. He was told it is horse and rabbit stew. He said, what is the recipe? They said, oh, it is simple. Equal parts, one horse, one rabbit. He said, no wonder it tastes like hell.

The simple fact of the matter is that is what we have here. That is the Republican definition of bipartisanship.

They exclude seven significant amendments. Why? I can only assume one of several reasons: They are scared to death to debate them; they want to be unfair; they have not got the vaguest ideas of what is fairness or how a representative body should function. I suspect all of the above are there. In any event, it tends to show they either know or care less about fairness than a hawk does about a handsaw.

What have they denied us the right to do? Legislation to address environmental concerns. Legislation to address the problem of chemical and nuclear weapons. Imagine what is going to happen if the Spratt amendment does not go into place and all of a sudden terrorists show up with nuclear weapons, or they show up with weapons of chemical or biological character because they got them out of a leaky stockpile in Russia? They do away with the opportunity to offer an open bidding requirement on contracts over $1 million. That says that they probably are scared to discuss this issue. They will not discuss the question of base closings. They refuse to help immigrant soldiers to get citizenship and for us to offer an amendment to allow that.

Now there are certain things about a representative body that I have to assume my Republican friends either do not care about or they do not know about. My dear Republican colleagues serve here as the servants of the people. This is the House of Representatives, with emphasis on the word representatives. We are all supposed to represent the House. My Republican colleagues are supposed to represent in the House the people whom they serve. They are also supposed to respect all of the people who are served here and to allow wide, broad, fair, discussion of important issues.

Is there a shortage of time to debate? Absolutely not. We meet about 3 days a week. But my Republican friends do not seem to have time to discuss important questions. I can only assume it is because they do not understand our duty to the people.

My Republican colleagues are creating a precedent which is bad. First of all, we do not debate the issues that are important. Second of all, my colleagues are creating a poisonous atmosphere in this place which is going to continue and to persist for a long time. The ability of this institution to properly debate questions and to have respect for each other and for the people we serve is being demeaned by this rule. I say, shame.

Let us defeat the rule, let us defeat the previous question, let us get the House back to being what it should be, the representatives of the people.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, first, I would like to second the remarks of the dean of the House, my friend, the gentleman from Michigan (Mr. DINGELL).

Last night, in this great Capitol building, about 10 p.m., the Committee on Rules was meeting. Our friends on the other side of the aisle had just come back from their lavish dinner at which the newspapers report they raised some $22 million for the Republicans. They voted on this rule, and they voted to deny this House the opportunity to work its will on $47 billion in the DOD budget.

That is a matter of some concern, because that is one of the largest items in the entire bill, and the House is unable to work its will on it due to their denial of an amendment. But more important than that, they denied over 700,000 DOD employees to have this section of the bill aired and debated. Over 700,000 families who work for our Pentagon worldwide are not able to hear their concerns aired on the floor of this House.

This is the people's House, yet over 700,000 patriotic and loyal Americans who have served this Nation well in the Iraq war, in the Afghan war, and let us remember 65 of these civilians died in the 9/11 attack on the Pentagon, but, no, this House is too busy to consider their concerns. That is not fair, that is not right, and this House should demand justice.

These are important civil servants of our Nation. They work hard every day to keep our Nation strong. Only last week our committee bothered to commend them for their skill, their hard work and dedication. But, no, their concerns are not important enough to be aired on the floor of this House.

We had one hearing in the Committee on Armed Services, we had no subcommittee markup, and now we are unable to debate the issue on the floor of this House. It is an injustice.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I appreciate the gentlewoman yielding me this time.

First of all, civil servants have had a large role in shaping this. There have been nine pilot programs the Department of Defense has piloted through the years, and in all of those cases, civil servants have, in many cases contrary to the labor bosses, opted for the new system as opposed to the old system with which they are currently operating.

The problem with the current system today is that we are contracting out where we ought to be able to use Federal employees because we do not have the flexibility in terms of deployment. So we are using uniformed officers behind desks to get jobs done, Federal contractors to get jobs done, what Federal workers are, in many cases, more capable of doing, and that is wrong.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

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

I agree with the gentleman. I think that this bill is going to provide for more jobs for civil service employees because it is easier when we have a job to do under this massive bureaucracy we have now and the SECDEF says, I need that job done, can we have a civil servant do it? And the answer is, we can in 6 months. So the Secretary then does one of two things: He says, okay, let us get a contractor to do it, if we cannot get one of our own guys to do it the other alternative is let us get a sergeant to do it. The sergeant salutes and says, yes, sir, and he goes and gets the information he needs to do the job and he does it.

So the idea that we are going to be contracting the civil service force as a result of this is absolutely not accurate. In my opinion, we are going to have more people. Secretary Rumsfeld said there are, right now, under his estimate, some 300,000 uniformed people, people in the military, doing jobs that civil service folks could do if we could get the bureaucracy out of the way.

Mr. TOM DAVIS of Virginia. Mr. Speaker, reclaiming my time, I thank the gentleman, but let me just say it is 320,000 uniform personnel doing jobs that civil servants are certainly capable of doing. These are 320,000 we had to call up from the Reserves to do work, potentially, that could have gone and stayed with their families and everything else because of these arcane rules.

In addition to this, Under Secretary Wolfowitz testified under oath that this would increase the number of Federal civil servants. So this idea that it is going to lead to more contracting out is not only bunk, it is disingenuous, it is wrong, and I think it takes civil servants in the wrong direction.

Let me correct a couple of other things that have been said in the debate. We had a Member yesterday say that the right to receive veterans preference is gone, the right to discrimination protection, gone. Veterans preference, located in chapters 33 and 35 of title V, those are nonwaivable under this legislation. Discrimination protection is located in 2302(b)(2) of title V

and explicitly referred to in this legislation. Overtime pay in chapter 55 of title V, also nonwaivable.

In fact, for middle-level managers, what we have done is corrected some inequities in overtime pay. Currently, GS–12s, 13s, and 14s receive less working overtime than they receive in ordinary pay, and we have corrected that in this. This is a benefit to managers. We have raised the level that SES'rs and managers can get in bonus over what the current level is. So we have raised the levels of what Federal employees can earn.

As far as collective bargaining, NSPS states that we must ensure that employees may organize, bargain collectively, and participate through labor organizations of their own choosing. As for the right to an attorney, which was alleged to have been taken away, we do not mention it, but neither does the underlying legislation, and we have established an independent review panel to consider employee grievances.

We have worked hard on this legislation. We held a couple of hearings in the Committee on Government Reform on this, but, most importantly, this is designed from nine pilot programs where the Federal employees themselves have spoken to this and have voted strongly to opt for the new systems versus the existing system. It does not pay for performance; it pays on a seniority basis.

This will allow us to expedite hiring. It will allow us to do the kinds of things that we have already given other Federal agencies. This is not new ground. There are numerous Federal agencies currently, in sections 71, 73, and 75, that we have waived or altered, and we do this here. In fact, there is less flexibility here than Congress recently gave to the Department of Homeland Security.

□ 1230

Mr. Speaker, I might add, my colleagues who are arguing against this opposed those provisions in the Department of Homeland Security bill. We had an ensuing election on this issue. The voters spoke, and I think we have visited this issue once. There are fewer flexibilities here than we have in that as well.

I want to say a couple of other things. The Committee on Armed Services also had a day-long hearing and a 2-day markup of the DOD authorization bill. Dozens of the amendments offered there were also offered in our committee, and the votes were party line on these issues. They want to bring these same issues to the floor. I am not happy with every part of this rule. I had several amendments, particularly on the procurement side, that were part of the Committee on Government Reform's markup that were not included in the DOD bill that I could not get offered here. I understand the disappointment of those Members who are not able to have those heard at this point.

But 40,000 employees with over 20 years of experience want a new system, and defense of the current system not only leads to more outsourcing, it does not lead to the kind of performance-based pay and the salary levels that many of our best Federal employees are deserving of.

I worked in the private sector for a number of years. I worked for a company where our best asset was not our computers or our building; it was our people. They walked out the door every night; and we prayed to get them back because replacing them was costly, it created more inefficiencies, and it made us less competitive.

Those factors in the private sector ought to be extended to the public sector because our employees are our best asset, too. But I think we need to treat them well, I think we need to give them appropriate safeguards, which this legislation does. The unknown and the concerns by some on the other side are that all of this is not written by Congress. But we have put appropriate safeguards in this legislation. This will be part of a later debate, but I certainly support the rule.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I understand his assertion. His assertion essentially is that these provisions that will affect our Federal employees are positive provisions.

If that is the case, on our side we are very concerned that we are not being allowed to debate these fully. As the gentleman knows, 30 amendments are allowed with 10 minutes per amendment. The gentleman will admit, I think, that these are very substantial changes that we are making in the law; am I correct on that?

Mr. TOM DAVIS of Virginia. As I stated earlier, we debated these thoroughly in both committees. I cannot speak to every amendment that is being offered on the floor of the House. I understand the gentleman's concern. I know we will get debate on the motion to recommit, and we are debating it now. But I was also disappointed in not being able to offer some amendments. In addressing that issue, I think that is probably above my pay grade.

Mr. HOYER. Mr. Speaker, if the gentleman will continue to yield, I tell my friend, and he and I work very closely on issues dealing with Federal employees, there is a tendency to undervalue our Federal employees, as the gentleman knows. But the concern we have is if the other side is so concerned that the propositions it puts before us are correct, then it is a shame that we do not allow this body to fully debate them. I understand there were votes in committee. However, I am not on the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Although we were privileged to have the gentleman testify before us.

Mr. HOYER. I did appreciate the opportunity to come and testify, notwithstanding the fact that the committee did not follow my advice. My point is that the majority of Members on both sides of the aisle are not on your committee or the Committee on Armed Services, and I think it would have been appropriate for us to debate these items. If the proposals are as good as the gentleman says they are, presumably they would have been supported by the majority of this House.

Mr. TOM DAVIS of Virginia. I appreciate the gentleman's comments, and we did take some of his suggestions in the markup. The gentleman's testimony was not for naught.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, let me just say that the distinguished whip on the other side has made a point that more time should be given to this issue.

We are doing a $400 billion bill; and arguably the decisions on hundreds of weapons system that we are approving, both whether we are talking about the high-tech stuff or the low-tech stuff that we are bolstering in this bill, those decisions could have life and death impact, and yet we moved this bill through.

I want to assure the gentleman that we gave more time to this issue. We did a 10-hour hearing on this issue, largely at the insistence of the distinguished ranking member, the gentleman from Missouri (Mr. SKELTON), but we did a 10-hour hearing. That is more time than we gave any single weapons system in the entire DOD bill. So the argument can be made that we should have 10 times as many hearings as we have, and the gentleman knows that in this House and on this floor we have a myriad of responsibilities. We spent more time on this than any single weapons system in the entire DOD bill, and we had a 25-hour markup. I would say a very substantial portion of that markup, without limitation to debate, was afforded all of the Members.

Lastly, the chairman of the Committee on Government Reform makes a good point. I listened to the concerns. I listened early on to the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Oklahoma (Mr. COLE) and the gentlewoman from California (Mrs. DAVIS). We sat down and put together this independent appeals board that is going to be afforded anyone and everyone. So we spent a lot of time on this. This was not hastily thrown together.

Lastly, the gentleman from Tennessee (Mr. COOPER) made a good point. He said we are putting a major entrustment to the Secretary of Defense to build a new system, and we all agree in many ways it is broken. I am looking at this union dispute over whether they should have cancelled the annual picnic, and it ended up costing $750,000 of taxpayer money to decide whether or not you should cancel the picnic. There are changes that need to be made.

Lots of good people involved themselves on this and worked on this; and

this is an excellent, excellent product. I want to thank everybody who had suggestions because a number of the concerns from Democrats and Republicans were addressed. We are entrusting the Secretary of Defense, who with his team took 300,000 American lives into a very dangerous military theater, and answered to us and did a good job with that entrustment. He deserves some degree of respect, and he has merited the empowerment to move forward and build a new system under our guidance.

We are going to be reviewing everything he has done in a few months. We can change things that he does that we do not like; but certainly giving him an opportunity to revamp his shop to make it better, not just for DOD and the taxpayers but also for the folks that live and work in this system, the Federal employees.

Mr. Speaker, I think we did a good job of working this. We can always spend more time, and I would say to the gentleman from Maryland (Mr. HOYER) that could be said about every single weapons system that comes up here.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to make an observation to the distinguished chairman of the Committee on Armed Services. The gentleman and I served in this body when this bill had 5 full days of debate, discussion and open amendments in which we had very extensive discussions on not only weapons systems but other proposals contained in the bill.

I am probably going to end up voting for this bill. As the gentleman knows, I have consistently supported authorization bills and appropriation bills. I believe this Nation needs a strong defense, and I respect the Secretary of Defense. But I would say to the gentleman that it would have been nice if the Secretary had respected the Members of the House on both sides of the aisle and presented this at the beginning of the year and not just a few weeks ago so we could have had more extensive discussions, as we have had on some of those weapons systems heretofore. None of them were offered just recently. They were offered early in the year or in years past; but I recognize what the gentleman said. Obviously, we do not have unlimited time for unlimited debate.

I would suggest in this instance this proposal, a very substantive one, came very late; and although the gentleman spent some time in committee on it, appropriately, and I thank the gentleman for that, it would have been nice if we would have had more extensive debate and substantive amendments on this floor.

Mr. TOM DAVIS of Virginia. Mr. Speaker, reclaiming my time, I include for the RECORD an editorial from the Honorable Donald H. Rumsfeld, printed in today's Washington Post.

DEFENSE FOR THE 21ST CENTURY

(By Donald H. Rumsfeld)

Rep. Ike Skelton (D–Mo.) laid out a number of objections on this page yesterday to the president's proposed Defense Transformation Act for the 21st Century. I respect Mr. Skelton's long service, but I disagree with many of his stated objections. Here is why.

Skelton argues that this legislation is the most sweeping overhaul of the Defense Department since the 1986 Goldwater-Nichols Act. He may be right—but that is precisely the point. We are at this moment fighting the first wars of the 21st century with a department that has management and personnel systems developed decades ago, at the height of the Cold War.

The threats we face today are notably different from that era. We learned on Sept. 11, 2001, that our nation is vulnerable to enemies who hide in the caves and shadows and strike in unexpected ways. That is why we must transform our armed forces. Our forces need to be flexible, light and agile, so they can respond quickly and deal with surprise. The same is true of the men and women who support them in the Department of Defense. They also need flexibility, so that they can move money, shift people, design and deploy new weapons more rapidly and respond to the continuing changes in our security environment.

Today we do not have that kind of agility. In an age—the 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 jetliner, the Defense Department is still bogged down in the bureaucratic processes of the industrial age.

Consider: we have more than 300,000 uniformed personnel doing jobs that should be done by civilians. That means that nearly three times the number of troops that were on the ground in Iraq during Operation Iraqi Freedom are doing nonmilitary jobs that should be done by civilian personnel.

Why is that? It's because when managers in the department want to get a job done, they go to the military. They know they can manage military people, put them in a job, give them guidance, transfer them from one task to another and change the way they do things. They can't do that with the civil service, because it is managed outside the Defense Department by others, with a system of rules and requirements fashioned for a different era.

The defense authorization bill has grown from only one page in 1962 to a whopping 534 pages in 2001. The department is required to prepare and submit some 26,000 pages of justification, and more than 800 required reports to Congress each year—many of marginal value, most probably not read. Since 1975, the time it takes to produce a new weapons system has doubled, even as new technologies are arriving in years and months, not decades.

We are working to fix problems that we have the freedom to fix. We have reduced management and headquarters staffs by 11 percent, streamlined the acquisition process by eliminating hundreds of pages of unnecessary rules and red tape, and begun implementing a new business management structure. But we also need legislative relief. That is why we are asking for:

Measures for transforming our system of personnel management, so that we can gain more flexibility and agility in the way we manage the more than 700,000 civilians in the department. And let me be clear: The provisions we have proposed explicitly bar nepotism.

Expanded authority for competitive outsourcing so that we can get military personnel out of nonmilitary tasks and back into the field.

Measures to protect our military training ranges so that our men and women in uniform will be able to train as they fight, while honoring our steadfast commitment to protecting the environment.

It is true, as Rep. Skelton notes, that the Goldwater-Nichols Act took four years for Congress to pass. But we do not have four years to wait before we transform—the new threats are here now. If anything, our experience in the global war on terror has made the case for transformation even more urgent. Because our enemies are watching us—studying how we were successfully attacked, how we are responding and how we might be vulnerable again. In distant caves and bunkers, they are busy developing new ways to harm our people—methods of attack that could kill not 3,000 people, but 30,000 or 300,000—or more. And they are not struggling with bureaucratic red tape fashioned in the last century as they do so.

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.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise in opposition to this rule and the underlying bill. My colleague from Virginia only said one thing that is correct, and that is our Federal employees are our greatest resource. Unfortunately, in this bill they are treated very poorly.

In this bill, the Secretary of Defense can waive collective bargaining. That was designed to allow employee input into working conditions and grievances. He talks about Federal employees, but every Federal employee organization opposes this language.

The Secretary of Defense would be allowed to exempt the Department of Defense from the Federal wage schedule that was designed to prevent discrimination and nepotism.

The Secretary of Defense is allowed to exempt the Department of Defense from due process and appeals rights, appeals to the Equal Opportunity Commission, fighting discrimination.

This bill would authorize the Secretary of Defense to bypass OPM and create an entirely new personnel system.

It authorizes the Secretary to have authority under this proposal to take action at his sole, exclusive, and unreviewable discretion.

The Secretary of Defense, in an opinion piece in The Washington Post yesterday, said our military needs more agility and flexibility because they are fighting terrorists in caves and bunkers. Then he cleverly transfers this reasoning to the civilian population. I ask Members why do clerks and secretaries and administrators need to be deprived of their appeals rights? They should have a fixed appeals system. They should have the rights that Federal employees have had over the years. He

makes the case for a flexible military, he does not make the case for depriving Federal employees of their rights, and he attempts to trade off agility for morale. I suggest we need to improve morale and protect our Federal employees.

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

Mr. Speaker, I would just like to make the comment that we do have a committee system in this House because not everybody can be on every committee. They make recommendations to the full House, and usually we value their opinions and accept their recommendations. That is part of what is going on today.

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

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in strong opposition to the rule. First, on the issue we have been dealing with around civil service, none of the lessons learned and the myriad projects that we are talking about would necessarily be part of the law as it is drafted in the civil service part of the provisions in this bill. So we did have that debate and some of that discussion, but in fact none of that is relevant to the bill at all.

Second, I object to the fact that the Committee on Rules deprived this body of the opportunity to have a substantive debate on the environmental provisions, a debate about the facts.

Mr. Speaker, the fact is that the Deputy Secretary of Defense, Paul Wolfowitz, wrote in a March memo, ''We have demonstrated that we are both able to comply with environmental requirements and to conduct necessary military training and testing.'' The administration's own EPA agrees, and that is the fact.

Finally, Mr. Speaker, for 3 years I have worked to close the military pay gap. This year at the Committee on Rules I offered an amendment to close that gap permanently, but that amendment was denied. My amendment is identical to language passed in the Senate. Over 4 years each of the quarter million soldiers, sailors, airmen and Marines who fought in Iraq were making a decision whether or not to stay or go in the military. Now is the time to send them and their families a message that the Members of this House care about them and the quality of their lives. Instead, we send a hastily different message with empty promises. Why is the majority silent on closing the pay gap permanently?

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1245

Mr. BLUMENAUER. Mr. Speaker, one of the problems with the way the Republicans have managed, orchestrated the rule is that it simply does not permit an opportunity for us to clarify even simple misunderstandings.

Many of my colleagues may have listened on television to the distinguished chairman of the committee put a map up here that implied that 57 percent of Camp Pendleton was off-limits to military activities. We came to the floor and pointed out that that was simply not true. It never was. Using the flexibility under existing law, 1 percent was set aside.

The real problem with Camp Pendleton is the fact that you have got an interstate freeway, you have got encroachment from sprawl, but we could not clarify it.

I have had colleagues who misunderstood what the chairman said. I am sure it was a mistake to imply that 57 percent was off-limits to military training. The gentleman from West Virginia (Mr. RAHALL) and I are reduced to putting out a Dear Colleague which maybe somebody will see in the blizzard of paper. It is an embarrassment to this Chamber that we cannot have a legitimate debate and clarify things like this and not mislead the public or Members of this assembly.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentlewoman for yielding me this time.

Mr. Speaker, the gentleman is aware of the map that I put up of Camp Pendleton that showed the overlays on the various environmental restrictions. I have gone through that a number of times. It has got the areas for the gnatcatcher, it has got the estuarine sanctuary, it has got the closeout for the beach. The gentleman is aware that there is about 17 miles of beach there where the Marines practice their amphibious landings. Is it the gentleman's claim that that beach is now open for use for the United States Marines?

Mr. BLUMENAUER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Yes. Absolutely. This limited area, 840 acres out of 125,000 acres, is available to amphibious landings, according to the information we have received. And it only applies out of 6 months. The real problem is you have got a freeway, you have got a nuclear power plant, you have got a State park. There never was a legal restriction ever.

Mr. HUNTER. Let me ask the gentleman further, because we are going to have this thing sorted out before this bill is over. Is it the gentleman's contention that the Marine Corps' position is they understand that they can use that beach and they simply have not used it, that that beach is available for amphibious landings?

Did the gentleman ask the Marines? That is my question, I guess.

Mr. BLUMENAUER. I have dealt with the Department of Defense, the Fish and Wildlife Service and have gone to the court records. I do not know how it is being distorted.

Mr. HUNTER. Let me just tell the gentleman that if you have these agreements that they put in place, those agreements are made by several parties: one, Fish and Wildlife; one, State resources, in California that is Fish and Game; and, lastly, the Service. Since we want to make sure we are all on the same playing field here before this debate is over, I would ask the gentleman, we have got a couple of hours here, to check with the U.S. Marine Corps. I will be happy to be with him when we check on it and we can come to the floor and give together an opinion on how much land is ruled off-limits.

My information from the Marine Corps is that they cannot use that beach. That is not the small part of the beach that is up in the north that they use for the nuclear power plant. Nobody has claimed you want to make amphibious landings at a nuclear power plant.

I would ask the gentleman, since he did not have a direct communication with the Marine Corps, if he could get that, and I will work with him, and we will try to come in with the same sheet of music.

Mr. BLUMENAUER. I welcome the gentleman's offer to do so and to correlate that with what the Secretary of the Interior has actually ruled in this case. I welcome it.

Mr. HUNTER. Let me just finish by saying that my information from DOD as of last week is that, currently, of that 17 miles, only roughly one-fifth of a mile, that is roughly one one-hundred-and-fiftieth or one one-hundredth of this shoreline where the Marines practice their amphibious landings is available for use. So we have got totally disparate views. The gentleman says the beach is open. The Marines tell me that the beach is closed. We will be happy to work with him and get a communication from the Marine Corps.

Mr. BLUMENAUER. I thank the gentleman.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to this very unfair rule. The bill before us today contains provisions that would give the Department of Defense unprecedented authority to develop an entirely new civil service system for its 700,000 civilian employees with little or no congressional oversight, jeopardizing many of the employee protections and rights that Federal employees have fought so hard for over the years.

How do I know this? Because before coming to Congress I was a Federal employee, a civil service employee for 26½ years.

I know that there is a lot of frustration and a lot of misinformation that

has been put forth in this. My good friend and chairman has said they had 10 hours of testimony. But when you factor in that there are 700,000 civilian employees that are going to be affected, that is .0008 minutes for each one of those employees that has been given in terms of hearings. I think our civil servants deserve better than that, and we ought to have more hearings on this issue and not just take their civil protections away as we are with this bill.

Mr. Speaker, I rise in strong opposition to this unfair rule.

The bill before us today contains provisions that would give the Department of Defense unprecedented authority to develop an entirely new civil service system for its 700,000 civilian employees with little or no congressional oversight, jeopardizing many employee protections that Federal workers have fought so hard for over the years.

This issue has great personal significance to me, because for more than 26 years prior to becoming a Member of Congress, I myself was a civil servant, first as a Border Patrol agent and later as a Sector Chief. When I joined the Border Patrol, I was one of only two Hispanic members of my training class. I can tell you that there were some that would have preferred that we were not part of the Border Patrol, but the civil service system protected me.

As a Sector Chief, over the objections of my superiors, I implemented what turned out to be one of the most successful programs to stop illegal immigrants from entering this country. If it were not for the civil service protections, I would have been fired immediately.

We sought to offer an amendment to help ensure that DoD civilian employees would continue to enjoy the basic protections that I was afforded as a civil servant, including the right to due process and appeal in cases of alleged discrimination, collective bargaining, and veterans preferences.

Unfortunately, the Republican leadership did not see fit to make Mr. COOPER's amendment in order, so we will not have a debate on this extraordinarily important issue.

Mr. Speaker, even GAO has said, ''Congress should consider establishing additional safeguards to ensure the fair, merit-based, transparent, and accountable implementation'' of DoD's civil service system. But this rule does not allow us to do that. The patriotic employees who serve our Nation at the Department of Defense deserve better.

I urge my colleague to vote ''no'' on the previous question and ''no'' on this terrible rule.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

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

Mr. SKELTON. Mr. Speaker, I include for the RECORD my op-ed article entitled ''Overhaul Without Oversight'' from the Washington Post dated May 21.

[From the Washington Post, May 21, 2003]

OVERHAUL WITHOUT OVERSIGHT

(By Ike Skelton)

I believe history will show that the swiftness of America's military victory in Iraq was due in large part to the in-depth training of our officers in strategy and plans and to the military's application of that training in the operational plans developed in the months before the war. Many people, including the Secretary of Defense, had detailed lists of what could go wrong. We avoided those outcomes, partly thanks to luck but mostly because of deliberate military planning that sought out and compensated for potential risks and unintended consequences.

Last month, as Congress was departing for a two-week recess, the Defense Department submitted a 200-page draft ''transformation'' bill that requests extensive new authorities. It is not an understatement to say that this bill, taken as a whole, is the most sweeping defense reform legislation proposed since the Goldwater-Nichols Act of 1986, which changed both the structure and the policies governing our military. 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.

Major reassignments of constitutional authority such as this demand the same sort of thoughtful foresight as a war plan. In fact, the Goldwater-Nichols legislation took Congress four years to pass. The armed services committees of both houses of Congress held dozens of hearings and spent months drafting a comprehensive and bipartisan bill. We did this because the scope of the legislation was broad, the potentially unforeseen implications were numerous and the impact on the lives of all those who serve this nation was enormous.

The House of Representatives is to consider and vote on a defense authorization bill today that has much to commend it. It will authorize $400 billion to ensure that our forces remain the best trained and best equipped in the world. But it will also include large pieces of the transformation package—even though the committee has held fewer than five hearings, and most of those with less than a week's notice. Without the time to investigate and ask the tough questions, we do not know what the implications of these changes are. And so we, unlike Gen. Tommy Franks in Iraq, cannot build a plan to avoid the worst outcomes.

The proposed legislation makes sweeping changes to both military and civilian personnel systems. On the civilian side, the Defense Department wants unfettered freedom to hire and fire its nearly 700,000 employees. Congress had a long, contentious debate over similar personnel proposals when creating the Department of Homeland Security. That legislation is barely being implemented now, and there has been no opportunity to evaluate its results. The Defense Department wants changes that are even more dramatic, including, just as one example, the repeal of laws preventing nepotism. What justification based on our national security or sound management principles can justify that? What message does this send to the hundreds of thousands who have dedicated their careers to the service of this nation? And why do such changes need to be rushed through now, when a successful military campaign has shown that the existing system works?

The department also is requesting extensive exemptions from a host of environmental laws that have helped safeguard the long-term health of our communities and of the global environment. As a solidly pro-military member of Congress, I believe the readiness and exceptional training of our troops are of paramount importance and should be taken into account in our environmental laws. But the Defense Department has not yet made use of the legal remedies that already exist to accommodate military readiness. Operations in Iraq showed the exquisite capability of the U.S. military trained under the current system. Changing the law at this point has not been shown to be needed for military readiness, but it will certainly undermine the legal structure that ensures the nation's environmental health.

The Constitution establishes Congress as a counterweight to executive authority for good reasons—to guard against the excessive aggregation of any administration's power and to ask critical questions that allow better policy and better law to be made. When we in Congress are doing our jobs well, we ask what every American should want to know: Why is this necessary and what are the downsides of taking this action?

Without the ability to question and consider fully the implications of what we do, we abandon the planning needed to protect our nation's security and to protect those who serve their nation. We would not accept that of the officers planning a military campaign. We should not accept it from our political leaders either.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, we are spending $100 billion and tragically the loss of young men and women's lives in a war in Iraq that was supposed to be about getting the weapons of mass destruction out of Saddam Hussein's hands so he could not give them to the terrorists. So far, we have not found those weapons of mass destruction.

But the gentleman from South Carolina (Mr. SPRATT) pointed out to us that there are 5,000 tons of weapons of mass destruction in chemical weapons and gases and sarin chemical that we know exactly where they are. But the Republicans will not allow an amendment in order to protect Americans from the assault from these weapons when they fall into the hands of terrorists. We know exactly where 5,000 tons are. We have not found one ounce in Iraq.

There is also nuclear material in the same area of the former Soviet Union and in Central Asia and elsewhere in the world. But they will not allow us to clean it up. They will not allow us to secure it. They are compromising the security of this Nation because this is more likely to fall into the hands of terrorists than anything that Saddam Hussein had.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman's time has expired.

Mr. GEORGE MILLER of California. You have to ask yourself, what are they doing to the security of this Nation when they will not allow us to go in and to secure these weapons of mass destruction?

Ladies and gentlemen, we are on Orange Alert. We are on Orange Alert as a Nation, and as a Nation and as a Congress we will not be allowed to debate the reduction of these weapons.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman's time has expired.

Mrs. MYRICK. Mr. Speaker, the gentleman's time has been expired for about 2 minutes.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman will suspend. The gentleman's time has expired.

Mr. GEORGE MILLER of California. . . .

Mrs. MYRICK. The gentleman's time has expired, and he should be removed from the floor.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman will suspend.

Mrs. MYRICK. Nobody is begging anybody. Use your time.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. All Members please suspend.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. Will the gentleman from California acknowledge the Chair?

Mrs. MYRICK. Mr. Speaker, regular order.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman from California is no longer recognized.

Mr. GEORGE MILLER of California. I thank the Chair, and I yield back my time.

Mr. OBEY. . . .

The SPEAKER pro tempore. All Members suspend. The Chair would observe that this is the United States House of Representatives, and respect for the decorum of this Chamber is expected by all. The gentleman from California is a distinguished gentleman, but all rules of the House and the rulings of the Speaker should be followed.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman is not recognized.

Mr. GEORGE MILLER of California. . . .

Mrs. MYRICK. Regular order.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to compliment the gentleman from California. I want to compliment the gentleman from California for having the guts to finally say the rules are rigged against those Members who do not blindly follow the Republican leadership. Every one of us represents about 700,000 people. We do not run for office saying, some of us can speak and some of us can't. Some of us can offer amendments and some of us can't. The Committee on Rules serves to do nothing but keep Members from offering their amendments.

I have got an amendment on base closure. I think every single citizen of this body ought to be recorded as being wanting to close bases or wanting to keep bases open. I have been denied the opportunity to have that vote for 3 years running now.

I have got to ask, who wants to close bases? Do the military retirees who live next to them who want to use the hospital want to close them? No. Do the military retirees who want to use the commissaries want to close them? No. Do the communities that in many instances have paid to bring those bases there like Pascagoula, Mississippi, paid $20 million to help bring home port Pascagoula there, do they want to close them? No.

So maybe who does want to close bases? Mr. DREIER, how about your friend Katrina Leung? I think it is a fair question to ask whether or not someone who is being accused of being a Communist Chinese spy, who has contributed to your campaign, whether or not she wants to close bases.

Why can I not have a vote as a Member of this body on deciding whether or not we are going to close bases? Are we are going to listen to our Nation's military retirees? Are we going to listen to our citizens? Or are we listening to Katrina Leung?

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge Members to vote ''no'' on the previous question.

If the previous question is defeated, I will offer an amendment to the rule that will make in order the Cooper/Davis/Van Hollen Civil Service Bill of Rights amendment. Last night, the Republican majority refused to allow the House to consider this amendment. The Republican leadership had decided what kind of Democratic amendment would be acceptable to be included in the rule and since no Democrat was willing to toe the Republican Party line, Democrats have been shut out once again on a straight party line vote.

The bill we are considering today makes enormous and far-reaching changes in the personnel laws affecting civilian defense employees. Furthermore, it does so with virtually no input or oversight from Congress. It leaves this massive overhaul in the hands of the Secretary of Defense.

The Cooper/Davis/Van Hollen amendment would spell out an employee bill of rights to ensure that these valuable employees do not lose their basic employee rights. Yet under this unfair rule it will not be allowed to come to the floor for a vote.

Mr. Speaker, it is hard for me to believe that just a few weeks after the war in Iraq, after all of us heaped deserving praise on all employees of the Defense Department, both military and civilian, that we would pull the rug out from underneath these patriotic, hard-working Americans.

Let me make it very clear. A ''no'' vote will not stop the House from taking up the Department of Defense authorization. However, a ''yes'' vote amounts to slamming the door in the face of the military's civilian employees.

As you cast your vote, think about these people and whether you will turn your back on them or whether you will do the right thing and vote to allow this amendment.

Ms. PELOSI. Mr. Speaker, I rise to speak in opposition to the rule on the National Defense Authorization Act. This rule fails to make in order several important Democratic amendments, including the Rahall-Dingell amendment on the environmental provisions in the bill.

The Department of Defense claims that it needs exemptions from five of our major environmental laws—laws that protect the air, water, endangered species, whales, dolphins, and last but not least, humans. The Pentagon says these laws are interfering with military readiness. But the evidence it has presented is at best anecdotal. In a June 2002 study, the Government Accounting Office could find no evidence that environmental protection is a problem for our Armed Forces.

In light of the impressive performance of our men and women in Iraq, any assertion that our military is not ready to fight and win is patently ridiculous. These environmental laws have been in place for several decades, and our Armed Forces are the best trained in the world.

The defense bill that we are debating today rolls back protections in two key environmental laws: the Endangered Species Act and the Marine Mammal Protection Act. The DOD bill significantly reduces the Secretary of the Interior's responsibility to designate critical habitat and would greatly weaken protections for endangered species anywhere in the U.S., not just on military facilities. Without critical habitat, imperiled species will not recover. This bill would also specifically reduce protections for endangered species on military lands. For marine mammals, the bill weakens the definition of ''harassment'' for all users of the oceans and coastal waters, not just for the military. It would also give the DOD unlimited, unmonitored exemptions from marine mammal protection.

The majority has refused to allow us to vote on the Rahall-Dingell amendment to fix these provisions. Why? Because they are afraid they will lose. The American people reject the idea that the federal government should be above the law. A recent Zogby poll showed 84 percent of likely voters think the Pentagon should follow the same environmental and public health laws as everyone else. Liberals, moderates, and conservatives alike agree that all agencies of the federal government should be held accountable for their actions.

Communities across the nation are grappling with the toxic contamination of former bases that used to be exempt from environmental laws. Many of us have decommissioned military facilities in our districts. In my

home city of San Francisco, we have been pushing for years for the clean up of the Hunters Point Naval Shipyard. The military's track record on protecting the environment is dismal. We hold the Department of Defense accountable for its actions in the future.

I urge my colleagues to vote ''no'' on the previous question, so that we can make the Rahall-Dingell amendment in order, and ''no'' on the rule.

Mr. LEVIN. Mr. Speaker, I strongly oppose this unfair rule. I do so because it denies Members the opportunity to offer amendments to critical provisions in the Defense Authorization bill.

National defense should be a subject that brings the Congress and the nation together, and not an occasion to create division. Especially given the clear and present danger of further terrorist attacks against the United States, it is imperative that we remain united as we confront these threats.

I support most of the provisions in this bill. It is unfortunate that the Majority chose to insert a number of highly controversial provisions into the Defense Authorization. In particular, I oppose the provisions of the bill that seek to upend longstanding civil service protections for more than 700,000 civilian workers who are instrumental to supporting our men and women in uniform. Without a competent civilian workforce at the Defense Department to back up our troops, it would be difficult, if not impossible, for our armed forces to prevail on the battlefield.

We are legislating in the dark here. Over the past century, we have established protections to prevent the civil service form becoming a political patronage system. Before we throw these protections in the garbage can, we'd better know what we're doing. The Bush Administration delivered its 205-page legislative proposal to restructure the Pentagon's civilian and military personnel system on April 10, just days before the House adjourned for a two-week recess. These sweeping proposed changes are not well understood and they have the potential for long-term negative consequences.

I want to read an excerpt from a General Accounting Office testimony on these proposed changes to the Pentagon's civilian personnel system. The GAO cautions that ''moving too quickly or prematurely [to a new personnel system] at DOD or elsewhere, can significantly raise the risk of doing it wrong. This could also serve to severely set back the legitimate need to move to a more performance- and results-based system for the federal government as a whole. Thus, while it is imperative that we take steps to better link employee pay and other personnel decisions to performance across the federal government, how it is done, when it is done, and the basis on which it is done, can make all the difference in whether or not we are successful.'' GAO goes on to say that ''based on GAO's past work, most existing federal performance appraisal systems, including a vast majority of DOD's systems, are not currently designed to support a meaningful performance-based pay system.''

The civil service rules have generally served our country well. Can we improve the Defense Department's civilian personnel rules? Sure. Is this the way to do it? Absolutely not. Such sweeping changes—changes affecting more than 700,000 Defense Department workers—deserve more thoughtful consideration by this Congress. If these changes are approved, we will find ourselves in the unique position of having one set of personnel rules for civilian defense employees, another set of personnel rules for employees at the Department of Homeland Security, and a third set of rules for every other federal worker.

It's bad enough that the Republican Majority insisted on including these controversial civil service changes in this bill. What's worse is that the Majority will not even allow us to debate them or offer amendments. The House should be permitted to debate the Employee Bill of Rights amendment proposed by Representatives COOPER, DAVIS and VAN HOLLEN. This amendment would protect the right to receive a veterans preference and the right to be free from discrimination based on political opinion or party affiliation. It would ensure that Department of Defense employees have the same collective bargaining rights and due process rights that other federal employees enjoy. These rights are fundamental. they should not be waived or curtailed at the whim of the Defense Secretary, and this House should not be stampeded into providing him the authority to do so.

I urge my colleagues to join me in opposing the rule so we can have a fair debate and a vote on the Employee Bill of Rights amendment.

Mrs. MALONEY. Mr. Speaker, today we continue the Defense Authorization bill debate.

This bill authorizes a total of $400.5 billion in FY 2004 for defense activities important for our nation's security, however, there are troubling provisions in this bill relating to civil services law, contracting, environmental exemptions and nuclear weapons policy that should not have been included in H.R. 1588.

I'm particularly concerned about the civil service provisions that undermine collective bargaining and safeguards against employee harassment. H.R. 1588 will deny basic worker protections to one third of all Federal Employees. This bill places the Secretary of Defense in the position of being the ultimate decision maker in labor disputes giving him blanket authority to create a completely new civilian employee system. Many of the changes included in this bill will open the way for abuses that the Pendleton Act of 1893 was enacted to eliminate. We may need to modernize, however, we also need to preserve the principles of a Civil Service that has served our nation well for more than 100 years.

I am disappointed that an amendment I offered in the Rules Committee was not made in order. It was a simple amendment that would have ensured that Chief Acquisition Officers are career professionals and not political appointees. I would like to put letters of support from several good government/civil servant groups, including the Federal Managers Association, AFGE, the Senior Executives Association, NTEU, AFSCME and others, into the RECORD.

As AFSCME noted in a letter of support, ''H.R. 1588 entrusts the contracting process to political appointees who stay an average of only 18 months and will turn federal contracts into political currency.'' This wrongheaded provision is a recipe for cronyism and political favoritism!

I am also greatly disappointed that my pro-competition in procurement amendment, offered with Mr. TURNER of Texas, was not made in order. The Maloney-Turner amendment to the Defense Authorization Act would have reapplied certain common-sense, good government procurement rules to the Other Transactions Authority section (Section 1451) of H.R. 1588.

This amendment tried to close a large procurement loophole that is both unnecessary and fraught with potential for abuse.

For some interested in closed-door deals and invitation-only bids, it may be more advantageous to use OT authority rather than a procurement contract, however, it may not be more advantageous for taxpayers.

We are reversing important, settled public policy with this bill. Vote ''no'' on the rule.

FEDERAL MANAGERS ASSOCIATION,
Alexandria, VA, May 19, 2003.

Hon. CAROLYN MALONEY,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN MALONEY: On behalf of the 200,000 executives, managers, and supervisors in the Federal government whose interests are represented by the Federal Managers Association (FMA), I am writing to express our strong support of your amendment to H.R. 1588, the fiscal 2004 National Defense Authorization Act, requiring that the Federal Chief Acquisition Officer (CAO) position be filled by a career civil servant.

Currently, Section 1421 of H.R. 1588 stipulates that newly appointed CAO's are to be non-career employees, or political appointees. We at FMA believe that Federal agencies and taxpayers would benefit more from the institutional knowledge, expertise, and experience that a career civil servant would bring to this position.

Today, the average tenure of a political appointee is eighteen months, which will result in a revolving door of CAO's in and out of agencies. This situation will only serve to further complicate the structure of the Federal acquisition workforce, while compromising the effectiveness of this critical position due to a lack of stability. Over time, we have already seen detrimental effects on Federal agencies as a result of short-term appointees in leadership positions.

Moreover, Federal acquisition policy is built upon the goal of providing American taxpayers with high-quality products and services through the most efficient use of their tax dollars. In order to achieve this goal, the CAO must be removed from any and all political pressures.

Finally, we at FMA are supportive of the National Commission on the Public Service's (a.k.a., the Volcker Commission named for its chairman, Paul A. Volcker) recent recommendation that, ''Congress and the President should work together to significantly reduce the number of executive branch political positions.'' The requirement that the newly-created CAO positions be filled by non-career employees would only continue the dangerous trend of increasing the number of political appointments—a step at odds with the Commission's recommendation, which has been supported by many Members of Congress.

Sec. 1421 of H.R. 1588 would best serve the American public if amended, as you have recommended, to require that the CAO be a career civil servant.

Thank you for your leadership on this important issue. We look forward to working with you to ensure passage of this amendment. Please do not hesitate to contact us if we can be of further assistance to you on this matter.

With kindest regards, I am

Sincerely yours,

MICHAEL B. STYLES,
National President.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, May 19, 2003.

Representative CAROLYN MALONEY,
House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE MALONEY: The American Federation of State, County and Municipal Employees (AFSCME) strongly supports the amendment you seek to offer to the Defense Authorization bill that would require ''Chief Acquisition Officers'' to be career civil servants.

As presently drafted, H.R. 1588 requires these officers, many of whom would fill newly created positions in the federal agencies, to be political appointees. There is no sound justification for such a proposal. In light of the Administration's announced intention to contract out half the federal workforce, it should be seen for what it is: a strategy to facilitate reaching this goal whether or not it is cost effective or in the public interest.

H.R. 1588 entrusts the contracting process to political appointees who stay an average of only 18 months and will turn federal contracts into political currency. It will diminish public accountability of the public's money; further destroy the morale of committed and experienced career employees; destabilize the delivery of federal services; and lead to the award of billions in contracts to the Administration's political allies and friends with little regard to effective management.

At a time when we should be shoring up the public's faith in our government, H.R. 1588 will return to the corruption and spoils system that the creation of a professional workforce under the civil service system was intended to end.

AFSCME strongly supports your amendment and commends you for seeking to ensure that federal operations are performed in an objective and professional manner that puts the public interest ahead of special interests.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, May 19, 2003.

Hon. CAROLYN MALONEY,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MALONEY: On behalf of the American Federation of Government Employees, AFL–CIO, which represents more than 600,000 federal employees who serve the American people across the nation and around the world, including many federal employees who administer contracts for goods and services, I commend you for your ongoing efforts to amend the Services Acquisition Reform Act (SARA) to ensure that the position of Chief Acquisition Officer is held by career civil servants, and not political appointees.

Your amendment would ensure that an agency's preeminent procurement official would be someone with an institutional interest in promoting the interests of the agency and the taxpayers who support that agency, both over the short-term as well as the long-term. A career civil servant is more likely to have developed the expertise necessary to perform the important responsibilities of the chief acquisition officer. It is unlikely that a political appointee would have the same level of expertise and commitment, especially given the significant turnover generally among political appointees. Ironically, at the same time there is a bipartisan consensus to reduce the number of political appointees, SARA would add yet another layer of political appointees.

While I know that the authors of SARA have no such intention, you are absolutely correct in your assertion that making the Chief Acquisition Officers political appointees raises significant concerns about cronyism and patronage, a serious concern given ongoing efforts to strip all federal employees of their civil service protections against politics and favoritism. I know that your experience in New York City in the long but ultimately successful fight against waste, fraud and abuse in municipal contracting induced you to offer your amendment to make the Chief Acquisition Officer a career civil servant at the House Government Reform Committee's mark up of SARA earlier this month. Learning from the hard lessons of history, New York City was able to make substantial progress on behalf of taxpayers when procurement officials were made civil servants, instead of political cronies.

The counter-arguments to your amendment that were served up at the mark up were entirely unpersuasive. Whether a Chief Acquisition Officer will command respect from agency management and acquisition personnel will depend entirely on her experience, her expertise, and her independence, and not on whether she is a political appointee. Surely, it is self-evident that a Chief Acquisition Officer is more likely to command respect and be able to perform her important responsibilities if she is a career civil servant.

I sincerely hope that the rule for consideration of the defense authorization bill (H.R. 1588) will allow your amendment to be made in order on the floor of the House of Representatives because its enactment is imperative if the Congress is to ensure that the billions and billions of taxpayer dollars spent annually on services are safeguarded. Please contact John Threlkeld in AFGE's Legislative Department at (202) 639–6413 if you have any questions about the views expressed in this letter.

Sincerely,

BOBBY L. HARNAGE, SR.,
National President.

SENIOR EXECUTIVES ASSOCIATION,
Washington, DC, May 19, 2003.

Hon. CAROLYN B. MALONEY,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MALONEY: The Senior Executives Association (SEA) represents the interests of career federal executives in the Senior Executives Association (SES), and those in Senior Level (SL), Scientific and Professional (ST), and equivalent positions. We are writing in support of your amendment to H.R. 1588, which would require that a career employee fill the proposed Chief Acquisition Officer position. In contrast, the current bill states that a non-career employee would fill this position.

SEA feels strongly that the role of the Chief Aquisition Officer must be free from any potential allegations of undue political influence. The critical business of government procurement should never lend itself to even a perceived taint of political manipulation. This can best be accomplished by requiring that a qualified career employee fill the position.

In SEA's oral testimony at the April 29, 2003 hearing before the House Civil Service and Agency Organization Subcommittee on ''Transforming the Defense Department: Exploring the Merits of the Proposed National Security Personnel System,'' we emphasized our support for a procurement process free from politicization. For your reference, we have included a copy of the oral testimony from the April 29th hearing with this letter.

Please let us know if there is any way in which we might be of assistance in securing the passage of this critical amendment.

Sincerely,

CAROLY A. BONOSARO,
President.

G. JERRY SHAW,
General Counsel.

STATEMENT OF G. JERRY SHAW, GENERAL COUNSEL, SENIOR EXECUTIVES ASSOCIATION BEFORE THE GOVERNMENT REFORM COMMITTEE, SUBCOMMITTEE ON CIVIL SERVICE & AGENCY ORGANIZATION, U.S. HOUSE OF REPRESENTATIVES ON THE PROPOSED DEFENSE TRANSFORMATION ACT OF 2003, APRIL 29, 2003

Thank you Chairman Davis and members of the Subcommittee for the opportunity to testify today on this very important legislative proposal.

You have already heard from others about many of the problems and concerns of employees and their representatives about this proposed legislation today. SEA too has its issues. But we will confine our comments to those matters that we believe threaten the integrity of the federal workforce, and specifically of the Senior Executive Service and its cadre of career executives that insure the impartial and non-political, non-partisan enforcement and administration of our nation's laws.

I was watching a ''60 Minutes'' segment on CBS television last night. It was directly applicable to the proposed legislation and our concerns. It involved allegations by the ''60 Minutes'' correspondent that there had been improper political interference in the awarding of DoD contracts for the rebuilding effort in Iraq. Specifically it accused Vice President Cheney of ''obviously'' interfering in the pre-hostilities award of classified contracts to Halliburton Corporation, which he headed prior to becoming Vice President of the US. It also made allegations about former General Officers in the military who were now working for Halliburton and some of the other companies and corporations that received DoD contracts for providing services to the US troops in Iraq, including food service, waste disposal, water, fire fighting, and other necessitates. Finally, it sought to cast aspersions on the current Administration and its political leadership for allegedly interfering in these and other rebuilding efforts in Afghanistan, Iraq and elsewhere.

Now we all know that such allegations and innuendo are the lifeblood of ''60 Minutes'' and other television news shows, and are not to be taken seriously on many occasions; this may well be one of those occasions. But the interesting part was the response by DoD.

Instead of the Secretary of Defense or other high level political appointees responding, DoD had the Chief Counsel of the Dept. of the Army Corps of Engineers, Robert Anderson respond to the allegations. Mr. Anderson is a career member of the Senior Executive Service. He provided an eloquent defense of the procurement process, but his most important and telling statement was that the contract procurement activities were performed by career employees, who would NOT allow DoD or other federal contracts to be awarded on the basis of partisan politics. He stated that if ''60 Minutes'' or any of the other parties making allegations were to spend one week with these career employees, they would understand how carefully and objectively these contracts were evaluated and awarded, and how the career employees insured the impartiality of the process.

Later in the ''60 Minutes'' presentation the correspondent states that the Office of the Vice President had issued a statement that he had never been involved in the awarding

or seeking of contracts from the government while he was Secretary of Defense, President of Halliburton or Vice President of the US.

The importance of this is that DoD realized that the integrity of its programs depended on the career executives and career employees who carry out the day-to-day activities of the government. It also knew that if a Career SES employee presented the facts, they would carry more credibility with the public ''60 Minutes'' was at a loss when confronted with the career employees as the protector of the integrity of the procurement process, and I believe that most of the nation's citizens dismissed out of hand the allegations because of the assurances of the career SES employee, Mr. Anderson.

We relate this incident because we firmly believe that some of the authorities sought by DoD in this legislation could serve to undermine the citizens confidence in the integrity of government operations. This confidence is based in large part on the integrity of the Civil Service system, and the Career Senior Executive leadership of our system. Provisions of this legislation would do away with many of the rights and protections these employees need to maintain their nonpartisan integrity, and the people of this country know this. SEA is that this is not intended, but there is always a concern about un-intended consequences. We believe that breadth and depth of the unfettered authority sought by this legislation justifies our, and your concern.

Most of SEA's concerns are stated and supported in our statement, which we have submitted for the record. However, we do want to highlight some of the most important ones.

1. The legislation would do away with the requirement for Career Reserved SES positions, by allowing such positions if allowed to exist, to be filled by anyone, qualified or unqualified, partisan politician or not. This authority is not necessary. OPM has done the job of overseeing and insuring that positions requiring impartiality and non-partisan enforcement of the nation's laws are carried out by career employees who have gained their positions based on merit. We believe this should continue.

2. The legislation would do away with the requirement that career SES appointments be made from persons who meet the qualifications for the job. This too has been done by OPM through the Qualifications Review Board process, which should continue.

3. It would allow for SES Career Reserved positions to be filled by temporary employees with no review of their qualifications, and no limit on their numbers. We respectfully object to this authority. It also removes the restriction that political appointees may fill no more than 10% of SES positions overall in government, or 25% in any agency. This could destroy the career SES, and rob the government and the people of this country of the impartial administration of our nation's laws and regulations.

4. The legislation would allow the elimination of all appeal rights for career executives and employees to the MSPB if their pay was drastically cut, or they were removed from their positions for alleged misconduct. This would deny these employees any due process rights in the ''taking'' of their pay, or their positions and reputations.

5. It allows the flexibility to eliminate the SES appointment rules, the 120 get acquainted rule, the rule of 60 days notice for geographic reassignments, and many other rights. It also allows for an SES employees pay to be set annually anywhere between $125,000 (or lower) up to the VP level of $198,600 with no oversight, no necessity for 'certification' of a fair evaluation process, or any right on behalf of the employee to challenge the determination anywhere, including if the pay is cut.

6. It allows the creation of appointments of ''highly qualified experts, who could be paid up to 50% higher than the highest SES salary, or currently $297,900. There would be no limit on the number of these appointments, and they could serve for six years in any position, with no independent check on their qualifications. If a particular DoD administration wished, they could unilaterally fire every one of their career SES employees, and fill these positions with ''highly qualified experts'' from whatever field, without review of their actions or appointees.

[Currently DoD has such authority for 40 positions at DAPRA, 40 for each of the armed services research labs, and 10 more between NIMA and NSA. However, these are limited to scientific and engineering positions, and the appointees are limited to pay 25% higher than the SES pay, or currently $248,250. No such limitations are contained in the proposed legislation].

These are but some of our concerns. We urge the Subcommittee to expeditiously amend this proposal to restore the necessary safeguards for career SES employees, and other civil service employees before its enactment.

SEA does not object to additional flexibility for DoD. But we believe the new flexibility should be limited to that provided the Dept. of Homeland Security, and that they be required to go through the same process as Homeland Security before issuing regulations and beginning or implementing new systems in the Dept. of Defense.

Thank you for this opportunity to testify. I will be happy to answer any questions you might have.

THE NATIONAL TREASURY EMPLOYEES UNION,
Washington, DC, May 19, 2003.

Hon. CAROLYN MALONEY,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MALONEY, I am writing on behalf of the National Treasury Employees Union (NTEU) to express support for your amendment to the ''Defense Authorization Act of FY 2004.'' Your amendment seeks to fix a flaw in the bill by seeking to ensure that Chief Acquisition Officers are career civil servants, not political appointees.

NTEU represents 150,000 career federal employees in 28 federal agencies and departments. These employees work on the front lines day in and day out, and they are in the best position to determine whether federal government services should be privatized or not. Agencies continue to privatize more and more federal jobs even though the government does not have the staff or systems in place to oversee the work of contractors. Giving short-term political appointees broad authority to privatize the work of the federal government only serves to foster political cronyism, waste taxpayer dollars, and jeopardize the delivery of government services to the American public.

I urge support for your amendment so that government purchasing decisions will be made by experienced and hardworking federal employees who know the needs of their agencies best.

Sincerely,

COLLEEN M. KELLEY,
National President.

Mrs. TAUSCHER. Mr. Speaker, I rise today in opposition to the rule.

This bill entirely re-writes two of the cornerstones of environmental policy—the Endangered Species Act and the Marine Mammal Protection Act. Yet we will debate this for only 10 minutes.

This rule attempts to conceal an egregious overreach by the Majority by labeling it as a typographical error.

Having been caught with their hands in the cookie jar, the Majority now seeks to establish political cover, prohibit meaningful debate and avoid going on the record with a recorded vote against the environment.

This administration's attempt to enact sweeping environmental exemptions under the guise of ''military readiness'' is a disgrace.

I am also outraged that the rule has not allowed Mr. SPRATT's amendment on nuclear nonproliferation.

The threat level has been increased to orange, the administration is on the lookout for terrorists and rogue nations with weapons of mass destruction, yet the Majority refuses to allow debate on the most meaningful way to prevent terrorists from getting nuclear weapons in the first place—our long-standing, proven nonproliferation programs.

Mr. Speaker, this is an outrage. I urge my colleagues to vote for the very principles this body was founded upon and vote against this egregious rule.

Mr. FROST. Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 247—2ND RULE ON H.R. 1588 NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

At the end of the resolution, add the following:

''SEC. 5. Notwithstanding any other provision of this resolution and only immediately after the disposition of amendment numbered 1, the amendment specified in section 6 shall be in order as though printed in the report of the Committee on Rules if offered by Representative Cooper of Tennessee or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 6. The amendment referred to in section 5 is as follows:

AMENDMENT TO H.R. 1588, AS REPORTED OFFERED BY MR. COOPER OF TENNESSEE OR MR. DAVIS OF ILLINOIS OR MR. VAN HOLLEN OF MARYLAND

In section 9902 of title 5, United States Code (as added by section 1111 of the bill (page 349, line 13)), insert after subsection (b) the following new subsection (and make all necessary technical and conforming changes):

''(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 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.''

Strike 9902(f)(2)(D) of title 5, United States Code (as so added) (and make all necessary technical and conforming changes).

□ 1300

Mrs. MYRICK. Mr. Speaker, did the gentleman from Texas (Mr. FROST) yield back his time?

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

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution and thereafter on the motions to suspend the rules and pass H.R. 1683 and H.R. 1257.

The vote was taken by electronic device, and there were—yeas 224, nays 198, answered ''present'' 1, not voting 11, as follows:

[Roll No. 207]

YEAS—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.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
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)
Greenwood
Gutknecht
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
Pryce (OH)
Putnam
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)

NAYS—198

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
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
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
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
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
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
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Farr

NOT VOTING—11

Bonilla
Combest
Gephardt
Lewis (GA)
Meek (FL)
Portman
Quinn
Rangel
Solis
Udall (CO)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). Members are advised there are 2 minutes left to vote.

□ 1319

Messrs. ALEXANDER, CAPUANO and CARDOZA changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 207 on the previous question I was unavoidably detained. Had I been present, I would have voted ''no.''

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 222, noes 199,

answered ''present'' 2, not voting 11, as follows:

[Roll No. 208]

AYES—222

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
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
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)
Greenwood
Gutknecht
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
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
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
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)

NOES—199

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
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
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
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
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
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
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—2

Farr
Lofgren

NOT VOTING—11

Bonilla
Combest
Cunningham
Gephardt
Lewis (GA)
Meek (FL)
Oxley
Quinn
Rangel
Solis
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1328

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 208 on H. Res. 247, providing for consideration of H.R. 1588, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. UDALL of Colorado. Mr. Speaker, earlier today I was inadvertently delayed in reaching the floor and as a result was not recorded on two votes. Had I been present, I would have voted as follows:

On rollcall No. 207, on ordering the previous question on H. Res. 247, I would have voted ''no.''

On rollcall No. 208, on adoption of H. Res. 247, I would have voted ''no.''

□ 1330

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2003

The SPEAKER pro tempore (Mr. ISAKSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1683.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1683, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 209]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee

Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
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
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Bonilla
Combest
Gephardt
Lewis (GA)
Oxley
Quinn
Sabo
Stearns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1335

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 209 I was unavoidably detained. Had I been present, I would have voted "yea."

SELECTED RESERVE HOME LOAN EQUITY ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1257.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1257, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 6, as follows:

[Roll No. 210]

YEAS—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
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
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Bonilla
Combest
Gephardt
Lewis (GA)
Oxley
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes in which to cast their votes.

□ 1342

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 249 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 249

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of May 22, 2003, providing for consideration or disposition of the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague and friend, the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 249 waives clause (6)(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules.

The rule applies the waiver to a special rule reported on the legislative day of May 22, 2003, providing for consideration or disposition of the bill to provide for reconciliation pursuant to section 201 of the concurrent resolution, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

This rule is the starting block to allow the House to consider legislation that will infuse our economy with job-creating tax relief, investment incentives, and overall economic growth. The House initially passed the Jobs and Growth Reconciliation Tax Act earlier this month, and with today's action we can demonstrate our continued commitment to spurring economic expansion and providing stability to American workers, businesses and families.

Our economy needs a healthy dose of meaningful relief. This Congress has once before exhibited the leadership and sense of purpose needed to create jobs and protect workers. If we delay, we put American jobs and the strength of our economy at risk.

As we prepare to consider legislation extending unemployment compensation, I can think of no better complimentary action for Congress to adopt than legislation to boost employment levels, lower the tax burden, and grow the economy. It is imperative that we move forward at once. Thus, I strongly urge my colleagues to support this rule so we can proceed with a debate on this very important legislation.

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

□ 1345

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

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

Mr. FROST. Mr. Speaker, it is often said if you repeat a lie often enough, people begin to believe it. Our record $350 billion deficit, the Republican Congress tells us that does not matter. The fact that this Republican administration has asked us not once, but twice, to raise the debt limit to record levels, ignore that, and maybe it will go away. The promise that all Members made to protect Social Security and Medicare funds in a lockbox, that does not seem to matter either, Mr. Speaker.

This is not government. This is a complete abdication of fiscal responsibility.

In 1995 the now majority leader, TOM DELAY, said, ''By the year 2002, we can have a Federal Government with a balanced budget or we could continue down the present path towards total fiscal catastrophe.''

It is now abundantly clear that the Republicans have lost their way and have decided that the path of fiscal catastrophe is not such a bad path after all. That begs the question, Mr. Speaker, what are the priorities of the Republican Party that makes tripping down the path to fiscal catastrophe such a great idea in 2003 when it was so bad an idea in 1995?

Well, we know the Republicans' top priority is to give millionaires a dividend tax cut. Where does that money come from? Well, the Republican budget conference report cuts veterans' Medicare and burial benefits by $6.2 billion. So if you are a millionaire and you have got a lot of dividend and capital gains income, the Republicans take care of you. If you are a veteran, this Republican Congress wants you to remember this Memorial Day as the one when your benefits were cut. And for what, Mr. Speaker? One of the most gimmick-laden tax cuts this Congress has ever considered. While the dividend and capital gains taxes last until 2008, the marriage penalty relief and child tax credits disappear at the end of 2004.

So while the millionaires enjoy their rate break for the rest of the decade, working families are left with uncertainty.

In 2001 the Republicans told us that their tax cut would create jobs. Instead, the Bush administration has presided over one of the worst job losses in American history; 2.7 million jobs have been lost. A dividend tax package is not going to help these people get jobs. It is simply welfare for millionaires.

Mr. Speaker, Warren Buffett has made a lot of money. Mr. Buffett would, in fact, be one of the greatest recipients of the Republican tax plan. He wrote an op-ed in The Washington Post this week calling the dividend tax plan ''voodoo economics.''

Alan Greenspan said, ''There is no question that as deficits go up, contrary to what some have said, it does effect long-term interest rates. It does have a negative impact on the economy.''

These are two of America's leading economic minds, Mr. Speaker. And they know that financing this tax cut which benefits only the wealthy few with borrowed money is wrong. It is wrong, Mr. Speaker.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we believe it is important to move this legislation forward to grow our economy, to create jobs, help people who do not have jobs find jobs; and we strongly support it and strongly support this rule.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I received my symbol for this Congress just the other day. It is an official stamp from the White House, and they are passing them out. You will all get one in the mail I am pretty sure, and it says: ''Official rubber stamp. I approve of everything George Bush does. Member of Congress.''

All you have to do is sign your name on there. That is what this Congress is about, rubber stamping the President's proposals. Bring it out here. No debate. Do not let us offer amendments. Do not take any time. Just get out the rubber stamp and put it down there and just roll it on in. You have now joined the rubber stamp Congress.

This party is running a one-party government. They want no input from the Democrats whatsoever. They are a rubber stamp for the President. They are willing to give away all their prerogatives on the war. They said to the President, whenever you think it is time to go to war, go ahead. So they have rubber-stamped whatever he wanted to do. On the tax cut, just give it to him. It will work. On unemployment benefits, well, they stalled and stalled; and he said, look, we are getting bad numbers on those polls. We better do something about employment. So in about an hour we are going to come out here and rubber-stamp again his unemployment bill that the Democrats have been pushing for 4 months. But when the President says it, everybody on the other side jumps up and says, Where is my rubber

stamp? God, I got to get over to the floor and cast my vote for whatever he wants.

Whether he wants to repeal all of the environmental issues related to the military, give the military an open season on doing anything they want. They are killing whales and porpoises in Washington, they are doing all the rest, but over here on the other side, we do not want to have any debate on that. We are rubber-stamping whatever the President wants. I welcome everybody to the rubber stamp club. I hope you got yours. Do not forget to bring them to the floor when you vote.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me time.

Mr. Speaker, it would be my greatest desire that we would have a full debate on the question of the next step for our economy and walk out of this Chamber with the mark of the Congress in the bipartisan way.

Two days ago, Warren Buffett wrote an op-ed, and I believe everyone knows the portfolio of Warren Buffett is still very strong, one of the richest men in the Nation. And he argued vigorously with the approach this Congress was taking. Clearly, he said, the tax plan now moving through the Congress is not a gift for him. It is an outright bonus. It is Christmas every day, and it is for everyone in his predicament and condition: $40 billion-plus in assets. But he compared his status, Mr. Speaker, with the status of the secretary or receptionist working in his office or even the cleaning woman working in his office.

He said, under this effort, this tax cut program, he would be paying or being given a gift and he would be paying one-tenth of the amount of monies required by the receptionist and the cleaning woman.

What that says to me, Mr. Speaker, we are going up the wrong road. There is a dead end at the end of the road and the dead end are the millions of unemployed who are not getting an extended unemployment package of 26 weeks because we have got to give a tax cut to the rich. We are going up a dead end, Mr. Speaker, because the program that is now being fostered upon us does not create jobs.

If we took the Democratic plan, Mr. Speaker, and we invested a million dollars in transportation infrastructure, you would get 13 jobs. If you did it in health care, you would gets 26 jobs. Mr. Speaker, if you use the plan that the President has put forward, you take a million dollars and you get two jobs.

Now, I know that there is a difficulty in math in this great body because we are willing to go forward on $550 billion, which I understand is a compromise on $350 billion; but it does not invest back into America to create jobs, and the plan as proposed by the Republicans takes $1 million to create two jobs. And I can take $1 million and put it in transportation and create 15 jobs, and in health care and create 28 jobs and on down the line. And then I could provide 26 weeks of unemployment for those whose benefits are being cut off.

I know the American people are focused as we honor the dead this coming weekend, and I will join them in cherishing those who fight for our freedom. But it is time for America to wake up. You are going to be hungry after 13 weeks. You need to stand up and fight for 26 weeks. That is what I believe we should be doing today.

Putting up this marshal rule does not allow us to collaborate and to work together. Let us work through tomorrow, let us work through Saturday, let us work through Sunday. Let us leave this place with a tax bill that really invests in America. Let us leave this place with 26 weeks of unemployment insurance for the single mothers and dads who are going to be facing eviction because they do not have the benefit.

Let us churn the economy by ensuring that those people who are without work who are looking for work because there are no jobs, still have the benefits to pay their mortgage and their rent and to buy the food.

Mr. Speaker, we are forcing this down the throats of the Members of Congress. I know we are better than this. This is not a good rule. We need to deliberate and work for a better economy for America because our economy is in shambles. I ask my colleagues to work together and vote against this.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I rise to suggest a caution flag as we rush towards this free lunch-approach to governmental fiscal policy. We cannot have a world-class military and defense, world-class health care, education, cities, and culture, and suggest that no one has to pay for it. And we talk about tax cuts today as if they are going to stimulate the economy tomorrow with some type of selective amnesia, because it was right here on this floor just 2 years ago that we passed the largest tax cut supposedly in the history of the country. And it did not stimulate our economy.

Let us just take a look for a minute at where we are.

□ 1400

We have moved from hundreds of billions of dollars of surpluses to now having hundreds of billions of dollars of deficits. We had millions of Americans who were working who are now unemployed; and, even today, the unemployment registration rate in our country has increased again. Consumer confidence is down. Housing starts are down. And every single indicator, in terms of economic health in our country, is troubling.

We have heard from the Chair of the Federal Reserve Board, Alan Greenspan, suggesting that this tax cut is very problematic in both the short term and the long term. He cautions the Congress that our combination of both spending and tax cuts risks the fiscal health of this Nation. And the Republican majority, I am sure, wants to say, well, we just need to get spending under control, as if the country should forget that they are in the majority, that they control spending both in the House and in the Senate, and they control the signature from the executive at the White House.

For so many years now we have been insisting on spending more on defense, we have been insisting on investing in a whole range of exotic weapons systems, and then we come to the floor and the majority offers us more and more tax cuts. The fiscal health of our country is in jeopardy. Future generations will have to pay. We should say to Americans, why do we not be mature, pay the bills as we go, rather than run the country into further deficit?

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this is a martial law rule, and that is appropriate because there are those in this House and in this country that think the role of all the representatives here is to march in a martial fashion behind the leadership of the majority leader, the gentleman from Texas (Mr. DELAY).

So it is appropriate they bring this rule out today, a gag rule, to gag those of us that do not share the views of the majority leader, who might have an amendment or an alternative way to address the problems that American families face. They deny us that right. They have assured there will be no substitutes considered on this floor. It is their way or the highway. It is a martial America that they are supporting and appropriate they bring this rule up to do it.

Their ideas are so narrow and so extreme that they cannot stand to have them debated and voted upon, not so much worrying about the Democrats but worrying that some members of their own party could not be held in line against solid alternatives to do something for the millions of Americans that lack jobs in this Bush economy; to do something about the millions of Americans who lack insurance in this Bush economy; to do something about the children who are denied the opportunity to fulfill their full potential because of teacher freezes, because there are textbooks that will not be renewed in Texas.

Meanwhile, the President tells us that he has to break his promise on the ''Leave No Child Behind'' Act. He has come up with a mere $9 billion, that is billion with a ''B,'' billion dollars. He breaks his promise in the short period

of time that he advanced a bipartisan proposal for education that we all came behind. Now he will break his promise and not fulfill the promise he made to the American people. Though we do not have the money for our children to get access to new textbooks, we do not have enough money for that, we do have enough money for more tax breaks for those at the top of the economic ladder.

The budget deficit puts a hole in the pocket of every American every day of their lives. It threatens the very foundation of our culture. We must seize and act upon this historic opportunity to solve this, the most pressing issue facing the country.

Those are not my words, though I find them rather eloquent. They are the words of Treasury Secretary John Snow in 1995 but forgotten by him now that he has a new job in the administration. No ''Snow job'' can hide this administration's Mt. Everest of debt. Mr. Snow got a new job and a new viewpoint at the same time millions of Americans were losing their jobs in this sorry economy.

A few weeks ago, the President announced a tax cut of the size that will be imposed on America tonight and said that it was just a ''little bitty'' tax cut. Well, Mr. Snow is coming the same week and asking us to raise the debt ceiling by billions of dollars. Is that a ''little bitty'' increase? No, they practically need an extension ladder over there at the Treasury Department because they cannot get the debt ceiling raised fast enough before they are back having to go up a little higher and raise it some more.

Of course, they turn to us and say, ''it is the people's money, give it back to them. It is their taxes.'' Well, it is the people's debt, too, and they are going to have a whole lot more of it. And not billions, but trillions, with a ''T,'' trillions of dollars in additional debt if this lame economic policy, this sorry tax break, one after another writeoff for the rich, is imposed on the children and the grandchildren of America.

This is a borrow and spend Republican Party, and that is why they have to have martial rules because they cannot permit Congress to consider alternative proposals. They cannot have full and fair debate. They need everybody to line up in a line and stand to borrow more from the people of this country. A "no" vote is a vote for fiscal responsibility that ensures our children will not be burdened by today's excesses.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman from Texas (Mr. FROST) for yielding me this time, and I rise in opposition to this martial rule, which essentially restricts debate. It does not permit the Democratic economic program to even be debated today.

Why not? What is the opposition afraid of? They have the votes on their side. Why not even allow us to talk about our program?

Here is why. I remember back to that old saying, if you fool me once, shame on you. If you fool me twice, shame on me. But if you fool me thrice, well, my gosh, it is just a sad and deadly shame.

If we think back to 1981, when Vice President DICK CHENEY was then a Member of this House and head of the Republican Policy Group, he was involved in the Republican tax program enacted back in 1981. We had the worst job washout in American history. I was elected in 1983. It took us 15 years to balance this budget and to bring employment up, with the election of Bill Clinton and 8 years of economic growth inside this economy. And it was not easy.

When this administration took over, they blew $1.3 billion in the first year and a half. Fifteen years of work flew out the window. Then with their tax bill that they passed back in 2001, what have we gotten in terms of employment? None. We have got the biggest job loss since World War II, over 3 million more jobs lost in this country. We have three people in this economy looking for every single job that is being created, and most of those jobs do not pay a living wage and they do not have health benefits.

So, fool me once, fool me twice, and now we have the third version that they are bringing up. This bill, what will it do? It is going to create more unemployment. It is no different than what was done back in 1981, no different than what was done back in 2001. Strike one, strike two, strike three. They ought to be out.

If we take a look at our country, we might ask ourselves the question: With 150,000 of our men and women, of our troops, now deployed in Afghanistan and Iraq, is it not amazing that what we do here at home under the Republican plan is reward the Wall Street brokers who just stole your 401(k) money? There is not a single American family that has not been affected. So we say to them, take more of our money. Take more of our money. The interesting thing about the Republican bill is that not a dime that is given to them has to be invested in the USA. We are going to have more job washout to China, to Mexico, and every single American community and worker knows what I am talking about.

So the Democratic plan provides a million jobs this year alone. It invests in the United States. It gives families security. It does not borrow against the Social Security trust funds, which is how they are covering their growing deficits, and it enacts responsible economic programs. That is what the Democratic bill does. It creates jobs this year, it does not add a penny to the deficit, and it preserves Social Security and Medicare, our Democratic legacy.

Fool me once, not me. Fool me twice, not me. Fool me thrice? How about you?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We are seeing a very clear difference in philosophy and opinion on the floor of the House today between the parties. It was said before by one of our friends on the other side of the aisle that when we cut taxes, when we reduce the burden of taxation on the American people, that that is an imposition. That was the word. We impose this. Congress, it was said, will impose a tax cut on the American people.

We believe that when we relieve the tax burden on the American people, that that is not an imposition on the American people. We believe it is their money in the first place, and we are relieving the tax burden on the American people. We are imposing less taxes from Washington.

So it is an interesting difference of opinion, and I think it is a fundamental difference of opinion. I think the American people are seeing it today. What we believe is that we should return as much as we can of the people's money to the people, and that they are best suited and know best how to spend their own money. So it is a fundamental difference.

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

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Yes, there is a difference between the two parties here. The other side would impose billions of dollars of debt on my 6-year-old granddaughter and my 3-year-old granddaughter and my 2-month-old granddaughter. I do not believe we should be doing that.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, the Bush recession continues, and this job killer bill ensures that it will continue to continue. It imposes additional deficits on our budget and additional debt on the American people. It imposes higher interest rates on the American people. It will impose upon our teachers and our firefighters layoffs at a time when we need more jobs in the economy, because it virtually ensures that we will provide only very limited and inadequate aid to our States and cities that are falling on hard times right now.

If we look at the details, we become aware that this bill, whatever the arguments that were made in favor of it, is nothing more than an effort to hand as much cash as possible to the Bush class. We are told that it is going to help investments, but when we look at the details, we discover otherwise. Three details: It is temporary, it provides aid to children with huge trust funds, and it provides equal encouragement to invest in foreign corporations as domestic corporations.

At least that is what I am told orally about a bill that, in theory, has not been written yet but in fact is out in the press now.

What about it being temporary? The idea was that we were not just going to give a windfall to people who had already invested in stocks but that we were going to encourage people to invest more. Well, wait a minute. Municipal bonds are a nice investment for tax-free income. But who would buy a municipal bond today if 5 years from now all the income was going to be subject to tax? Nobody is going to invest in stocks long term because of a short-term window in which the dividends are tax free. Sure, if they already own the stock, they will enjoy not paying taxes.

Second, I am told that these same benefits are available to investments in foreign corporations. So if you invest in the Chinese people's low-wage corporation, you pay no American tax at the corporate level, of course, and no American tax at the domestic level, or a very low tax.

Finally, if you transfer half a million bucks worth of Rolls Royce stock to your 14-year-old daughter, in a couple of years she will be eligible to receive the dividends on that stock virtually tax free and then go out and buy a Rolls Royce with the dividend income. This is the Rolls Royce Investment Act, or I like to call it the Rolls Royce for Buffy Act.

□ 1415

The Bush recession continues, and this bill is carefully crafted to make sure it continues.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, we have heard a lot of talk, and my colleagues on my side of the aisle have suggested that we are traveling down a course we traveled before from 2 years ago when we were promised that a tax bill would create millions of new jobs and new opportunities for people. In fact, it did not.

Some will say there are reasons for that. The President will say, as he has said in speech after speech, that this country was attacked. We were. Our Nation responded with great resolve, determination, courage and charity; and our military has responded with unprecedented swiftness and effectiveness. Yet we in Congress have failed the American people, and the President has, in large part, as well. Instead of tailoring and adjusting a plan to conform to the realities of the day, we continue to offer the same rhetoric and the same plan that we offered when things were good, when things were bad, when things were really bad, and now at a time when things are compounded.

Some of my colleagues have come to the floor to detail the challenges that their States face. My colleague on the other side of the aisle, whom I have great respect for, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), comes from a State which is running a big deficit. The President's brother is the Governor of that State. My Governor is faced with a $500 million shortfall. Things are so bad in some States that they are releasing prisoners early to help meet or to close budget shortfalls. Something is wrong here in Congress and wrong with us in government when we pretend that these issues are either not ours to confront or not of our making, or somehow our ideas are the only and best ideas.

We could probably come up with a number of ways to stimulate the economy, a number of tax cuts to stimulate the economy. I have heard some say this dividend tax is unfair. The Tax Code is polluted with areas that unfair; inequities litter it. We should prioritize if we are going to clean up and undo some of the unfairness of the Tax Code.

It would seem to me the best thing we can do is to help our States. The President reluctantly agreed to include a $20 billion package. I applaud him on that front. If anything, we should provide more for the States. Not only do we help governors avoid doing the two worse things during an economic downturn, which are to cut services and/or raise taxes, we also help them create more jobs because as you cut State programs, more and more people are laid off.

Those of us from rural areas understand the importance of rural hospitals and rural health care. When you close hospitals, not only do you compromise care, you cause a decline in the job market in those areas as well. I can only say to my friends, and there are those who have come to the floor and have talked about marching orders and even rubber-stamping, and there is great truth and great humor in a lot of the things that they have said. It is my hope that my friends on the other side of the aisle will pay some attention to what we are saying. We understand that they have the votes to ram things down and do what they choose to do. But remember, all of us represent people and all of us have to go home and explain to our Governors, to our mayors, and, more importantly, to our bosses whom we call constituents why we have not done more to assist cities and States, and for that matter the private sector, in creating more and more jobs.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been hearing some interesting arguments today. I thought it was very interesting that one of our colleagues on the other side of the aisle said that by virtue of the fact that the tax cut is set to expire, or parts of it at the end of the year 2008, that that will diminish the incentive for people to invest in the stock market and have the stock market thus increase and contribute to economic growth.

But what was failed to be pointed out is that the opponents of the tax cut have so diligently fought the tax cut that they were able to reduce the amount of the tax cut for the American people, the reduction of taxes for the American people; and thus that portion will expire previously before we would have wanted it to have expired. I do not think it is logical to be able to say I am going to fight the tax cut. You reduce it, and then they say since it expires sooner than it was meant to, then its effectiveness is to be questioned. Wait a minute, do you want the tax cut or do you not want the tax cut?

In a sense I thought that was somewhat incoherent, that argument; but of course there is a right to make any argument in this wonderful body.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Tennessee.

Mr. FORD. If my reading is correct, and I have not been a part of any of the meetings, it appeared to me that one of the reasons that the tax cut was reduced from $726 billion to $550 billion to $350 billion was because there was disagreement in the gentleman's own party between the two bodies, between the House and Senate.

Mr. LINCOLN DIAZ-BALART of Florida. That is correct.

Mr. FORD. So we bear some of the responsibility, but some on the other side of the aisle also bear some of the responsibility.

Mr. LINCOLN DIAZ-BALART of Florida. Yes, there is no doubt about that. But what I was pointing to was that the argument was made that the incentive to invest in the stock market is reduced by virtue of the fact that that tax cut, that tax incentive, is sunsetted.

What I am saying is it is people who oppose the tax cut, from whatever party, and the argument was made against the effectiveness of the tax cut with regard to the dividends part by my distinguished colleague who is a Democrat. I was pointing out that I think it is inconsistent to want to have it both ways and then to say it sunsets, so it is not effective. I thought there was an inconsistency there, and some incoherence.

Mr. FORD. Fair enough.

Mr. LINCOLN DIAZ-BALART of Florida. But the gentleman is right, there are Republicans in the other body that are responsible for reducing the effectiveness of what we are talking about. But what we strongly believe and what we want to do, and we are doing it to the best of our ability, is to reduce the tax burden on the American people.

The gentleman from Texas (Mr. FROST) pointed out previously that the debt burden may be increased. We want to reduce the debt burden by incentivizing economic growth which will not only create jobs now, but also lessen the debt burden in the future.

That is what I was pointing out with regard to the point on the effectiveness of the dividend part. If you are against the tax cut, but then say it sunsets, so it is not effective, I thought that was an incoherent argument.

Mr. FORD. If the gentleman would continue to yield, with regard to the efforts the Congress made on behalf of the airline industry right after September 11 and not long ago in the war supplemental, which I thought was the right thing to do and I support it, does it not make sense also, because part of the argument on this side, and I think from some in the other body, to provide greater resources to States that are having to lay nurses and teachers off? And I could go on with our rhetoric, and the other side has rhetoric; but the reality is State governments are forced to make some bad decisions largely because the Governors cannot borrow money, and we can. I am just curious, the $20 billion that was added on the Senate side, is that something that the other side would be supportive of? That was not included in the House bill.

Mr. LINCOLN DIAZ-BALART of Florida. I am not sure if it is. What we are doing with this rule is making possible for us to have that debate today, and obviously the people who have been involved in the negotiations will explain the details of what they ultimately end up with. We are trying to have that debate today, and that is why we have this rule.

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

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

The reasoning on the other side is very curious. I do recall in 2001 when they were promoting the first tax cut, the reason they gave for the tax cut was, oh, we have a surplus. Now we have this surplus, we need a tax cut so we can give that money back. Now we are in 2003 and we have a deficit, so we have to have a tax cut. Which one was it? It cannot be both. It cannot be we had a surplus, so we should have a tax cut; we have a deficit, so we should have a tax cut.

I find their logic very curious. Everyone would like a tax cut. The American public obviously would like to pay less in taxes; and certainly we could have made the argument for a tax cut in 2001, perhaps not as large as they did, but we certainly could have made a valid argument: we are running a surplus; we do not need all of this money. Some of us felt like the tax cut was so large it was going to plunge us into a deficit, and that is what has happened.

But it is hard to make the argument that now we are in a deficit, let us drive this country deeper into a deficit.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. My amendment will allow the House to consider H.R. 2046, introduced by the gentleman from New York (Mr. RANGEL), the Democratic Rebuilding America Through Job Creation plan.

I guess I can understand why the Republicans are rushing through what they are claiming is a conference process to come up with a so-called economic growth bill. Every hour the American people have to see what the Republicans are up to, the less they will like it. It is a proposal that hurts American families, it hurts the American economy, and just digs the deficit hole deeper.

In stark contrast to the conference agreement we will soon see here on the floor, the Democratic plan helps all Americans, not just the rich; and it helps the economy immediately. It provides middle-class tax cuts to stimulate demand; it gives tax incentives to all businesses, especially small businesses and U.S. manufacturing businesses; and unlike the Republican proposal, it is fiscally responsible.

Yes, if I were a Republican, I might not want to have to explain a vote against the Democratic Rebuilding America Through Job Creation plan. But guess what, that is not a good enough reason to deny Members a chance to debate and vote on this measure. It is a terrible disservice to the American people if we let our fear of criticism prevent a vote on this very effective and responsible plan.

Let me make it very clear that a ''no'' vote on the previous question will not stop consideration of the conference agreement. A ''no'' vote will allow the House to consider the Democratic job creation plan as a separate bill. However, a ''yes'' vote on the previous question will prevent the House from taking up this responsible alternative. Make no mistake, this vote is the only opportunity the House will have to consider the Rangel plan. I urge a ''no'' vote on the previous question.

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

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

There was no objection.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we believe it is very important to be able to get to this debate. We need to pass this rule, and then we will debate this matter further. It is obviously a fundamental matter. We believe that we need to do everything that we can to incentivize economic growth and job creation. That is why we are bringing this matter to the floor today.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 249 WAVING ⅔ CONSIDERATION FOR CONFERENCE REPORT ON H. RES. 2

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

''SEC. . Immediately after disposition of the resolution 249, it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2046) to amend the Internal Revenue Code of 1986 to rebuild America through job creation. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except:

(1) one hour of debate equally divided and controlled by the Chairman and ranking Minority Member of the Committee on the Ways and Means; and

(2) on motion to recommit with or without instructions.''

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on adoption of the resolution.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 202, not voting 11, as follows:

[Roll No. 211]

YEAS—221

Aderholt	Cubin	Hensarling
Akin	Culberson	Herger
Bachus	Davis, Jo Ann	Hobson
Baker	Davis, Tom	Hoekstra
Ballenger	Deal (GA)	Hostettler
Barrett (SC)	DeLay	Houghton
Bartlett (MD)	DeMint	Hulshof
Barton (TX)	Diaz-Balart, L.	Hunter
Bass	Diaz-Balart, M.	Isakson
Beauprez	Doolittle	Issa
Bereuter	Dreier	Istook
Biggert	Duncan	Janklow
Bilirakis	Dunn	Jenkins
Bishop (UT)	Ehlers	Johnson (CT)
Blackburn	Emerson	Johnson (IL)
Blunt	English	Johnson, Sam
Boehlert	Everett	Jones (NC)
Boehner	Feeney	Keller
Bonner	Ferguson	Kelly
Bono	Flake	Kennedy (MN)
Boozman	Fletcher	King (IA)
Bradley (NH)	Forbes	King (NY)
Brady (TX)	Fossella	Kingston
Brown (SC)	Franks (AZ)	Kirk
Brown-Waite, Ginny	Frelinghuysen	Kline
Burgess	Gallegly	Knollenberg
Burns	Garrett (NJ)	Kolbe
Burr	Gerlach	LaHood
Burton (IN)	Gibbons	Latham
Buyer	Gilchrest	LaTourette
Calvert	Gillmor	Leach
Camp	Gingrey	Lewis (CA)
Cannon	Goode	Lewis (KY)
Cantor	Goodlatte	Linder
Capito	Goss	LoBiondo
Carter	Granger	Lucas (OK)
Castle	Graves	Manzullo
Chabot	Green (WI)	Marshall
Chocola	Greenwood	McCotter
Coble	Gutknecht	McCrery
Cole	Harris	McHugh
Collins	Hart	McInnis
Cox	Hastings (WA)	McKeon
Crane	Hayes	Mica
Crenshaw	Hayworth	Miller (FL)
	Hefley	Miller (MI)

Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
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 (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

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
Hall
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
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
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

NOT VOTING—11

Bonilla
Combest
Cunningham
Foley
Gephardt
Hyde
Kennedy (RI)
Lewis (GA)
Oxley
Quinn
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1448

Mr. GUTIERREZ changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 218, noes 202, not voting 14, as follows:

[Roll No. 212]

AYES—218

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
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
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
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)

NOES—202

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
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
Hall
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
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
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

NOT VOTING—14

Bilirakis
Bonilla
Brown-Waite, Ginny
Combest
Cunningham
DeGette
Foley
Gephardt
Hunter
Hyde
Lewis (GA)
Nadler
Oxley
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they

have less than 2 minutes remaining in this vote.

□ 1455

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 212, I was attending the burial of a leading veteran from my district at Arlington National Cemetery. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 2185, UNEMPLOYMENT COMPENSATION AMENDMENTS OF 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 248

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2185) to extend the Temporary Extended Unemployment Compensation Act of 2002. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 248 is a closed rule, providing for the consideration of H.R. 2185, an extension of the Federal Temporary Extended Unemployment Compensation Program. The rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule also provides one motion to recommit, with or without instructions. This is a fair rule and one that will expedite the debate of this important extension so that we can provide needed economic security to the unemployed.

H.R. 2185 will provide for a 13-week extension of benefits for the unemployed. This legislation once again provides a total of 26 weeks of benefits to those in designated "high unemployment" States.

The extension of benefits under the Federal Temporary Extended Unemployment Compensation Program is set to have expired at the end of this month. I am pleased to bring this rule to the floor as this House responds to those who are without work. With passage of this bill, we ensure there is no break in essential benefits to families across the country.

H.R. 2185 provides over $7 billion in extended Federal unemployment benefits in addition to the $16 billion that this Congress has previously approved for both State and Federal unemployment. With the original legislation in March of 2002 and the first extension in January of this year, Congress has succeeded in assuring those families in need will have the funds precisely to put food on the table and pay for child care so that they can focus on becoming employed once again. In fact, this extension will help 2.5 million people in addition to the 5 million that have been helped through previous extensions.

I would like to highlight the previous work by this body to not only provide Federal unemployment benefits but also $8 billion to the individual States for use in their individual unemployment programs.

□ 1500

I would like to thank the gentleman from California (Chairman THOMAS) for his leadership and the gentlewoman from Washington (Ms. DUNN) for sponsoring this important legislation. H.R. 2185 is important legislation, important to the continued economic health of families in all of the 50 States.

Mr. Speaker, hopefully this should be a bipartisan effort to provide benefits to the unemployed, and this rule allows this Chamber to consider it and consider it today. Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to the rule. Once again, the Republican leadership is turning its back on working Americans. Last night, President Bush told over 7,500 wealthy Republican donors that this is a strong and compassionate country.

Mr. Speaker, this economy is anything but strong, and this leadership is anything but compassionate. I am sure the people in that crowd, the crowd that raised $22 million for the Republican Party, cheered and clapped their hands every time somebody mentioned the Republican tax bill, or, as some have called it, the "No Millionaire Left Behind Bill." But what about the rest of the country? What about the people struggling to find work? They do not have as much to cheer about.

Let us look at the facts: over 2.7 million jobs have been lost since President Bush took office in 2001; long-term unemployment is at a 30-year high; the average length of unemployment is the highest since 1984; the economy has lost 500,000 jobs in the last 3 months; there are currently three unemployed workers competing for every available job.

Mr. Speaker, people are out of work, and they need help. The Republican leadership's solution is to be dragged, kicking and screaming, into doing the absolute minimum. Their proposal will continue to leave over 1 million unemployed workers in the cold.

We have seen this rerun before. The Republican leadership voluntarily let unemployment insurance expire last December, forcing millions of Americans to worry about how they would provide for their families during and after the holidays. Two weeks later they proposed a plan that denied 1 million people unemployment insurance.

That is compassionate? These unemployed Americans are not deadbeats. They are our neighbors, friends, and relatives. They do not want a handout, they want a job, but they need help while they search for a job.

It is well established that unemployment insurance provides a better stimulus than dividend tax cuts. In fact, we will see a $1.73 return for every dollar invested in unemployed Americans. As an investment tool, expanding unemployment insurance is good policy, but it is also the morally right thing to do. Unemployment insurance is a safety net for American workers who lose their jobs through no fault of their own, and we have a moral responsibility to not let these workers down.

Now, before this current economic crisis, no Congress had ever extended unemployment insurance without including workers who already exhausted their Federal unemployment. But for the second time this year, the Republican leadership lets these workers down by cutting out the unemployed who have already exhausted their coverage.

This leadership should be ashamed of themselves for this disingenuous and insufficient bill. But they are not.

The unemployed deserve better until the job market improves, and the ranking member of the Committee on Ways and Means has a bill to do just that. His bill would provide unemployment insurance for workers who are currently unemployed and are exhausting their coverage, and I support that plan.

But the Republican leadership has once again tossed aside the democratic process by denying the House the right to debate and vote on the proposed substitute offered by the gentleman from New York (Mr. RANGEL). At the end of this debate, I will move the previous question; and if defeated, I will offer an amendment to make the Rangel substitute in order.

The only reason I can think of to deny the Rangel substitute is that the

Republican leadership is terrified that it might actually pass. It is the same reason we were not allowed to vote on the amendment offered by the gentleman from Tennessee (Mr. COOPER) and the gentleman from Maryland (Mr. VAN HOLLEN) on worker rights at the Pentagon.

Instead of fostering the free and open debate that the American people deserve on these issues, we are once again forced into this unfair, closed procedure. In the long run the democratic process will suffer, but today it is the unemployed workers of America who are hurt by the actions of this leadership.

I urge my colleagues to join me in defeating the previous question, and, if that effort fails, voting ''no'' on the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to reiterate and make clear that the legislation before us that we are bringing to the floor with this rule will provide for a 13-week extension of unemployment benefits in the Nation, and the legislation once again provides a total of 26 weeks of benefits to those in designated high-unemployment States.

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

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

Mr. Speaker, I remind the gentleman that his proposal still leaves 1 million American workers out in the cold.

Mr. Speaker, I yield 2¼ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes when a President flies somewhere, part of his trip is charged to his party's political committee because the trip is partly governmental and partly political.

The expenses for running the House for the next hour ought to be charged to the Republican Congressional Campaign Committee, because the purpose of this rule and of other rules we have seen so far is incumbent protection for the Republican Party.

What they have done is to shut down democracy within the House. It is democratic in the sense that you get elected to get here, but then it becomes authoritarian. There will be no free speech, there will be no chance to consider tough issues. Why? Not simply because we do not have enough time. We do not work very much around here. We do this to protect Republican incumbents from having to vote on difficult issues.

The purpose of the Committee on Rules is to make sure that Republicans can follow an extremely conservative leadership and do things that would be unpopular and then pretend that they had no choice. How does that happen? They vote for rules which prevent them from voting on these issues. They then go in a great act of fakery to their constituents and say, Gee, I would have been with you, but I did not get a chance to vote on that issue, having themselves voted on the procedure which kept the issue off the floor. We cannot vote on important issues in the defense bill; we cannot vote on an alternative unemployment compensation.

It is a conscious and deliberate pattern, and it is particularly to accommodate that extraordinary breed known as the ''moderate Republican.'' They specialize in razzle-dazzle. They specialize in being loyal executors of extreme right-wing policies, but in a way that allows them to go home and disclaim any responsibility for what they were doing. It would not be plausible to claim they were drunk for an entire session. That is usually the way people explain that sort of thing.

So what they do is to vote for rules, procedures that keep controversial issues off the floor, so they can then go and mislead their constituents by saying that they would have supported their position, but they did not have a chance to do it.

It is a self-inflicted constraint. It is the reverse Houdini. Houdini used to have people tie him in knots, and he would go before the people and untie the knots. What moderate Republicans do is the reverse Houdini. The moderate Republicans tie themselves in knots, and then they go before the voters and say, Gee, I'm sorry I couldn't help you, but I was all tied up in knots.

Let us vote against this rule and put an end to the most fundamental, political and intellectual dishonesty.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is wonderful to see the imagination on the other side of the aisle. In case somebody is watching this debate or listening to it, I would like to get us back to what we are debating.

H.R. 2185 will provide for a 13-week extension of benefits for the unemployed in the United States, and the legislation once again provides a total of 26 weeks of benefits to those in designated high-unemployment States.

I recall the debate we had last week when the ''theme du jour'' was that these unemployment benefits were going to expire before the end of May. Well, we are acting today so that they will not expire, and there will be another 13 weeks of benefits, plus 26 weeks in the high-unemployment States that are designated as such.

So that is what is before us today. It is an important piece of legislation. That is why I will continue to urge my colleagues to support both the rule and the underlying legislation.

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

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

Mr. Speaker, again I remind those watching that under their bill, 1 million American workers will be left in the cold with no benefits.

Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, this is quite a day in the life of Congress. We are going to pass a $350 billion tax cut, 75 percent of which goes to the wealthiest 5 percent of the households in this country. We are going to authorize the Federal Government to borrow almost an additional $1 trillion. The day of the big tax cut is the day we vote the largest extension of borrowing authority to this country, in light of the red ink we will run, ever enacted.

So, in the middle of all of this, it appeared certain that nothing would be done to address the fate of our unemployed workers. Only in the last few hours has this plan emerged; and we are glad it has, as far as it goes. Certainly something needed to be done, because the economic performance of the country has been abysmal: 2.7 million private sector jobs lost over the last 2 years, an extraordinary decrease; 3.4 unemployed workers for every single job opening.

Now, under this circumstance, people try to find work, but they cannot find work, so their unemployment benefits run out.

I am going to ask for a ''no'' vote on this rule, however, because the proposal brought before us has a fatal flaw. It only extends benefits if your benefits have not lapsed. If you were unfortunate enough to lose your job, been on the job market, pounding the shoe leather, sending out resumes, looking everywhere for employment, but have not found employment before your unemployment benefits lapsed, guess what? You will not get any extension, you will not get any relief, under the measure brought before the House.

Now, we have an amendment to offer to cure this fatal flaw of the majority proposal so that people whose benefits have lapsed also get some help. Lord knows they need it. But we are not allowed to offer that amendment.

What could be more ridiculous? We will extend benefits if you have not lapsed yet; but if you have lapsed, you get no help whatsoever. Well, you think, that must have been inadvertent somehow. Let us fix that.

They will not let us fix that with an amendment. That is why the rule is unfair. That is why the response is inadequate. Vote ''no'' on the rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, last week Democrats tried to get a vote on extending unemployment benefits three times on the floor of this House. Each time the Republican majority said no. So we are happy that the Republican leadership has finally agreed to consider this very important issue. However, we are concerned that the bill being brought to the floor today will exclude more than 1 million unemployed workers.

The legislation filed with the Committee on Rules last night extends unemployment benefits only for those exhausting their regular unemployment compensation. It does nothing for those who have exhausted their Federal unemployment, 13 weeks.

This is certainly an important step in the right direction. However, the Republican bill does not provide any assistance for those workers who have already run out of their 13 weeks of extended benefits. More than 1 million Americans now fall into this category.

Given that we are in the longest period of negative job growth since the Great Depression, I cannot understand why we would want to deny unemployment benefits to Americans suffering from long-term unemployment.

As my friend from North Dakota pointed out, for every person who is unemployed, there are three people looking for a job, for every job available. These individuals are looking for jobs that simply cannot be found.

We recently had a report that came back that showed there are 70 percent more workers who have exhausted their Federal benefits during this recession than during the 1990s; yet in the 1990s we extended the number of weeks beyond what we are extending in this legislation.

Without unemployment compensation, how are these families going to pay their rent or mortgage? Last month, Mr. Speaker, one of these long-term unemployed workers came and testified before the Committee on Ways and Means. His name was Joe Bergmann. Over the last year and a half, Joe has sent out 2,000 resumes, searched 32 job sites on the Internet, and has taken extra training classes; but he still is unable to find a job. Joe has worked his entire adult life, but is now having a hard time in an economy that has lost 2.7 million jobs.

Mr. Speaker, I urge my colleagues to reject the previous question so that we can extend unemployment benefits for every worker that has lost their job during this very difficult economy. It is the right thing to do, to extend the benefits to all who need the help.

We have the money in the Federal unemployment trust funds; $21 billion is in those funds. It will adequately cover not only the extension of the 13 weeks, but the extra benefits for those who have exhausted their Federal unemployment compensation benefits.

□ 1515

We have the money. By defeating the previous question, we can have the right legislative solution. We can do it before we adjourn.

I urge my colleagues to reject the previous question.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, they say a half a loaf is better than none. This is a half a loaf. It will help one million workers who have been left out or threatened to be left out in the cold. But there are actually more than one million people who have been out of work or will be out of work for longer than the 9 months who are going to be just given the cold shoulder by what the Republicans are doing here today.

They refuse to give us the chance to provide some benefits for those who have been looking for work but have been out of work for more than 9 months. It is ironic, those out of work the longest get the cold shoulder from the Republicans.

Mr. Speaker, it was just a few days ago that the gentleman from Texas (Mr. DELAY) said, ''I think it is a stretch to say that we are at a crisis point.'' So there was no action on unemployment comp. I guess Mr. Rove called up and said, politically, you had better cover your base. So here we are today. But covering a political base is not going to help close to two million people who have either exhausted their benefits or will soon do that altogether.

I was looking at the data, and it is really sad. They talk, the gentlemen from the Committee on Rules, about the States that have triggered in to extended benefits beyond the 39. That is only six States. The majority of workers in the majority of States are also left out in the cold.

By the way, it is not only their needs, it is the need of the country. When we provide unemployment comp benefits, we provide money into the economy to grow the GDP, because people who are unemployed tend to spend the money they receive through benefits.

So what are they afraid of? Why do they not let us bring before the floor the second half of that loaf? What are they afraid of? Answer that question. Why not give us a chance to bring it up? Why a rule that turns the cold shoulder in the end to two million Americans? I would be glad to have an answer.

Instead, the Republicans sit silently. They say there is no crisis and, at the last minute, act. I urge that we reject the rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. A few minutes ago, Mr. Speaker, I came out and talked about this being a rubber stamp Congress. We now have a perfect example.

We brought up in the Committee on Ways and Means at least three or four times, the gentleman from Maryland (Mr. CARDIN) did, the issue of unemployment. The chairman said, whoa, we cannot do anything about that. We cannot do anything about that. The person who sponsors the bill today voted no against it in the committee again and again and again.

Then we come out here on the floor and they say, oh, no, we cannot vote for unemployment.

Then they must have done a poll and the poll must have come back real bad, because we have a bill here that we are going to vote on what about 90 percent of the people in this House will have never even seen. They will not know what it says here. It was filed on May 21. Would that be yesterday?

This has not had any hearings, no testimony from anybody to come in and talk about this issue, and we run it out here and we put it under martial law and we run it through the House. If that is not a rubber stamp for the White House, I do not know what is.

They have Mr. Rove down there. He gins up all kinds of destruction in Colorado and Texas. He also runs what happens on this floor. The junta up in the leadership office, that junta says, Mr. THOMAS, you cannot handle this. We will send it straight to Rules. You are not smart enough to get a bill out or handle any kind of discussion about what is going on.

It is an absolute destruction of the process. They ought to allow us to have amendments to fix this. We heard from the gentleman from Michigan (Mr. LEVIN) that there are problems. There are one million people who are not covered by this.

Even Mr. Greenspan says that probably people who are not getting jobs now are not doing it because they like being on unemployment. They cannot find work. Why would we leave $20 billion in the unemployment fund put there by these very people? Why would we not give it to them during this period? It is because the rubber stamp at the White House has come out, boom, this is what we are doing. And our leadership on the other side, they get all in line and say, folks, this is what we are doing.

Here, the gentlewoman from Washington (Ms. DUNN), put this bill in. They put it in last night. They have a Committee on Rules meeting at 11 o'clock after they have a $22 million fundraiser. They all troop back in and say, great, now let us get things ready for tomorrow. This is what we get. Maybe we will be here tomorrow doing more rubber stamp stuff. We are going to do unemployment and this tax bill so they can go home and say they have handled unemployment.

I come from a State with the highest unemployment in the country. When that happened before, we had people who were defeated who voted against it, so they remembered. Now we must come with this bill, so rubber stamp it. ''Get ready, guys. Bring your rubber stamps from the office when you come over.''

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

Ms. SOLIS. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise, Mr. Speaker, and I am also happy to see that our colleagues on the other side of the aisle have finally agreed to consider an extension of unemployment compensation. It is about time.

But Mr. Speaker, it is only half a loaf. It is a bill that is much needed to help 2.7 million Americans that have lost their jobs, but it does not go far enough. I am again disappointed that my colleagues on the other side of the aisle refuse to allow us the opportunity to improve upon that bill.

I say that very genuinely because in my own State of California over 351,000 workers have lost their jobs since President Bush took office. I know this because in my own district I represent a portion of Los Angeles County, East Los Angeles. The cities of El Monte and Azusa have had upwards of 10 percent unemployment for over 2 years.

Where is the relief for our communities? Where is the relief for people wanting to earn good money and good-paying jobs? Even that tax cut that we are going to be voting on that some of them are supporting is not even going to provide any relief to those workers.

I ask Members to please allow our party, our side of the aisle, to amend the bill and promote goodwill for those millions of workers and the chronically underemployed Latinos, disadvantaged folks, that have been waiting for something to happen here in the House of Representatives. I am ashamed to go home and not provide relief for those more than one million workers and a large number that I represent in California.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding time to me.

I do not doubt for a minute that the Republicans would have been perfectly happy, probably preferred, to go home for a week letting unemployment benefits expire; give tax cuts to the rich today, that is the number one priority, $350 billion, most of which goes to the richest Americans, and zip to the unemployed. Actually, they did it at Christmastime, right before Christmas, let those benefits expire.

But after the Democrats pushed and pushed, and maybe there was some polling done, they decided to not only do something for the Bush class but to do something for the middle class and for the unemployed workers, $5 billion compared to $350 billion. Okay, we are grateful for that.

But over a $100,000 tax cut to Secretary of the Treasury Snow and still zero dollars for the more than one million workers who are still out of work, 53,000 in Illinois. Some over on the other side of the aisle have fretted about, oh, unemployment benefits, they just encourage people to stay home and not look for a job. How dare they? These people want a job, and this administration and its economic plan has been nothing but a job-killer, a job-killer. We have seen the loss of over 2.5 million jobs since this President has come in. The economy is going down.

These people want to work. People in my own family who have been laid off, they want nothing more than a good job. These people do not want unemployment insurance benefits. They want a job. But at the very least, we should be making sure that all those people who play by the rules, are looking for a job every day, get something.

On this floor of this House we should be able to debate alternatives. We are just cut off. Why? Because our alternative is better. It addresses the need for the American people, and that is exactly what the Republicans do not want to hear. They do not want to give anyone a chance to vote on our better plan. We should be voting no on the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 6 minutes to my colleague and friend, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding time to me. I apologize for my voice, which I am unfortunately losing. But before I lose my voice, I think it is important that someone respond to the rhetoric we have heard from the other side of the aisle.

Once again, the other side of the aisle offers the American people their solution for the economy. That is unlimited unemployment benefits. I think Republicans are compassionate people, and we are taking care of those who have lost their jobs. The other side of the aisle, their solution has been increased taxation, increased regulation, increased litigation. Unfortunately, from the other side of the aisle, my friends and colleagues, they do not have a clue, a clue as to how we create jobs in business.

I have $20 here. If I send this $20 to Washington, I do not have $20 to spend, I do not have $20 to invest.

□ 1530

It takes capital. I do not think they have a clue as to basic free enterprise or business investment tenets. People have to have money in their pockets. They want to put more money in Washington. They want them to rely on the government for unemployment benefits. If you want to stimulate business, well, first of all, most of them should go out and try to start a business. When you have increased taxation and you send more money to Washington, you have fewer people to invest in that business. A basic tenet. When you send more money to Washington, you have less money to spend, and it hurts the poor the most because they have the least amount of money, and you cannot start a business. When you have increased regulation, which they have spent 30 and 40 years piling regulations on the business man and woman, it is impossible to start a business.

Would you start a business? I cannot tell you how happy I am to be out of a business because of government regulation, taxation, and then finally litigation, the protectors of litigation. So we become the most lawsuit-happy land in the world. And we drive businesses overseas because of taxation, because of regulation, and because of litigation.

Would you want to get into business in the United States of America today with the opportunity to be sued at every corner? Small business people, the largest employer in this country, by far the largest employer, they are backing off of providing health insurance benefits. We have more people without health insurance benefits. Why? Because the other side blocks litigation reform and they have gone crazy with lawsuits. And a few people are benefiting and the rest of us are paying. People who can least afford it are not having health care coverage; small business operators are unable to provide health care coverage.

So that is their plan, increased taxation, increased litigation, increased government regulation. And then finally, here they offer their grand plan, unlimited unemployment extension. No one has come up to me and said, I want unlimited unemployment benefits from the Federal Government. I want a job. I want an opportunity to share in the American Dream. I want health care coverage. I do not want more suits, more money to go to Washington, less control of my life, less control of my money.

I have heard it, and I think we have all heard it. The song and dance from the other side just does not work, will not work. Even the former Soviet Union tried a full government plan. It did not work. So now we have a choice. We will have a tax and economic package before us that puts more money in the hands of the American people. It gives them an opportunity. It gives people an opportunity for a job, not just for an extension of unemployment benefits.

The Republicans are compassionate. They have provided for both an extension of unemployment benefits but also for hope and opportunity and for an America we all want for the future.

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

I would say to the gentleman that what we want is help for unemployed workers, and your plan leaves a million workers out in the cold, and that is not the least bit compassionate.

Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I just have to express my dismay at the anti-American diatribe we have just heard. I am sorry to hear this defeatist attitude about the American economy. The American economy continues to be a vibrant one overall, and to have it so thoroughly denigrated and to be told that no one ought to want to go into business in America is a shockingly anti-American approach.

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

Ms. LOFGREN. Mr. Speaker, this rule should be rejected because the bill is unfair.

Under this bill, thousands of jobless Californians will get an additional 13 weeks of unemployment instead of the 26 weeks that other States will get because California is not considered a high-unemployment State.

Well, tell that to the people of Santa Clara County. An editorial in today's San Jose Mercury News lays out the facts. Since President Bush took office in January of 2001, 2.6 million jobs have vanished in America, 239,000 of them in Santa Clara County gone.

We have had a 42 percent decrease in venture capital. The unemployment rate in San Jose is now a whopping 8.5 percent, and San Jose has lost nearly 16 percent of its jobs. Yet this bill does not treat Santa Clara County as a high-unemployment area, even though my county has more population than many States, including North and South Dakota, Montana, Wyoming, Delaware and many others to name just a few.

This rule does not even let us debate whether a 26-week extension is appropriate, not just for the 6 States the Republicans consider to be high unemployment, but for cities like San Jose who are well above the national unemployment rate. I hear and get e-mails from people all the time, qualified, educated people who have been laid off, who send out thousands of resumes and cannot even get an interview, people who have run through their savings, who have refinanced their house, and who have run through that, whose unemployment is running off and the layoffs are continuing.

My friends on the other side of the aisle do not get it. It is not a recession in Silicon Valley right now. It is a depression. A 26-week extension is justified, and I wish we had a chance to debate that. I urge my colleagues to reject this rule so that we will.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

I will admit that my number one economic priority is not the extension of unemployment benefits. My number one economic priority is to create jobs and to put into place the kinds of mechanisms that we can to encourage job creation and economic growth.

My very good friend from Santa Clara County who just talked about what she described as a depression in the Silicon Valley and I will be offering an amendment later this afternoon which will, I believe, play a role in creating the kind of jobs in the Silicon Valley which are so important to improving the quality of life not only for people in that part of our country, but throughout the rest of the Nation.

I also believe that as we look at the jobs and economic growth package which we are going to be considering, it is geared towards job creation and economic growth. Now, having said that, I will acknowledge Chairman Greenspan is absolutely right when he says that there are a lot of people out there who through no fault of their own have been victimized by this downturn which, by the way, began during the last two quarters of 2000.

Now my friend, the gentlewoman from California (Ms. LOFGREN), just described the job loss since President Bush took office; but virtually every economist has acknowledged that the downturn began during the last two quarters. We also know, and I do not need to remind my colleagues again, that we have suffered greatly over the past couple of years through the tragedy of September 11, and we are just emerging from a war with Iraq, and we are still in the midst of this very costly war on terrorism.

We are working together in a bipartisan way to deal with these issues; but quite frankly, they have played a role in creating the economic downturn. And that is why we as Republicans are proud to step up to the plate and deal with the extension of unemployment benefits.

I know that there are parts of States as have been described by the gentlewoman from California (Ms. LOFGREN) that are suffering more than other parts of States and the overall level is not as high as it is in other States that will, in fact, end up receiving a 26-week extension. But I believe that our dealing with this question before we get to the expiration is the right thing for us to do. Let us move ahead. This will be a problem that we will continue to address as we face it. But I hope and pray that passage of the Dreier-Lofgren amendment this afternoon, that passage of the jobs and growth package that we have will deal with the challenges that we have. And so I encourage my colleagues to provide support for this measure.

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

I would just respond that under this limited bill over 150,000 workers in California will be left out in the cold and close to 60,000 workers in Florida will not get their benefits.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I rise to oppose this rule.

The underlying bill does very little for those working Americans whose benefits have run out. In my home town of Chicago unemployment is up to 6.7 percent. My State of Illinois has lost 17,400 jobs in the last month alone. We have lost in this economy 2.75 million jobs, 2 million manufacturing jobs. Two weeks from today, on June 6, the new unemployment figures will come out; and we will get close to, as indications are now, losing 3 million jobs. Since the first economic package that the President has passed, 2.5 million Americans have lost their jobs, 5 million Americans have lost their health care. Nearly a trillion dollars' worth of corporate assets have been foreclosed on, and 2 million Americans have gone out of the middle class to poverty.

That has been the net result of the economic program put together. And as Ronald Reagan used to say, ''Facts are a stubborn thing.''

USA Today reported just the other day that they have the lowest amount of job-wanted ads since 1964. The only two things that seem to be growing in the President's growth package is the deficit and unemployment.

We have gone from a surplus to a slump. Now to the earlier speaker who took a $20 bill out of his pocket and my colleague, the gentleman from Florida (Mr. MIKA), that $20 is the same amount of money our government and our taxpayers are paying individual workers in Iraq and Iraqis. That is what we are paying them. We are offering them $20 as a form of employment to get the economy in Iraq moving. We have an agenda for Iraq. It is investing in 20,000 schools, 25,000 units of housing, text books for schools, 4 million children get early childhood education in Iraq.

We have an economic plan for Iraq, and we have an economic plan for America; and it does not just count on stimulating only the stock market. We have to stimulate the job market as well as the stock market. And our economic plan does exactly that. It does not force Americans into an either/or choice. And there will be people who will be left out, unlike the tax cut that leaves no millionaire behind.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), our ranking member on the Committee on Appropriations.

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

Mr. Speaker, I want to congratulate our friends on the Republican side of the aisle. This day perfectly summarizes what Republican Party values are all about.

Under President Bush we have lost well more than 2 million jobs in this economy, and today we have the Republican answer. Their answer is to leave behind one million working Americans who have been out of work and cannot find work and are now no longer even eligible to receive unemployment. At the same time they are going to pass a tax bill in the dead of night which gives a huge share of the benefits in that bill to people who make over $300,000 a year. That warped and misguided and misbegotten sense of values is the major reason that I left the Republican Party a long time ago and joined the Democratic Party.

The Republican Party practices the tired old game of trickle down economics. They practice the idea that if you just give John D. Rockefeller a tax break, eventually some of it will trickle down to Jay Rockefeller. Well, that is not good enough.

My old friend Harvey Dueholm from Wisconsin used to say, ''The problem with Republican economics is that they want to give the poor and the rich the same amount of ice but they give the poor theirs in the winter time.''

That pretty much sums up what is happening today. We have seen a miserably mismanaged economy under this administration. We have seen this Congress swallow whole budget proposals that walk away from our commitments to education, walk away from our obligation to do something about the health care problems in this country, walk away from the problems of the people who have lost their jobs and are down on their luck and have nowhere to turn. And yet, oh, they have plenty of money for the top dogs in this society.

Just once be for the average dog; be for the under dog. I know that is too much to expect, but nonetheless I would like to see it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, simply to reiterate what we are about today, we are extending unemployment benefits for 13 weeks throughout the Nation and for 26 weeks in the States that are classified as high-unemployment States. We have also provided previously $8 billion to the individual States for use in their individual unemployment programs, and almost $6 billion of those $8 billion that the Federal Government has provided to the States are still available to the States for use for their unemployment programs.

It is important to realize what we are talking about today with this legislation; this is not theory. We have legislation before us, we are bringing to the floor legislation to help 2.5 million unemployed people in this country. And we think that is an important piece of legislation, and we think that it should be passed. And that is why we seek to bring it forward with this rule. And that is why we urge support for this rule and then for the subsequent underlying legislation, to get that aid, that continued aid to 2.5 million people in this country.

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

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts has 2¾ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, may I inquire if the gentleman has any further speakers, because I am the final speaker on my side.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will close.

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

Mr. Speaker, I will be calling for a vote on the previous question. And if the previous question is defeated, I will offer an amendment to the rule. My amendment will make in order the Rangel substitute amendment which is identical to the text of H.R. 1652, the Unemployment Benefits Extension Act.

H.R. 1652 will extend Federal unemployment benefits by 26 weeks and will also give an additional 13 weeks to those unemployed workers whose benefits have been exhausted. The Republican bill only extends benefits by 13 weeks and does nothing for workers whose benefits have run out.

Mr. Speaker, unemployment rates continue to rise. They increased to 6 percent in April, the third month in a row that the economy has lost jobs. For every one available job, there are three Americans looking for work.

Out-of-work Americans need relief, and they need it immediately. Current Federal unemployment benefits run out at the end of this month, less than 2 weeks away. Without an extension, 2.1 million Americans will lose their unemployment benefits. Since the current recession began in 2001, 2.7 million jobs have disappeared in this country. In the last 3 months alone over half a million private sector jobs have vanished. The number of unemployed people is at the highest point in a decade; and, sadly, there is no indication that the economic situation in our Nation will provide relief anytime soon.

□ 1545

Republicans in the House have voted against extending these critical benefits four times in the last 2 weeks, and I am glad they are finally bringing up this legislation today. But I am very disappointed that they will not let the House vote on the Rangel substitute, which will bring relief to far more people in need.

Under the Republican bill, 1 million people will be left behind, and that is unconscionable. Why will they not let us bring the Rangel substitute up? What are they afraid of? We are just about to pass a massive tax bill later today. If we took a tiny percentage of the money from that bill, we could help millions of unemployed American workers go through this very difficult time. But, no, we are going to instead give massive tax cuts to the very richest in this country.

Let me make very clear that a ''no'' vote on the previous question will not stop the consideration of the legislation to extend Federal unemployment benefits, but a ''no'' vote will allow this House to vote on the Rangel substitute, which will provide more benefits to more unemployed Americans. However, a ''yes'' vote on the previous question will prevent the House voting on a more generous and more far-reaching extension of Federal unemployment benefits to our unemployed workers. I would urge a ''no'' vote on the previous question.

This is an important issue. We should have an open debate. We should be able to consider and vote up or down on the Rangel substitute. The fact that we are being denied that opportunity is wrong, it is unconscionable, and I would urge my colleagues again to vote ''no'' on the previous question.

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

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

There was no objection.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are extending the unemployment benefits for 2½ million Americans, and in doing so this Congress is appropriating $7 billion for that purpose. Again, it is 2½ million Americans who are unemployed that this legislation will help. That is in addition to the $16 billion that we have appropriated before for that purpose.

This is important legislation. It is to help people who need help, and I feel proud to have brought forward this rule. I urge support for the rule and that then we get to the underlying legislation and that we pass the underlying legislation to get extended unemployment benefits to 2½ million people in this country.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 248—RULE ON H.R. 2185 UNEMPLOYMENT COMPENSATION AMENDMENTS OF 2003

In the resolution strike ''and (2)'' and insert the following:

''(2) an amendment in the nature of a substitute consisting of the text of H.R. 1652 if offered by Representative Rangel or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 203, not voting 14, as follows:

[Roll No. 213]

YEAS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
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
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
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
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
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
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)

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
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
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
Hall
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
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
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

NOT VOTING—14

Bonilla
Combest
Conyers
Cunningham
Gephardt
Gingrey
Hunter
Issa
Lewis (GA)
Napolitano
Norwood
Oxley
Quinn
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1606

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 216, noes 201, not voting 17, as follows:

[Roll No. 214]

AYES—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
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
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
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)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
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
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
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
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOES—201

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
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
Lipinski
Lofgren
Lowey
Lucas (KY)
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

NOT VOTING—17

Barton (TX)
Bereuter
Bonilla
Combest
Conyers
Cunningham
Gephardt
Hall
Issa
Lewis (GA)
Lynch
Norwood
Oxley
Portman
Quinn
Walden (OR)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1613

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 247 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1588.

□ 1614

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

□ 1615

The CHAIRMAN pro tempore (Mr. LAHOOD). When the Committee of the Whole rose on Wednesday, May 21, 2003, amendment No. 9 printed in House Report 108–120 offered by the gentleman from California (Mr. HUNTER) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 3 offered by the gentlewoman from California (Ms. LORETTA SANCHEZ), amendment No. 4 offered by the gentlewoman from California (Mrs. TAUSCHER), amendment No. 6 offered by the gentleman from Florida (Mr. GOSS), and amendment No. 8 offered by the gentleman from New Jersey (Mr. SAXTON).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. LORETTA SANCHEZ of California:

At the end of title VII (page 196, after line 12), add the following new section:

SEC. 708. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting ''in the United States'' after ''Defense''.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 227, not voting 7, as follows:

[Roll No. 215]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Rahall
Regula

Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bonilla
Combest
Gephardt
Issa
Lewis (GA)
Oxley
Quinn

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1632

Mr. GILCHREST changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BEREUTER. Mr. Chairman, on rollcall No. 215 I inadvertently pressed the wrong button. I meant to vote ''no.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 4 OFFERED BY MRS. TAUSCHER

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. TAUSCHER:

At the end of subtitle A of title II (page 30, after line 7), insert the following new section:

SEC. 2___. FUNDING REDUCTIONS AND INCREASES.

(a) INCREASE.—The amount provided in section 201 for research, development, test, and evaluation is hereby increased by $21,000,000, of which—

(1) $5,000,000 shall be available for Program Element 0603910D8Z, strategic capability modernization;

(2) $6,000,000 shall be available for Program Element 0602602F, conventional munitions; and

(3) $10,000,000 shall be available for Program Element 0603601F, conventional weapons technology.

(b) REDUCTION.—The amount provided in section 3101 for stockpile research and development is hereby reduced by $21,000,000, of which—

(1) $15,000,000 shall be derived from the feasibility and cost study of the Robust Nuclear Earth Penetrator; and

(2) $6,000,000 shall be derived from advanced concepts initiative activities.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 199, noes 226, not voting 9, as follows:

[Roll No. 216]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
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—226

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
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)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
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—9

Bonilla
Combest
Emerson
Gephardt
Herger
Issa
Lewis (GA)
Oxley
Quinn

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1640

Mr. SIMPSON and Mr. CRAMER changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. GOSS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. GOSS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. GOSS.

At the end of title XII (page 384, after line 3), insert the following new section:

SEC. ___. REPORT ON ACTIONS THAT COULD BE TAKEN REGARDING COUNTRIES THAT INITIATE CERTAIN LEGAL ACTIONS AGAINST UNITED STATES OFFICIALS.

(a) FINDING.—Congress finds that actions for or on behalf of a foreign government that constitute attempts to commence legal proceedings against, or attempts to compel the appearance of or production of documents from, any current or former official or employee of the United States or member of the Armed Forces of the United States relating to the performance of official duties constitutes a threat to the ability of the United States to take necessary and timely military action.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on appropriate steps that could be taken by the Department of Defense (including restrictions on military travel and limitations on military support and exchange programs) to respond to any action by a foreign government described in subsection (a).

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 412, noes 11, not voting 11, as follows:

[Roll No. 217]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
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
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—11

Conyers
Filner
Hinchey
Kucinich
Lee
McDermott
Olver
Payne
Stark
Waters
Woolsey

NOT VOTING—11

Bonilla
Burton (IN)
Combest
Cox
Emerson
Gephardt
Issa
Lewis (GA)
Oxley
Quinn
Turner (TX)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD) (during the vote). The Chair will advise Members there are two minutes left to vote.

□ 1648

Mr. PAYNE changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. SAXTON OF NEW JERSEY

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on amendment No. 8 offered by the gentleman from New Jersey (Mr. SAXTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SAXTON:

At the end of subtitle B of title V (page 91, after line 16), insert the following new section:

SEC. 514. REPEAL OF REQUIRED GRADE OF DEFENSE ATTACHÉ IN FRANCE.

(a) IN GENERAL.—Section 714 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 714.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 302, noes 123, not voting 9, as follows:

[Roll No. 218]

AYES—302

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Flake
Fletcher

Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—123

Abercrombie
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capuano
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Eshoo
Farr
Fattah
Ford
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Harman
Hinchey
Hoeffel
Holt
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kleczka
Kolbe
Kucinich
Lampson
Larsen (WA)
Lee
Lowey
Majette
Markey
Matsui
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—9

Bonilla
Combest
Diaz-Balart, L.
Emerson
Gephardt
Issa
Lewis (GA)
Oxley
Quinn

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). The Chair advises there are 2 minutes to vote.

□ 1656

Messrs. TOWNS, PRICE of North Carolina and PALLONE, Ms. LORETTA SANCHEZ of California and Ms. MCCOLLUM changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, no further amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 108–122 and amendments en bloc described in section 2 of the resolution.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 3, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for division of the question.

Each amendment printed in the report shall be debatable for 10 minutes, unless otherwise specified in the report, equally divided and controlled by the proponent and an opponent and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendment. Amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The chairman of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an en bloc amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The Clerk will designate the amendments en bloc and report the modifications.

The Clerk designated the amendments en bloc and proceeded to report the modifications, as follows:

Amendments en bloc printed in House Report 108–122 offered by Mr. HUNTER consisting of amendment No. 1; amendment No. 2; amendment No. 3; amendment No. 5; amendment No. 7; amendment No. 8; amendment No. 10; amendment No. 11, as modified; amendment No. 12; amendment No. 13; amendment No. 14; amendment No. 15; amendment No. 16; amendment No. 17; amendment No. 18; amendment No. 19; amendment No. 20; amendment No. 21, as modified; amendment No. 22; amendment No. 23; amendment No. 24; amendment No. 25; amendment No. 26; amendment No. 27; amendment No. 28; amendment No. 29; and amendment No. 30.

AMENDMENT NO. 1 OFFERED BY MR. KLINE

The text of the amendment is as follows:

At the end of division A (page 433, after line 20), insert the following new title:

TITLE XV—HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS

SEC. 1501. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the ''Higher Education Relief Opportunities for Students Act of 2003''.

(b) REFERENCE.—References in this title to ''the Act'' are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 1502. WAIVER AUTHORITY FOR RESPONSE TO MILITARY CONTINGENCIES AND NATIONAL EMERGENCIES.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this title as the ''Secretary'') may waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Act as the Secretary deems necessary in connection with a war or other military operation or national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are recipients of student financial assistance are minimized, to the extent possible without impairing the

integrity of the student financial assistance programs, to ease the burden on such students and avoid inadvertent, technical violations or defaults;

(C) the calculation of ''annual adjusted family income'' and ''available income'', as used in the determination of need for student financial assistance under title IV of the Act for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family;

(D) the calculation under section 484B(b)(2) of the Act (20 U.S.C. 1091b(b)(2)) of the amount a student is required to return in the case of an affected individual may be modified so that no overpayment will be required to be returned or repaid if the institution has documented (i) the student's status as an affected individual in the student's file, and (ii) the amount of any overpayment discharged; and

(E) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Act that are located in areas that are declared disaster areas by any Federal, State or local official in connection with a national emergency, or whose operations are significantly affected by such a disaster, may be granted temporary relief from requirements that are rendered infeasible or unreasonable by a national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Act, and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this title.

SEC. 1503. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

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

(1) all institutions offering postsecondary education should provide a full refund to students who are affected individuals for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for active duty or active service; and

(2) if affected individuals withdraw from a course of study as a result of such active duty or active service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 1504. USE OF PROFESSIONAL JUDGMENT.

A financial aid administrator shall be considered to be making a necessary adjustment in accordance with section 479A(a) of the Act if the administrator makes adjustments with respect to the calculation of the expected student or parent contribution (or both) of an affected individual, and adequately documents the need for the adjustment.

SEC. 1505. DEFINITIONS.

In this title:

(1) ACTIVE DUTY.—The term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) AFFECTED INDIVIDUAL.—The term ''affected individual'' means an individual who—

(A) is serving on active duty during a war or other military operation or national emergency;

(B) is performing qualifying National Guard duty during a war or other military operation or national emergency;

(C) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with a national emergency; or

(D) suffered direct economic hardship as a direct result of a war or other military operation or national emergency, as determined by the Secretary.

(3) MILITARY OPERATION.—The term ''military operation'' means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

(4) NATIONAL EMERGENCY.—The term ''national emergency'' means a national emergency declared by the President of the United States.

(5) SERVING ON ACTIVE DUTY.—The term ''serving on active duty during a war or other military operation or national emergency'' shall include service by an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such war, operation, or emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(6) QUALIFYING NATIONAL GUARD DUTY.—The term ''qualifying National Guard duty during a war or other military operation or national emergency'' means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, another military operation, or a national emergency declared by the President and supported by Federal funds.

SEC. 1506. TERMINATION OF AUTHORITY.

The provisions of this title shall cease to be effective at the close of September 30, 2005.

AMENDMENT NO. 2 OFFERED BY MR. BROWN OF SOUTH CAROLINA

The text of the amendment is as follows:

At the end of title III (page ___, after line ___), insert the following new section:

SEC. ___. EXPANSION OF DEPARTMENT OF DEFENSE EXCESS PERSONAL PROPERTY DISPOSAL PROGRAM TO INCLUDE HEALTH AGENCIES IN ADDITION TO LAW ENFORCEMENT AND FIREFIGHTING AGENCIES.

(a) INCLUSION OF HEALTH AGENCIES.—Section 2576b of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) TRANSFER AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may transfer to a firefighting agency or health agency in a State any personal property of the Department of Defense that the Secretary determines is—

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

''(2) suitable for use in providing fire and emergency medical services or responding to health or environmental emergencies, including personal protective equipment and equipment for communication and monitoring.''; and

(2) in subsection (b)(2) and (c), by striking ''firefighting'' both places it appears.

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

''§ 2576b. Excess personal property: sale or donation to assist firefighting agencies and health agencies

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

''2576b. Excess personal property: sale or donation to assist firefighting agencies and health agencies.''.

AMENDMENT NO. 3 OFFERED BY MR. ACKERMAN

The text of the amendment is as follows:

At the end of title XII (page 384, after line 3), insert the following new section:

SEC. ___. SENSE OF CONGRESS CONCERNING NAVY PORT CALLS IN ISRAEL.

(a) FINDINGS.—Congress finds the following:

(1) The United States Sixth Fleet has not conducted regular visits to the port of Haifa, Israel, since the attack on the U.S.S. Cole in Aden, Yemen, on October 12, 2000, but previously visited that port on a regular basis, with an average of 90 United States warships visiting Haifa each year.

(2) The United States Navy has invested millions of dollars in expanding the capacity and capability of the port of Haifa to accommodate United States Navy requirements and the port of Haifa is among the most secure harbors in the world and offers reliable and efficient repair facilities with close proximity to capable air transport and communications.

(3) The forward presence of United States Navy ships is a powerful deterrent to aggression and a tangible expression of American national interests.

(4) The visits of the United States Sixth Fleet to Haifa demonstrate the historic friendship of the American and Israeli people and the commitment of the United States to the security and survival of the State of Israel.

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

(1) the Secretary of Defense and the United States Navy should engage with the Government of Israel and the Israel Defense Forces to establish appropriate and effective arrangements to ensure the safety of United States Navy vessels and personnel; and

(2) upon such arrangements being made, the Sixth Fleet should resume regular port visits to Haifa, Israel.

AMENDMENT NO. 5 OFFERED BY MR. HEFLEY

The text of the amendment is as follows:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. PILOT PROGRAM TO IMPROVE USE OF AIR FORCE AND AIR NATIONAL GUARD MODULAR AIRBORNE FIRE-FIGHTING SYSTEMS TO FIGHT WILDFIRES.

(a) TEMPORARY EXCEPTION TO ECONOMY ACT REQUIREMENT.—Notwithstanding section 1535(a)(4) of title 31, United States Code, the Secretary of the Interior and the Secretary of Agriculture may procure the services of military aircraft (and personnel of the Armed Forces to operate and maintain such aircraft) of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems units in California, Colorado, North Carolina, and Wyoming to fight a wildfire without first comparing the cost and convenience of procuring such services from such source to the cost of procuring the same services from a commercial enterprise.

(b) DURATION OF PILOT PROGRAM.—The authority provided by subsection (a) expires December 31, 2005.

(c) REPORTING REQUIREMENT.—Not later than February 1, 2005, the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a report describing—

(1) the use of the exception provided in subsection (a) to expedite the procurement of the services of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems units to fight wildfires; and

(2) the ability of these units in responding to wildfires in a timely and effective manner.

AMENDMENT NO. 7 OFFERED BY MR. LANTOS

The text of the amendment is as follows:

In section 1021, strike subsection (b) (page 274, lines 22 through 24), and redesignate subsequent subsections accordingly.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

The text of the amendment is as follows:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. STUDY ON FEASIBILITY OF USE OF SMALL BUSINESSES, MINORITY-OWNED BUSINESSES, AND WOMEN-OWNED BUSINESSES IN EFFORTS TO REBUILD IRAQ.

The Secretary of Defense shall commission a study of the feasibility of using small businesses, minority-owned businesses, and women-owned businesses in the United States' efforts to rebuild Iraq. The study shall include the development of outreach procedures to provide, to small businesses, minority-owned businesses, and women-owned businesses, information on participating in rebuilding Iraq.

AMENDMENT NO. 10 OFFERED BY MS. WOOLSEY

The text of the amendment is as follows:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING CONTINUATION OF MISSION AND FUNCTIONS OF ARMY PEACEKEEPING INSTITUTE.

It is the sense of Congress that the Secretary of Defense should maintain the functions and missions of the Army Peacekeeping Institute at the Army War College in Carlisle, Pennsylvania, or within a joint entity of the Department of Defense, such as the National Defense University or the Joint Forces Command, to ensure that members of the Armed Forces continue to study the strategic challenges and uses of peacekeeping missions and to prepare the Armed Forces for conducting such missions.

AMENDMENT NO. 11, AS MODIFIED, OFFERED BY MR. WELDON OF PENNSYLVANIA

The Clerk read as follows:

Amendment No. 11, as modified, offered by Mr. WELDON of Pennsylvania:

The amendment as modified is as follows:

Page 389, line 24, strike ''$50,000,000'' and insert ''$78,000,000''.

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

TITLE XXXVI—NUCLEAR SECURITY INITIATIVE

SEC. 3601. SHORT TITLE.

This title may be cited as the ''Nuclear Security Initiative Act of 2003''.

Subtitle A—Nonproliferation Program Enhancements

SEC. 3611. ESTABLISHMENT OF INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM IN DEPARTMENT OF STATE.

(a) POLICY WITH RESPECT TO FORMER SOVIET UNION.—It is the policy of the United States to seek to cooperate with the Russian Federation and each other independent state of the former Soviet Union to effect as quickly as is reasonably practical basic security measures (such as the replacement of doors, the bricking of or placement of bars in windows, the clearing of underbrush from facility perimeters, and the erection of fences) at each facility in the Russian Federation and each such state that is used for storing nuclear weapons or nuclear materials and is not yet protected by such measures.

(b) POLICY WORLDWIDE.—It is the policy of the United States to seek to cooperate with all appropriate nations—

(1) to attempt to ensure that all nuclear weapons and nuclear materials worldwide are secure and accounted for according to stringent standards; and

(2) to minimize the number of facilities worldwide at which separated plutonium and highly enriched uranium are present, so as to achieve the highest and most sustainable levels of security for such facilities in the most cost-effective manner.

(c) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.—(1) The Secretary of State may establish an international nuclear materials protection and cooperation program with respect to countries other than the Russian Federation and the other independent states of the former Soviet Union.

(2) In carrying out such program, the Secretary of State may provide such funds as are needed to remove nuclear materials from potentially vulnerable facilities, including funds to cover the costs of—

(A) transporting such materials from those facilities to secure facilities;

(B) purchasing such materials;

(C) converting those facilities to a use that no longer requires nuclear materials; and

(D) providing incentives to facilitate the removal of such materials from such facilities.

(3)(A) The Secretary of Energy may provide technical assistance to the Secretary of State in the efforts of the Secretary of State, in carrying out the program, to assist such countries to review and improve their security programs with respect to nuclear weapons and nuclear materials.

(B) The technical assistance provided under subparagraph (A) may, where consistent with the treaty obligations of the United States, include the sharing of technology or methodologies to the countries referred to in that subparagraph. Any such sharing shall take into account the sovereignty of the country concerned and the nuclear weapons programs of such country, as well as the sensitivity of any information involved regarding United States nuclear weapons or nuclear weapons systems.

(C) The Secretary of State may include the Russian Federation in activities under this paragraph if the Secretary determines that the experience of the Russian Federation under the International Nuclear Materials Protection and Cooperation program of the Department of Energy would make the participation of the Russian Federation in those activities useful in providing technical assistance under subparagraph (A).

Subtitle B—Administration and Oversight of Threat Reduction and Nonproliferation Programs

SEC. 3621. ANALYSIS OF EFFECT ON THREAT REDUCTION AND NONPROLIFERATION PROGRAMS OF CONGRESSIONAL OVERSIGHT MEASURES WITH RESPECT TO SUCH PROGRAMS.

(a) ANALYSIS OF AND REPORT ON CONGRESSIONAL OVERSIGHT MEASURES.—(1) The National Academy of Sciences shall carry out an analysis of the effect on threat reduction and nonproliferation programs of applicable congressional oversight measures. The analysis shall take into account—

(A) the national security interests of the United States;

(B) the need for accountability in the expenditure of funds by the United States;

(C) the effect of such congressional oversight measures on the continuity and effectiveness of such programs; and

(D) the oversight responsibilities of Congress with respect to such programs.

(2) In carrying out the analysis, the National Academy of Sciences shall consult with the chairs and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives.

(b) REPORT.—Not later than November 1, 2004, the National Academy of Sciences shall submit to Congress a report on the analysis required by subsection (a). The report shall—

(1) identify, and describe the purpose of, each congressional oversight measure; and

(2) set forth such recommendations as the National Academy of Sciences considers appropriate as to whether the measure should be retained, amended, or repealed, together with the reasoning underlying that determination.

(c) DEFINITIONS.—In this section:

(1) the term ''congressional oversight measure'' means—

(A) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952);

(B) the eligibility requirements in paragraphs (1) through (4) of section 502 of the FREEDOM Support Act (22 U.S.C. 5852);

(C) the prohibition in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 512; 22 U.S.C. 5952 note); and

(D) any restriction or prohibition on the use of funds otherwise available for threat

reduction and nonproliferation programs that applies absent the submission to Congress (or any one or more officers or committees of Congress) of a report, certification, or other matter.

(2) The term ''threat reduction and nonproliferation programs'' means—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note); and

(B) any programs for which funds are made available under the defense nuclear nonproliferation account of the Department of Energy.

SEC. 3622. ANNUAL REPORT ON THE USE OF FUNDS APPROPRIATED FOR THREAT REDUCTION AND NONPROLIFERATION IN STATES OF THE FORMER SOVIET UNION.

(a) REPORT.—Not later than December 31 of each year, the Secretary of Energy shall submit to Congress a report on the use, during the fiscal year ending September 30 of that year, of funds appropriated for threat reduction and nonproliferation programs in the Russian Federation and the other independent states of the former Soviet Union. The report shall be prepared in consultation with the Secretary of Defense and shall include the following:

(1) A description of the use of such funds and the manner in which such funds are being monitored and accounted for, including—

(A) the amounts obligated, and the amounts expended, for such activities;

(B) the purposes for which such amounts were obligated and expended;

(C) the forms of assistance provided, and the justification for each form of assistance provided;

(D) the success of each such activity, including the purposes achieved for each such activity;

(E) a description of the participation in such activities by private sector entities in the United States and by Federal agencies; and

(F) any other information that the Secretary of Energy considers appropriate to provide a complete description of the operation and success of such activities.

(2) An accounting of the financial commitment made by the Russian Federation, as of the date of the end of the fiscal year covered by the report, to the destruction of its weapons of mass destruction and to threat reduction and nonproliferation programs.

(3) A description of the efforts made by the United States to encourage the Russian Federation to continue to maintain its current level of financial commitment at a level not less than the level of its commitment for fiscal year 2003, and the response of the Russian Federation to such efforts.

(4) A description of the access provided by the Russian Federation to the United States during the fiscal year covered by the report to the facilities with respect to which the United States is providing assistance under threat reduction and nonproliferation programs.

(b) CONSULTATION REQUIRED.—In preparing the report, the Secretary of Energy shall consult with the chairs and ranking minority members of the following congressional committees:

(1) The Committee on Armed Services, Committee on Appropriations, and Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services, Committee on Appropriations, and Committee on Foreign Relations of the Senate.

(c) INFORMATION FROM RUSSIAN FEDERATION.—In the case of activities covered by the report that are carried out in the Russian Federation, the Secretary of Energy shall, in preparing the report, include information provided by the Russian Federation with respect to those activities.

(d) DEFINITION.—In this section, the term ''threat reduction and nonproliferation programs'' has the meaning given such term in section 3621.

SEC. 3623. PLAN FOR AND COORDINATION OF CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION PROGRAMS WITH STATES OF THE FORMER SOVIET UNION.

(a) CHEMICAL AND BIOLOGICAL WEAPONS PLAN.—Section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247), as amended by section 1205 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2664) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) CHEMICAL AND BIOLOGICAL WEAPONS.—(1) Not later than June 1, 2004, the President shall develop with the President of the Russian Federation and submit to Congress a comprehensive, detailed plan—

''(A) to account for, secure, and destroy all chemical and biological weapons, and the chemical and biological materials designed for use in such weapons, that are located in Russia and the independent states of the former Soviet Union; and

''(B) to prevent the outflow from those states of the technology and scientific expertise that could be used for developing those weapons, including delivery systems.

''(2) The plan required by paragraph (1) shall include the following:

''(A) Specific goals and measurable objectives for the programs that are designed to carry out the objectives specified in subparagraphs (A) and (B) of paragraph (1).

''(B) Identification of all significant obstacles to achieving those objectives and the means for overcoming those obstacles.

''(C) Criteria for success for those programs and a strategy for eventual termination of United States contributions to those programs and assumption of the ongoing support of those programs by the Russian Federation.

''(D) Specification of the fiscal and other resources necessary in each of the eight fiscal years after fiscal year 2003 to achieve those objectives, including contributions from the international community.

''(E) Arrangements for United States oversight and access to sites.

''(F) Recommendations for any changes—

''(i) in the structure or organization of the programs for carrying out those objectives; and

''(ii) in regulations or legislation that would increase the efficiency and coordination of those programs or would otherwise contribute to the achievement of those objectives.

''(3) In developing the plan required by paragraph (1), the President shall consult with—

''(A) the majority and minority leadership of the appropriate committees of Congress; and

''(B) appropriate officials of the states of the former Soviet Union.

''(4)(A) The President, after consultation with the majority and minority leadership of the appropriate committees of Congress, shall designate a senior official of the Executive Branch, and provide that official with sufficient authority and staffing and other resources, to coordinate the programs referred to in paragraph (2)(A).

''(B) The President shall designate that official not later than 12 months after the date of the enactment of this subsection.''.

(b) REPORT REQUIRED TO COVER BOTH PLANS.—Subsection (e) of section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247), as redesignated by subsection (a), is amended—

(1) in the subsection heading, by striking ''PLAN.—'' and inserting ''PLANS.—'';

(2) in paragraph (1)—

(A) by striking ''January 31, 2003,'' and inserting ''January 31, 2005,''; and

(B) by striking ''plan required by subsection (a)'' and inserting ''plans required by subsections (a) and (d)(1)''; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking ''plan required by subsection (a)'' and inserting ''plans required by subsections (a) and (d)(1)''; and

(B) in subparagraphs (B), (C), and (D) by striking ''plan'' each place it appears and inserting ''plans''.

(c) CONFORMING AMENDMENT.—The heading of section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247) is amended to read as follows:

''SEC. 1205. PLANS FOR SECURING NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF, AND FOR COORDINATING CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION PROGRAMS WITH, STATES OF THE FORMER SOVIET UNION.''.

(d) EFFECTIVE DATE FOR FIRST REPORT COVERING BOTH PLANS.—The amendments made by subsection (b) shall apply with respect to the first report due after January 31, 2004.

Subtitle C—United States—Russia Relations

SEC. 3631. COMPREHENSIVE INVENTORIES AND DATA EXCHANGES ON NUCLEAR WEAPONS-GRADE MATERIAL AND NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that inventories of nuclear weapons-grade material and nuclear weapons should be tracked in order, among other things—

(1) to make it more likely that the Russian Federation can fully account for its entire inventory of nuclear weapons-grade material and nuclear weapons; and

(2) to make it more likely that the sources of any such material or weapons possessed or used by any foreign state or terrorist organization can be identified.

(b) STATEMENT OF POLICY.—To the extent that the President considers prudent, it is the policy of the United States to seek to establish jointly with the Russian Federation comprehensive inventories and data exchanges of Russian Federation and United States nuclear weapons-grade material and nuclear weapons, with particular attention to tactical warheads and warheads that are no longer operationally deployed.

(c) ASSISTANCE IN DEVELOPING COMPREHENSIVE INVENTORIES.—Notwithstanding any other provision of law, the United States should seek to work with the Russian Federation to develop comprehensive inventories of Russian highly enriched uranium, weapons-grade plutonium, and assembled warheads, with special attention to be focused on tactical warheads and warheads that are no longer operationally deployed.

(d) DATA EXCHANGES.—As part of the development of inventories under subsection (c), to the maximum extent practicable and without jeopardizing United States national security interests, the United States may exchange data with the Russian Federation on categories of material and weapons described in subsection (c).

(e) REPORT.—Not later than 12 months after the date of the enactment of this Act,

and annually thereafter until a comprehensive inventory is created and the information collected from the inventory is exchanged between the United States and the Russian Federation, the President shall submit to Congress a report, in both classified and unclassified form as necessary, describing the progress that has been made toward creating an inventory and exchanging the information.

SEC. 3632. ESTABLISHMENT OF DUMA-CONGRESS NUCLEAR THREAT REDUCTION WORKING GROUP.

(a) ESTABLISHMENT OF WORKING GROUP.—There is hereby established a working group to be known as the ''Nuclear Threat Reduction Working Group'' as an interparliamentary group of the United States and the Russian Federation.

(b) PURPOSE OF WORKING GROUP.—The purpose of the Working Group established by subsection (a) shall be to explore means to enhance cooperation between the United States and the Russian Federation with respect to nuclear nonproliferation and security, and such other issues related to reducing nuclear weapons dangers as the delegations from the two legislative bodies may consider appropriate.

(c) MEMBERSHIP.—(1) The majority leader of the Senate, after consultation with the minority leader of the Senate, shall appoint 10 Senators to the Working Group established by subsection (a).

(2) The Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives, shall appoint 30 Representatives to the Working Group.

SEC. 3633. JOINT UNITED STATES/NORTH ATLANTIC TREATY ORGANIZATION COOPERATION WITH RUSSIA ON THEATER-LEVEL BALLISTIC MISSILE DEFENSES.

(a) POLICY.—It is the policy of the United States that the President should seek to ensure that the United States takes the lead in arranging for the United States, in conjunction with the North Atlantic Treaty Organization, to enter into appropriate cooperative relationships with the Russian Federation with respect to the development and deployment of theater-level ballistic missile defenses.

(b) PURPOSE OF COOPERATIVE RELATIONSHIPS.—It is the policy of the United States—

(1) that the purpose of the cooperative relationships described in subsection (a) is to increase transparency and confidence with the Russian Federation;

(2) that United States defense and security cooperation with the Russian Federation should contribute to defining a new bilateral strategic framework that is not rooted in the concept of ''mutual assured destruction''; and

(3) that that new bilateral strategic framework should be based upon improving the security of the United States and the Russian Federation by promoting transparency and confidence between the two countries.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the President shall transmit to Congress a report (in unclassified or classified form as necessary) on the feasibility of increasing cooperation with the Russian Federation on the subject of theater-level ballistic missile defenses and on the purposes and objectives set forth in subsection (b). The report shall include—

(1) recommendations from the Department of Defense and Missile Defense Agency;

(2) a threat assessment; and

(3) an assessment of possible benefits to missile defense programs of the United States.

SEC. 3634. ENCOURAGEMENT OF ENHANCED COLLABORATION TO ACHIEVE MORE RELIABLE RUSSIAN EARLY WARNING SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) the innovative United States-Russian space-based remote sensor research and development program known as the Russian-American Observation Satellite (RAMOS) program addresses a variety of defense concerns while promoting enhanced transparency and confidence between the United States and the Russian Federation; and

(2) an initial concept of co-orbiting United States and Russian satellites for simultaneous stereo observations is complete and should be continued.

(b) POLICY.—To the exent that the President considers prudent, it is the policy of the United States—

(1) to encourage joint efforts by the United States and the Russian Federation to reduce the chances of a Russian nuclear attack anywhere in the world as the result of misinformation or miscalculation by developing the capabilities and increasing the reliability of Russian ballistic missile early-warning systems, including the Russian-American Observation Satellite (RAMOS) program; and

(2) to encourage other United States-Russian programs to ensure that the Russia Federation has reliable information, including real-time data, regarding launches of ballistic missiles anywhere in the world.

(c) INTERIM RAMOS FUNDING.—To the extent that the Secretary of Defense considers prudent, the Secretary of Defense shall ensure that, pending the execution of a new agreement between the United States and the Russian Federation providing for the conduct of the RAMOS program, sufficient amounts of funds appropriated for that program are used in order to ensure the satisfactory continuation of that program during fiscal years 2004 and 2005.

SEC. 3635. TELLER-KURCHATOV ALLIANCE FOR PEACE.

(a) FINDINGS.—Congress finds that—

(1) Edward Teller of the United States and Igor Kurchatov of the former Soviet Union were architects of the nuclear weapons programs in their respective countries;

(2) these outstanding individuals both expressed a longing for peace and opposition to war; and

(3) as the United States and the Russian Federation work together to redirect the nations of the world towards the peaceful use of nuclear energy, seeking to improve the quality of life for all human beings, it is appropriate to establish an alliance for peace in the names of Edward Teller and Igor Kurchatov.

(b) TELLER-KURCHATOV ALLIANCE FOR PEACE.—(1) To the extent that the Secretary of Energy considers prudent, the Secretary shall seek to enter into an agreement with the Minister of Atomic Energy of the Russian Federation to carry out a cooperative venture, to be known as the Teller-Kurchatov Alliance for Peace, to develop and promote peaceful, safe, and environmentally sensitive uses of nuclear energy.

(2) The cooperative venture referred to in paragraph (1) shall involve the national security laboratories of the National Nuclear Security Administration and the laboratories of the Ministry of Atomic Energy and the Kurchatov Institute of the Russian Federation.

(3) The cooperative venture shall be directed by two co-chairs, one each from the United States and the Russian Federation. The co-chair from the United States shall serve for a term of two years and shall be designated by the Administrator for Nuclear Security from among officials of the three national security laboratories, with each laboratory represented on a rotating basis.

SEC. 3636. NONPROLIFERATION FELLOWSHIPS.

(a) IN GENERAL.—(1) From amounts made available to carry out this section, the Administrator for Nuclear Security may carry out a program under which the Administrator awards, to scientists employed at the Kurchatov Institute of the Russian Federation and Lawrence Livermore National Laboratory, international exchange fellowships, to be known as Teller-Kurchatov Fellowships, in the nuclear nonproliferation sciences.

(2) The purpose of the program shall be to provide opportunities for advancement in the field of nuclear nonproliferation to scientists who, as demonstrated by their academic or professional achievements, show particular promise of making significant contributions in that field.

(3) A fellowship awarded to a scientist under the program shall be for study and training at (and, where appropriate, at an institution of higher education in the vicinity of)—

(A) the Kurchatov Institute, in the case of a scientist employed at Lawrence Livermore National Laboratory; and

(B) Lawrence Livermore National Laboratory, in the case of a scientist employed at the Kurchatov Institute.

(4) The duration of a fellowship under the program may not exceed two years. The Administrator may provide for a longer duration in an individual case to the extent warranted by extraordinary circumstances, as determined by the Administrator.

(5) In a calendar year, the Administrator may not award more than—

(A) one fellowship to a scientist employed at the Kurchatov Institute; and

(B) one fellowship to a scientist employed at Lawrence Livermore National Laboratory.

(6) A fellowship under the program shall include—

(A) travel expenses;

(B) any tuition and fees at an institution of higher education for study or training under the fellowship; and

(C) any other expenses that the Administrator considers appropriate, such as room and board.

(b) FUNDING.—Amounts available to the Department of Energy for defense nuclear nonproliferation activities shall be available for the fellowships authorized by subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term ''institution of higher education'' means a college, university, or other educational institution that is empowered by an appropriate authority, as determined by the Administrator, to award degrees higher than the baccalaureate level;

(2) the term ''nuclear nonproliferation sciences'' means bodies of scientific knowledge relevant to developing or advancing the means to prevent or impede the proliferation of nuclear weaponry; and

(3) the term ''scientist'' means an individual who has a degree from an institution of higher education in a science that has practical application in the field of nuclear nonproliferation.

Subtitle D—Other Matters

SEC. 3641. PROMOTION OF DISCUSSIONS ON NUCLEAR AND RADIOLOGICAL SECURITY AND SAFETY BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

(a) FINDINGS.—Congress finds that—

(1) cooperative programs to control potential threats from any fissile and radiological materials, whatever and wherever their

sources, should be expanded to include additional states and international organizations; and

(2) addressing issues of nuclear weapons and materials, as well as the issue of radiological dispersal bombs, in new forums around the world is crucial to the generation of innovative mechanisms directed at addressing the threats.

(b) SENSE OF CONGRESS REGARDING INITIATION OF DIALOGUE BETWEEN THE IAEA AND THE OECD.—It is the sense of Congress that—

(1) the United States should seek to initiate discussions between the International Atomic Energy Agency and the Organization for Economic Cooperation and Development for the purpose of exploring issues of nuclear and radiological security and safety, including the creation of new sources of revenue (including debt reduction) for states to provide nuclear security; and

(2) the discussions referred to in paragraph (1) should also provide a forum to explore possible sources of funds in support of the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to Congress a report on—

(1) the efforts made by the United States to initiate the discussions described in subsection (b);

(2) the results of those efforts; and

(3) any plans for further discussions and the purposes of such discussions.

AMENDMENT NO. 12 OFFERED BY MR. ROGERS OF MICHIGAN

The text of the amendment is as follows:

At the end of title XII (page 384, after line 3), insert the following new section:

SEC. ___. ASSISTANCE TO IRAQI CHILDREN INJURED DURING OPERATION IRAQI FREEDOM.

(a) ASSISTANCE.—The Secretary of Defense shall, to the maximum extent practicable, provide all necessary support in an expeditious manner to assist Iraqi children who were injured during Operation Iraqi Freedom.

(b) ADDITIONAL REQUIREMENTS.—Assistance described in subsection (a) may be provided to a child only if adequate treatment from other sources in Iraq or neighboring countries is not available and only after completion of an evaluation by a physician or other appropriate medical personnel of the United States Armed Forces. In addition, assistance described in subsection (a) may be provided only if it would not adversely affect military operations of the United States.

(c) DEFINITION.—In this section, the term ''Operation Iraqi Freedom'' means operations of the United States Armed Forces, the armed forces of the United Kingdom, and the armed forces of other coalition member countries initiated on or about March 19, 2003—

(1) to disarm Iraq of its weapons of mass destruction;

(2) to enforce United Nations Security Council Resolution 1441 (November 8, 2002) and other relevant Security Council resolutions with respect to Iraq; and

(3) to liberate the people of Iraq from the regime of Saddam Hussein.

AMENDMENT NO. 13 OFFERED BY MR. UPTON

The text of the amendment is as follows:

At the end of subtitle B of title VI (page 172, after line 19), insert the following new section:

SEC. ___. AVAILABILITY OF HOSTILE FIRE AND IMMINENT DANGER PAY FOR RESERVE COMPONENT MEMBERS SERVING IN RESPONSE TO CERTAIN DOMESTIC TERRORIST ATTACKS.

(a) AVAILABILITY OF SPECIAL PAY.—Subsection (a)(2) of section 310 of title 37, United States Code, as amended by section 616 of this Act, is amended—

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

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) was on duty as a first responder, or as a member assigned to accompany or protect first responders, to a terrorist attack on the United States regarding which there is an immediate threat of physical harm or imminent danger as a result of direct or residual effects of the attack or potential secondary attacks; or''.

(b) FIRST RESPONDER DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(e) FIRST RESPONDER DEFINED.—In this section, the term 'first responder' means a member of the uniformed services who, as part of the member's assigned duties, is expected to arrive at the site of a terrorist attack within 12 hours after the attack.''.

AMENDMENT NO. 14 OFFERED BY MR. VITTER

The text of the amendment is as follows:

At the end of section 3517 (page 615, after line 12) add the following new subsection:

(c) TELECOMMUNICATIONS EQUIPMENT.—The telecommunications and other electronic equipment on an existing vessel that is redocumented under the laws of the United States for operation under an operating agreement under this subtitle shall be deemed to satisfy all Federal Communications Commission equipment certification requirements, if—

(1) such equipment complies with all applicable international agreements and associated guidelines as determined by the country in which the vessel was documented immediately before becoming documented under the laws of the United States;

(2) that country has not been identified by the Secretary as inadequately enforcing international regulations as to that vessel; and

(3) at the end of its useful life, such equipment will be replaced with equipment that meets Federal Communications Commission equipment certification standards.

AMENDMENT NO. 15 OFFERED BY MR. HUNTER

The text of the amendment is as follows:

At the end of subtitle B of title I (page 20, after line 24), insert the following new section:

SEC. 112. CONFIGURATION OF FOURTH STRYKER BRIGADE COMBAT TEAM.

(a) CONFIGURATION, LETHALITY ENHANCEMENTS, AND SUSTAINABILITY.—The Secretary of the Army shall configure the fourth Stryker brigade combat team so that that brigade combat team provides the commanders of combatant commands with enhanced combat capability and sustainability well beyond the combat and sustainment capabilities provided by any one of the first three fielded Stryker brigade combat teams.

(b) FUNDS.—The amount provided in section 101(3) is hereby increased by $100,000,000, to be available for procurement of additional lethality and sustainability enhancements for the fourth Stryker brigade combat team.

(c) OPTIONS FOR CONSIDERATION.—In the execution of the funds provided pursuant to subsection (b)(1), the Secretary of the Army shall include among the enhancements considered for the configuration of the fourth Stryker brigade combat team enhancement with heavy armored vehicles, with additional heavy attack helicopters, with additional reconnaissance and attack helicopters, and with indirect fire artillery capabilities, or with any combination thereof.

(d) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report that details the additional types of lethality and sustainability enhancements that will be fielded as part of the new configuration of the fourth Stryker brigade combat team.

At the end of subtitle A of title II (page 30, after line 7), insert the following new section:

SEC. 203. PROGRAM INCREASES.

(a) COMPUTER-ASSISTED MEDICAL DIAGNOSTIC TECHNOLOGY.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $3,000,000, to be available for Medical Advanced Technology in Program Element 0603002A for evaluation for potential use by Department of Defense medical treatment facilities of commercially available medical diagnostic technology that, using a digital chemical library and decision support software, can be used for diagnosis of dermatological diseases.

(b) LIGHTWEIGHT CARTRIDGE CASES FOR AMMUNITION.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $3,000,000, to be available for Weapons and Munitions Advanced Technology in Program Element 0603004A for advanced technology development for lightweight cartridge cases for ammunition.

(c) AVIATION-SHIPBOARD INFORMATION TECHNOLOGY.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $6,500,000, to be available for Shipboard Aviation Systems in Program Element 0604512N to complete research and development for the Aviation-Shipboard Information Technology Initiative.

(d) AUTOREAD.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $1,400,000, to be available for Shipboard Aviation Systems in Program Element 0604512N to complete research and development for the AutoREAD system for improving the accuracy and reducing the workload of collecting preventive maintenance data on aircraft launch and recovery systems.

(e) SPIKE URBAN WARFARE SYSTEM.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $5,000,000, to be available for the Marine Corps Advanced Technology Demonstrations in Program Element 0603640M for development and demonstration of the SPIKE urban warfare system.

(f) RESEARCH IN HYDROGRAPHIC SCIENCES.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $3,250,000, to be available for Air/Ocean Tactical Applications advanced component development and prototyping in Program Element 0603207N for hydrographic sciences research.

(g) SHIPBOARD ELECTRONIC WARFARE IMPROVEMENTS.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $5,000,000, to be available for system development and demonstration for Tactical Command Systems in Program Element 0604231N for an at-sea demonstration for shipboard

use of a variant of the F/A-22 digital electronic warfare product improvement program.

(h) AEROSPACE SENSORS.—The amount provided in section 201(3) for research, development, test, and evaluation, Air Force, is hereby increased by $4,000,000, to be available for Aerospace Sensors in Program Element 0602204F for development of general purpose reconfigurable signal processors suitable for time critical sensor processing for broad military intelligence, surveillance, and reconnaissance applications.

(i) ELEMENTAL DETECTOR TECHNOLOGY APPRAISAL.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-Wide, is hereby increased by $2,000,000, to be available for Program Element 0603750D8Z, Advanced Concept Technology Demonstrations, to evaluate the capability of an elemental detector to provide directional cueing to concentrations of specific elements and compounds.

(j) MUSTARD GAS ANTIDOTE.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $5,000,000, to be available for Chemical-Biological Defense Applied Research in Program Element 0603284BP for continuing applied research on an antidote for mustard gas.

At the end of subtitle A of title III (page 45, after line 21), insert the following new sections:

SEC. 304. COUNTEREXPLOITATION INITIATIVE.

Within the amount authorized to be appropriated by section 301(5) for operations and maintenance, Defense-wide, the amount for the United States Special Operations Command is hereby increased by $1,100,000, to be made available for the initiative for accurately tracing portable, sensitive items exported beyond the borders of the United States.

SEC. 305. REDUCTION IN AUTHORIZATION FOR AIR FORCE OPERATION AND MAINTENANCE ACCOUNT.

The amount authorized to be appropriated in section 301(4) is hereby reduced by $135,500,000.

In section 318, strike subsection (c) (page 62, line 21, through page 64, line 7) and insert the following new subsection:

(c) INCIDENTAL TAKINGS OF MARINE MAMMALS IN MILITARY READINESS ACTIVITIES.—Section 101(a)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)) is amended—

(1) in subparagraph (A), by adding at the end the following:

''Notwithstanding the preceding sentence, the Secretary is not required to publish notice under this subparagraph with respect to incidental takings while engaged in a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense, except in the Federal Register.'';

(2) in subparagraph (D), by adding at the end the following new clause:

''(vi) Notwithstanding clause (iii), the Secretary is not required to publish notice under this subparagraph with respect to an authorization under clause (i) of incidental takings while engaged in a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense, except in the Federal Register.''; and

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

''(F) In determining whether a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense is in compliance with the requirements of subparagraphs (A), (B), and (D), the following references shall not apply:

''(i) In subparagraph (A), 'within a specified geographical region' and 'within that region of small numbers'.

''(ii) In subparagraph (B), 'within a specified geographical region' and 'within one or more regions'.

''(iii) In subparagraph (D), 'within a specific geographic region', 'of small numbers', and 'within that region'.''.

In section 421, strike ''$98,938,511,000'' (page 83, line 23) and insert ''$98,634,511,000''.

In section 1021(a), strike paragraph (10) (page 262, lines 7 and 8).

In section 1021(a), strike paragraph (29) (page 266, lines 4 through 7).

In section 1021(a), strike paragraph (34) (page 266, lines 16 and 17).

In section 1021, strike subsection (b) (page 2674, lines 22 through 24).

Page 342, starting on line 10, strike ''the Federal Employees Pay for Performance Act of 2003'' and insert ''the National Defense Authorization Act for Fiscal Year 2004''.

Page 342, starting on line 25, strike ''sections 3 and 4 of the Federal Employees Pay for Performance Act of 2003,'' and insert ''section 1106 of the National Defense Authorization Act for Fiscal Year 2004,''.

Page 343, line 19, strike ''(c)'' and insert ''(3)''.

Page 344, line 3, strike ''subsection (c)(2)'' and insert ''paragraph (2)''.

Strike section 1109 (page 346, line 20 through page 348, line 6) and insert the following:

SEC. 1109. CLARIFICATION OF HATCH ACT.

No Federal employee or individual who, before the date of the enactment of this Act, was employed in the Office of the Department of Defense Inspector General and transferred to a Special Court sponsored by the United Nations pursuant to the authority described in section 3582(a) of title 5, United States Code, shall be subject to enforcement of the provisions of section 7326 of such title, except that this section shall not apply in the event that such employee or individual subsequently becomes reemployed in the civil service.

In section 1201(d)(2), insert ''of such section'' after ''subsection (a)'' (page 373, line 14).

In section 1201(d)(3), strike ''each'' (page 373, line 18) and insert ''such''.

Page 374, line 9, strike the fourth word.

Strike section 1453 (page 427, line 12, through page 429, line 10).

In section 1455(a), strike the matter preceding paragraph (1) (page 430, lines 11 through 14) and insert the following:

(a) IN GENERAL.—No contract awarded on a sole source basis for the procurement of items or services that are treated as or deemed to be commercial items pursuant to the amendments made by section 1441, 1444, or 1457 of this Act shall be exempt from—

At the end of subtitle E of title XIV (page 433, after line 20), insert the following new section:

SEC. 1457. AMENDMENTS RELATING TO FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY.

(a) REPEAL OF SUNSET FOR AUTHORITIES APPLICABLE TO PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.—Section 852 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2235) is amended by striking '', but only if a solicitation of offers for the procurement is issued during the 1-year period beginning on the date of the enactment of this Act''.

(b) APPLICABILITY OF INCREASED SIMPLIFIED ACQUISITION THRESHOLD.—(1) The matter preceding paragraph (1) of section 853(a) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2235) is amended to read as follows:

''(a) THRESHOLD AMOUNTS.—For a procurement referred to in section 852, the simplified acquisition threshold referred to in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is deemed to be—''.

(2) Subsections (b) and (c) of section 853 of such Act are repealed.

(3) The heading of section 853 of such Act is amended to read as follows:

''SEC. 853. INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR CERTAIN PROCUREMENTS.''.

(4) The table of contents in section 1(b) of such Act is amended by striking the item relating to section 853 and inserting the following:

''Sec. 853. Increased simplified acquisition threshold for certain procurements.''.

(5) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended—

(A) by striking ''or'' at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting ''; or''; and

(C) by adding at the end the following:

''(I) the procurement is by the head of an executive agency pursuant to the special procedures provided in section 853 of the Homeland Security Act of 2002 (Public Law 107–296).''.

(c) APPLICABILITY OF CERTAIN COMMERCIAL ITEMS AUTHORITIES.—(1) Subsection (a) of section 855 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2236) is amended to read as follows:

''(a) AUTHORITY.—With respect to a procurement referred to in section 852, the head of an executive agency may deem any item or service to be a commercial item for the purpose of Federal procurement laws.''.

(2) Subsection (b)(1) of section 855 of such Act is amended by striking ''to which any of the provisions of law referred to in subsection (a) are applied''.

(d) EXTENSION OF DEADLINE FOR REVIEW AND REPORT.—Section 857(a) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2237) is amended by striking ''2004'' and inserting ''2006''.

In section 2803(b)(2)(A), insert ''subsections'' after ''as'' (page 464, line 15).

In section 2805(b), strike ''2822'' and insert ''2822(b)'' (page 472, line 18).

At the end of subtitle C of title XXVIII (page 487, after line 23), insert the following new section:

SEC. ___. LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army shall convey, without consideration, to Fairfax County, Virginia (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at Fort Belvoir and known as the John McNaughton Memorial baseball fields for the purpose of permitting the County to use the property for recreational purposes.

(b) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out

the conveyance, the Secretary shall refund the excess amount to the County.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

In section 3121(e)(5), insert ", as amended by section 3112," after "926)" (page 513, line 23).

Page 537, line 23, strike the first close parenthesis.

Page 544, line 13, insert "Authorization" after "National Defense".

Page 557, line 9, strike "(c)" and insert "(d)".

Page 560, line 24, insert open quotation marks before "SEC.".

Page 572, line 11, strike "ON" and insert "TO CONGRESS OF".

Page 572, line 15, strike "Fiscal Year".

Page 574, line 8, strike "of" the first place it appears and insert "after".

Page 587, line 23, strike "59" and insert "50".

Page 616, line 9, insert "by redesignating the second subsection (e) as subsection (f), and" after "is amended".

Page 616, line 10, strike "(e)" and insert "(g)".

Page 622, lines 15 and 16, strike "(e)" each place it appears and insert "(g)".

AMENDMENT NO. 16 OFFERED BY MR. SIMMONS

The text of the amendment is as follows:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. ASSESSMENT OF EFFECTS OF SPECIFIED STATUTORY LIMITATIONS ON THE GRANTING OF SECURITY CLEARANCES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an assessment of the effects of the provisions of section 986 of title 10, United States Code (relating to limitations on security clearances), on the granting (or renewal) of security clearances for Department of Defense personnel and defense contractor personnel. The assessment shall review the affects of the disqualification factors specified in subsection (c) of that section and shall include such recommendations for legislation or administrative steps as the Secretary considers necessary.

AMENDMENT NO. 17 OFFERED BY MR. TIERNEY

The text of the amendment is as follows:

Page 205, line 18, strike "performed." and insert the following: "performed, an explanation of the business rationale for why the decision was made to transfer the work outside the United States, and a certification of the specific percentage of the total contract to be performed outside the United States.".

Page 206, line 16, strike "Representatives." and insert the following: "Representatives, including the recommendations of the Secretary regarding how procurement from the United States defense industrial base can be maximized.".

AMENDMENT NO. 18 OFFERED BY MR. NADLER

The text of the amendment is as follows:

At the end of title XIII (page 393, after line 14), insert the following new section:

SEC. 1308. STUDY RELATING TO EX-SOVIET URANIUM AND PLUTONIUM.

The Secretary of Defense shall submit a study to Congress not later than one year after the date of the enactment of this Act, examining the costs and benefits of purchasing all the ex-Soviet weapons-grade uranium and plutonium in fiscal year 2005, and safeguarding it from smuggling or theft until it can be rendered unusable for weapons.

AMENDMENT NO. 19 OFFERED BY MR. PORTER

The text of the amendment is as follows:

At the end of title III (page 79, after line 17), insert the following new section:

SEC. ___. DEPARTMENT OF DEFENSE PUBLIC HEALTH ASSESSMENT OF EXPOSURE TO PERCHLORATE.

(a) EPIDEMIOLOGICAL STUDY OF EXPOSURE TO PERCHLORATE.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent epidemiological study of exposure to perchlorate in drinking water.

(2) PERFORMANCE OF STUDY.—The Secretary shall provide for the performance of the study under this subsection through the Centers for Disease Control, the National Institutes of Health, or another Federal entity with experience in environmental toxicology selected by the Secretary for purposes of the study.

(3) MATTERS TO BE INCLUDED IN STUDY.—In providing for the study under this subsection, the Secretary shall require the Federal entity conducting the study—

(A) to assess the incidence of thyroid disease and measurable effects of thyroid function in relation to exposure to perchlorate;

(B) to ensure that the study is of sufficient scope and scale to permit the making of meaningful conclusions of the measurable public health threat associated with exposure to perchlorate, especially the threat to sensitive subpopulations; and

(C) to study thyroid function, including measurements of urinary iodine and thyroid hormone levels, in a sufficient number of pregnant women, neonates, and infants exposed to perchlorate in drinking water and match measurements of perchlorate levels in the drinking water of each study participant in order to permit the development of meaningful conclusions on the public health threat to individuals exposed to perchlorate.

(4) REPORT ON STUDY.—The Secretary shall require the Federal entity conducting the study under this subsection to submit to the Secretary a report on the study not later than June 1, 2005.

(b) REVIEW OF EFFECTS OF PERCHLORATE ON ENDOCRINE SYSTEM.—

(1) IN GENERAL.—The Secretary shall provide for an independent review of the effects of perchlorate on the human endocrine system.

(2) PERFORMANCE OF REVIEW.—The Secretary shall provide for the performance of the review under this subsection through the Centers for Disease Control, the National Institutes of Health, or another appropriate Federal research entity with experience in human endocrinology selected by the Secretary for purposes of the review. The Secretary shall ensure that the panel conducting the review is composed of individuals with expertise in human endocrinology.

(3) MATTERS TO BE INCLUDED IN REVIEW.—In providing for the review under this subsection, the Secretary shall require the Federal entity conducting the review to assess—

(A) available data on human exposure to perchlorate, including clinical data and data on exposure of sensitive subpopulations, and the levels at which health effects were observed; and

(B) available data on other substances that have endocrine effects similar to perchlorate to which the public is frequently exposed.

(4) REPORT ON REVIEW.—The Secretary shall require the Federal entity conducting the review under this subsection to submit to the Secretary a report on the review not later than June 1, 2005.

AMENDMENT NO. 20 OFFERED BY MR. LOBIONDO

The text of the amendment is as follows:

At the end of subtitle A of title XXVIII (page 477, after line 10), insert the following new section:

SEC. ___. ANNUAL REPORT ON MILITARY CONSTRUCTION REQUIREMENTS TO SUPPORT HOMELAND DEFENSE MISSIONS OF THE ARMED FORCES.

As part of the annual defense authorization request required by section 113a(b) of title 10, United States Code, the Secretary of Defense shall include an assessment of the military construction requirements anticipated to be necessary to support the homeland defense missions of the Armed Forces for the fiscal year for which the defense authorization request is submitted, for the fiscal years covered by the then-current future-years defense plan under section 221 of such title, and for subsequent fiscal years.

AMENDMENT NO. 21, AS MODIFIED, OFFERED BY MS. KAPTUR

The Clerk read as follows:

Amendment No. 21, as modified, offered by MS. KAPTUR:

The amendment as modified is as follows:

Page 220, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 827. DATA COLLECTION AND TECHNICAL ASSISTANCE CENTER RELATING TO MACHINE TOOLS.

(a) COLLECTION OF DATA ON CONTRACTS USING MACHINE TOOLS.—The Secretary of Defense shall collect data in order to identify all contractors and subcontractors that use machine tools in carrying out any defense contract in an amount that is $5,000,000 or greater.

(b) TECHNICAL ASSISTANCE CENTER.—The Secretary of Defense shall establish a center to provide technical assistance to machine tool companies in the United States, and entities that use machine tools, to seek guidance with respect to government contracting regulations, including compliance procedures, and opportunities for contracting with the Department of Defense. As part of the assistance provided through the center, the Secretary may provide information about defense contracts that are expected to be carried out through the use of machine tools.

(c) DEFINITION.—In this section the term "machine tools" includes machine tools in the North American Industry Classification System (NAICS) codes 333511, 333512, 333513, 333514, and 333515.

AMENDMENT NO. 22 OFFERED BY MS. KAPTUR

The text of the amendment is as follows:

Page 220, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 827. BUY AMERICAN ENHANCEMENT.

Section 2533 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining under section 2 of the Buy American Act (41 U.S.C. 10a et seq.) whether application of such Act is inconsistent with the public interest, the Secretary of Defense shall not consider the provisions of any trade agreement between the United States and a foreign country that is in effect at the time of the determination.''.

AMENDMENT NO. 23 OFFERED BY MR. TURNER OF OHIO

The text of the amendment is as follows:

Strike section 1051 (page 323, line 4, through page 324, line 20) and insert the following:

SEC. 1051. ASSISTANCE FOR STUDY OF FEASIBILITY OF BIENNIAL UNITED STATES INTERNATIONAL AIR TRADE SHOW AND FOR INITIAL IMPLEMENTATION.

(a) ASSISTANCE FOR FEASIBILITY STUDY.—(1) The Secretary of Defense shall provide assistance to the nonprofit organization named United States Air and Trade Show Inc. for expenses of a study by that organization of the feasibility of the establishment and operation of a biennial United States international air trade show.

(2) The Secretary shall provide for the organization specified in paragraph (1) to submit to the Secretary a report containing the results of the study not later than September 30, 2004. The Secretary shall promptly submit the report to Congress, together with such comments on the report as the Secretary considers appropriate.

(b) ASSISTANCE FOR IMPLEMENTATION.—If the organization conducting the study under subsection (a) determines that the establishment and operation of such an air show is feasible and should be implemented, the Secretary shall provide assistance to that organization for the initial expenses of implementing such an air show.

(c) AMOUNT OF ASSISTANCE.—The amount of assistance provided by the Secretary under subsections (a) and (b)—

(1) may not exceed a total of $1,000,000, to be derived from amounts available for operation and maintenance for the Air Force for fiscal year 2004; and

(2) may not exceed one-half of the cost of the study and may not exceed one-half the cost of such initial implementation.

AMENDMENT NO. 24 OFFERED BY MR. KINGSTON

The text of the amendment is as follows:

At the end of title XXVIII (page 495, after line 6), insert the following new section:

SEC. ___. CONSIDERATION OF PUBLIC-ACCESS-ROAD ISSUES RELATED TO DISPOSAL OF PROPERTY AT MILITARY INSTALLATIONS UNDER BASE CLOSURE PROCESS.

(a) 1988 LAW.—Section 204(b)(2)(E) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: ''If a military installation to be closed or placed in an inactive status under this title includes a road used for public access through, into, or around the installation, the consultation required by this subparagraph shall include a discussion of measures to ensure the continued availability of the road for public use after the installation is closed or placed in an inactive status.''.

(b) 1990 LAW.—Section 2905(b)(2)(D) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: ''If a military installation to be closed or placed in an inactive status under this part includes a road used for public access through, into, or around the installation, the consultation required by this subparagraph shall include a discussion of measures to ensure the continued availability of the road for public use after the installation is closed or placed in an inactive status.''.

AMENDMENT NO. 25 OFFERED BY MR. HOBSON

The text of the amendment is as follows:

Part II of subtitle B of title VIII is amended by adding at the end (page 220, after line 12) the following new section:

SEC. 827. REQUIREMENT RELATING TO PURCHASES BY DEPARTMENT OF DEFENSE SUBJECT TO BUY AMERICAN ACT.

In applying section 2 of the Buy American Act (41 U.S.C. 10a) to acquisitions by the Department of Defense, the term ''substantially all'' shall mean at least 65 percent.

AMENDMENT NO. 26 OFFERED BY MR. HOEFFEL

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII (page 479, before line 15), insert the following new section:

SEC. ___. SENSE OF CONGRESS ON DEMOLITION OF ARMY TACONY WAREHOUSE DEPOT SITE, PHILADELPHIA, PENNSYLVANIA.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 656), appropriated $5,000,000 for the demolition of the Army Tacony Warehouse depot site in Philadelphia, Pennsylvania, operated by Fort Dix.

(2) The Secretary of the Army has yet to implement plans to demolish the Tacony warehouse.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Army should take swift action to finally demolish the Tacony warehouse, as previously required by Act of Congress.

AMENDMENT NO. 27 OFFERED BY MR. HOSTETTLER

The text of the amendment is as follows:

In section 2534(a) of title 10, United States Code, as proposed to be added by section 821(a), strike ''Packaging in direct contact with meals'' (page 212, line 8) and insert: ''Pre-formed retort packaging in direct contact with main entree meals''.

AMENDMENT NO. 28 OFFERED BY MR. FARR

The text of the amendment is as follows:

At the end of subtitle C of title III (page ____, after line ____), insert the following new section:

SEC. ___. PERMANENT AUTHORITY FOR PURCHASE OF CERTAIN MUNICIPAL SERVICES AT INSTALLATIONS IN MONTEREY COUNTY, CALIFORNIA.

(a) AUTHORITY.—Subject to subsection (b), public works, utility, and other municipal services needed for the operation of any Department of Defense asset in Monterey County, California, may be purchased from government agencies located in that county.

(b) PROHIBITION ON PURCHASE OF CERTAIN SERVICES.—Section 2465 of title 10, United States Code, relating to the purchase of firefighting or security-guard services at a military installation, applies with respect to the authority provided by subsection (a).

(c) CONFORMING AMENDMENT.—Section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820) is repealed.

AMENDMENT NO. 29 OFFERED BY MR. DICKS

The text of the amendment is as follows:

At the end of subtitle C of title XXVIII (page ____, after line ____), insert the following new section:

SEC. ___. LAND CONVEYANCE, PUGET SOUND NAVAL SHIPYARD, BREMERTON, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Bremerton, Washington (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.8 acres at the eastern end of the Puget Sound Naval Shipyard, Bremerton, Washington, immediately adjacent to the Bremerton Transportation Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City, directly or through an agreement with another entity, shall replace administrative space on the parcel to be conveyed by renovating for new occupancy approximately 7,500 square feet of existing space in Building 433 at Naval Station, Bremerton, Washington, at no cost to the United States, in accordance with plans and specifications acceptable to the Secretary. In lieu of any portion of such renovation, the Secretary may accept other facility alteration or repair of not less than equal value.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) ENVIRONMENTAL CONDITIONS.—The Secretary may use funds available in the Environmental Restoration Account, Navy to carry out the environmental remediation of the real property to be conveyed under subsection (a). Such environmental remediation shall be conducted in a manner consistent with section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), including the requirement to consider the anticipated future land use of the parcel.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 30 OFFERED BY MR. CRENSHAW

The text of the amendment is as follows:

At the end of subtitle D of title XXXV (page 627, after line 25), add the following:

SEC. . AUTHORITY TO CONVEY NDRF VESSELS AND VESSEL CONTENTS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to any or all of the vessels USS ORION (AS-18), USS HOWARD W. GILMORE (AS-16), USS SPERRY (AS-12), USS NEREUS (AS-17), USS PROTEUS (XAS-19), and S.S. HATTIESBURG VICTORY (number 248651), a barge and its inventoried contents (YFNB 4, also known as SSE-512), and the contents (Victory class spares) that have been removed from the S.S. CATAWBA VICTORY, to Beauchamp Tower Corporation (a not-for-profit corporation, in this section referred to as the ''recipient'') for use as moored support ships for the corporation and as memorials to the Fulton class ships and the Victory class ships, if—

(1) the vessel is not used for commercial transportation purposes;

(2) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(3) the recipient agrees that when the recipient no longer requires the vessel for use as a moored support ship for the corporation and as a memorial to the Fulton class ships and the Victory class ships—

(A) the recipient shall, at the discretion of the Secretary, reconvey the vessel to the Government in good condition except for ordinary wear and tear; or

(B) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of Florida, then—

(i) the recipient shall distribute the vessel, as an asset of the recipient, to a person that has been determined exempt from taxation under section 501(c)(3) of the Internal Revenue Code, or to the Federal Government or a State or local government for a public purpose; and

(ii) the vessel shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the recipient is located, for such purposes as the court shall determine, or to such organizations as the court shall determine are organized exclusively for public purposes;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (2) or (3); and

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, a written loan commitment, or financial resources—

(A) except as provided in subparagraph (B), of at least $1,500,000 for each vessel conveyed; and

(B) at least $50,000 for each barge with contents conveyed.

(b) DELIVERY OF VESSEL.—If a conveyance of a vessel is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of the enactment of this Act, in its present condition, without cost to the Government.

(c) MANAGEMENT OF VESSELS PENDING CONVEYANCE.—

(1) 2-YEAR HOLDING PERIOD.—The Secretary shall remove all vessels authorized to be conveyed under this section from the scrapping disposal list for a period of 2 years.

(2) DISPOSAL AT END OF HOLDING PERIOD.—If a vessel has not been received and transported from its conveyance location by the recipient before the end of such 2-year period, the Secretary may dispose of the vessel as the Secretary determines to be appropriate.

(3) DISPOSAL DURING HOLDING PERIOD.—Notwithstanding paragraph (1), the Secretary may dispose of a vessel authorized to be conveyed under this section during the 2-year period provided for in paragraph (1), if it is determined that the vessel is in danger of sinking or presents an immediate critical hazard to the National Defense Reserve Fleet or environmental safety.

(d) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient any unneeded equipment, materials, and spares from other vessels or in storage with the Maritime Administration and the National Defense Reserve Fleet, for the recipient's use, including the restoration and refit of the vessels conveyed under this section and to assist other vessel museums.

(e) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet each vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

NOTICE

Incomplete record of House proceedings. Today's House proceedings will be continued in the next issue of the Record.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, MAY 22, 2003 No. 77

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Rev. Kim Swithinbank of The Falls Church, Falls Church, VA.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God and Heavenly Father, You alone rule the nations of the world. In Your perfect timing and wisdom, You raise up leaders and You bring them down. You entrust power and authority into their hands, and one day You will call them to account for their stewardship of these gifts. In light of this, we are conscious of the awesome responsibility that You have entrusted to our Nation at this time in the history of Your world.

Therefore, we pray for all who lead and hold high office in this land, especially for the Members of this Senate, that You would give them Your ''Spirit of wisdom and understanding, of counsel and might, of knowledge and the fear of the Lord,'' that their deliberations and decisions would be godly, righteous and pure.

As the eyes of many are on this Nation, may its leaders govern in such a manner that results in peace with justice, and that provides a model for a watching world. We ask these prayers in the mighty name of Jesus, the King of Kings, and Lord of Lords. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

THE GUEST CHAPLAIN

Mr. WARNER. Mr. President, first, I wish to say how pleased I am to recognize our guest Chaplain for the day, who is now preaching the gospel in the Commonwealth of Virginia, and with roots to Great Britain, a nation which has been our ally for over 200 years after we settled a mild difference in 1776. But I must say that his message was most appropriate for the day. The magnificent way in which he delivered that message, I felt as if it reverberated through the rafters because of the resonance of that powerful voice. We welcome him.

SCHEDULE

Mr. WARNER. Mr. President, last evening, owing to the great help of many persons, not the least of whom is the distinguished Democratic whip who is here on the floor with me this morning, the bill of the Armed Services Committee made remarkable progress. Through the night, the staff on both sides prepared another significant collection of amendments which will soon be brought to the Senate for clearance.

When the Senate resumes consideration of the bill today, the Murray amendment will be laid aside, and Senator DASCHLE, or his designee, will be recognized to call up amendment No. 791 regarding the Department of the Air Force.

For the information of all Senators, amendments are expected throughout the day, and therefore rollcall votes will occur as designated by the leadership. It is the managers' hope—and, indeed, I may say from the Chaplain's prayer—that this bill will be concluded, hopefully, by midday today.

I know of several amendments on both sides which I believe we can work our way through. Some of them require the attention of the Senate, of course, with a rollcall vote.

With that, I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant Democratic leader is recognized.

Mr. REID. Mr. President, as we spoke last night as we were leaving, it seemed to me the only hurdle left was what we were going to do about the amendment offered by the distinguished Senator from Washington. She has offered this amendment 7 years in a row. We have had a straight up-or-down vote on this amendment 7 years in a row. It seems to me that would be the way to handle this matter, which, of course, is controversial, as are many other amendments on this very bill. Once we get through that—if, in fact, we do get through it, and it could hold

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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up the bill for an indefinite period of time—we have very few matters left on this side.

I have not been able to determine from the managers if they have been able to clear the Landrieu amendment. We were concerned about the Biden amendment and the Dodd amendment.

I think that is about all we have other than the Boxer amendment, which is going to be debated sometime today.

She has agreed to take a short time on that.

The end is in sight. But knowing the Senate as I do, the simple fact that the end is in sight doesn't mean that we will ever get there.

I hope we can resolve the Boxer matter and the Murray matter rapidly. Having done that, I think we will proceed through this bill quite quickly.

Mr. WARNER. Mr. President, if I might ask the distinguished leader and ranking member, we are prepared to accept the offer made last night with regard to time on the Boxer amendment.

Mr. REID. We would still be willing to do that. The Senator from California has indicated, if the Chair will allow me to speak to the Senator from Virginia, that she is agreeable to take an hour evenly divided on her amendment.

Mr. WARNER. Mr. President, we are prepared to accept that.

Mr. REID. Mr. President, the Senator from Washington waited for hours last night during the parliamentary wrangle that we had. I think we are willing to enter into that time agreement. I think we first have to dispose of the Murray amendment before we agree to that. Under the order, we have to work on the Daschle amendment. As soon as we complete that, I think we should dispose of the Murray amendment before we go to the Boxer amendment.

Mr. WARNER. Mr. President, will the Senator enter into an agreement with the chairman for a one-hour time agreement on the Boxer amendment which does not preclude an amendment in the second degree?

Mr. REID. Not at this time, we would not. I think we need to dispose of the Murray amendment one way or the other. Once we do, I think we can work something out on the Boxer amendment.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1050, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1050) 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.

Pending:

Murray Amendment No. 691, to restore a previous policy regarding restrictions on use of Department of Defense medical facilities.

The ACTING PRESIDENT pro tempore. Under the previous order, the pending amendment is set aside.

The Senator from Nevada.

AMENDMENT NO. 791

Mr. REID. Mr. President, I call up amendment number 791.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DASCHLE and Mr. JOHNSON, proposes an amendment No. 791.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside an amount for reconstituting the B–1B bomber aircraft fleet of the Air Force)

On page 21, after line 20, insert the following:

SEC. 132. B–1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), $20,300,000 shall be available to reconstitute the fleet of B–1B bomber aircraft through modifications of 23 B–1B bomber aircraft otherwise scheduled to be retired in fiscal year 2003 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

(2) The Secretary of the Air Force shall submit to the congressional defense committees a report that specifies the amounts necessary to be included in the future-years defense program to reconstitute the B–1B bomber aircraft fleet of the Air Force.

(b) ADJUSTMENT.—(1) The total amount authorized to be appropriated under section 103(1) is hereby increased by $20,300,000.

(2) The total amount authorized to be appropriated under section 104 is hereby reduced by $20,300,000, with the amount of the reduction to be allocated to SOF operational enhancements.

Mr. WARNER. Mr. President, if I could have the attention of the distinguished leader and ranking member, my understanding is that amendment requires a further amendment, and then it is in an acceptable form. Am I not correct?

Mr. LEVIN. If I could ask the Senator to yield, it is my understanding that the amendment has been agreed to but the paperwork has not yet been completed to accomplish the agreement.

Mr. REID. If the Chair would allow me, Senator DASCHLE agreed to the modification of the amendment. That could be handled either later today or in the managers' package.

Mr. WARNER. Mr. President, I thank the distinguished leader. Perhaps in the course of the debate this morning we can reach that agreement quickly.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. FITZGERALD assumed the Chair.)

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I first express to colleagues in the Senate our appreciation for their patience. We have achieved remarkable results, in my judgment, under the guidance of the distinguished Democratic whip and the Republican whip on this side, helping the two managers.

Mr. President, my colleague Senator LEVIN and I wish to turn to a package of some 30 agreed-upon amendments. At the conclusion of that, we will entertain a unanimous consent request which should pretty well keep us in motion here.

AMENDMENT NO. 804

Mr. WARNER. Mr. President, I offer an amendment on behalf of Senator SMITH which will authorize land exchange at the Naval and Marine Corps Reserve Center in Portland, OR.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH, proposes an amendment numbered 804.

The amendment is as follows:

(Purpose: To authorize a land exchange, Naval and Marine Corps Reserve Center, Portland, Oregon)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2825. LAND EXCHANGE, NAVAL AND MARINE CORPS RESERVE CENTER, PORTLAND OREGON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the United Parcel Service, Inc. (in this section referred to as ''UPS''), any or all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 14 acres in Portland, Oregon, and comprising the Naval and Marine Corps Reserve Center for the purpose of facilitating the expansion of the UPS main distribution complex in Portland.

(b) PROPERTY RECEIVED IN EXCHANGE.—(1) As consideration for the conveyance under subsection (a), UPS shall—

(A) convey to the United States a parcel of real property determined to be suitable by the Secretary; and

(B) design, construct, and convey such replacement facilities on the property conveyed under subparagraph (A) as the Secretary considers appropriate.

(2) The value of the real property and replacement facilities received by the Secretary under this subsection shall be at least equal to the fair market value of the real property conveyed under subsection (a), as determined by the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require UPS to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey

costs, costs related to environmental documentation, relocation expenses incurred under subsection (b), and other administrative costs related to the conveyance. If amounts are collected from UPS in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to UPS.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the replacement facilities required by subsection (b) are suitable and available for the relocation of the operations of the Naval and Marine Corps Reserve Center.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. LEVIN. Mr. President, we have no objection to this amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 804) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 805

Mr. LEVIN. I offer an amendment on behalf of Senator SARBANES that would provide for the conveyance of 33 acres of land in Fort Ritchie, MD.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside for all the amendments which Senator WARNER and I will now be offering.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SARBANES, proposes an amendment numbered 805.

The amendment is as follows:

(Purpose: To provide for the conveyance of land at Fort Ritchie, Maryland)

On page 370, between lines 15 and 16, insert the following new section:

SEC. 2825. LAND CONVEYANCE, FORT RITCHIE, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the PenMar Development Corporation, a public instrumentality of the State of Maryland (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at former Fort Ritchie, Cascade, Maryland, consisting of approximately 33 acres, that is currently being leased by the International Masonry Institute (in this section referred to as the ''Institute''), for the purpose of enabling the Corporation to sell the property to the Institute for the economic development of former Fort Ritchie.

(b) EXEMPTION FROM FEDERAL SCREENING REQUIREMENT.—The conveyance authorized by subsection (a) shall be exempt from the requirement to screen the property concerned for further Federal use pursuant to section 2696 of title 10, United States Code, under the Defense Base and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or under any other applicable law or regulation.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 805) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 707, AS MODIFIED

Mr. WARNER. On behalf of Senator INHOFE, I offer an amendment that supports Army research and development funding for human tissue engineering. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. INHOFE, proposes an amendment numbered 707, as modified.

The amendment is as follows:

(Purpose: To add an amount of Army RDT&E funding for human tissue engineering, and to provide offsets within the same authorization of appropriations)

On page 25, between lines 11 and 12, insert the following:

SEC. 213. HUMAN TISSUE ENGINEERING.

(a) AMOUNT.—Of the amount authorized to be appropriated under section 201(1), $1,700,000 may be available in PE 0602787 for human tissue engineering. The total amount authorized to be appropriated under section 201(1) is hereby increased by $1,700,000.

(b) OFFSETS.—Of the amount authorized to be appropriated under section 301(4) for operations and maintenance, Air Force, is hereby reduced by $1,700,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. There is no objection.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 707), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 791, AS MODIFIED

Mr. LEVIN. Mr. President, I offer a modified amendment on behalf of Senator DASCHLE that would add an additional $20.3 million for B–1B bomber modifications. I believe it has been cleared on both sides.

The PRESIDING OFFICER. Does the Senator intend this to be a modification of the pending Daschle amendment?

Mr. LEVIN. I am not sure I can hear the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan intend this to be a modification of the pending Daschle amendment?

Mr. LEVIN. We do.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 791, previously proposed by the Senator from Nevada, Mr. REID, for Mr. DASCHLE, as modified.

The amendment is as follows:

(Purpose: To set aside an amount for reconstituting the B–1B bomber aircraft fleet of the Air Force)

On page 21, after line 20, insert the following:

SEC. 132. B–1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), $20,300,000 may be available to reconstitute the fleet of B–1B bomber aircraft through modifications of 23 B–1B bomber aircraft otherwise scheduled to be retired in fiscal year 2003 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

(2) The Secretary of the Air Force shall submit to the congressional defense committees a report that specifies the amounts necessary to be included in the future-years defense program to reconstitute the B–1B bomber aircraft fleet of the Air Force.

(b) ADJUSTMENT.—(1) The total amount authorized to be appropriated under section 103(1) is hereby increased by $20,300,000.

(2) The total amount authorized to be appropriated under section 104 is hereby reduced by $20,300,000, with the amount of the reduction to be allocated to SOF operational enhancements.

Mr. DASCHLE. Mr. President, the Senate will soon adopt a new national Defense authorization bill. I commend Senators WARNER and LEVIN, the distinguished managers of this bill, for their excellent work. They have worked well together on an important piece of legislation.

This crucial legislation, the fiscal year 2004 National Defense authorization bill, provides funds for our troops, their training, and their equipment.

Coming as it does on the heels of the end of the fighting in Iraq, it also provides the Senate with its first opportunity to act on some of the lessons we have learned in that conflict.

Although the hostilities ended a short time ago and much more needs to be done in Iraq, I do not believe it is premature to begin drawing some conclusions about which forces and equipment performed well. Based on the Pentagon's assessments as well as media reports, it appears the B–1B aircraft and their crews performed magnificently.

Just as in Afghanistan, we had few air bases in adjacent countries. Fortunately the B–1's long operating range overcame that problem. Just as in Afghanistan, our air tankers were straining to keep up the demand for midair refueling—but B–1s were part of the solution, with their ability to cover long distances and strike 24 targets on a single mission. Just as in Afghanistan, we needed the ability to carry out strikes around the clock, on a moment's notice, regardless of weather conditions and B–1s did the job, day after day, until the Iraqi military was routed and its leadership was no more.

All of this served to reinforce what many have believed to be true for quite some time now; namely, that the Pentagon acted too hastily a few years ago when it decided to retire one-third of our B–1B bomber fleet.

The plan to retire one-third of the B–1 fleet was developed before the September 11th attacks, before the war on terrorism, before the fighting in Afghanistan, and before Iraq. Given the proven record of performance of the B–1, the age of our current heavy bomber fleet, the lack of a next-generation bomber, and the fact that it took 20 years before our Nation's last bomber-development program could field planes—it seems incredible that we are consigning 23 of our most capable aircraft, a plane referred to by those who know it best as the ''backbone of the bomber fleet,'' to the Arizona desert.

My amendment would begin the process of rolling back the decision to retire those 23 planes. It would rebuild our bomber fleet toward the level recommended in our last comprehensive review of bomber needs, the U.S. Air Force White Paper on Long Range Bombers. That report determined that 93 B–1s were needed to protect U.S. national security interests until a replacement capability is available. My amendment would put us on the path to 83 B–1s—the most we can muster, given decommissioning work that is already well underway on some aircraft.

Senator JOHNSON and I have consulted with the Air Force about the timing and funding requirements to regenerate 23 planes and have determined that an appropriate first-year effort would be $20.3 million. This is also the level of effort being recommended by the House Armed Service Committee in the bill being taken up this morning on the House floor. This fiscal year 2004 funding would launch a multiyear program to provide these 23 planes the same capabilities as the rest of the B–1 fleet.

To begin with, these planes would require the Block E upgrade to B–1 offensive systems that almost all of our B–1 fleet has already received. Additional assorted upgrades will also be required, and my amendment would begin that work—configuration to accommodate towed decoys, installation of new datalink capabilities, and modifications to improve the dependability and capability of the plane's electronic countermeasure system and its central integrated test system.

Finally, my amendment would require the Air Force to report back to congressional defense committees on additional funding requirements needed in the Future Years Defense Plan, (FYDP) to fully restore these aircraft to operational levels.

This is our last chance to halt the retirement of B–1s, since many are scheduled to be sent to Arizona by the end of this fiscal year. In light of what we know now about the hasty manner in which the B–1 retirement decision was made, the B–1's proven combat effectiveness, and our Nation's anticipated security requirements, it is time to begin bringing back these 23 planes.

Mr. JOHNSON. Mr. President, I support the Daschle-Johnson amendment to the fiscal year 2004 Defense Authorization bill. This amendment will provide the funding necessary to maintain a strong and reliable B–1 bomber fleet.

Over the past week, the B–1 bombers, crews, and support staff of the 28th Bomb Wing have begun to return to Ellsworth Air Force Base from their service in Operation Iraqi Freedom. As they did in Kosovo and Afghanistan, the B–1 bombers performed superbly in the war in Iraq. They have once again demonstrated that they are the backbone of America's bomber fleet. The B–1's unique ability to linger over the battlefield and provide responsive firepower at the time and place required by military commanders was an integral part of our victory in Iraq.

Although B–1s flew fewer than 2 percent of the combat sorties in Operation Iraqi Freedom, they dropped more than half the satellite guided Air Force Joint Direct Attack Munitions, (JDAMs). The B–1s were tasked against the full spectrum of potential targets in Iraq, including command and control facilities, bunkers, tanks, armored personnel carriers, and surface-to-air missile sites. They also provided close air support for U.S. forces engaged in the field. The bombers and crews accomplished all of this while maintaining over an 80 percent mission capable rate. This record of success proves B–1 is a vital, versatile, and potent component of our military force structure.

The Daschle-Johnson amendment would provide the funding needed to start regenerating, modernizing, and returning 23 B–1s to our bomber fleet. The Department of Defense is in the process of implementing its plan to retire all but 60 B–1s, this is despite a U.S. Air Force White Paper on Long Range Bombers that determined it was in our national security interests to maintain the full B–1 fleet. Furthermore, since the Pentagon announced its decision to consolidate the fleet, the B–1s have been instrumental in the military success of both Operation Enduring Freedom and Operation Iraqi Freedom.

Given the demonstration of its unique capabilities in both these campaigns, it makes little sense to continue forward with the retirement of one-third of the B–1 fleet. With the funding provided in the Daschle-Johnson amendment, and planned increases in the Air Force's budget in future years, additional modernized B–1s could enter service in fiscal year 2005. The B–1's ability to carry a large payload of satellite guided weapons and to strike from long distances will make it an important part of our Nation's defense for many years.

Mr. President, I encourage my colleagues to support the long-term viability of the B–1 fleet by voting in favor of the Daschle-Johnson amendment.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. It is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 791), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 787, AS MODIFIED

Mr. WARNER. On behalf of Senator SANTORUM, I offer an amendment to support naval research and development for nonthermal imaging systems. The amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 787, as modified.

The amendment is as follows:

(Purpose: To make available $2,000,000 for non-thermal imaging systems)

At the end of subtitle B of title II, add the following:

SEC. 213. NON-THERMAL IMAGING SYSTEMS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Power Projection Applied Research (PE 602114N), $2,000,000 may be available for research and development of non-thermal imaging systems. The total amount authorized to be appropriated under section 201(2) is hereby increased by $2,000,000.

(b) OFFSETS.—The amount authorized to be appropriated by section 301(4) for operations and maintenance, Air Force, is hereby reduced by $1,000,000 and the amount authorized to be appropriated by section 104 for Defense-Wide Activities, is hereby reduced by $1,000,000 for SOF Rotary Wing Upgrades.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. It has been cleared on this side.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 787), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 806

Mr. LEVIN. Mr. President, on behalf of Senator BIDEN, I send an amendment to the desk which would increase by 30 the personnel end strength of the Air National Guard.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BIDEN, proposes an amendment numbered 806.

The amendment is as follows:

(Purpose: To increase by 30 personnel the personnel end strength of the Air National Guard of the United States as of September 30, 2004, to provide personnel to improve the information operations capability of the Air National Guard of the United States)

(a) In section 411(a)(5), relating to the authorized strength for Selected Reserve personnel of the Air National Guard of the United States as of September 30, 2004, strike ''107,000'' and insert ''107,030''.

(b) The total amount authorized to be appropriated under section 104 is hereby reduced by $3,300,000, including $2,100,000 from SOF rotary wing upgrades and $1,200,000 from SOF operational enhancements.

The PRESIDING OFFICER. Is there debate on the amendment?

The amendment is agreed to.

The amendment (No. 806) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed.

AMENDMENT NO. 788, AS MODIFIED

Mr. WARNER. I offer an amendment to make available funds for operation and maintenance for the Army Reserve for information operations for Land Forces Readiness-Information Operations Sustainment. This amendment has been modified to provide offsets.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 788, as modified.

The amendment is as follows:

(Purpose: To make available, with an offset, $3,000,000 for operation and maintenance for the Army Reserve for information operations for Land Forces Readiness—Information Operations Sustainment)

At the end of subtitle B of title III, add the following:

SEC. 313. INFORMATION OPERATIONS SUSTAINMENT FOR LAND FORCES READINESS OF ARMY RESERVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY RESERVE.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $3,000,000.

(b) AVAILABILITY FOR INFORMATION OPERATIONS SUSTAINMENT.—(1) Of the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve, as increased by subsection (a), $3,000,000 may be available for Information Operations (Account #19640) for Land Forces Readiness–Information Operations Sustainment.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $3,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. No objection on this side.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 788), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 807

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment which authorizes $2.1 million to conduct research and development activity for the Holloman Air Force Base high-speed test track.

I believe it has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 807.

The amendment is as follows:

(Purpose: To make available, with an offset, $2,100,000 from amounts available for research, development, test, and evaluation for the Air Force for Major T&E Investment (PE 0604759F) for research an development on magnetic levitation technologies at the high speed test track at Holloman Air Force Base, New Mexico)

At the end of subtitle B of title II, add the following:

SEC. 213. MAGNETIC LEVITATION.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,100,000, with the amount of the increase to be allocated to Major T&E Investment (PE 0604759F).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force and available for Major T&E Investment, as increased by subsection (a), $2,100,000 may be available for research and development on magnetic levitation technologies at the high speed test track at Holloman Air Force Base, New Mexico.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force, is hereby reduced by $2,100,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. Mr. President, it is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 807) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 808

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment that adds $2 million for the Army for the procurement of rapid infusion pumps.

The matter has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 808.

The amendment is as follows:

(Purpose: To make available, with an offset, $2,000,000 for other procurement for the Army for medical equipment for the procurement of rapid infusion (IV) pumps)

In subtitle B of title I, add after the subtitle heading the following:

SEC. 111. RAPID INFUSION PUMPS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 101(5) for other procurement, Army, $2,000,000 may be available for medical equipment for the procurement of rapid infusion (IV) pumps.

(2) The total amount authorized to be appropriated under section 101(5) is hereby increased by $2,000,000.

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(1) for operations and maintenance, Army, the amount available is hereby reduced by $2,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 808) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 743, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator GRAHAM, I offer an amendment which adds $8 million to Marine Corps research and development funds for development of the collaborative information warfare network in the critical infrastructure protection center.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAHAM of South Carolina, proposes an amendment numbered 743, as modified.

The amendment is as follows:

(Purpose: To set aside an increased amount for the Collaborative Information Warfare Network at the Critical Infrastructure Protection Center at the Space Warfare Systems Center)

On page 40, between lines 7 and 8, insert the following:

SEC. 235. AMOUNT FOR COLLABORATIVE INFORMATION WARFARE NETWORK.

(1) Of the amount authorized to be appropriated by section 201(2), for research and development, Navy, $8,000,000 may be available for the Collaborative Information Warfare Network.

(2) The total amount authorized to be appropriated under section 201(2) is hereby increased by $8,000,000.

(3) OFFSET.—Of the amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force, the amount is hereby reduced by $8,000,000.

The PRESIDING OFFICER. Is there debate?

Mr. LEVIN. There is no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 743), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 723, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator LOTT, I offer an amendment which would add $2 million in Research, Development, Test and Evaluation funding for the development and fabrication of composite submarine sail test articles.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 723, as modified.

The amendment is as follows:

(Purpose: To set aside an amount of Navy RDT&E funding for the development and fabrication of composite sail test articles for incorporation into designs for future submarines)

On page 25, between lines 11 and 12, and insert the following:

SEC. 213. COMPOSITE SAIL TEST ARTICLES.

(a) the total amount authorized to be appropriated under section 201(2) for Virginia-class submarine development may be increased by $2,000,000 for the development and fabrication of composite sail test articles for incorporation into designs for future submarines.

(b) Defense-Wide Activities.—The amount authorized to be appropriated under section 104 may be reduced by $2,000,000, to be derived from the amount provided for SOF operational enhancements.

Mr. WARNER. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there debate?

Without objection, the amendment is agreed to.

The amendment (No. 723), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 809

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment to support Army research and development for portable mobile emergency broadband systems.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 809.

The amendment is as follows:

(Purpose: To make available, with an offset, $2,000,000 for research, development, test, and evaluation for the Army for the development of Portable Mobile Emergency Broadband Systems (MEBS)

At the end of subtitle B of title II, add the following:

SEC. 213. PORTABLE MOBILE EMERGENCY BROADBAND SYSTEMS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $2,000,000 may be available for the development of Portable Mobile Emergency Broadband Systems (MEBS).

(2) The total amount authorized to be appropriated under section 201(1) is hereby increased by $2,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 104 for Procurement, Defense-wide activities, SOF Operational Enhancements is hereby reduced by $2,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 809) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 810

Mr. WARNER. Mr. President, on behalf of Senator DOMENICI, I offer an amendment which would add funds for research and development of boron energy cell technology.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 810.

The amendment is as follows:

(Purpose: To provide, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Air Force for boron energy cell technology)

At the end of subtitle B of title II, add the following:

SEC. 213. BORON ENERGY CELL TECHNOLOGY.

(a) INCREASE IN RDT&E, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(b) AVAILABILITY FOR BORON ENERGY CELL TECHNOLOGY.—(1) of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $5,000,000 may be available for research, development, test, and evaluation on boron energy cell technology.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET FROM OPERATIONS AND MAINTENANCE.—The amount authorized to be appropriated by section 301(1), for operations and maintenance for the Army is hereby reduced by $5,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 810) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 760

Mr. WARNER. Mr. President, on behalf of Senator COCHRAN and others, I offer an amendment which makes available funds for the Arrow ballistic missile defense system.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COCHRAN, Mr. REED, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Ms. MIKULSKI, and Mr. BOND, proposes an amendment numbered 760.

The amendment is as follows:

(Purpose: To set aside an amount for coproduction of the Arrow ballistic missile defense system)

On page 40, between lines 7 and 8 insert the following:

SEC. 235. COPRODUCTION OF ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the total amount authorized to be appropriated under section 201 for ballistic missile defense, $115,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, there is no objection on this side.

Mr. President, I ask unanimous consent that I be added as a cosponsor.

Mr. WARNER. Mr. President, likewise, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the amendment is agreed to.

The amendment (No. 760) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 790, AS MODIFIED

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment that would add a reporting requirement to section 3131.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 790, as modified.

The amendment is as follows:

(Purpose: To require a report assessing the effects of the repeal of the prohibition on the research and development of low-yield nuclear weapons)

In section 3131, add at the end the following:

(c) REPORT.—(1) Not later than March 1, 2004, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report assessing whether or not the repeal of section 3136 of the National Defense Authorization Act for Fiscal Year 1994, will affect the ability of the United States to achieve its non-proliferation objectives and whether or not any changes in programs and activities would be required to achieve these objectives.

The PRESIDING OFFICER. Is there debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 790), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 811

Mr. WARNER. Mr. President, I offer an amendment which would amend section 2611 of the United States Code title X to allow the Secretary of the Navy to accept guarantees as gifts for the construction of a United States Marine Corps Heritage Center, enabling the center to be completed in time for the 230th anniversary of the United States Marine Corps in November of 2005.

It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 811.

The amendment is as follows:

(Purpose: To authorize the acceptance of guarantees with gifts for the development of the Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia)

On page 278, beginning on line 16, strike "**FOR ASIA-PACIFIC CENTER FOR SECURITY STUDIES**".

On page 280, after the matter following line 7, insert the following:

(c) ACCEPTANCE OF GUARANTEES WITH GIFTS IN DEVELOPMENT OF MARINE CORPS HERITAGE CENTER, MARINE CORPS BASE, QUANTICO, VIRGINIA.—(1) The Secretary of the Navy may utilize the authority in section 6975 of title 10, United States Code, for purposes of the project to develop the Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia, authorized by section 2884 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001; as enacted into law by Public Law 106–398; 114 Stat. 1654A–440).

(2) The authority in paragraph (1) shall expire on December 31, 2006.

(3) The expiration under paragraph (2) of the authority in paragraph (1) shall not effect any qualified guarantee accepted pursuant to such authority for purposes of the project referred to in paragraph (1) before the date of the expiration of such authority under paragraph (2).

Mr. LEVIN. Mr. President, we support the Warner amendment.

The PRESIDING OFFICER. Is there debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 811) was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that there be a period throughout the remainder of the day for those who wish to be added as cosponsors of this amendment to so indicate to the Presiding Officer their desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 737

Mr. LEVIN. Mr. President, on behalf of Senator NELSON of Florida, I offer an amendment that would authorize travel and transportation allowances for dependents of service members who have committed dependent abuse against a spouse or dependent child.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, Mr. KENNEDY, and Mrs. CLINTON, proposes an amendment numbered 737.

The amendment is as follows:

(Purpose: To authorize certain travel and transportation allowances for dependents of members of the Armed Forces who have committed dependent abuse)

At the end of subtitle G of title V, add the following:

SEC. 565. CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO HAVE COMMITTED DEPENDENT ABUSE.

Section 406(h) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) If the Secretary concerned makes a determination described in subparagraph (B) with respect to the spouse or a dependent of a member described in that subparagraph and a request described in subparagraph (C) has been by the spouse or on behalf of such dependent, the Secretary may provide any benefit authorized for a member under paragraph (1) or (3) to the spouse or such dependent in lieu of providing such benefit to the member.

"(B) A determination described in this subparagraph is a determination by the commanding officer of a member that—

"(i) the member has committed a dependent-abuse offense against the spouse or a dependent of the member;

"(ii) a safety plan and counseling have been provided to the spouse or such dependent;

"(iii) the safety of the spouse or such dependent is at risk; and

"(iv) the relocation of the spouse or such dependent is advisable.

"(C) A request described in this subparagraph is a request by the spouse of a member, or by the parent of a dependent child in the case of a dependent child of a member, for relocation.

"(D) Transportation may be provided under this paragraph for household effects or a motor vehicle only if a written agreement of the member, or an order of a court of competent jurisdiction, gives possession of the effects or vehicle to the spouse or dependent of the member concerned.

"(E) In this paragraph, the term 'dependent-abuse offense' means an offense described in section 1059(c) of title 10.".

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. Mr. President, the amendment has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 737) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 812

Mr. WARNER. Mr. President, on behalf of Senator MCCAIN, I offer an amendment to provide emergency and morale communications programs.

The amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 812.

The amendment is as follows:

On page 43, strike lines 4 through 9 and insert the following:

SEC. 311. EMERGENCY AND MORALE COMMUNICATIONS PROGRAMS.

(a) ARMED FORCES EMERGENCY SERVICES.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

(b) DEPARTMENT OF DEFENSE MORALE TELECOMMUNICATIONS PROGRAM.—(1) As soon as possible after the date of enactment of this Act, the Secretary of Defense shall establish and carry out a program to provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the Armed Forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the member.

(2) The value of the benefit provided by paragraph (1) shall not exceed $40 per month per person.

(3) The program established by paragraph (1) shall terminate on September 30, 2004.

(4) In carrying out the program under this subsection, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private entities free or reduced-cost services, and programs to enhance morale and welfare. In addition, and notwithstanding any limitation on the expenditure or obligations

of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out the program.

(5) The Secretary may accept gifts and donations in order to defray the costs of the program. Such gifts and donations may be accepted from foreign governments; foundations or other charitable organizations, including those organized or operating under the laws of a foreign country; and any source in the private sector of the United States or a foreign country.

(6) The Secretary shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under the program as quickly as practicable, consistent with the timely provision of telecommunications benefits the program, the Secretary should carry out this subsection in a manner that allows for competition in the provision of such benefits.

(7) The Secretary shall not take any action under this subsection that would compromise the military objectives or mission of the Department of Defense.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. We have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 812) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

Th motion to lay on the table was agreed to.

AMENDMENT NO. 813

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON, I offer an amendment expressing the sense of the Senate that United States air carriers should offer reduced fares and flexible terms of sale to members of the United States Armed Forces. This is a timely message to the airlines of a way in which they can show their support to military members.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 813.

The amendment is as follows:

(Purpose: To express the sense of the Senate that air carriers should provide special fares to members of the armed forces)

At the appropriate place, insert the following new section:

SEC. ___. AIR FARES FOR MEMBERS OF ARMED FORCES.

It is the sense of the Senate that each United States air carrier should—

(1) make every effort to allow active duty members of the armed forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements and other restrictions; and

(2) offer flexible terms that allow members of the armed forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, or penalties.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, we support the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 813) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 814

Mr. WARNER. Mr. President, on behalf of Senator CHAMBLISS, I offer an amendment to modify the program element of the Army's short range air defense radar research and development program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CHAMBLISS, proposes an amendment numbered 814.

The amendment is as follows:

(Purpose: To modify the program element of the short range air defense radar program of the Army)

At the end of subtitle B of title II, add the following:

SEC. 213. MODIFICATION OF PROGRAM ELEMENT OF SHORT RANGE AIR DEFENSE RADAR PROGRAM OF THE ARMY.

The program element of the short range air defense radar program of the Army may be modified from Program Element 602303A (Missile Technology) to Program Element 603772A (Advanced Tactical Computer Science and Sensor Technology).

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 814) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 815

Mr. LEVIN. Mr. President, on behalf of Senator MIKULSKI, I offer an amendment that would authorize the Department of Defense and the VA jointly to conduct a program to develop and evaluate integrated healing care practices for members of the Armed Forces and veterans.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. MIKULSKI, proposes an amendment numbered 815.

The amendment is as follows:

(Purpose: To provide additional duties for the DOD–VA Joint Executive Committee relating to integrated healing care practices for members of the Armed Forces and veterans)

On page 169, between lines 5 and 6, insert the following:

(d) INTEGRATED HEALING CARE PRACTICES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs may, acting through the Department of Veterans Affairs–Department of Defense Joint Executive Committee, conduct a program to develop and evaluate integrated healing care practices for members of the Armed Forces and veterans.

(2) Amounts authorized to be appropriated by section 301(21) for the Defense Health Program may be available for the program under paragraph (1).

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. Mr. President, it is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 815) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 816

Mr. WARNER. Mr. President, on behalf of Senator BENNETT, I offer an amendment to require a Department of Defense study of the adequacy of the beryllium industrial base.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BENNETT, proposes an amendment numbered 816.

The amendment is as follows:

(Purpose: To require a Department of Defense study of the adequacy of the beryllium industrial base)

On page 276, between lines 5 and 6, insert the following:

SEC. 1025. STUDY OF BERYLLIUM INDUSTRIAL BASE.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a study of the adequacy of the industrial base of the United States to meet defense requirements of the United States for beryllium.

(b) REPORT.—Not later than January 30, 2004, the Secretary shall submit a report on the results of the study to Congress. The report shall contain, at a minimum, the following information:

(1) A discussion of the issues identified with respect to the long-term supply of beryllium.

(2) An assessment of the need, if any, for modernization of the primary sources of production of beryllium.

(3) A discussion of the advisability of, and concepts for, meeting the future defense requirements of the United States for beryllium and maintaining a stable domestic industrial base of sources of beryllium through—

(A) cooperative arrangements commonly referred to as public-private partnerships;

(B) the administration of the National Defense Stockpile under the Strategic and Critical Materials Stock Piling Act; and

(C) any other means that the Secretary identifies as feasible.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. We have no objection to the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 816) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 817

Mr. WARNER. Mr. President, on behalf of Senators MCCAIN, SESSIONS, LINDSEY GRAHAM, and BAYH, I offer an amendment which would add reporting requirements to a report on the NATO Prague Capabilities Commitment and the NATO Response Force.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself, Mr. SESSIONS, Mr. GRAHAM of South Carolina, and Mr. BAYH, proposes an amendment numbered 817.

The amendment is as follows:

(Purpose: To require a report on decisionmaking by the North Atlantic Treaty Organization)

On page 310, between lines 9 and 10, insert the following:

(D) A discussion of NATO decisionmaking on the implementation of the Prague Capabilities Commitment and the development of the NATO Response Force, including—

(i) an assessment of whether the Prague Capabilities Commitment and the NATO Response Force are the sole jurisdiction of the Defense Planning Committee, the North Atlantic Council, or the Military Committee;

(ii) a description of the circumstances which led to the defense, military, security, and nuclear decisions of NATO on matters such as the Prague Capabilities Commitment and the NATO Response Force being made in bodies other than the Defense Planning Committee;

(iii) a description of the extent to which any member that does not participate in the integrated military structure of NATO contributes to each of the component committees of NATO, including any and all committees relevant to the Prague Capabilities Commitment and the NATO Response Force;

(iv) a description of the extent to which any member that does not participate in the integrated military structure of NATO participates in deliberations and decisions of NATO on resource policy, contribution ceilings, infrastructure, force structure, modernization, threat assessments, training, exercises, deployments, and other issues related to the Prague Capabilities Commitment or the NATO Response Force;

(v) a description and assessment of the impediments, if any, that would preclude or limit NATO from conducting deliberations and making decisions on matters such as the Prague Capabilities Commitment or the NATO Response Force solely in the Defense Planning Committee;

(vi) the recommendations of the Secretary of Defense on streamlining defense, military, and security decisionmaking within NATO relating to the Prague Capabilities Commitment, and NATO Response Force, and other matters, including an assessment of the feasibility and advisability of the greater utilization of the Defense Planning Committee for such purposes; and

(vii) if a report under this subparagraph is a report other than the first report under this subparagraph, the information submitted in such report under any of clauses (i) through (vi) may consist solely of an update of any information previously submitted under the applicable clause in a preceding report under this subparagraph.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. The amendment has been cleared on both sides.

Mr. LEVIN. We have no objection on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 817) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 818

Mr. LEVIN. Mr. President, on behalf of Senator BOXER, I offer an amendment that requires the Comptroller General to submit a report regarding the adequacy of special pays and allowances for service members who experience frequent deployments away from their permanent duty stations for periods less than 30 days.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. BOXER, proposes an amendment numbered 818.

The amendment is as follows:

At the appropriate place, add the following:

GAO STUDY.—Not later than April 1, 2004, the Comptroller General shall submit a report regarding the adequacy of special pays and allowances for service members who experience frequent deployments away from their permanent duty stations for periods less than 30 days. The policies regarding eligibility for family separation allowance, including those relating to required duration of absences from the permanently assigned duty station, should be assessed.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. Mr. President, the matter is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 818) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 819

Mr. WARNER. Mr. President, on behalf of myself, I offer an amendment which supports the network centric operations at minority colleges and universities.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 819.

The amendment is as follows:

(Purpose: To set aside an amount for initiating a capability in historically Black colleges and universities to support the network centric operations of the Department of Defense)

On page 25, between lines 11 and 12, insert the following:

SEC. 213. AMOUNT FOR NETWORK CENTRIC OPERATIONS.

Of the amount authorized to be appropriated under section 201(1) for historically Black colleges and universities, $1,000,000 may be used for funding the initiation of a capability in such institutions to support the network centric operations of the Department of Defense.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. Mr. President, we support the amendment. I ask unanimous consent that I be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, the Senator will be added as a cosponsor.

Mr. WARNER. Mr. President, I ask unanimous consent that the junior Senator from the State of Virginia, Mr. ALLEN, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendment is agreed to.

The amendment (No. 819) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 789, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator BUNNING, I offer an amendment that expresses the sense of the Senate about upgrading the chemical agent sensors at the chemical stockpile disposal sites in the United States.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BUNNING, proposes an amendment numbered 789, as modified.

The amendment, as modified is as follows:

(Purpose: To express the sense of the Senate on the deployment of airborne chemical agent monitoring systems at the chemical stockpile disposal sites in the United States)

At the end of subtitle D of title X, add the following:

SEC. 1039. SENSE OF SENATE ON DEPLOYMENT OF AIRBORNE CHEMICAL AGENT MONITORING SYSTEMS AT CHEMICAL STOCKPILE DISPOSAL SITES IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Millions of assembled chemical weapons are stockpiled at chemical agent disposal facilities and depot sites across the United States.

(2) Some of these weapons are filled with nerve agents, such as GB and VX and blister agents such as HD (mustard agent).

(3) Hundreds of thousands of United States citizens live in the vicinity of these chemical weapons stockpile sites and depots.

(4) The airborne chemical agent monitoring systems at these sites are inefficient or outdated compared to newer and advanced technologies on the market.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Army should develop and deploy a program to upgrade the airborne chemical agent monitoring systems at all chemical stockpile disposal sites across the United States in order to achieve the broadest possible protection

of the general public, personnel involved in the chemical demilitarization program, and the environment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. We have no objection on this side.

Mr. WARNER. We have no objection. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 789), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 820

Mr. WARNER. Mr. President, on behalf of Senator SESSIONS, I offer an amendment which directs the Secretary of Defense to conduct a study on the adequacy of the benefits for survivors of military personnel who die on active duty. This amendment, and the study it directs, I am confident, will provide a catalyst for necessary evaluation and change in the manner in which families are compensated after the death of loved ones serving in uniform.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 820.

The amendment is as follows:

(Purpose: To require a study of the military death gratuity and other death benefits provided for survivors of deceased members of the Armed Forces)

On page 155, between lines 10 and 11, insert the following:

(c) DEATH BENEFITS STUDY.—(1) It is the sense of Congress that—

(A) the sacrifices made by the members of the United States Armed Forces are significant and are worthy of meaningful expressions of gratitude by the Government of the United States, especially in cases of sacrifice through loss of life;

(B) the tragic events of September 11, 2001, and subsequent worldwide combat operations in the Global War on Terrorism and in Operation Iraqi Freedom have highlighted the significant disparity between the financial benefits for survivors of deceased members of the Armed Forces and the financial benefits for survivors of civilian victims of terrorism;

(C) the death benefits system composed of the death gratuity paid by the Department of Defense to survivors of members of the Armed Forces, the subsequently established Servicemembers' Group Life Insurance (SGLI) program, and other benefits for survivors of deceased members has evolved over time, but there are increasing indications that the evolution of such benefits has failed to keep pace with the expansion of indemnity and compensation available to segments of United States society outside the Armed Forces, a failure that is especially apparent in a comparison of the benefits for survivors of deceased members with the compensation provided to families of civilian victims of terrorism; and

(D) while Servicemembers' Group Life Insurance (SGLI) provides an assured source of life insurance for members of the Armed Forces that benefits the survivors of such members upon death, the SGLI program requires the members to pay for that life insurance coverage and does not provide an assured minimum benefit.

(2) The Secretary of Defense shall carry out a study of the totality of all current and projected death benefits for survivors of deceased members of the Armed Forces to determine the adequacy of such benefits. In carrying out the study, the Secretary shall—

(A) compare the Federal Government death benefits for survivors of deceased members of the Armed Forces with commercial and other private sector death benefits plans for segments of United States society outside the Armed Forces, and also with the benefits available under Public Law 107–37 (115 Stat. 219) (commonly known as the ''Public Safety Officer Benefits Bill'');

(B) assess the personnel policy effects that would result from a revision of the death gratuity benefit to provide a stratified schedule of entitlement amounts that places a premium on deaths resulting from participation in combat or from acts of terrorism;

(C) assess the adequacy of the current system of Survivor Benefit Plan annuities and Dependency and Indemnity Compensation and the anticipated effects of an elimination of the offset of Survivor Benefit Plan annuities by Dependency and Indemnity Compensation;

(D) examine the commercial insurability of members of the Armed Forces in high risk military occupational specialties; and

(E) examine the extent to which private trusts and foundations engage in fundraising or otherwise provide financial benefits for survivors of deceased members of the Armed Forces.

(3) Not later than March 1, 2004, the Secretary shall submit a report on the results of the study under paragraph (2) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(A) The assessments, analyses, and conclusions resulting from the study.

(B) Proposed legislation to address the deficiencies in the system of Federal Government death benefits for survivors of deceased members of the Armed Forces that are identified in the course of the study.

(C) An estimate of the costs of the system of death benefits provided for in the proposed legislation.

(4) The Comptroller General shall conduct a study to identify the death benefits that are payable under Federal, State, and local laws for employees of the Federal Government, State governments, and local governments. Not later than November 1, 2003, the Comptroller General shall submit a report containing the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. We have no objection to the amendment.

Mr. WARNER. Mr. President, I ask unanimous consent to be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. We have no objection to the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 820) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 821

Mr. LEVIN. Mr. President, on behalf of Senator LANDRIEU, I offer an amendment that would increase the maximum Federal contribution to the National Guard Challenge Program in States from the current 60 percent to 65 percent for fiscal year 2004.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 821.

The amendment is as follows:

(Purpose: To amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program for fiscal year 2004, and to provide an offset)

On page 291, between lines 14 and 15, insert the following:

SEC. 1039. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

(a) MAXIMUM FEDERAL SHARE.—Section 509(d) of title 32, United States Code, is amended—

(1) by striking paragraphs (1), (2), and (3);

(2) by redesignating paragraph (4) as paragraph (1);

(3) in paragraph (1), as so redesignated, by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph (2);

''(2) for fiscal year 2004 (notwithstanding paragraph (1)), 65 percent of the costs of operating the State program during that year.''.

(b) STUDY.—(1) The Secretary of Defense shall carry out a study to evaluate (a) the adequacy of the requirement under section 509(d) of title 32, United States Code, for the United States to fund 60 percent of the costs of operating a State program of the National Guard Challenge Program and the State to fund 40 percent of such costs, and (b) the value of the Challenge Program to the Department of Defense.

(2) In carrying out the study under paragraph (1), the Secretary should identify potential alternatives to the matching funds structure provided for the National Guard Challenge Program under section 509(d) of title 32, United States Code, such as a range of Federal-State matching ratios, that would provide flexibility in the management of the program to better respond to temporary fiscal conditions.

(3) The Secretary shall include the results of the study, including findings, conclusions, and recommendations, in the next annual report to Congress under section 509(k) of title 32, United States Code, that is submitted to Congress after the date of the enactment of this Act.

(c) AMOUNT FOR FEDERAL ASSISTANCE.—(1) The amount authorized to be appropriated under section 301(10) is hereby increased by $3,000,000.

(2) Of the total amount authorized to be appropriated under section 301(10), $68,216,000 shall be available for the National Guard Challenge Program under section 509 of title 32, United States Code.

(3) The total amount authorized to be appropriated under section 301(4) is hereby reduced by $3,000,000.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendment is agreed to.

The amendment (No. 821) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 727

Mr. WARNER. Mr. President, on behalf of Senator BUNNING, I offer an amendment which would authorize a multiyear procurement for the Phalanx Close In Weapon System program, Block 1B, for the Navy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BUNNING, proposes an amendment numbered 727.

The amendment is as follows:

(Purpose: To authorize the use of multiyear procurement authority for the Navy for procurement of the Phalanx Close In Weapon System program, Block 1B)

On page 17, after line 25, add the following:

(5) The Phalanx Close In Weapon System program, Block 1B.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. We have no objection to the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 727) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 822

Mr. WARNER. Mr. President, I offer an amendment that would provide an equitable offset for any fee charged the Department of Defense by the Department of State for maintenance, upgrade, or construction of United States diplomatic facilities.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 822.

The amendment is as follows:

(Purpose: To provide an equitable offset for any fee charged the Department of Defense by the Department of State for maintenance, upgrade, or construction of United States diplomatic facilities)

On page 69, line 5, strike "**AIRLIFT**".

On page 70, between the matter following line 9 and line 10, insert the following:

(c) COSTS OF GOODS AND SERVICES PROVIDED TO DEPARTMENT OF STATE.—For any fee charged to the Department of Defense by the Department of State during any year for the maintenance, upgrade, or construction of United States diplomatic facilities, the Secretary of Defense may remit to the Department of State only that portion, if any, of the total amount of the fee charged for such year that exceeds the total amount of the costs incurred by the Department of Defense for providing goods and services to the Department of State during such year.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. There is no objection to the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 822) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 823

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU, which would provide for a feasibility study of the conveyance of the Louisiana Army Ammunition Plant at Doyline, LA.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 823.

The amendment is as follows:

(Purpose: To proivde for a feasibility study of the conveyance of the Louisiana Army Ammunition Plant, Doyline, Louisiana)

At the end of subtitle C of title XXVIII, add the following new section:

SEC. 2825. FEASIBILITY STUDY OF CONVEYANCE OF LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) STUDY REQUIRED.—(1) The Secretary of the Army shall conduct a study of the feasibility, costs, and benefits for the conveyance of the Louisiana Army Ammunition Plant as a model for a public-private partnership for the utilization and development of the Plant and similar parcels of real property.

(2) In conducting the study, the Secretary shall consider—

(A) the feasibility and advisability of entering into negotiations with the State of Louisiana or the Louisiana National Guard for the conveyance of the Plant;

(B) means by which the conveyance of the Plant could—

(i) facilitate the execution by the Department of Defense of its national security mission;

(ii) facilitate the continued use of the Plant by the Louisiana National Guard and the execution by the Louisiana National Guard of its national security mission; and

(C) evidence presented by the State of Louisiana of the means by which the conveyance of the Plant could benefit current and potential private sector and governmental tenants of the Plant and facilitate the contribution of such tenants to economic development in Northwestern Louisiana;

(C) the amount and type of consideration that is appropriate for the conveyance of the Plant;

(D) the evidence presented by the State of Louisiana of the extent to which the conveyance of the Plant to a public-private partnership will contribute to economic growth in the State of Louisiana and in Northwestern Louisiana in particular;

(E) the value of any mineral rights in the lands of the Plant;

(F) the advisability of sharing revenues and rents paid by current and potential tenants of the Plant as a result of the Armament Retooling and Manufacturing Support Program; and

(b) LOUISIANA ARMY AMMUNITION PLANT.—In this section, the term "Louisiana Army Ammunition Plant" means the Louisiana Army Ammunition Plant in Doyline, Louisiana, consisting of approximately 14,949 acres, of which 13,665 acres are under license to the Military Department of the State of Louisiana and 1,284 acres are used by the Army Joint Munitions Command.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the study conducted under subsection (a). The report shall include the results of the study and any other matters in light of the study that the Secretary considers appropriate.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 823) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 824

Mr. LEVIN. Mr. President, on behalf of Senator FEINSTEIN, Senator REID, and Senator BOXER, I offer an amendment that would require the Secretary of Defense to submit to Congress a 2001 survey on potential perchlorate contamination at Department of Defense sites prepared by the U.S. Air Force Research Laboratory.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, for herself, Mr. REID, and Mrs. BOXER, proposes an amendment numbered 824.

The amendment is as follows:

(Purpose: To require the submittal of a survey on perchlorate contamination at Department of Defense sites)

At the end of subtitle B of title III, add the following:

SEC. 332. SUBMITTAL OF SURVEY ON PERCHLORATE CONTAMINATION AT DEPARTMENT OF DEFENSE SITES.

(a) SUBMITTAL OF PERCHLORATE SURVEY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress the 2001 survey to identify the potential for perchlorate contamination at all active and closed Department of Defense sites that was prepared by the United States Air Force Research Laboratory, Aerospace Expeditionary Force Technologies Division, Tyndall Air Force Base and Applied Research Associates.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Energy and Commerce of the House of Representatives.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. There has been a clearance on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 824) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 785

(Purpose: To strengthen the authority under section 852 to provide Federal support for the enhancement of the emergency response capabilities of state and local governments)

Mr. LEVIN. Mr. President, on behalf of Senator DODD, I offer an amendment to establish a grant program to support increasing the number of firefighters to address emergencies and terrorist threats.

The PRESIDING OFFICER. Will the Senator please submit the amendment.

Mr. LEVIN. I apologize.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DODD, proposes an amendment numbered 785.

(The amendment is printed in the RECORD of May 21, 2003, under ''Text of Amendments.'')

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. Mr. President, it has been cleared on this side. I ask unanimous consent that the Senator from Virginia be added as a cosponsor.

The PRESIDING OFFICER. Without objection, the Senator will be added as a cosponsor.

Without objection, the amendment is agreed to.

The amendment (No. 785) was agreed to.

Mr. LEVIN. Mr. President, I also ask unanimous consent to be added as a cosponsor of the amendment. And I ask if we can leave the roll open for cosponsors until 6 o'clock tonight—until we go out—for additional people to be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 821

Ms. LANDRIEU. Mr. President, I can think of few better uses of Federal dollars than the benefits derived from our commitment to the National Guard's Youth Challenge Program. Every year, over 500,000 boys and girls drop out of school. High-school dropouts face a much more difficult life after leaving school than their peers who continue their educations to finish high school. Drug use and run-ins with the law often plague high school dropouts for a life-time.

The Youth Challenge Program has reclaimed the lives of over 45,000 children through the instillment of discipline, self-respect, commitment to citizenry, and the renewed pursuit of a diploma. It costs over $40,000 a year for a child to be detained in a juvenile detention center. On the other hand, Youth Challenge can reclaim a child from a life of wrong-turns for $14,000 a child.

I am pleased the President and the Senate have committed $65.2 million to the Youth Challenge Program. Youth Challenge is funded on a formula basis, whereby the Federal Government contributes 60 percent of the funds and States contribute 40 percent. Regrettably, many States are facing steep budget shortfalls, and they are having difficulty meeting the 40 percent match. Already, New York and Missouri have closed their Youth Challenge programs.

This amendment authorizes the Department to increase the Federal match, temporarily, until the States get their financial houses in order. For fiscal year 2004, the Federal match would increase to 65 percent. For fiscal year 2005 and fiscal year 2006 the Federal match would increase to 70 percent. However, it is expected the States will have recovered from budgetary difficulties by fiscal year 2007; therefore, the Federal match would fall back to 65 percent in all subsequent years.

There is no more effective program to make high school dropouts contributors, rather than anchors, to society. I hope you will join me in supporting this amendment.

Mr. WARNER. Mr. President, I believe we are ready to proceed.

Mr. REID. Mr. President, if the Senator will yield, without losing his right to the floor.

Mr. WARNER. Yes.

Mr. REID. Tremendous progress has been made in the last few hours, as we have seen by these amendments. We are very close to being able to issue a consent we hope will be agreed upon to finalize the bill, but we need just a minute to do that. There is a call in the cloakroom we have to resolve before we do that.

Mr. WARNER. May I suggest we put in a quorum call.

Mr. REID. Would the Senator from Virginia do that, please.

Mr. WARNER. The Senator from Virginia suggests the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Murray amendment, No. 691, and there then be 60 minutes of debate, equally divided in the usual form, prior to a vote in relation to the amendment, with no amendments in order to the amendment prior to the vote.

Mr. REID. Mr. President, if I may interrupt, I failed to mention this to my friend a second ago. Our leader has asked that the vote occur at 2:15, rather than an hour from the time it begins. We would still only have an hour of debate. There are other things we can do during that period of time. So I ask for that modification.

Mr. WARNER. Yes, that is acceptable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that following the amendments, that only amendments in order are relevant under the original agreement and subject to relevant second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We have a package of amendments. There are additional amendments, all of which must be in conformity with the unanimous consent, pending relevancy at the desk. All have to be checked through that system. They are: First, Durbin; second, Domenici; third, Landrieu; fourth, Kerry. Further, Senator GRASSLEY has an amendment. All of these have to be passed through the parliamentary unanimous consent.

Mr. REID. These are subject to relevant second-degree amendments.

Mr. WARNER. I say to my distinguished colleague, there is a Boxer amendment regarding contracting, subject to a relevant second degree.

Mr. REID. We just got a call from Senator BYRD. We are going to have to wait.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

AMENDMENT NO. 691

Mr. WARNER. Mr. President, again I proceed to a unanimous consent request as follows: I ask unanimous consent that the Senate now resume consideration of the Murray amendment No. 691, and there then be 60 minutes of debate equally divided in the usual form prior to a vote in relation to the amendment, with no amendments in order prior to the vote; I ask consent that the following amendments be the only amendments in order and be relevant as under the original agreement and subject to relevant second degrees: A package of amendments that have been cleared and are being cleared by both managers; the Boxer amendment regarding contracting and subject to relevant second degree; Domenici amendment on border security, to be resolved; Kerry, air travel; Landrieu, subject to being relevant; Grassley, ground systems, subject to relevancy.

Mr. REID. Reserving the right to object, Domenici, Kerry, Landrieu, Grassley also have the same language, that they be subject to relevant second-degree amendments. We have stated that twice. I want to make sure that is clear.

Mr. WARNER. I ask unanimous consent that following disposition of the above amendment, the bill be read a third time, and the Senate then proceed to a vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I now ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of S. 1104, introduced by Senator BROWNBACK, relating to parental notification, provided that immediately upon the reporting of the bill, the majority leader or his designee be recognized in order to file a cloture motion on the bill. I further ask consent that there then be 60 minutes for debate only, equally divided between Senators BROWNBACK and MURRAY, and that following that debate time, notwithstanding the provisions of rule XXII, the Senate proceed to an immediate vote on the motion to invoke cloture on the underlying bill, without intervening action or debate; provided further that if cloture is not invoked, the bill be placed on the calendar. If cloture is invoked, I would ask consent that it be in order to file first-degree amendments up to the cloture vote, and second-degree amendments up to 3 hours after the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator will yield, this took just a few minutes to read. It took hours to accomplish.

We are now going to a situation where Senator MURRAY and Senator BROWNBACK will debate for 1 hour. Following that, there will be a vote on or in relation to the Murray amendment. Following that, we will work our way through these other amendments that have been declared to be in order on this bill. Some of them, I hope, will be resolved.

I personally extend my appreciation to the two managers of this bill for their patience, their understanding, and also Senator MURRAY and Senator BROWNBACK. The issue about which we are going to debate for an hour is very sensitive to everyone, those two Senators especially. They have also been courteous to each of us and each other. I think this is a fair way to proceed.

Mr. WARNER. I thank the distinguished Democratic leader. He has been too modest to say he, together with the distinguished Senator from Kentucky on this side, has been an integral part of enabling this agreement to be formulated.

I yield the floor.

AMENDMENT NO. 691

The PRESIDING OFFICER. Now there are 60 minutes evenly divided on the Murray amendment. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, is the Murray amendment called up?

The PRESIDING OFFICER. It is pending.

Mrs. MURRAY. Mr. President, I ask that I be allowed to add cosponsors as follows: Senators SNOWE, BOXER, CANTWELL, COLLINS, SCHUMER, JEFFORDS, DURBIN, LAUTENBERG, CORZINE, and BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, the Senate now has before it a very important amendment. I think all of us know that women have played a critical role in all of our country's recent military actions.

In Afghanistan, in Iraq, and in missions throughout the world, women have demonstrated their skill, their sacrifice, and their courage. We can all be very proud of the women who have served in our military. They are our mothers, our daughters, they are our sisters, and they are our neighbors. They put themselves in harm's way to protect our freedom. They live and work in hostile combat zones under very dangerous conditions. They make sacrifices every day to defend our Nation.

But today, military women are forced to sacrifice their own constitutional rights, as they risk their lives to protect our freedom. No woman——

The PRESIDING OFFICER. Will the Senator suspend just a moment, please. Could we have order so the Senator from Washington can be heard?

Thank you very much. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, no woman should be forced to surrender her constitutional rights when she puts on a military uniform and volunteers to serve our country overseas. But that is exactly what happens today, and it must stop. The women of our military risk their lives to protect our rights, but if they serve abroad they are being denied access to safe, legal, constitutionally protected health care.

Today I am on the floor of the Senate to offer an amendment to ensure that our military women when they serve overseas have access to the same health care as they get here at home. I again thank all my cosponsors, Senators SNOWE, BOXER, CANTWELL, COLLINS, SCHUMER, JEFFORDS, DURBIN, LAUTENBERG, CORZINE, and BINGAMAN.

Before I go into detail, I want to clarify what this is about and what it is not about. There are four very important aspects to understand.

First of all, this amendment does not require any direct Federal funding of abortion-related services. My amendment simply requires these women to pay for any costs associated with an abortion in a military facility. So no direct Federal funding is involved.

Second, my amendment does not compel a medical provider to perform abortions. All branches of the military allow medical personnel who have moral or religious or ethical objections to abortion not to participate. So this amendment does not change or alter conscience clauses for military medical personnel.

Third, this will not create any significant burden on the military. It will not hinder the military's ability to carry out its missions or to provide medical services.

Finally, do not believe anyone who tells you that our military, the finest military in the world, is not capable of providing these health services or that our military is unable to determine the cost. The truth is that today the Defense Department allows for privately funded abortions in the case of rape or incest. The ultimate proof that this is something our military can do is that, prior to 1988, the Department of Defense did allow privately funded abortions at overseas military facilities.

So, clearly, this can be done. So let's make sure we are all straight on those four points. There is no direct Federal funding. No medical provider would be required to do anything they oppose. No significant burden would be placed on the military. And there is no doubt that our military can do this because it has done it before, prior to 1988, and does it today in cases of rape or incest.

Anyone who comes to the Senate floor and makes any of those claims I have just rebutted is raising red herrings as a distraction from the real issue. The real issue is the health of women who serve our country and respect for their rights and freedom.

The current policy on the books today is an insult to women. It is a rejection of their rights and it is a threat to their health. Under current restrictions, women who have volunteered to serve their country, and female military dependents, are not allowed to exercise their legally guaranteed right to choose, simply because they are serving overseas. These women are committed to protecting our rights as free citizens. Yet they are denied one of the most basic rights afforded all women in this country. This is an important women's health amendment.

Women should be able to depend on their base hospital and military health care providers to meet all of their health care needs. To single out abortion-related services could jeopardize a woman's health. The current policy does not ensure the access women need for four reasons.

First of all, a woman today must seek the approval of her commanding officer for transport back to the United States. That could be very humiliating and can be a deterrent to a woman to getting the care that she needs. We know, from a GAO report that was issued in May of 2002, that many commanding officers—and I quote:

> . . . have not been adequately trained about the importance of women's basic health care. Department of Defense officials said that lacking this understanding, some commanders may be reluctant to allow active duty Members, both men and women, time away from their duty station to obtain health care services.

So women have to face the humiliation of asking a superior officer for permission over something that the GAO found many commanders do not understand or appreciate.

Second, the current policy jeopardizes a woman's right to privacy because she must disclose her medical condition to her superiors with no guarantee that her medical concerns will be kept confidential. That is a very important point. She would have to disclose her medical condition to her superiors in the Air Force or the Army, in the service, with no guarantee that her medical concerns will be kept confidential.

Third, the woman is not afforded medical leave, so she is further penalized under the current policy.

And fourth, because of these unfair restrictions, many women are forced to seek care off the base, in a foreign country. That country may have different cultural and religious norms and different standards of health care. Many women have little or no understanding of the laws or restrictions in a host country, and there may also be significant language and cultural barriers as well. So let's be honest. Some of the countries our military operates in are not very progressive when it comes to women's issues, and that could threaten our service women.

In addition, these countries may not have adequate safety and medical standards. Here in the United States, we take for granted the safety of our health care service. When we seek care in our doctors' offices or in a clinic, we assume all safety and health standards are adhered to. Unfortunately, that is not the case in many countries.

Under current conditions, we are subjecting women to standards in a foreign country where they may not be safe, where they may not be health standards where we can assure that their basic health care is taken care of.

Finally, because of all these barriers, women may delay getting the care they urgently need. Many women are forced to delay the procedure for several weeks until they can travel to a location where safe, adequate care is available. Each week that an abortion is delayed there are greater risks to a woman's health.

So the current policy is humiliating. It is a threat to women's privacy. It is punitive. It is a threat to women's safety, and it is a threat to women's health. Those are not the types of burdens we should be putting on women who volunteer to serve our country and defend our freedoms.

The current policy is unfair to women. It denies them their constitutional rights. My amendment before the Senate today will correct that.

This amendment is supported by the American College of Obstetricians and Gynecologists. It is supported by the American Medical Women's Association. It is supported by Physicians for Reproductive Choice in Health. And it is supported by the National Partnership for Women and Families.

The Senate agreed to this amendment. The Department of Defense has followed this policy before. And, finally, let me just say, after the inspiring and courageous work our military women have done in Iraq and in Afghanistan, we owe them nothing less than the same rights they are fighting to protect for all of us.

This is a test for every Senator. Every Senator is going to have to answer to the women who serve our country overseas. Will you stand up for the rights of women who, today, are standing up to ensure your freedom? Either you respect the women who serve our country overseas and you agree that they deserve the same rights and freedoms as women here at home or you do not. That is the choice. Either you respect the women who serve our country overseas and you agree that they deserve the same rights and freedoms as women here at home or you do not. That is the case.

If you vote against the Murray-Snowe amendment, you are simply telling American servicewomen that when they serve overseas protecting our country and risking their lives that they can't be trusted with the constitutional right to health care that women here at home in the United States have. They deserve more respect than that.

I hope my colleagues will vote for the Murray-Snowe amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 30 minutes.

Mr. BROWNBACK. Mr. President, I wish to, first, thank the Senator from Washington for bringing up this issue. I think there was a relevancy issue associated with it. There was a big debate about this last night. It was eventually deemed relevant.

I then proposed a second-degree amendment that would require parental notification of the type which is involved with 43 of our States. Forty-three States have parental notification—that a minor on a military base, a dependent, could not get an abortion until either parent was notified—just notified, not consent, just notified—within 48 hours before the abortion or that there be a judicial oversight. So that if either parent were not available or accessible, or the child didn't want to notify the parent, they could get the court to rule that the abortion go ahead and the parent not be notified or, if it were a catastrophic situation and the life of the minor was in jeopardy, the doctor could go forward and provide the abortion without a notification period.

That was the second degree that was being proposed. We had a spirited discussion here privately about this.

I thank the managers of the bill. I thank particularly the two whips on either side for pushing this forward to get us to resolve the issue; that what we are going to do today is take up the Murray amendment and take up the parental notification issue at a later date—I hope a week or two after we get back from the break. I think it is an important issue as well.

The parents in 43 States are notified if their minor child is seeking to have an abortion. We would extend this right to parents of military personnel as well. That is what is considered in the second degree.

I appreciate the Senator from Washington working that out with us so we are able to take up both of these difficult issues.

I also thank the Senator from Washington for her passion and caring for women in the armed services. She stands up strongly for women's rights, particularly for women's rights in the military. I appreciate that. I have no qualms about her passion or her heart at all. I recognize and applaud both.

But we have a narrow specific issue here that goes to the very core of what we are about as a society today. It goes to the very core issue of culture of life and culture of death that is being broadly discussed in the culture today. And that is being played out here on the issue of military bases. It goes to the issue of the legal status of the child in utero.

I certainly recognize the passion of the Senator from Washington for women's rights. I applaud that. But there is also another person involved here and there are other issues involved here.

On February 10, 1996, the National Defense Authorization Act for fiscal year 1996 was signed into law by then-President Clinton with a provision to prevent Department of Defense medical treatment facilities from being used to perform abortions except for when the life of the mother is in danger or in the case of rape or incest.

That is the current status for the use of military base health facilities to provide for abortion. They can be provided at military bases in the cases of rape, incest, or when the life of the mother or military personnel is endangered. This would be obviously women in the military or a female dependent in the military.

This provision—10 United States Code 1093(b)—reversed a Clinton administration policy instituted on January 22, 1996, permitting abortions to be performed at military facilities, period.

In other words, all abortions on demand could be provided according to the Clinton administration policy that was put into place immediately after President Clinton became President.

Previously—from 1988 to 1993—the performance of an abortion was not permitted at military hospitals except when the life of the mother was endangered.

I think you can start to see the progression here that was taking place.

Under President Reagan, there was a provision that you could provide an abortion on a military base if the life of the mother was in danger. That continued through President Reagan and President Bush 1. Then President Clinton came into office and immediately opened up all military facilities for all abortions and said they could be performed.

In February 1996, that was limited. Abortions could be provided in cases of

rape and incest and when the life of the mother was endangered, but it was an expansion from where it was in the Reagan administration.

That is the law of the land as it is today.

The Murray amendment, which would repeal this pro-life provision, attempts to turn these taxpayer-funded DOD medical treatment facilities into facilities that provide abortion on demand for military personnel and their dependents. The Senate should reject this amendment. This is what the issue is about.

When a similar amendment passed last year, Secretary of Defense Donald Rumsfeld warned that the President's senior advisers would recommend the President veto the Defense authorization bill on this issue. So you are talking about an abortion issue of providing abortions in medical military facilities, a narrow, overall issue bringing down the entire Defense authorization bill—on this issue where abortions are provided for rape, incest, life of the mothers, but not on demand for all abortions. That could bring down the whole bill.

Using the coercive power of Government to force American taxpayers to fund health care facilities where abortions are performed would be a terrible precedent that would put many Americans in a difficult position of saying: They are using my taxpayer money to fund something that I don't agree with—abortion on demand. Yes, I can understand it in cases of life of the mother, certainly, and of rape and incest, but not on demand.

When the 1993 policy permitting abortions in military facilities was first promulgated, military physicians, as well as many nurses and supporting personnel, refused—refused—to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions. That should tell us something about what is taking place here. The military personnel themselves—the physicians—do not want to do these elective abortions.

Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources would be used to search for, hire, and transport new personnel simply so that the abortions could be performed outside of this narrow scope of rape, incest, life of the mother that would be on all other abortions.

In fact, according to CRS, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs—this would be under the Clinton administration—''direct[ed] the Military Health Services System to provide other means of access if providing prepaid abortion services at a facility was not feasible''—how outside individuals performed abortions on military bases.

One argument used by supporters of abortions in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still could not perform abortions at those locations.

Military treatment centers, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent human life: the child in utero—and this as an elective, on demand, not in cases of rape, incest, life of the mother, which are currently provided under the law concerning the Department of Defense.

I urge my colleagues to vote down this Murray amendment and free America's military and the Department of Defense authorization bill from abortion politics. American taxpayers should not be forced to fund facilities that destroy innocent human life. I urge my colleagues to reject that amendment.

I would also urge my colleagues, when we bring up the parental notification bill, that they would support such a provision. The parental notification bill would—and that is one parent, not both—one parent is simply notified 48 hours in advance of an abortion being provided to their minor child if that is going to take place on a military base. And if either parent cannot be reached, or if the child believes this would endanger, somehow, him or herself, there is a judicial override or the doctor could go ahead and even perform and note in the record as to why, for health reasons, he did not notify. This isn't consent, it is notifying the parent.

It is not the issue up, but thanks to the Senator from Washington, to help get this agreed to, to work this out, we will be considering that parental notification provision.

Mr. President, I reserve the remainder of our time.

We do have other speakers to present. If it would be appropriate for the Senator from Washington, we could bounce back and forth. I do have a speaker who is here.

Mr. President, how much time remains on our side on the amendment?

The PRESIDING OFFICER. Nineteen minutes, 20 seconds.

Mr. BROWNBACK. Mr. President, I yield up to 10 minutes to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise in opposition to the Murray amendment.

We worked hard on this bill. I serve on the Armed Services Committee. We are still in a state of conflict in Iraq. We have hostilities and dangers around the world. We made a commitment, as a Senate, to move forward, to move this Defense bill early this year, not wait until the last minute, to do our work properly.

This bill is endangered now by a highly controversial amendment, which I oppose, and which I think a majority in this body will oppose. It could affect adversely our ability to conduct a harmonious conference with the House of Representatives. It could even result in a veto by the President of the United States.

I know there is a strong abortion agenda still out here, even though the polling numbers continue to show erosion for that position.

This side of the aisle—Senator BROWNBACK and others who care about the issue—has not injected abortion into the Defense debate, but it has been raised by the pro-abortion agenda groups. I think that is not healthy. I wish it had not happened. I know there has been a debate over whether or not it is even relevant, but the Parliamentarian had ruled that it is, so we will have this vote today.

I will just note, as an example of the reality of the problem, we had a bankruptcy bill that I worked on in the Judiciary Committee—and others did—for several years. We voted on it on the floor of this body and got 87 votes for it. Yet it died in committee because a pro-abortion amendment had been placed on it. The conference committee could not break the deal, and eventually the entire bill failed.

Mr. CARPER. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. BROWNBACK. On your time, Mr. President.

Mr. CARPER. I just want 1 minute, if I could.

The PRESIDING OFFICER. The Senator from Alabama controls the time.

Mr. SESSIONS. I yield for 1 minute, if he would use Senator MURRAY's time.

Mrs. MURRAY. I am happy to yield 1 minute to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. CARPER. Mr. President, on the issue the Senator raises in relation to the bankruptcy legislation, I make a point of clarification. This is an issue I care about as much as the Senator from Alabama. The language that died, after having been reported out to the conference committee, was language that said when a person commits a violent act for which they are convicted and fined, they cannot discharge that fine in a court of bankruptcy.

It does not say anything about abortion. It does not say anything about abortion clinics. It says if you have been convicted of a violent act, you cannot go to a court of bankruptcy and discharge that claim for which you have been convicted and fined. That is what it said.

Mr. SESSIONS. Will the Senator yield for a question? Does the Senator yield?

Mr. CARPER. I just wanted to make that clear.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I do not think the Senator, who is a great colleague, would dispute the fact that language resulted in the failure of that bill.

People care about this issue. It is a big deal to people. It is a personal and emotional issue that I don't think needs to be pressed at this point.

Our military physicians and nurses are not happy with it. It would require us to utilize military hospitals as facilities to carry out abortions. It would make our hospitals a part of the abortion process. It would utilize Federal property and resources to that degree. It covers not just foreign hospitals but every hospital in America.

Yes, it is legal—clearly legal—that a woman can have an abortion and can use her own money to that effect, but we have sort of reached an understanding and compromise in the Congress that it is legal but because of respect for people with differing views, we just will not use taxpayers' money to fund it. There is just sort of a truce, in a way, that has been reached. I think it is probably something we just have to live with at the present time.

I don't see any need to pressure or embarrass doctors and nurses who do not feel comfortable doing this. We know this. There was a survey done of the Army, Navy, and Air Force obstetricians; 44 of them were surveyed. All but one said they adamantly opposed doing abortions. One later said that physician was opposed to abortions. Some of these were women physicians. Nurses are not comfortable with it. I don't believe we ought to be requiring military hospitals to go out and hire other physicians to come in on Government taxpayer funded property to conduct these procedures. It is just not necessary.

President Bush has made clear he opposes using taxpayers' money to fund abortions. Passage of this amendment would threaten that.

I believe women are playing an increasingly valuable role in our military. I spent over 10 years as a reservist and served with many fine women officers. The unit I was a part of in Mobile, AL, is now in Kuwait commanded by a woman officer. I can't tell you how proud I am of them. I am not hearing from the women I know in the military that this is something they are demanding, frankly. I don't think the American people are.

I will just point out some numbers that deal with this subject. If anybody cares, a January 2003 poll of ABC News/Washington Post—not conservative groups—showed that only 23 percent were for abortion to be legal in all cases. That is less than a fourth. The same poll found, when asked this question, should we make abortion harder to get, 42 percent said yes; easier to get an abortion, 15 percent said yes. So 42 percent thought it ought to be harder to get an abortion and 15 percent thought it should be easier.

In January of 2003, a CBS News/New York Times poll asked this question: should abortion be generally available, 39 percent; stricter limits, 38 percent; not permitted, 22 percent. Sixty percent favored either stricter limits or not permitted. A CNN Gallup poll in 2003 asked, should parental consent be required for an abortion? Yes, 73 percent.

Regardless of how we personally feel about this issue, it ought not to be on this bill. It is not what we need to be debating now. We need to be focused on our men and women in harm's way, providing them with the necessary funding and resources and equipment needed to do their job. We don't need to jeopardize this bill in conference or subject it to a possible Presidential veto as a result of this amendment.

I thank Senator BROWNBACK for his leadership and yield back such time as I may have.

Mr. BROWNBACK. Mr. President, I reserve the remainder of my time.

Mrs. MURRAY. How much time remains on our side?

The PRESIDING OFFICER. Senator MURRAY has 18 minutes 15 seconds.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Washington. I listened to a description of her amendment by the Senator from Alabama. It did not sound like the amendment she described. I want to ask a few questions so it is clear.

Does this amendment in any respect require the Federal Government to pay for an abortion?

Mrs. MURRAY. This amendment does not require the Federal Government to pay for an abortion. In fact, it will allow the woman herself to pay out of her own personal private funds for an abortion in a military hospital overseas.

Mr. DURBIN. So under this amendment, women in the U.S. military who seek, through their constitutional right, an abortion service would have to pay for it out of their own pocket?

Mrs. MURRAY. That is correct.

Mr. DURBIN. Secondly, there has been a suggestion made that if your amendment passes, it will require doctors, for example, in medical facilities connected with the armed services, to perform an abortion if they object to performing that procedure under their own conscience; is that correct?

Mrs. MURRAY. That is not correct. The amendment, as I have offered, has a conscience clause for all doctors overseas.

Mr. DURBIN. So if a doctor at a military hospital says, even though this young woman who is in the armed services comes to me for an abortion procedure and I object to it on religious and moral grounds—that doctor is not going to be compelled to perform an abortion under this amendment?

Mrs. MURRAY. That is absolutely correct. This amendment does not compel any medical provider to perform an abortion.

Mr. DURBIN. There has also been a suggestion that in U.S. military hospitals around the world, there is no provision for abortion services; is that correct?

Mrs. MURRAY. Would the Senator restate the question?

Mr. DURBIN. It is my understanding that under certain circumstances, such as rape or incest, at military hospitals around the world today, abortions are being performed; is that correct?

Mrs. MURRAY. The Senator is correct. In all military facilities, women who are victims of rape or incest do have the opportunity to receive abortions.

Mr. DURBIN. I thank the Senator from Washington. That clarifies some of the things that have been said. The Federal Government will not be paying for the abortion. The woman in the military who seeks it must pay out of her own pocket. The doctors involved in this procedure will not be compelled to do so if it violates their own morality or their own conscience by the Murray amendment. And military hospitals serving U.S. personnel around the world today already provide abortions in emergency circumstances involving rape or incest.

We have to be honest about what the amendment does and does not do. This is what it does. It says to women who have volunteered—and we are now dealing with an All-Volunteer Force—to join the U.S. military and to lay their lives on the line, to risk their lives and their future for their country, that they will not be compromised. They will not be surrendering their constitutional right to make a choice to control their own reproductive freedom.

There are some on the other side who say, no, they may have that constitutional right in the United States, but once they have taken the oath to serve the U.S. Army or Navy, in that situation they have given up their constitutional right. Is that what we want to say?

After going through the Iraqi war where women in uniform were captured as prisoners of war, put their lives on the line, are we saying to those women and thousands like them that if you join the U.S. military you give up your constitutional right? Is that what we are saying to those who we are trying to recruit to join the military? I hope not.

I hope we are saying that we recognize the reality of service, particularly overseas. A woman finds herself in a difficult circumstance, where she wants to seek, under her constitutional right guaranteed by the Supreme Court, the right to terminate a pregnancy in the first, second, and third month. Now in the military she has to go ask permission of the commanding officer and may be forced into a situation where she has to find a way back to the United States in order to protect her own health and make her own decision.

This comes down to a fundamental question: Are women serving in the U.S. military to be treated as second-class citizens? Those who oppose the Murray amendment say, yes, once you

have said, as a woman, that you will serve in the military, you have given up your constitutional right to control your own body and your own reproductive freedom.

That is a terrible thing to say. Frankly, it says that we denigrate the contribution and the heroism of the women who joined the U.S. military.

What Senator MURRAY is asking for is perfectly reasonable. A woman in the military at her own expense can go to a military hospital which already provides abortion services as a normal course for victims of rape and incest, can go to a doctor who has willingly and voluntarily agreed to be part of this counseling and part of this procedure, and pay out of her own pocket for the procedure to take place. That is not a special privilege. In fact, it says to that woman, you are just as much an American citizen as your sister back home.

If we go the opposite course, frankly, it sends a very sobering message to recruiters around America that you have to be honest with the women you are seeking to recruit and tell them that once they take that oath to the United States to serve in the military, they have given up a constitutional right protected by the laws of the land.

I commend the Senator from Washington for her leadership, and I support the amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Kansas.

Mr. BROWNBACK. How much time do I have remaining?

The PRESIDING OFFICER. Eleven minutes fifty-six seconds.

Mr. BROWNBACK. If I could engage and ask the Senator from Washington, to make sure I am on the same amendment—I have her amendment here. What I read here is that the amendment does two things: It says:

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''RESTRICTION ON USE OF FUNDS.''

So it strikes those on two words. That is the only thing I have of an amendment. Am I correct? Is that the actual text of the amendment?

Mrs. MURRAY. Yes, the Senator is correct.

Mr. BROWNBACK. By striking subsection (b), that section reads: Restriction on use of facilities: No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except for—the life of the mother will be in danger if the fetus was carried to term or in the case in which the pregnancy is the result of an act of rape or incest.

That provision will be stricken.

That is what I have got of what the amendment is. Is that correct?

Mrs. MURRAY. If the Senator will hold a second, I will check and then respond.

Mr. BROWNBACK. I will make my full point. We are talking about overseas facilities. In actuality, the striking says ''no medical treatment facility or other facility of the Department of Defense. . . .'' So you are talking about overseas facilities and domestic facilities. These would be facilities overseas and in the U.S. that could both be used to provide abortion on demand. This is removing this restriction that it would just be in the case of the life of the mother, rape, and incest, is that correct?

Mrs. MURRAY. The Senator is correct only in that it would strike the language in the bill which would put us back to the previous language that is in the statute today, which I am happy to provide him, which I accurately described in my statement.

Mr. BROWNBACK. Maybe the Senator can answer this. This would open up both domestic and overseas facilities because the language as stricken says that no medical treatment facility or other facility of the Department of Defense may be used—it has no limitation saying this is just overseas facilities. It is any DOD facility.

Mrs. MURRAY. The Senator is correct. I remind the Senator that domestically in the service, a woman has the right to receive health care services at a hospital. So where this affects a woman is when they are serving overseas and they don't have the same access.

Mr. BROWNBACK. Still, she would have access to DOD facilities in the U.S.

Mrs. MURRAY. Yes, and she would have to pay for it out of her own money.

Mr. BROWNBACK. I also note the Senator from Illinois talked about conscience clause protection, where somebody would not have to provide this. That is not in your amendment. You are talking about the base portion of any Department of Defense medical doctor.

Mrs. MURRAY. Under current law, all medical providers in the Department of Defense have a conscience clause.

Mr. BROWNBACK. Thank you. Your amendment does not have conscience clause protection. That is already part of the base if you are a military physician, to be able to provide that.

I want to hone in on what the amendment is about. It is about opening up DOD medical facilities, domestically and internationally—the Senator argues there won't be that much demand domestically, but it opens it up both ways to provide abortion on demand in the United States to U.S. military personnel and their dependents. So you are talking about a broad array of taxpayer-funded facilities you are opening up to provide abortions in Kentucky, Washington, Kansas, or wherever.

I want to agree with the Senator from Washington that we are talking about the use of the facilities here—taxpayer-funded facilities—that provide abortions and not necessarily the doctor. The doctor may be recruited from outside and paid for privately, but you are using taxpayer-funded facilities to provide abortions. So you can see a situation in this country where you would have a military facility in Kentucky or in the State of Washington being protested by people who are pro-life because their taxpayer-funded facility is being used to provide abortions on demand—not just for the life of the mother, rape, and incest.

Again, I recognize the strong support Senator MURRAY puts forward for the rights of women, and I applaud that. But we are talking about a very sensitive issue for a number of people when you talk about the use of taxpayer dollars to do something they really don't agree with. I don't think it is wise to do that, one. Two, I don't think we should be tying up the DOD authorization bill on probably the central most difficult issue of our day for people to really wrestle with. That is what this amendment would do.

For those reasons, I urge my colleagues to look at the actual text of the amendment and oppose the Murray amendment.

I yield the floor and retain the balance of my time.

The PRESIDING OFFICER. The Senator has 12 minutes 25 seconds.

Mrs. MURRAY. Mr. President, I will make a couple of points. Under current law, in the case of rape or incest, at a military facility an abortion can be performed. No one is protesting that today. I again advise my colleague that a woman who is in this country has this right, anyway. Where we are concerned, rightfully, is for women who are serving overseas. They don't have a constitutional right today to have an abortion.

Let me tell you what happens to a woman if she finds herself in difficult circumstances and is serving overseas. She has to go to her commanding officer. Believe me, that is very difficult for a woman to do, go to a commanding officer and describe the circumstances she finds herself in, and ask for permission to fly home to have an abortion performed, where it is legal.

Mr. President, that is humiliating, but it is also difficult. She then has to wait for a C–17 to be available. Think about this. We have just seen the conflicts in Afghanistan and Iraq, and we have to make a C–17 available for a woman to fly home. That is ridiculous. They have the medical facilities there already, and the facilities are available. So we are putting the services at risk when we have to fly them home. This is humiliating and she has to ask her commanding officer. A woman serving in the country doesn't have to do that. It is difficult and cumbersome.

This also really jeopardizes a woman's right to privacy because in order to go to her commanding officer, she has to disclose her medical condition. We all would think the officer would respect her rights, but that is not always the case. She has to put that question in her head when she goes to ask them. I don't think it is fair to the

women overseas when they disclose their medical condition with no guarantees that they will be kept confidential. Think of the potential of using that against a woman in the service. I think that is something none of us want to place a young woman in the position of having to do.

We need to remember a woman is not given any medical relief and she is penalized under this policy. She has to wait for a C–17 to be available, fly home, take the time to have the procedure done, and then return to military service. We are taking her out of service when we need her, and we are causing her a tremendous amount of distress, too.

Remember, we are talking about a service that is protected constitutionally for any woman who is here in this country. But these are women who have volunteered to serve us overseas in the military.

Finally, let us not forget what we have done to women today who are serving us in the military and fighting for our freedom. We have put them—if they don't want to ask their commanding officer, wait for a C–17, and all of the other conditions we put on them—today, they can go to a hospital in a foreign country. Well, think of the difficulties of that, where they don't have the same culture, don't speak the same language, if a woman has a health care procedure done and the doctor cannot tell her what she needs to do in the following 24 hours or weeks to make sure she is taking care of herself correctly, and she cannot understand him because she doesn't understand the language.

Why would we do that to a woman serving us overseas? I think we ought to go back and put in place a provision in the law that has worked before that simply gives women who serve us the same constitutional right women in this country have today. That is what this amendment is about. That is what this vote is about. I hope our colleagues will vote with us in a few minutes when the vote is called.

I retain the balance of my time.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Kansas is recognized.

Mr. BROWNBACK. How much time remains on both sides?

The PRESIDING OFFICER. There are 6 minutes on the time of the Senator from Kansas and 8 minutes on the time of the Senator from Washington.

Mr. BROWNBACK. Mr. President, I wish to make a couple comments in regard to what Senator MURRAY has just put forward. She said we are talking about international facilities, but the amendment covers international and domestic facilities, which we have established here, so it would be domestic facilities. It is going to be abortion of all types. It could be abortion on demand at domestic facilities.

If the Murray amendment is adopted, it would be for not just military personnel but also for minors, dependents who would be able to use these same facilities for abortion on demand. The reason I wanted to put forward a parental notification amendment is we will have a situation, if the Murray amendment is adopted and the amendment I would put forward is not accepted, we will have a situation at military bases throughout the United States of minors of military personnel seeking abortions and not notifying their parents and not having to notify their parents, even though State laws require a different situation.

I want to check that point to make sure we would be able to do things differently on a military base than in State law.

The point being we are talking about a massive expansion of the use of medical facilities on a very troubling area of the law. There is the issue the Senator from Washington raised about how this would actually work. I submit this is working fairly well right now. We are not receiving a huge level of complaints from women in the military saying: I want to be able to receive an abortion in any medical facility the military has anywhere in the world in cases outside of rape, incest, and life of the mother, which are currently provided. This is quite an expansive position on a very tense subject, and it is one that threatens to bring down the whole Department of Defense bill. I urge my colleagues, this is not the time and place for us to do this. It would be inappropriate to do so.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. Eight minutes and 13 seconds.

Mrs. FEINSTEIN. May I have 5 minutes?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, I also thank the Senator from Washington. I think she is doing a great service to the women of our country in pointing out what the problem is here.

I was sitting in my office doing work, and I heard the statement that this is abortion on demand. I thought it might be useful for me to read into the RECORD one letter I received last year from a woman on this very subject that indicates the difficulty of the circumstances women can find themselves in while living overseas.

I am about to read the story of Holly Webb. Holly is the wife of a staff sergeant in the Air Force stationed in Misawa, Japan. I would like you to hear her story:

My husband was stationed in Misawa, Japan, and I moved over in September 2001 to join him. I was pregnant for the first time. Prior to my arrival in Japan, I felt like something was wrong with my pregnancy, and at 6 weeks I went to the emergency room at the Eglin Air Force Base in Florida where we had been stationed.

My doctor there told me that everything seemed OK from what they could tell. At 16 weeks, I was in Japan with my husband, and I started bleeding. I would bleed weekly for 5 days and then the bleeding would subside. I went to the military hospital at Misawa and they told me I had a placenta previa and that this was a normal side effect and they sent me home.

Just so everybody knows, placenta previa is a serious problem some women confront which can impact their pregnancy. It can cause severe problems for the woman including hemorrhaging both during delivery and post-partum.

Continuing the letter:

At 20 weeks, I started bleeding heavily, and I went back to the hospital. I thought that my water had broken but the hospital told me it was not an emergency and kept me overnight. My OB/GYN did not visit me until the next morning. They told me that the results of my triple screen blood test showed possible spina bifida which necessitated an ultrasound. When they did the ultrasound, they discovered, as I had thought, that there was no amniotic fluid surrounding the fetus. They were unable to detect whether or not the fetus had spina bifida.

For the next day, I was administered IV fluids, and my doctor mentioned that I might be dehydrated. My cervix remained closed, however, and they told me there was still a fetal heartbeat. I was told I might deliver spontaneously within weeks or months, but if the baby survived, it would have serious health complications due to the fact I was at risk for infection as well and because there was no amniotic fluid surrounding the baby.

When I asked the hospital what my options were, they told me they could not induce labor or dilate my cervix to deliver because it would be considered an abortion, but that I was at risk for infection. My doctor told me that in order to have an abortion, they would have to have my situation reviewed by a medical board and that she didn't know how long this would take. She told me that during her 7 or 8 years of practice in a military hospital, no matter what the situation was, a woman's request for an abortion was always denied.

My doctor told me the only way I could receive additional medical treatment was if I became ill. I was told to go home and monitor my temperature and to return when I had a fever or was in pain. I asked if there was any other option because I was worried about dying.

At that point, I felt like my choices were either to go home and wait for a life-threatening infection so that my labor could be induced or go to an outside hospital where I didn't speak the language and could not be sure that the treatment would be safe.

When I got to the private Japanese hospital, the doctor told me there was a serious risk for infection and that he needed to put me on antibiotics immediately. If I didn't get antibiotics through IV immediately, I would die. I contacted my grandmother in the United States who wired me $2,000 to pay for the hospital visit.

I checked into the hospital about 4 hours later. They dilated my cervix over a period of 2½ days and induced labor. I delivered a stillborn baby. The military hospital told me that this was an elected abortion and not a stillborn birth.

I am now 17 weeks pregnant again, and my only option is to use the military hospital

for my OB/GYN treatment. I have begged them to let me off the base to go to a private doctor because of my experience last year. I believe that my pregnancy puts my health at risk. I would again be prevented from making decisions I need to about my pregnancy.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I thank the Chair. Let me just make a point.

Mrs. MURRAY. I yield the Senator such time as she needs.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, this is just one example of what a women living abroad might go through. We can think of all kinds of other situations in foreign countries that might necessitate the termination of a pregnancy. Many of these women are living in countries that don't have good health care systems in place, skilled providers, or access to safe or clean hospitals.

This ban is a huge mistake. It is in fact a double standard. I do not know of a health situation a man could encounter that would be dealt with at a military hospital in quite the same manner. Nor do I know of a health situation a man could encounter that a military hospital would not treat.

I thank the Senator from Washington for her amendment and for her leadership on this important issue. I urge my colleagues to support this amendment.

Ms. SNOWE. Mr. President, I support the Murray-Snowe amendment. I comment Senator MURRAY for her strong and unflagging leadership on this issue, and am pleased to once again join with her on the critical amendment to the Department of Defense authorization. I am pleased to join my colleague in support of this amendment to repeal the ban on abortions at overseas military hospitals, an amendment whose time has long since come.

Year after year, time after time, debate after debate, we revisit the issue of women's reproductive freedoms by seeking to restrict, limit, and eliminate a woman's right to choose. While at times we are able to take one step forward we end up taking two steps back. Last year we were able to garner a majority of the Senate only to have this language removed in conference. I believe that ultimately, we will prevail, that my colleagues on both sides of the Capitol will realize that this is a policy change that makes sense, and I hope that will occur on this reauthorization.

When we last considered this amendment, almost 11 months ago to the day, we had more than 378,000 troops stationed overseas, today we have over 10,000 more. Of those more than 35,000 of these troops were women as of April 2002 and women make up almost 36,500 of the troops today. We recognize the impact that the failure to repeal this ban has on so many of these women.

Since last year's reauthorization debate, the Commander-in-Chief has called our Nation's military into action on another front. As we watched the 24 hour news stations' broadcasting reports from their embedded reporters, we saw more female faces amongst the troops than ever before. We are considering this Defense authorization during a time of war when Americans, both civilian and military, are fighting terrorism and tyranny all across the globe, both men and women. These women, these soldiers, airmen, sailors and marines, deserve access to the same health services that women here in the States have.

As I think about this last conflict, it occurs to me how ironic it is that the very people who are fighting to preserve our freedoms, those who are on the front lines defending this war on terrorism or other parts of the globe, are supporting those who are fighting, are currently the least protected in terms of the right to make choices about their own personal health and reproductive decisions.

''That is why I stand to join my colleague, Senator MURRAY, once again in overturning this ban on privately funded abortion services in overseas military hospitals, for military women and dependents based overseas, which was reinstated in the fiscal year 1996 authorization bill, as we all know. It is a ban without merit or reason that put the reproductive health of these women at risk.

Specifically, as we know, the ban denies the right to choose for female military personnel and dependents. It effectively denies those women who have voluntarily decided to serve our country in the armed services safe and legal medical care simply because they were assigned duty in another country. It makes me wonder why Congress would, year after year, continue to leave these women who so bravely serve our country overseas with no choice by denying them the rights that are guaranteed to all Americans under the Constitution?

Our task in this debate is to make sure that all of America's women, including those who serve in our Nation's Armed Forces and military dependents, are guaranteed the fundamental right to choose. Our task is not to pay for abortions with Federal funding—contrary to what our opponents may claim, after all, since 1979 the Federal law has prohibited the use of Federal funds to perform abortions at military hospitals. This amendment would not change that. However, what it would do is reinstate the policy that was in place from 1979 to 1988, when women could use their own personal funds to pay for the medical care they need.

In 1988, the Reagan administration announced a new policy prohibiting the performance of any abortions at military hospitals even if it was paid for out of a woman's private funds—a policy which truly defies logic.

President Clinton lifted the ban in January 1993, by Executive order, restoring a woman's right to pay for abortion services with private, non-Defense Department funds. Just when we had thought that logic would prevail, in 1995, through the very bill we authorize today, the House International Security Committee reinstated this ban which was then retained in the conference. And here we are 8 years later trying to undo this unnecessary threat to our female servicewomen.

Let me take a moment to reiterate a very important point. President Clinton's Executive order did not change existing law prohibiting the use of Federal funds for abortion, and it did not require medical providers to perform those abortions. In fact, all three branches of the military have conscience clauses which permit medical personnel with moral, religious, or ethical objections to abortion not to participate in the procedure. I believe that is a reasonable measure and one I do not take issue with.

Opponents of this amendment argue that changing current law means that military personnel and military facilities are charged with performing abortions, and that this, in turn, means that American taxpayer funds will be used to subsidize abortions. This is a wholly and fundamentally incorrect. Every person who has ever been in a hospital for any type of procedure knows full well that the hospital and the physician is able to account for every charge, the cost of every minute, every physician, every nurse, each aspirin, the supplies, the materials, the overheads, the insurance, anything that is part of the procedure. Under this amendment, every expense is included in the cost that is paid by private funds. Public funds are not used for the performance of abortions in this instance. That is an important distinction to reinforce today. I know it is easy to confuse the debate, to obfuscate the issues. What we are talking about here is restricting how a woman using her own private insurance or money in support of that procedure. We are not talking about using Federal funds.

This amendment we are fighting for is to lift the ban on privately funded abortions paid for with a woman's private funds. That is what this issue is all about. Proponents of this amendment believe that a woman would have the ability to have access to a constitutional right when it comes to her reproductive freedom to use her own funds, her own health insurance, for access to this procedure.

Congress works hard at times of war, and at times of peace, to support our American soldiers, sailors, airmen and marines, as well as their dependents, our armed services and our armed forces have no better friend and ally than the Congress. I would argue that is the case in most situations, but obviously there is a different standard when it comes to the health of a woman and her reproductive decisions.

This is especially confounding when we all completely agree that our military members and their families have

sacrificed a lot, including their lives, for the sake of our Nation and what we believe. For those women overseas we are asking them to potentially, and unnecessarily, sacrifice their health under this ban. Making this type of decision is perhaps the most fundamental, personal, and difficult decision a woman can face. It is a very personal decision. It is a decision that should be made between a woman, her doctor, her family. It is a constitutional right. It is a constitutional right that should extend to women in the military overseas, not just within the boundaries of the United States.

I think it is regrettable that somehow we have demeaned women, in terms of this very difficult decision that they have to make. There has been example upon example given to us, to my colleague Senator MURRAY, about the trying circumstances that this prohibition has placed on women who serve in the military abroad. I do not think for one moment anybody should minimize or underestimate the emotional, physical hardship that this ban has imposed, a ban that prohibits a woman from using her own private health insurance, her own private funds to make her own constitutional decision when she happens to be in the military serving abroad.

The ban on abortions in military hospitals coerce the women who serve our country into making decisions and choices they would not otherwise make. As one doctor, a physician from Oregon, recalls his days as a Navy doctor stationed in the Philippines, he describes the experiences and hardships that result unnecessarily from this policy. Women have to travel long distances in order to obtain a legal abortion—not necessarily a safe abortion, but a legal one. Travel arrangements that are difficult and expensive. Not to mention the fact that in order to take leave, they had to justify taking emergency leave to their commanding officer. Imagine that circumstance. Forcing women to make a very personal decision so well known.

However, for those women who choose to find an alternative, their only option is to turn to local, illegal abortions. In other circumstances, their dignity was offended and often their health was placed at risk, which was certainly reinforced by the letter that was sent to both Senator MURRAY and from now retired, Lt. Gen. Kennedy, the highest ranking woman in the military. She speaks with great perspective about the humiliation and the demeaning circumstances in which many women were placed, not to mention putting their health at risk.

I hope we can overturn this prohibition in law and grant women in the military the same constitutional right that is afforded women who live within the boundaries of the United States of America. No one should leave their constitutional rights at the proverbial door, but that is what this ban has done. Our constitutional rights are not territorial and women who serve their country should be afforded the same rights that women here in America have. I think this ban is not consistent with the principles which our Armed Forces are fighting to protect, and which the American people so overwhelmingly support. I hope we move forward, and I hope we would understand that women in the military and their dependents overseas deserve the same rights that women have here in this country. They have and should have the protections of the Constitution, no matter where they live.

I hope the Senate will overturn that ban and will support the amendment offered by Senator MURRAY and myself.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment offered by Senators MURRAY and SNOWE to the Department of Defense reauthorization bill to repeal the ban on privately funded abortions sought by U.S. servicewomen, spouses, and dependents in military hospitals overseas.

The Supreme Court acknowledges a woman's right to choose as a constitutionally protected freedom. That right is not suspended simply because a woman serves in the U.S. military or is married to a U.S. service member and living overseas.

Women based in the United States and using a U.S.-based military facility are not prohibited from using their own funds to pay for an abortion. Having a prohibition on the use of U.S. military facilities overseas creates a double standard, and discriminates against women service members stationed overseas.

Banning privately funded abortions on military bases endangers a woman's health. Service members and their dependents rely on their military base hospitals for medical care. Private facilities may not be readily available in other countries.

For example, abortion is illegal in the Philippines. A woman stationed in that country or the spouse of a service member would need to fly to the U.S. or to another country—at her own expense—to obtain an abortion. We don't pay our service members enough to assume they can simply jet off to Switzerland for medical treatment.

If women do not have access to military facilities or to private facilities in the country they are stationed, they could endanger their own health by the delay involved in getting to a facility or by being forced to seek an abortion by someone other than a licensed physician.

We know from personal experience in this country that when abortion is illegal, desperate women are often forced into unsafe and life-threatening situations. If it were your wife, or your daughter, would you want her in the hands of an untrained abortionist on the back streets of Manila or Argentina? Or would you prefer that she have access to medical treatment by a trained physician in a U.S. military facility?

Not only would these women be risking their health and lives under normal conditions, but what if these women are facing complicated or life-threatening pregnancies and are unaware of the seriousness of their condition?

The ban on privately funded abortions on military bases overseas affects more than 100,000 active service members, spouses, and dependents of military personnel.

One such woman this ban impacts is Holly Webb.

Holly Webb is the wife of a staff sergeant in the Air Force stationed in Misawa, Japan. She tells the following story of her struggle to find adequate reproductive health care overseas:

My husband was stationed in Misawa Japan, and I moved over in September 2001 to join him. I was pregnant for the first time. Prior to my arrival in Japan, I felt like something was wrong with my pregnancy and at 6 weeks I went to the emergency room at the Eglin Air Force Base in Florida where we had been stationed.

My doctor there told me that everything seemed OK from what they could tell. At 16 weeks I was in Japan with my husband and I started bleeding. I would bleed weekly for 5 days and then the bleeding would subside. I went to the military hospital at Misawa and they told me I had placenta previa and that this was a normal side effect and they sent me home.

At 20 weeks, I started bleeding heavily and went back to the hospital. I thought that my water had broken but the hospital told me that it was not an emergency and kept me overnight. My ob/gyn did not visit me until the next morning. They told me that the results of my triple screen blood test showed possible spina bifida which necessitated an ultrasound. When they did the ultrasound they discovered, as I had thought, that there was no amniotic fluid surrounding the fetus.

They were unable to detect whether or not the fetus had spina bifida. For the next day I was administered IV fluids and my doctor mentioned that I might be dehydrated. My cervix remained closed, however, and they told me that there was still a fetal heartbeat. I was told that I might deliver spontaneously within weeks or months, but that if the baby survived, it would have serious health complications due to the fact that I was at risk for infection as well as because there was no amniotic fluid surrounding the baby.

When I asked the hospital what my options were they told me that they could not induce labor or dilate my cervix to deliver because it would be considered an abortion but that I was at risk for infection. My doctor told me that in order to have an abortion, they would have to have my situation reviewed by a medical board and that she didn't know how long this would take.

She told me that during her 7 or 8 years of practice in a military hospital, no matter what the situation was, a woman's request for an abortion was always denied.

My doctor told me that the only way I could receive additional medical treatment was if I became ill. I was told to go home and monitor my temperature and to return when I had a fever or was in pain. I asked if there was any other option because I was worried about dying.

At that point, I felt like my choices were either to go home and wait for a life-threatening infection so that my labor could be induced, or to go to an outside hospital, where I didn't speak the language and could not be sure that the treatment would be safe.

When I got to the private Japanese hospital, the doctor told me that there was serious risk for infection, and that he needed to put me on antibiotics immediately and that if I did not get antibiotics through IV immediately I would very likely die. I contacted my grandmother in the U.S. who wired me $2,000 to pay for the hospital visit.

I checked into the hospital about 4 hours later. They dilated my cervix over a period of 2½ days, then induced labor. I delivered a stillborn baby. The military hospital told me that this was an elected abortion and not a stillborn birth.

I am now 17 weeks pregnant again and my only option is to use the military hospital for my ob/gyn treatment. I have begged them to let me off the base to go to a private doctor because of my experience last year. I believe that if my pregnancy puts my health at risk, I would again be prevented from making the decisions I need to about my pregnancy.

I hope that we have learned something from Mrs. Webb's story. No woman should have to go through the obstacles Mrs. Webb faced. If Mrs. Webb had been living in the U.S. she would have had a choice. She could have gotten an abortion and avoided the emotional trauma associated with giving birth to a stillborn, and not had to put her own life at risk.

Current law does not force any military physician to perform an abortion against his or her will. All branches have a conscience clause that permits medical personnel to choose not to perform the procedure. A doctor can simply say, ''I won't perform such a procedure.'' And then that woman must just find another doctor.

What we are talking about today is providing equal access to military medical facilities, wherever they are located, for a legal procedure paid for with one's own money.

Abortion is legal for American women. These women would pay for the service with their own funds. This amendment does not involve the use of federal funding.

We ask these service members to risk their lives in the service of their country but we are not willing to grant them access to the same services they would receive if they were stationed in the U.S. This is especially troubling since September 11 since more Americans have decided to serve their country.

Service members and their dependents must have access to safe, legal, and comprehensive reproductive health care.

I urge my colleagues to support this amendment and ask unanimous consent that my statement appear in the RECORD.

Mr. KENNEDY. Mr. President, I commend Senator MURRAY for her effort to repeal the unfair ban on privately-funded abortions at overseas U.S. military facilities. This amendment rights a serious wrong in our policy, and guarantees that women serving overseas in the armed forces are able to exercise their constitutional right to choose.

This is an issue of fundamental fairness for the many women who make daily sacrifices to serve our Nation. It is wrong to deny them the same medical care available in the United States. Women serving overseas should be able to depend on military base hospitals for their medical needs. They should not be forced to choose between lower quality care in a foreign country, or returning to the United States for the care they need. Congress has a responsibility to provide the best possible medical care for those serving our country at home and abroad.

Such care is essential. Our dedicated servicewomen should not be unfairly exposed to risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them. Servicewomen overseas deserve the same access to all medical services as their counterparts at home.

This amendment will also ease the heavy financial burden on servicewomen who make the difficult decision to have an abortion. The cost of returning to the United States from far-off bases in other parts of the world often imposes significant financial hardship on women. Those serving in the United States do not have the same burden, since nonmilitary hospital facilities are readily available. It is unfair to ask women serving abroad to suffer this financial penalty.

If the cost of a separate trip to return to the United States is too high, servicewomen may face significant delay before military transportation is available. Each week, the health risks faced by these women become increasingly serious. Long delays in obtaining a military flight can force women to rely on questionable medical facilities overseas. As a practical matter, they are being denied their constitutionally-protected right to choose.

A woman's decision to have an abortion is very difficult and extremely personal. It is wrong to impose this heavy additional burden on women who serve our country overseas.

Every woman in the United States has a constitutionally-guaranteed right to choose whether or not to terminate her pregnancy. It is long past time for Congress to stop denying this right to women serving abroad.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I think perhaps we are ready to proceed with a vote on the bill. I do not know if the Senator from Washington is ready to yield back her remaining time.

The PRESIDING OFFICER. Does the Senator yield back her remaining time?

Mrs. MURRAY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Washington has 1 minute 38 seconds, and the Senator from Kansas has 3 minutes 9 seconds and counting.

Mr. BROWNBACK. I am prepared to yield back my time. The issue has been well debated. People know the issue. It has been voted on before. I hope we can proceed with the vote.

Mrs. MURRAY. Mr. President, the Senator from California has given a very clear reason to vote for this amendment. We have heard no disagreement that this current policy toward women service members is not humiliating. We have heard no disagreement that it is not a threat to privacy, and it is punitive. What this issue is about is whether women in the service overseas have the same constitutional rights, protections, and safety in their health care as those women who are in this country.

I urge my colleagues to vote for this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Washington yields back time.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 691. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—48

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Graham (FL)	Nelson (FL)
Cantwell	Harkin	Reed
Carper	Hollings	Rockefeller
Chafee	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Corzine	Kohl	Stabenow
Daschle	Landrieu	Stevens
Dayton	Lautenberg	Wyden

NAYS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chambliss	Hatch	Shelby
Cochran	Hutchison	Smith
Coleman	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

NOT VOTING—1

Kerry

The amendment (No. 691) was rejected.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry: At this point the bill is open to further amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Mr. President, will the Senator yield on that?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Virginia.

Mr. WARNER. Would the Presiding Officer advise the Senate with regard to the order that currently controls the next amendment?

The PRESIDING OFFICER. There is a limited list of amendments offered.

Mr. WARNER. Could the Presiding Officer recite those amendments in their standing order?

The PRESIDING OFFICER. A package of amendments has been cleared by both managers: A Boxer amendment on contracting subject to a relevant second degree, a Domenici amendment on border security, a Kerry amendment on air travel, a Landrieu amendment, and a Grassley amendment on the industrial enterprise.

Mr. WARNER. Mr. President, therefore, it would be in order at this time for any of those amendments to be taken up by the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. REID. Mr. President, if I could ask the distinguished managers of the bill to allow a very brief colloquy and a unanimous consent request by the Senators from Massachusetts and New York, and maybe a couple of others, we would take no more than 2 minutes for the Senator from Massachusetts and 3 minutes for the Senator from New York.

Mr. WARNER. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 923

Mrs. CLINTON. Mr. President, I rise to ask unanimous consent to provide help for 3.2 million Americans who are out of work and need Congress to extend unemployment insurance. Soon the checks will no longer be in the mail for millions of Americans and New Yorkers who depend on unemployment benefits to provide for their families at this time.

In New York alone, over 100,000 people have exhausted their unemployment insurance benefits and are still without a job. Starting on May 31, unless we act, more than 80,000 Americans will begin exhausting their unemployment every single week.

These Americans and New Yorkers need and deserve our action. We knew we had to take steps at the beginning of this year to extend unemployment compensation. We need to do it again.

I hope none of us will turn our back on these hard-working, struggling Americans—people who have mortgages to pay, people who have car payments to make, people who have children to raise.

In April 2000, there were 176,000 long-term unemployed parents. Last month, there were 607,000 long-term unemployed parents, an increase of 245 percent.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 923, a bill to provide a 6-month extension of unemployment compensation, including 13 weeks of benefits for the long-term unemployed—exhaustees—and that the Senate then proceed with its immediate consideration; that an amendment at the desk to remove the ''Temporary Enhanced Regular Unemployment Compensation'' provisions be considered and agreed to; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I object.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1079, Senator MURKOWSKI's bill to extend the Temporary Extended Unemployment Compensation Act of 2002, provided that the Senate proceed to its consideration, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, does this include the workers who have contributed into the fund and whose benefits have expired? It has been standard and it has been used in the Senate and supported by the Senate five different times during the 1990s. Does this include those workers?

Mr. WARNER. Mr. President, I call upon the proponent of the amendment.

Mr. KENNEDY. Reserving the right to object, if we can't get an answer to that.

Mr. WARNER. We are about to get an answer, I advise the Senate.

Mr. KENNEDY. I am sorry.

Ms. MURKOWSKI. Mr. President, I ask the Senator from Massachusetts to repeat the question.

Mr. KENNEDY. Does this include the more than 1 million workers whose unemployment benefits have expired and who otherwise would be eligible to receive unemployment compensation under the proposals that have been offered here by the Senator from New York and our own proposal, and that were also included in the proposal that was passed in a bipartisan way on five different occasions during the 1990s? Does this amendment include those individuals?

Ms. MURKOWSKI. Mr. President, if I may respond, my bill is a clean 6-month extension of the Temporary Extended Unemployment Compensation Act of 2002.

Mr. KENNEDY. Mr. President, further holding the right to object, does it include any ability to give flexibility to the States so that they can take care of part-time workers as included in the Democratic proposal? Does it include those provisions as well?

Ms. MURKOWSKI. I repeat that this is a clean 6-month extension of the Temporary Extended Unemployment Compensation Act of 2002.

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, there is a very clear reason the request of the Senator from New York and the request I will make should be respected on the floor of the Senate. We are facing a crisis with 8 to 9 million Americans unemployed. More than 1.5 million of those have seen their unemployment compensation expire. Starting next week, 80,000 workers are going to lose their unemployment compensation.

This is an issue about fairness. On the one hand, we have an opportunity to return to these workers what they have paid over a lifetime of work, in many instances, into a trust fund that is in excess of $20 billion, and the reason it is in surplus is that these workers have paid into it. Now they are entitled to get that money out.

We have had objection to the request of the Senator from New York.

I am going to give the Senate one more opportunity to see whether they are going to be responsive, whether this body is going to understand the issue of fairness. Tomorrow we are going to pass billions of dollars for the wealthiest individuals in this country. We are trying to look out after hard-working Americans.

Therefore, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Democratic leader, the Senate consider S. 1079, extension of the unemployment compensation, considered under the following limitations: General debate of an hour equally divided, with only one amendment in order, the amendment by Senator KENNEDY, on which there be an hour of debate equally divided, and no other amendments be in order, and any points of order be considered waived by this agreement; that upon the disposition of the amendment and the use and yielding back of all time, the Senate vote on passage of the bill, without further intervening action or debate, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I object.

Mr. President, I compliment our colleague from Alaska for trying to pass a clean, simple extension. This is the same language Senator CLINTON and I passed last January. It is the same language Senator FITZGERALD passed with us, I believe January 7 or 8. It is the same language we passed a couple of times for a clean extension. It is not a doubling of the program. It is not taking a 13-week Federal program and turning it into a 26-week program. It is not expanding the definition of uninsured or unemployed to include part-time workers, or to include a whole variety of people who, frankly, the States don't now cover.

I will tell my colleagues that we are not going to double the program. We are not going to triple the program. The Senator from Alaska offered to extend the current program which we have been using for the last 2 or so years. That is the proposal she will make today and, I would expect, the proposal she will make tomorrow. That is the only proposal, in my opinion, that will pass.

People want to try to make political statements. We had a vote on it in the budget.

I will not yield.

We had a vote on it in the budget. It didn't pass. We had a vote on it last week on the tax bill. It didn't pass. Some people want to double or triple this program. It is not going to work.

The Senator from Alaska says she is trying to extend the program so people won't lose their benefits beginning next month. A clean extension of the Federal program of 13 weeks can pass, or rather may pass. But colleagues who want to continue to double or triple the program jeopardize helping the very people they say they want to help.

I compliment my colleague from Alaska. I hope our colleagues will give fair consideration and ultimately agree to a simple extension of the program for 6 months, as proposed by our colleague from Alaska.

I yield.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the Republican leader: Why don't we then just have the two different alternatives placed before the Senate and let the Senate express itself on whether it favors our proposal or favors the Republican proposal?

Mr. President, I ask unanimous consent that both of these proposals be laid before the Senate and, at a time suitable to the majority and minority leaders, we have a 10-minute, evenly divided, discussion, and we let the Senate vote on whether it prefers the proposal of the Senator from Alaska or the proposal of the Senators from New York and Massachusetts.

I think that is a fair way to proceed.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. I will not yield.

We talk about fairness. Our proposal is basically a similar proposal to what was passed five times, and which the Senator from Oklahoma supported in the 1990s. Why don't we give the Senate a chance to vote on either one of them? That would be fairest to the workers in this country.

If you are able, then, to persuade Members to vote for yours, so be it; we will accept it. And if they vote for ours, we would hope you would accept it. That is what I think is fair.

I ask whether the Senator from New York would think that is fair?

Mrs. CLINTON. Yes. I think the Senator from Massachusetts—

The PRESIDING OFFICER (Mr. TALENT). The Senator from Massachusetts is making a unanimous consent request.

Is there objection?

Mr. ENSIGN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Massachusetts retains the floor.

Mr. KENNEDY. Mr. President, I think this is a pretty clear indication about where our Republican friends are on this issue. They are denying us—or denying the Senate—in the final hours prior to the expiration of coverage for workers—denying us an opportunity to get a vote in the Senate.

Basically, they say: Either take ours or leave it—take ours or leave it—and that is being unfair to workers, particularly at a time when the Republican Party is about to recommend tax breaks of billions of dollars for the wealthiest individuals in this country, and they refuse to give fairness to workers in this country.

That is what is going on here. Workers in this country understand what is happening here in the Senate. It is a clear indication of the priorities: Just open up the Federal Treasury. Give the wealthiest the highest amount of tax breaks and give short shrift to hard-working Americans.

The Republican leader refuses to permit the Senate of the United States, in a time set by our leaders, to make a judgment on which they would prefer. The workers in the United States are clearly getting short-shrifted.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of our colleagues, to make sure we make the record straight, my very good friend from the great State of Massachusetts has mentioned: Let people have a vote.

Well, we have not had one vote—we have had three votes this year. We had a vote on the appropriations bill earlier this year. We had a vote on the budget. We had a vote on the tax bill.

They did not win. They tried to double the program two or three times, unsuccessfully, and so they are now trying again.

Frankly, we have a DOD authorization bill, we have a tax/economic growth package, we have a debt limit extension, and we need to pass UI. We have a lot of work to do in the next few hours.

Some of us—let me rephrase that—this Senator is going to do what I can to make sure we are not going to double or triple this program. We have already had three votes on the proposal to double it. We are not going to do that. I don't know how many votes people think they need. They may think they are winning on the votes, but they are not winning on the issue. I think we may have consent to pass a clean extension. It takes unanimous consent. I tell my colleagues on the other side, who are playing this game, this will not work legislatively. And it may jeopardize a clean extension.

So I would be very cautious, especially when you get late in the game, and close before a break, and people want to go home, I would not take for granted that you can pass a clean extension—but I compliment my colleague from Alaska, Senator MURKOWSKI, for trying to do so. I believe we can do so.

We have had three votes already, and it did not win. It will not win on the fourth vote. So I urge my colleagues: The way to do this is let's pass a clean extension, the same extension that my colleague from New York and I passed one or two times on the floor of the Senate. Let's do that again, and let's help the people who need the help.

If people play other games, they jeopardize even a clean extension. I think people should be on notice of that not everybody might want a clean extension. So the effort to double the program may mean that some people will get zero. Instead of getting 13 weeks, they might get zero because of this effort to double the program.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I wanted to ask my friend from Oklahoma to yield to me, but he yielded the floor.

The dilemma, of course, is one that is very difficult for us to confront. I appreciate greatly the wonderful cooperation that I received in working out the extension of unemployment compensation for those who needed to complete their 13 weeks who were unemployed, and for those who were going onto unemployment for the first time.

Our problem is—and this is where I think the nub of our difference is—we have this growing number of literally millions of people who have exhausted their benefits and are looking for work and cannot find it.

I understand and I respect the argument from the other side, although I disagree that the tax package that is about to be passed today or tomorrow is going to generate jobs and economic growth. I do not think it will. I think it will, in fact, make our economic situation worse and continue to put people out of work. But we will get a chance to find out who is right about that.

But, unfortunately, there are a lot of innocent people caught in the middle

of this debate, people who are not sitting here on the floor of the Senate, people who are not going to get a big tax break, people who are out of work and cannot find a job in this economy.

At some point we have to take responsibility for these people. I appreciate the author on the other side. And I appreciate the good work of the Senator from Alaska to have a straight extension, but we did not have a vote on that specifically. We had votes attached to other items—appropriations, tax cuts, et cetera. At some point, we are going to have to face the reality that this economy is losing private sector jobs at the fastest rate in our history. At some point, we have to take responsibility for these people.

We reformed welfare, which I supported. We said to people, go out and get a job; support yourself and your children because we expected that we would have a good economy, because we would have good, sensible, responsible, fiscally sound policies at the Federal level that would, hand in hand, help the private sector create those jobs. That is not happening, for a lot of reasons. The economy continues to get worse. We have lost half a million jobs in the last 3 months alone.

So I simply ask my friends, my colleagues on the other side: If not now, when? When do we take responsibility, as previous administrations—Republican and Democrat—previous Congresses—Republican and Democrat—did in previous recessions? At some point, we cannot any longer pretend that the economy is going to generate the jobs that all of those unemployed people who have no means of support are desperate to have.

So I hope we will get to that point sooner than later because I have thousands and thousands of these people—some of whom have been out of work since 9/11, 2001—and I believe we should help them. And it is good for the economy. We ought to take that action as soon as possible.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I will propound a unanimous consent request.

I ask unanimous consent that Senator BOXER be recognized in order to offer her amendment regarding contracting. I further ask that immediately following the reporting by the clerk, the Senator from Virginia, Mr. WARNER, be recognized to offer a first-degree amendment regarding the same subject; provided further that there be 30 minutes under the control of Senator BOXER and 15 minutes under the control of Senator WARNER. Finally, I ask unanimous consent that following the debate time, the Senate proceed to a vote in relation to the Warner amendment, to be immediately followed by a vote in relation to the Boxer amendment, with no amendments in order to either amendment prior to the votes.

Before the Chair rules, I think we can make the second vote a 10-minute vote.

Mr. REID. Mr. President, if the Senator will yield, I have no objection. I think that would be appropriate. I also ask that there be recorded votes on both the Boxer and Warner amendments; further, that between the two votes, there be 5 minutes equally divided under the control of Senator BOXER and Senator WARNER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I ask for the yeas and nays on the two votes, both the Warner amendment and the Boxer amendment.

The PRESIDING OFFICER. Without objection, it is in order at this time to simply order the yeas and nays on the two amendments, which will be done if there is no objection.

Mr. WARNER. Will the Chair repeat that?

The PRESIDING OFFICER. Without objection, it is in order at this time to request the yeas and nays on the amendments despite the fact neither has been offered.

Mr. WARNER. I request the yeas and nays on the Warner amendment and the Boxer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from California.

AMENDMENT NO. 825

Mrs. BOXER. Mr. President, I thank Senator REID and Senator WARNER for working out this arrangement whereby we can have a definite vote on two alternatives that deal with, in my opinion, competitive bidding—that is what we are talking about—in the rebuilding of Iraq.

I send my amendment to the desk, and I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 825:

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) On March 8, 2003, the Army Corps of Engineers awarded a sole-source Indefinite Delivery/Indefinite Quantity contract for the reconstruction of the Iraqi oil industry.

(2) The Department of Defense has characterized this contract as a short-term ''bridge'' contract that will be used for an interim period until a contract can be awarded on a competitive basis.

(3) However, the estimated date of completion for this contract is March 2005 and the value is estimated by the Department of Defense to be $57 billion.

(4) The Department of Defense has established a goal of completing the follow-on competition and having a fully competitive contract in place by August 31, 2003. This goal was stated in a letter dated May 2, 2003.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The taxpayers deserve fairness.

(2) Businesses deserve fairness.

(3) The Competition in Contracting Act of 1984 establishes a preference for the award of competitive contracts.

(4) The Department of Defense should meet its goal of having a fully competitive contract in place by August 31, 2003 and performing work needed for the reconstruction of the Iraqi oil industry after such date under that competitive contract.

(c) REPORT TO CONGRESS.—If the Department of Defense fails to meet its own stated goal of having a fully competitive contract in place by August 31, 2003, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing this sole source contract to continue.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, at this time, does my friend want to bring his second-degree amendment to the desk or, rather, his substitute?

AMENDMENT NO. 826

Mr. WARNER. Mr. President, I send to the desk an amendment which is in the first degree to protect the Senator from California, unless she would like to have it as a second-degree amendment. We can do that.

Mrs. BOXER. I prefer to have it as a first-degree amendment. It will be much better, and I appreciate that.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 826.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . SENSE OF THE SENATE ON COMPETITIVE AWARD OF CONTRACTS FOR IRAQI RECONSTRUCTION.

It is the sense of the Senate that the Department of Defense should fully comply with the Competition in Contracting Act (10 U.S.C. 2304 et seq.) for any contract awarded for reconstruction activities in Iraq and should conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry as soon as practicable.

Mr. WARNER. Mr. President, I will later advise the Senate with regard to the content of this amendment. For the moment, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the spirit of my amendment is very clear. I am very resolute about it. I appreciate the fact we are going to have a vote on the Warner first-degree amendment and the Boxer amendment.

All the years I was in the House of Representatives, part of the time I

served on the Armed Services Committee. I am pleased to see my friend from Illinois here because together during the years I served on the Armed Services Committee, we took on the issue of procurement reform. I am very pleased to say that as a result of the work that many of us did, we were able to—and it was Berkley Bedell, if my colleague remembers; there were a number of us—we were able to make sure there was competition at the Pentagon.

Competition is the name of the game. It is supposed to be the name of the game in America. When I see any agency turning away from competitive bidding, unless there is a good reason to do so—and I might say, if it is an emergency, this is a good reason, but beyond that, there is no reason to award a contract without going to bid, without considering competitive bids.

What happens—and I feel really deeply about this—when the taxpayers of this country and the businesses of this country that are playing by the rules see such a contract given to one special company, it is very bad, in my opinion, for our country. It is very bad for our fighting men and women who risk their life and limb.

Let me tell you what I mean. As a result of a sole-source contract that was given to a subsidiary of Halliburton, these are some of the headlines that appeared across the country. I will let my colleagues judge, and I will let the people judge whether these kinds of headlines are good for our country and good for the morale of our troops.

Here is one from the Atlanta Journal-Constitution:

Secret Halliburton deal endangers U.S. credibility.

That is May 8, 2003, in a southern paper.

Here is one from the Montreal Gazette:

Halliburton contract bigger than reported; Linked to Cheney; Role has grown beyond fighting Iraq oil fires.

This one was in the Houston Chronicle on May 8, 2003:

Halliburton contract stokes new controversy.

Here is one from the L.A. Times, May 8:

Shadow over the oilfields; The administration's no-bid contract with Halliburton subsidiary gives the impression of a grab at Iraqi resources for American business.

Another headline in the L.A. Times on April 11:

More flack on Halliburton deal; The revelation that the Pentagon contract is worth up to $7 billion is more fuel for critics who say it should have been open to bidding.

And USA Today, April 11:

Halliburton oilfield deal raises questions.

The point is, we should do everything we can for the taxpayers of this country to make them feel comfortable that when there is work at home or abroad, every business in this country gets a chance to compete for the work. Why? Because we all know if there is no competition, the price could soar.

I ask unanimous consent to add as cosponsors to my amendment Senator LIEBERMAN, Senator CLINTON, Senator BOB GRAHAM, Senator LAUTENBERG, and Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I am proud to have their support. There can be no stronger advocate of the strongest possible military than Senators LIEBERMAN and GRAHAM. We know that. We have seen them here. They are supporters because they understand, as I do, that it weakens our country when we do these kinds of deals.

The amendment that my friend has offered is fine; there is nothing wrong with it, but it does not get to the heart of this particular contract. It is general, whereas the amendment I have offered—and, by the way, it is just a sense of the Senate. It is nice. But what I have offered says that if the Secretary of Defense finds that the Army Corps has not, in fact, put the rest of this contract out for bid by the date of September 30—and they have promised to do so by August 31—then they have to tell us why they did not bid out this contract.

I am going to put up a chart that shows a copy of the congressional notification of this contract. It looks scary when one sees it because there is lots in it, but I have highlighted in yellow the things my colleagues ought to know, because maybe they do not know this.

I want to compliment the minority ranking member of the Committee on Government Reform in the House, HENRY WAXMAN, for doing so much of the research.

I ask unanimous consent that a fact sheet called the Bush Administration's Contracts with Halliburton, put out by the minority staff of the Committee on Government Reform, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET: THE BUSH ADMINISTRATION'S CONTRACTS WITH HALLIBURTON

The Bush Administration has awarded several extremely large contracts and task orders to Halliburton. Of particular concern are the contracts awarded to a Halliburton subsidiary, Kellogg Brown & Root. GAO reports and other investigations have documented a history of Brown & Root overcharging the taxpayer. Yet despite this history, the Administration has awarded Brown & Root lucrative government contracts—including a recent contract for oil-related work in Iraq that is worth up to $7 billion and that was awarded secretly and without any competition. The Administration has also awarded contracts worth hundreds of millions of dollars for work in Iraq to a select group of U.S. companies, with only limited competition.

Halliburton has a unique relationship to this Administration. When Dick Cheney left his position as Halliburton's CEO in 2000 to run for Vice President, he reportedly received company stock worth over $33 million.[1] He continues to receive deferred compensation payments of over $160,000 a year from Halliburton.[2]

HISTORY OF BROWN & ROOT PROBLEMS

GAO has found serious problems with contract work that Brown & Root did for the Army in the Balkans. In 1997, it found that the Army "was unable to ensure that the contractor adequately controlled costs."[3] For example, Brown & Root was charging the Army $86 to fly in $14 sheets of plywood from the United States. The Army official in charge was "shocked" when he found that out.[4]

In 2000, GAO found more evidence that Brown & Root was inflating the government's costs—and its profits—by, for example, overstaffing work crews and providing more goods and services than necessary.[5]

Brown & Root was the subject of a criminal investigation for overbilling the government on another contract. According to a former employee, the company routinely and systematically inflated contract prices it submitted to the government for work at the former Fort Ord military base in California.[6] Brown & Root paid $2 million to settle that case in 2002.[7]

Brown & Root's parent company, Halliburton, has its own problems. The SEC is investigating accounting practices of the company dating back to the Vice President's tenure at its CEO.[8] The company recently restated its earnings for the 4th quarter of 2002.[9] And Halliburton has admitted paying $2.4 million in bribes to a Nigerian official in an attempt to gain favorable tax treatment in the country.[10]

DEFENSE DEPARTMENT CONTRACTS WITH BROWN & ROOT

Despite this troubled history, the Administration has awarded Brown & Root three very lucrative Defense contracts. In 2001, Brown & Root won a $300-million contract to provide support services to the Navy—despite a bid protest by a rival bidder that GAO upheld.[11] Later that year, it won a ten-year contract with no cost ceiling to provide support services to the Army.[12] Under these contracts, Brown & Root has been asked to do work in Afghanistan and Uzbekistan and to build prison cells for terrorist suspects in Guantanamo Bay, Cuba—even though much of this work could be done more cheaply using Army and navy personnel.[13]

In March 2003, the Administration awarded Brown & Root a contract to repair and operate Iraq's oil infrastructure. Normally, federal contracting rules require public notice and full and open competition. But the U.S. Army Corps of Engineers awarded the contract secretly and without any competition.

The Administration has been reluctant to provide complete, or even basic, information about the contract. While the contract was signed March 8, it was not disclosed publicly until March 24. Moreover, the Corps did not reveal until April 8, in response to a letter from Rep. Waxman, that the contract had a potential value of up to $7 billion.[14] And it was not until May 2, in response to another request from Rep. Waxman, that the Corps disclosed that the scope of the contract was significantly broader than previously provided information had suggested.[15]

Based on what the Corps has revealed to date, the contract is worth up to $7 billion, with the potential profit for Brown & Root worth up to $490 million. The Corps has said the actual value of the contract may end up being less than that (according to the Corps, it may be "only" around $600 million). Nonetheless, the fact that the Corps would issue such a large contract without competition is highly unusual.

Moreover, the contract is far broader than had been initially suggested. Information provided by the Corps and Halliburton had indicated that the contract was for work putting out oil well fires and repairing damage. Halliburton issued a press release on

March 24 entitled ''KBR Implements Plan for Extinguishing Oil Well Fires in Iraq,'' which described the contract work as ''assessing and extinguishing oil well fires in Iraq and evaluating and repairing, as directed by the U.S. government, the country's petroleum infrastructure.''[16] The Corps also released information stating that it was in charge of ''implementation of plans to extinguish oil well fires and to assess oil facility damage in Iraq'' and that it would be contracting with Brown & Root to perform these functions.[17]

On May 2, however, the Corps revealed that the contract also includes ''operation of facilities'' and ''distribution of products.'' It thus appears that Brown & Root may be asked to operate Iraqi oil facilities and distribute oil products. This raises significant questions about the Administration's intentions regarding Iraqi oil. The Administration has previously drawn a bright line on Iraqi oil: according to White House spokesman Ari Fleischer, ''[t]he oil fields belong to the people of Iraq, the government of Iraq, all of Iraq.''[18] Those sentiments were echoed by Secretary of State Colin Powell and Secretary of Defense Donald Rumsfeld, among others.[19] It now appears that Halliburton or another similar company—and not the Iraqi people—may be making fundamental decisions about how much oil should be produced and who should produce it.

The Corps has also claimed that the contract is only for short-term emergency work. But the Corps revealed in their April 8 letter that the contract has a two-year term. The Corps also indicated that they are planning to replace the contract with a new, competitively bid contract. In their May 2 letter, however, the Corps disclosed that the Halliburton contract will be in place until at least late August 2003, and possibility until January 2004.

According to the May 2 letter from the Corps, the new, longer-term contract the Corps is planning to issue will again involve operating facilities and distributing oil. This raises further questions about how much say the Iraqi people will have in making decisions about the country's natural resources.

The Corps contract is ''cost plus.'' This means that the contractor receives its costs plus an additional percentage of those costs as its profit. These kinds of contracts are particularly susceptible to abuse as they give the contractor an incentive to pad its profits by increasing its costs. As noted above, Brown & Root has a record of overcharging the taxpayer on cost-plus contracts.

OTHER IRAQ CONTRACTS

Halliburton is not the only company to benefit from secret, noncompetitive contracts. The U.S. agency for International Development hand-picked U.S. companies to bid secretly on contracts for work in Iraq. Like the Army Corps contract, the AID contracts for Iraqi reconstruction have been handled with unusual secrecy. AID secretly hand-picked a select few domestic companies to bid on nine contracts for services including airport administration, education, public health, and personnel support. The eight contracts that have been awarded are together worth up to $1 billion. And they may be worth much more, depending on whether and how they are renewed.

Halliburton was one of five companies asked by AID to bid on a $680 million contract to rebuild Iraq. Like Halliburton, the other companies bidding—including Parsons, Fluor, and the eventual winner, Bechtel—are heavy Republican contributors. Between them, these companies reportedly contributed $3.6 million over the past two election cycles, two-thirds of which went to Republicans.[20] After the controversy over the Army Corps contract, Halliburton announced that it would not bid on the AID contract. It has indicated it may instead opt for a still lucrative but lower-profile subcontracting role.

AID has not identified all of the companies that were selected to bid on its contracts and it has given shifting and at times contradictory explanations of why it did not use full and open competition.

For example, AID has said that it limited the eligible companies to those with a security clearance. But it turns out that some of the companies that were asked to bid did not actually have security clearances. In fact, in one case, AID found out after choosing a contractor that the contractor did not have a clearance.[21] AID awarded the contract to the contractor anyway.[22]

AID has also said that it is required by federal law to use U.S. companies. However, AID can waive this requirement. In fact, it did so with respect to subcontractors on the Iraq contracts. But AID declined to invite any non-U.S. firms to bid on the actual contracts.

More information about the Administration's contracts with Halliburton and other companies can be found at www.reform.house.gov/min/inves_admin/admin_contracts.htm.

ENDNOTES

[1] *Cheney Gets $33 Million Exit Package from Dallas-Based Energy Services Firm*, Dallas Morning News (Aug. 17, 2000).

[2] White House, *Vice President Dick Cheney and Mrs. Cheney Release 2002 Income Tax Return* (Apr. 11, 2003).

[3] General Accounting Office, *Contingency Operations: Opportunities to Improve the Logistics Civil Augmentation Program* (Feb. 1997) (GAO/NSIAD–97–63).

[4] *Id.*

[5] General Accounting Office, *Contingency Operations: Army Should Do more to Control Contract Cost in the Balkans* (Sept. 2000) (GAO/NSIAD–00–225).

[6] Complaint for Damages under False Claims Act and Demand for Grand Jury at 7, *U.S. ex rel. Dammen Grant Campbell* v. *Brown & Root Service Corp.* (E.D. Cal.) (No. CIV–97–1541WBSPAN).

[7] Department of Defense, Criminal Investigative Service, Press Release (Feb. 7, 2002).

[8] Halliburton, *Halliburton Reports SEC Investigation of Accounting Practice* (May 28, 2002); Halliburton, *Halliburton Updates SEC Status* (Dec. 19, 2002).

[9] Halliburton, *Halliburton 2002 Fourth Quarter Adjustments* (Mar. 27, 2003).

[10] Securities and Exchange Commission, *Halliburton Company Form 10–Q* (Mar. 31, 2003).

[11] The rival bidder also claimed that Brown & Root had an unfair advantage because its proposed program manager was an active-duty Navy officer in the command that conducted the acquisition. GAO concluded that there was ''no evidence that any impropriety or unfair competitive advantage resulted'' from the apparent conflict of interest. General Accounting Office, *Matter of Perini/Jones Joint Venture (Nov. 1, 2000) (GAO Decision B–285906)*.

[12] *In Tough Times, a Company Finds Profits in War*, New York Times (July 13, 2002).

[13] *Id.*

[14] *See* Letter from Lt. Gen. Robert B. Flowers to Rep. Henry A. Waxman (Apr. 8, 2003).

[15] *See* Letter from Lt. Gen. Robert B. Flowers to Rep. Henry A. Waxman (May 2, 2003).

[16] Halliburton, *KBR Implements Plan for Extinguishing Oil Well Fires in Iraq* (Mar. 24, 2003).

[17] U.S. Army Corps of Engineers, *The Corps of Engineers' Role in Combatting Iraqi Oil Fires* (undated).

[18] White House, *Press Briefing by Ari Fleischer* (Feb. 6, 2003).

[19] *Powell Says U.S. Not after Iraqi Oil*, Los Angeles Times (Jan. 23, 2003); *NewsHour*, PBS (Feb. 20, 2003).

[20] Center for Responsive Politics, *Rebuilding Iraq: The Contractors* (undated) (online at www.opensecrets.org/news/rebuilding_iraq/index.asp).

[21] Letter from Bruce N. Crandlemire, Office of Inspector General, U.S. Agency for International Development, to Timothy T. Beans, U.S. Agency for International Development (Apr. 25, 2003).

[22] *Id.*

Mrs. BOXER. When we look at this congressional notification, which was very late in getting there because there were already five task orders under this Halliburton contract, finally they gave this information over: They have obligated first $17 million, then $6.7 million, $22 million, $5 million, and $24 million, with no competitive bidding.

Originally it was, oh, they have to put out the oil fires. Okay. We understand that. But what about the rest? The estimated face value of this contract is $7 billion. What do we spend on all of our afterschool programs, I say to my colleagues, in 1 year? A billion dollars. How many kids are waiting in line to get into that program? Millions.

We cannot afford it, but we can afford to give a sole-source $7 billion to one company named Halliburton. We all know the power of that company.

I want my colleagues to see I am not making this up when I say this was a sole-source contract. Estimated face value, $7 billion. Bids solicited, sole-source procurement; bids received, one. What a happy day for Halliburton that was.

The subsidiary of Halliburton is Brown & Root. That is the corporation that is the subsidiary of Halliburton that received this contract. One might say, well, maybe this is such a great company, maybe there is a reason why we would go sole source with this company.

Well, GAO has found serious problems with contract work that Brown & Root did for the Army in the Balkans. In 1997, GAO found that the Army was unable to ensure that the contractor adequately controlled costs. For example, Brown & Root was charging the Army $86 to fly in $14 sheets of plywood from the United States of America. The Army official in charge was shocked when he found out.

In 2000, GAO found more evidence that Brown & Root was inflating the Government's costs and its products by, for example, overstaffing work crews and providing more goods and services than necessary. And how about this: Brown & Root was the subject of a criminal investigation for overbilling the Government on another contract. According to a former employee, the company routinely and systematically inflated contract prices it submitted to the Government for work it performed on a military base in California, and Brown & Root paid $2 million to settle that case.

Brown & Root's parent company Halliburton has its own problems. The SEC is investigating accounting practices of the company. The company recently restated its earnings for the fourth quarter of 2002 and Halliburton has admitted paying $2.4 million in bribes to a Nigerian official in an attempt to gain favorable tax treatment in the country.

So I say to my colleagues, why on Earth would the Army Corps give this company this incredible sole-source contract to the tune of $7 billion?

We have had a series of answers to that question. At first we were told this was just for emergencies. Remember those newspaper articles, just for

emergencies? Now we are finding out it goes well beyond emergencies.

In March 2003, the administration awarded Brown & Root a contract to repair and operate Iraq's oil infrastructure. The administration has been reluctant to provide complete or even basic information about the contract. Remember, the contract was awarded March 8 but it was not publicly disclosed until March 24. The Corps did not reveal until April 8, in response to a letter from Representative WAXMAN, that the contract had a potential value of up to $7 billion.

It was not until May 2, in response to another request from Representative WAXMAN, the Corps disclosed the scope of the contract was significantly broader than previously provided information had suggested.

We have a chance to end this embarrassment today. If we have a strong vote on the Boxer-Lieberman-Lautenberg-Durbin-Graham of Florida-Clinton amendment—and I hope many other colleagues will join. I hope many on the other side will join—what are we saying? We are saying if they do not correct the problem as they have stated they would do—and they have stated they would in fact end this sole-source contract and they would go out for bid by the end of August—all we are saying is send us a report, tell us the reason why you are carrying on.

Under Senator WARNER's amendment, which I have no objection to at all, and I am going to vote for it, let's hear what it says. It says it is the sense of the Senate—which, by the way, has no force of law—that the DOD should fully comply with the Competition in Contracting Act for any contract awarded for reconstruction activities in Iraq and should conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry as soon as practicable.

I am not a lawyer, but I can tell my colleagues when we see the words ''as soon as practicable,'' get nervous.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. I would be so happy to yield.

Mr. DURBIN. I am a lawyer, and those are known as weasel words because if that phrase can be included, it has no meaning. The question is whether we are going to hold the Department of Defense accountable. I ask the Senator from California this question: The sense-of-the-Senate resolution which she offers not only raises a question of whether this is evidence of profiteering, evidence of a sweetheart arrangement, evidence of the kind of sole-source agreement that frankly is not in the best interest of either American taxpayers or America's national defense, is she specific in the accountability she is holding the Department of Defense to in terms of when they will report as opposed to as soon as practicable?

Mrs. BOXER. Absolutely. My particular amendment that will be voted on is more than a sense of the Senate. It is a sense of the Senate plus it is a requirement that if the Department of Defense does not meet its own stated goal of having a fully competitive contract in place by August 31, 2003, to replace this boondoggle, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing this sole-source contract to continue.

Mr. DURBIN. I ask the Chair if the Senator would yield for this question. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. In this situation, has the Department of Defense made any statements that they are planning on making some sort of a revision to this $7 billion Halliburton contract?

Mrs. BOXER. That is correct, they have. In a letter to Representative WAXMAN, who has kind of uncovered this entire matter—if it was not for him, this thing might be buried somewhere in somebody's drawer—they said, we are now completing—this is the Department of the Army: We are now completing the competitive acquisition strategy and plan, preparing the statement of work, and preparing the solicitation that will request proposals to perform work. The solicitation will be advertised on the Federal Business Opportunities Web site by late spring or early summer and the estimate for the award of the contract is approximately the end of August.

So they have given a date by which they say they will be able to take the rest of this contract and bid it out.

By the way, there is nothing to say that the Halliburton subsidiary, Brown & Root, can't compete on the rest of the contract when it goes out. It ought to be open.

Mr. DURBIN. If the Senator will further yield for a question, what the Senator from California is asking the Senate to do, is hold the Department of Defense to their own promise to the Congress that they will put an end to this $7 billion Halliburton sole-source contract and actually open this up to bidding. The Senator is only asking Congress to hold the Department of Defense accountable for written promises they have already made to Congress.

Mrs. BOXER. That is all I am doing.

I say to my friend, I can tell from the sound of his voice, he is a little incredulous that this has not been accepted by the other side. This is such a simple, straightforward commonsense kind of approach.

We are saying that this was not right. The Army Corps has said they will fix it. They have given us a date; they will fix it. All we are saying is, if you do not, we want to hold you accountable. We want a report.

Mr. DURBIN. If the Senator will yield for a further question, in most instances, when you are considering this kind of arrangement—here we have a major company, sole-source contract for $7 billion, without anyone else competing with them. The question it raises is whether it is improper or has an appearance of impropriety.

I say on its face there is an appearance of impropriety, that one company, without competitive bidding, would end up with a $7 billion contract. Is the Senator from California saying that if Halliburton is that good, that this is the only company in America that can possibly bid on it, Halliburton will have its chance?

The Department of Defense is going to say to all the companies in America that might provide the services, you have your chance to compete with Halliburton. If it is that good, Halliburton can win this contract fair and square on the up and up and eliminate any appearance of impropriety. Is that what the Senator from California is trying to achieve?

Mrs. BOXER. I am trying to say what you stated. If Halliburton or subsidiaries wish to do more work in Iraq, let them stand shoulder to shoulder, toe to toe with every other company in this country.

I have heard from so many businesspeople who are outraged at this. That is why the amendment I have offered on behalf of Senator LAUTENBERG and you and others is a probusiness amendment; it is a protaxpayer amendment and a proconsumer amendment.

Mr. LAUTENBERG. Will the Senator yield for a question? This could be described as ''business unusual.''

Mrs. BOXER. I think my friend, a very successful businessman, has put his finger on it: It is business unusual.

Mr. LAUTENBERG. Yes. Often we say business as usual; this is business as unusual.

Does the Senator, in the resolution proposed, talk about terms or performance? Is it not worth noting if this contract were done, if not in the dark of night, certainly at dusk—we do not know the terms—that not only means price could be many times over, there are no performance standards, either, which is pretty darn unusual?

Mrs. BOXER. I say to my friend, it is very unusual. When we ask them, they say: We are just going to use this contract to put out the fires.

Then it turned out, thank God, there were not that many fires; and we thought, OK, fine, it was a sole source.

Mr. LAUTENBERG. It turned out to be a fire sale.

Mrs. BOXER. Another excellent point.

I am happy my friend from New Jersey is back. I was losing my sense of humor. I am glad he is back.

This chart shows the congressional notification of this contract. The light of day never came to this until way after it was issued. Now we finally got it after the fifth task order. Estimated value, $7 billion.

They called it a bridge contract, by the way, when they started out, and they started to let out these task orders.

Mr. LAUTENBERG. Will the Senator yield?

Does it say the maximum amount the Government could spend?

Mrs. BOXER. The estimated face value.

Mr. LAUTENBERG. So if $7 billion became $10 billion—is there any limitation?

Mrs. BOXER. Legally, as I look at it, it says estimated face value.

Here it says ''bids received: One.''

''Bids solicited, sole source.''

This is stunning.

I ask the President how much time remains on my side?

The PRESIDING OFFICER. Eight minutes twenty seconds.

Mrs. BOXER. I yield 5 minutes to my friend from New Jersey and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank my friend and colleague from California. I support Senator BOXER's amendment regarding the questionable—and it is questionable; friends here know I spent a lot of my time, most of my life, in business, more than I have in the Senate. No-bid contracts are practically nonexistent when they have significant value to either the company, the government, or otherwise.

The contract given to Halliburton in early March regarding Iraq's oil infrastructure, this no-bid contract, has raised serious concern. There is good cause. There is no accusation here. It is just a question of what is a good, sensible business practice.

I ask every Senator in this body to take a look and ask if they would give out a contract to cut the lawn at their house or cut down trees or paint the house without getting some formal response as to what it might cost. We have a strange happening: no-bid contract. It could be as much as $7 billion, with no ceiling on it. That is the interesting aspect. For whatever reason, the administration has attempted to conceal the scope and the terms of the contract. This attempt to hide information has generated plenty of suspicion.

Initially, it was announced that the contract with Halliburton was for the specific and limited purpose of extinguishing Iraqi oil fires. That could be described as emergency and repairing equipment. The initial value of the contract, the initial value, was $50 million. We are now talking about approximately $7 billion, give or take $2 billion or $3 billion—mostly take; I guarantee there is no give, in the hope that no one would ask any questions.

This was a no-bid contract given to a company that has strong ties to the administration. Then the details began to change. Six weeks after the contract was originally disclosed, the Army admitted that the contract was not only for putting out the fires and making some repairs—repairs, $7 billion?—suddenly the Army Corps revealed that the contract called for Halliburton to operate the oil wells and distribute Iraqi oil. That is a huge difference.

There is the issue of the no-bid process. Perhaps we ought to have a Senate resolution to see how our friends would vote if we said let's go to all no-bid contracts for Government purchases. Sound like a good idea? I doubt it.

Asked why the Halliburton contract was awarded in a no-bid fashion, the Army Corps asserted that there was no time for a competitive process and this contract would be of short duration. You can spend $7 billion in a hurry, I guess.

We now learn the contract could be worth up to $7 billion. For the past 6 weeks, each time the Army Corps has been questioned about the contract, we hear a different story.

I recently have written a letter to Senator COLLINS and Senator LIEBERMAN, the chairman and the ranking member of the Governmental Affairs Committee of which I sit, asking them to hold a hearing to investigate this contract. I believe the hearing will allow us to finally determine the true scope of this contract and why the administration chose not to have a bidding process and why the information was withheld.

Something here is not right. Not only do we need to investigate the process under which this contract was awarded, but we also need to put a competitive contracting process in place for this work in Iraq. We need to ensure for the American people that the Government is not engaged in sweetheart deals for its corporate friends.

The amendment of Senator BOXER encourages that the current no-bid Halliburton contract be replaced shortly through a competitive process, and I congratulate the Senator from California for that thought. That is the way it ought to work.

The reconstruction of Iraq, particularly the rebuilding of the Iraqi oil industry, is an extremely sensitive endeavor. I believe it is vitally important for the Pentagon to divulge information as to how it awards contracts in a public and systematic fashion. The Halliburton contract and the cloak of secrecy around it must not set a precedent for future contracts in the reconstruction process.

In this time of budget difficulties, with our inability to finance programs that have been an important part of the structure of the United States—whether it is education, whether it is prescription drugs or otherwise—for us to go ahead and spend $7 billion without knowing how, why, and when this work is going to be performed is an outrage. I don't think the American public ought to stand still for it.

I hope my colleagues on the other side will agree. Many of them are good business-people who have been out there and understand what has been appropriate process in business.

I urge my colleagues to support the Boxer amendment.

I yield the floor.

Mrs. BOXER. Mr. President, I reserve the remainder of my time.

Mr. WARNER. Mr. President, I ask unanimous consent to modify my amendment. I will send the modification to the desk.

Mrs. BOXER. Reserving the right to object, I don't know whether I will object. I would like a chance to look at it. I just got a chance to look at it a minute ago. So if you could put the unanimous consent off for a couple of minutes so I can take a look at it?

Mr. WARNER. Fine. Let me just explain to the Senator what it is. The Senator, in the course of her comments, more or less criticized the amendment by the Senator from Virginia as not having in it the full force and effect of law. So, acting upon the suggestion of the good Senator from California, I have now provided that this amendment will have the full force of law. Let me read it to you.

Mrs. BOXER. If the Senator wants to give me 2 minutes, I am just looking at it now. You can read it to me or I can get a copy and read it myself. Either way is fine. I do not have it in front of me.

Mr. WARNER. Let me read it.

The Department of Defense shall fully comply with the Competition in Contracting Act (10 U.S.C. 2304 et seq) for any contracts awarded for reconstruction activity in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry. . . .''

It is straightforward.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum. I am just going to chat with my friend for a minute.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that we proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION IN THE ENROLLMENT OF H.R. 1298

Mr. WARNER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the concurrent resolution (S. Con. Res. 46) to correct the enrollment of H.R. 1298.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 46) entitled ''Concurrent resolution to correct the enrollment of H.R. 1298'', do pass with the following

Amendment:

On page 1, line 2, strike ''Secretary of the Senate'' and insert *''Clerk of the House of Representatives''*,

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—Continued

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate return to the underlying bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 826, AS MODIFIED

Mr. WARNER. Mr. President, as is so often the case here in the Senate during the course of deliberations, colleagues find a mutual ground by which they can resolve such differences as exist. And in this instance, the distinguished Senator from California, myself, and the distinguished Senator from New Jersey have joined together.

The amendment in the first degree of the Senator from Virginia remains in a document that I will shortly send to the desk. And the basic report language required in the amendment of the Senators from California and New Jersey is, likewise, in this document. They are coupled together.

So I ask unanimous consent that the amendment by the Senator from Virginia be modified. And I send the modified amendment to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mrs. BOXER. Reserving the right to object, I would like to say, I am very supportive of this. I just want to ask if it is the right thing for me to withdraw my amendment, or is that not necessary?

Mr. WARNER. Mr. President, I would so make that request. That was my understanding. I was going to do that after this amendment had been amended.

So if the Chair would rule on the modification of the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

Hearing none, it is so ordered.

The amendment (No. 826), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . COMPETITIVE AWARD OF CONTRACTS FOR IRAQI RECONSTRUCTION.

(a) REQUIREMENT.—The Department of Defense shall fully comply with the Competition in Contracting Act (10 U.S.C. 2304 et seq) for any contract awarded for reconstruction activities in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry.

(b) REPORT TO CONGRESS.—If the Department of Defense does not have a fully competitive contract in place to replace the March 8, 2003 contract for the reconstruction of the Iraqi oil industry by August 31, 2003, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing this sole-source contract to continue. A follow-up report shall be submitted to Congress each 60 days thereafter until a competitive contract is in place.

AMENDMENT NO. 825 WITHDRAWN

Mr. WARNER. Mr. President, at this time I respectfully ask the Chair to withdraw the amendment by the Senator from California.

Mrs. BOXER. I have no objection to withdrawing my amendment because it has, in fact, been made a part of the Warner amendment.

Mr. WARNER. That is correct.

Mr. REID. Mr. President, I also ask that this amendment have the name of the Senator from California on it, also.

Mr. WARNER. It is to be known as the Warner-Boxer—and also for the Senator from New Jersey, my friend, Mr. LAUTENBERG. The two of us go back many years.

Mr. LAUTENBERG. Further than we can remember.

Mr. WARNER. Yes, further back than we can remember.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from California is withdrawn.

Mr. WARNER. And the amendment of the Senator from Virginia is now known as the Warner-Boxer-Lautenberg amendment?

The PRESIDING OFFICER. That is correct. Without objection, it is so ordered.

Mr. WARNER. Briefly, to explain to the Senate, basically what we have done is we have put into law the requirement that the Department of Defense shall fully comply with the Competition in Contracting Act for any contract awarded for reconstruction activities in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry.

Second, a report to Congress. If the Department of Defense does not have a fully competitive contract in place to replace the March 8, 2003 contract for the reconstruction of the Iraqi oil industry by August 31, 2003, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing the sole-source contract to continue. A followup report shall be submitted to Congress each 60 days thereafter until a competitive contract is in place.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague from Virginia.

I think when the Senate can work together, when we can cross over, one side to the other, we do good work. What we did is literally take one half of the amendment of the Senator from Virginia and one half of mine. What is important to me is, if the Senate will speak in one voice, we will have a vote. I trust it will pass with a very wide margin, if not unanimously. The Senate will go on record, if we pass the Warner-Boxer amendment, as saying the following: We don't approve of this sole-source contract continuing, that we want to make sure the Army Corps, which says it is going to end this contract, is held accountable; that they are going to have to let us know if by August 30 they don't end the sole-source contract, and every 60 days thereafter they are going to have to let us know why they are continuing a $7 billion sole-source contract.

That is all I wanted when I stood up a couple hours ago. That is all I want now. I am grateful to my friend for being openminded. It was a good debate.

I also say to my leader on the Armed Services Committee, Senator LEVIN, the ranking member, how helpful he has been to me. When I started, I had a proposal that might never have seen the light of day. He worked with me to make it relevant, make it work. Again, to Senators GRAHAM and LIEBERMAN and CLINTON and DURBIN and LAUTENBERG, before we looked like we had a winner here, they were with me. This is really very nostalgic for me. In my time in the House, I worked on the Armed Services Committee on military procurement before. I had hoped I wouldn't have to be standing here worried about military procurement, but it looks like it comes back like a bad dream.

I am hopeful the action we take this afternoon, just to let the Army Corps know we are all watching, Republicans and Democrats, will have a salutary effect on the termination of the sole-source contract and fair and open bidding. The taxpayers deserve no less. The business community deserves no less. Consumers deserve no less. Frankly, the people of Iraq deserve no less because we are trying to rebuild their country in the most efficient way we can.

I thank my friend again, Senator WARNER. I urge a yea vote on the Warner-Boxer amendment.

Mr. LAUTENBERG. Mr. President, will the manager yield a moment?

Mr. WARNER. Take such time as you need.

Mr. LAUTENBERG. Just a minute, because I want to second what we just heard from the Senator from California about my friend and colleague from Virginia. We have our policy differences. But when there is something that strikes the right note, I know for the many years we have served together, now about 20, including a 2-year lapse, we were able to agree on things here and there that meant a lot in terms of the process of our functioning.

I commend the Senator from Virginia for coming to a negotiated settlement and consensus view that accomplishes what we all wanted. I thank him for his

willingness to listen and for me to be able to participate.

I yield the floor.

Mr. HARKIN. Mr. President, I am pleased to join Senator WYDEN and other colleagues in sponsoring this amendment on contracting in Iraq and in support of the Warner-Boxer amendment No. 826. One of our key objectives for our work in Iraq is to convince the Iraqi people, other nations in the Mideast, and our allies that we are not occupying Iraq to get their oil and benefit big American corporations. We are there to provide the Iraqi people with basic services and infrastructure, human rights, and a more representative government. Given the massive problems we are having there, it is equally important to enable oversight by—and provide information for—Congress and the American people as well.

So it is unfortunate that we have started the reconstruction in Iraq on exactly the wrong note. Contracts have been let in secrecy, without open competition, to friends of the administration. The Army Corps of Engineers gave a contract that they thought was potentially worth $7 billion to Halliburton with no competition at all. The contract is classified, and I have been told the reason it is classified is classified too. And information about it has only dribbled out. First we were told it was just to put out oil well fires. Later is slipped out that production and distribution of oil were included as well. Was this in the interest of the Iraqi people? Did they consider investigations suggesting excessive charges in previous Halliburton contracts? how can we tell?

The Agency for International Development, under guidance from the Pentagon, has also let contracts in secrecy with only limited competition between hand-picked companies. Bechtel, with its own ties to the administration, got the largest one. Again we don't know how they chose these companies.

These practices must end if we are to obtain the trust of people at home or abroad. And I have to say it is not clear that results so far justify this unusual way of doing things.

This modest amendment simply says that if the administration is going to let contracts for Iraqi reconstruction without full and open competition, it has to tell Congress and the American people what it is doing. They have to give the amount of the contract, the scope, a description of who was allowed to compete and why, and documents on why they did not allow full competition. Classified information could be redacted, but would still be given to appropriate Congressional committees.

Similarly, the Warner-Boxer amendment requires competitive contracting for reconstruction of the Iraqi oil industry. If the administration does not cut off the Halliburton contract by August 31 and allow full competition for that work, as it has said it would, the amendment requires report to Congress.

The amendments will not ensure open competition, but at least they will bring daylight to shine on the administration's activities, and will allow the American and Iraqi people to see what is being done with our money and their future.

Mr. LEVIN. Mr. President, I understand the yeas and nays are going to be requested. I thank my good friend from California for her kind words and, as always, the Senator from Virginia for his willingness to work to try to advance the Senate's proceedings in a fair and thoughtful way. I thank him as always for his willingness to try to find some way to bring together diverse views.

Mr. WARNER. Mr. President, by way of concluding remarks, we have set forth a joint statement which hopefully will be enacted into law. I commend my two colleagues for their work. I don't fully share some of the allegations raised with regard to the suspicions connected with this contract. It is for that reason the contract should see the full rays of sunlight and be explored. Committees of Congress will eventually be exploring this same issue.

This document simply establishes a procedure by which this can be done. It is my expectation we will recognize that those in authority in the Department of Defense, recognizing the urgency of time following the basic cessation, not the full cessation but basic cessation of hostilities, have to move with swiftness. That is the underlying reason. Eventually this contract can be substantiated as in compliance with the law.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been previously ordered.

The question is on agreeing to amendment No. 826, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye''.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—99

Akaka	Burns	Craig
Alexander	Byrd	Crapo
Allard	Campbell	Daschle
Allen	Cantwell	Dayton
Baucus	Carper	DeWine
Bayh	Chafee	Dodd
Bennett	Chambliss	Dole
Biden	Clinton	Domenici
Bingaman	Cochran	Dorgan
Bond	Coleman	Durbin
Boxer	Collins	Edwards
Breaux	Conrad	Ensign
Brownback	Cornyn	Enzi
Bunning	Corzine	Feingold
Feinstein	Landrieu	Reid
Fitzgerald	Lautenberg	Roberts
Frist	Leahy	Rockefeller
Graham (FL)	Levin	Santorum
Graham (SC)	Lieberman	Sarbanes
Grassley	Lincoln	Schumer
Gregg	Lott	Sessions
Hagel	Lugar	Shelby
Harkin	McCain	Smith
Hatch	McConnell	Snowe
Hollings	Mikulski	Specter
Hutchison	Miller	Stabenow
Inhofe	Murkowski	Stevens
Inouye	Murray	Sununu
Jeffords	Nelson (FL)	Talent
Johnson	Nelson (NE)	Thomas
Kennedy	Nickles	Voinovich
Kohl	Pryor	Warner
Kyl	Reed	Wyden

NOT VOTING—1

Kerry

The amendment (No. 826), as modified, was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. My distinguished ranking member, working in conjunction with our leadership, is of the view that we are rapidly approaching the point at which we can seek third reading and have final passage. I hope that within a matter of a few minutes we can determine that option and its availability.

Mr. LEVIN. We are almost there, Mr. President, but not quite.

Mr. WARNER. Unless there are further matters that the Senators wish to address with regard to the underlying bill, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 806, AS MODIFIED

Mr. WARNER. Mr. President, the distinguished ranking member and I will now proceed to continue with amendments that have been agreed to on both sides.

Mr. President, I ask unanimous consent amendment No. 806 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 806), as modified, is as follows:

On page 17, after line 9, insert the following:

SEC. 108. REDUCTION IN AUTHORIZATION.

The total amount authorized to be appropriated under section 104 is hereby reduced by $3,300,000, with $2,100,000 of the reduction to be allocated to SOF rotary upgrades and $1,200,000 to be allocated to SOF operational enhancements.

Mr. WARNER. The amendment has been agreed to on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 806), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 828

Mr. LEVIN. Mr. President, on behalf of Senators KERRY and KENNEDY, I offer an amendment which would authorize transportation of dependents to the presence of members of the Armed Forces who are retired for illness or injury as a result of active duty.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. KERRY, for himself and Mr. KENNEDY, proposes an amendment numbered 828.

The amendment is as follows:

(Purpose: To authorize the transportation of dependents to the presence of members of the Armed Forces who are retired for illness or injury as a result of active duty)

At the end of subtitle C of title VI, add the following:

SEC. 634. TRANSPORTATION OF DEPENDENTS TO PRESENCE OF MEMBERS OF THE ARMED FORCES WHO ARE RETIRED FOR ILLNESS OR INJURY INCURRED IN ACTIVE DUTY.

Section 411h(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) Under the regulations prescribed under paragraph (1), transportation described in subsection (c) may be provided for not more than two family members of a member otherwise described in paragraph (3) who is retired for an illness or injury described in that paragraph if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of the family member would be in the best interests of the family member.''; and

(4) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraph (1) or (2)''.

Mr. LEVIN. The amendment has been agreed to on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 828) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 829

Mr. WARNER. Mr. President, on behalf of Senator VOINOVICH, I offer an amendment which ensures that personnel who attend the Air Force Institute of Technology from the Army, Navy, and Marine Corps, have the costs of their education paid for similarly to the naval postgraduate school.

It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. VOINOVICH, proposes an amendment numbered 829.

The amendment is as follows:

(Purpose: To provide that requirements on coverage of the costs of instruction at the Naval Postgraduate School shall also apply with respect to costs of instruction at the Air Force Institute of Technology)

On page 103, between lines 18 and 19, insert the following:

''(3) The Department of the Army, the Department of the Navy, and the Department of Transportation shall bear the cost of the instruction at the Air Force Institute of Technology that is received by officers detailed for that instruction by the Secretaries of the Army, Navy, and Transportation, respectively. In the case of an enlisted member permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis).''

The PRESIDING OFFICER. Is there debate?

Mr. WARNER. This has been cleared on both sides.

Mr. LEVIN. We have no objection.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 829) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 830

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON, I offer an amendment which ensures that Impact Aid continues for military dependents at installations that have been conveyed to local communities such as Brooks Air Force Base but the military continues to reside in the base housing.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 830.

The amendment is as follows:

(Purpose: To amend the section 351 funding authority to include authority for the funds to be used for making Impact Aid basic support payments to local educational agencies affected by the Brooks Air Force Base Demonstration Project, including amounts computed on the basis of Federal property that is converted non-Federal property)

On page 71, strike lines 12 through 21, and insert the following:

(d) AVAILABILITY OF FUNDS FOR LOCAL EDUCATIONAL AGENCIES AFFECTED BY THE BROOKS AIR FORCE BASE DEMONSTRATION PROJECT.—(1) Up to $500,000 of the funds made available under subsection (a) may (notwithstanding the limitation in such subsection) also be used for making basic support payments for fiscal year 2004 to a local educational agency that received a basic support payment for fiscal year 2003, but whose payment for fiscal year 2004 would be reduced because of the conversion of Federal property to non-Federal ownership under the Department of Defense infrastructure demonstration project at Brooks Air Force Base, Texas, and the amounts of such basic support payments for fiscal year 2004 shall be computed as if the converted property were Federal property for purposes of receiving the basic support payments for the period in which the demonstration project is ongoing, as documented by the local educational agency to the satisfaction of the Secretary.

(2) If funds are used as authorized under paragraph (1), the Secretary shall reduce the amount of any basic support payment for fiscal year 2004 for a local educational agency described in paragraph (1) by the amount of any revenue that the agency received during fiscal year 2002 from the Brooks Development Authority as a result of the demonstration project described in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term ''basic support payment'' means a payment authorized under section 8003(b(1)) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 830) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 831

Mr. WARNER. Mr. President, I offer an amendment on behalf of Senator DOMENICI which expresses the sense of the Senate on the reconsideration of the decision to terminate the border and seaport inspection duties of the National Guard as part of its drug interdiction and counterdrug mission. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, for himself, Mr. MCCAIN, Mr. NELSON of Florida, and Mr. CORNYN, proposes an amendment numbered 831.

The amendment is as follows:

(Purpose: To state the sense of the Senate on the reconsideration of the decision to terminate the border and seaport inspection duties of the National Guard as part of its drug interdiction and counter-drug mission)

At the end of subtitle D of title X, add the following:

SEC. 1039. SENSE OF SENATE ON RECONSIDERATION OF DECISION TO TERMINATE BORDER SEAPORT INSPECTION DUTIES OF NATIONAL GUARD UNDER NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG MISSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The counter-drug inspection mission of the National Guard is highly important to preventing the infiltration of illegal narcotics across United States borders.

(2) The expertise of members of the National Guard in vehicle inspections at United

States borders have made invaluable contributions to the identification and seizure of illegal narcotics being smuggled across United States borders.

(3) The support provided by the National Guard to the Customs Service and the Border Patrol has greatly enhanced the capability of the Customs Service and the Border Patrol to perform counter-terrorism surveillance and other border protection duties.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should reconsider the decision of the Department of Defense to terminate the border inspection and seaport inspection duties of the National Guard as part of the drug interdiction and counter-drug mission of the National Guard.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 831) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENVIRONMENTAL RESTORATION OF THE FORMER EAKER AIR FORCE BASE

Mr. PRYOR. Mr. President, I would like to bring the Senate's attention to a matter important to Blytheville in Mississippi County, AR. Blytheville is the former home of Eaker Air Force Base. In 1992, Eaker closed and ended a 50-year legacy between the U.S. Air Force and the people of Blytheville. During Eaker's 50 years, the Air Force benefited from local support of Eaker—support that ensured an atmosphere where the Air Force could complete critical missions.

Today, a decade following Eaker's closure, the folks at Blytheville are trying to move forward and locate new businesses at the former base. Regrettably, abandoned, decaying buildings with asbestos siding and pipe insulation were left behind after the Air Force's departure and this environmental hazard is preventing any potential economic development on these lands. Our Federal Government regulations are clear concerning these types of hazards and the required remediation thereof. It is my understanding that many of these buildings were scheduled for demolition by the Air Force prior to the base closure. It is further my understanding that there is a potential for the asbestos to become airborne as these building begin to collapse.

Mississippi County currently has the highest unemployment rate in the State. It was not the intent of the base closure process to leave a local community with environmentally hazardous waste, however, this is precisely what has occurred. The county cannot relocate new business in the facilities until the cleanup is complete.

I want to bring closure to this issue and I hope that Chairman WARNER and Senator LEVIN will join me in looking into this matter. I plan on contacting the Air Force to get a formal response to the environmental issues at the former Eaker Air Force Base. Again, I thank my colleagues for any support that they might provide in helping the people of Blytheville, AR.

Mrs. LINCOLN. Mr. President, I want to associate myself with the remarks made by Senator PRYOR. This is a matter that I discussed with Senator INOUYE last year during the consideration of the Defense appropriations bill. For reasons unknown, environmental restoration of the former Eaker Air Force Base has languished for over a decade. It is past time to address this issue. It is time to clean up this land and enable the people of Blytheville to find new tenants that can contribute to the local economy.

The people of Blytheville deserve Federal assistance to clean up the asbestos left behind by the Air Force. For 50 years, residents of Blytheville proudly support Eaker Air Force Base as home to a group of strategic air command B–52 bombers and more than 3,000 military personnel, before its closure in 1992. Before the closure, the military accounted for 15.2 percent of personal earnings, the largest of any industry in the county.

Through industrial expansion at the Arkansas Aeroplex, I believe significant strides can be made to turn the economic situation in Blytheville around. The Aeroplex is home to a 2-mile runway. In fact, the runway could serve as an alternate landing site for the NASA space shuttle. The potential for new business is abundant, but the opportunities are hampered because of the asbestos-filled buildings.

I look forward to working with Senator PRYOR on this matter, and I hope our colleagues from the Senate Armed Services Committee will assist us on this issue.

Mr. LEVIN. I also would be glad to help the Senator get this issue addressed and will work with you in contracting the Air Force.

HOUSE PROVISION ON MEALS READY TO EAT (MRE)

Mr. BAYH. As the chairman knows, I am a strong supporter of Buy American requirements, and am generally open to strengthening current law, but the House Armed Services authorization bill contains a provision that could impact our ability to produce MREs. This provision specifically deals with the packaging requirements for MREs procured by DOD.

Mr. WARNER. I have not seen the provision but it sounds like it might be a concern.

Mr. INHOFE. If the distinguished Senator from Virginia would yield, Mr. Chairman, I also have concerns about this provision and the effects it would have on our ability to meet production needs to get necessary meals to our service men and women in the field.

Mr. BAYH. Mr. President, it is my understanding the implementation of the House provision could seriously impact the industry's production capacity and relegating MRE restocking to old, slower technology producing less desirable meal options.

Mr. WARNER. I was unaware of this matter, but want to assure the Senator from Indiana and the Senator from Oklahoma that the Senate will give this provision a thorough review in conference with the House.

Mr. BAYH. I thank the distinguished chairman and the Senator from Oklahoma for their interest in the matter and look forward to working with them to resolve this issue.

Mr. INHOFE. I thank the chairman and the Senator from Indiana and look forward to working with them on this issue as we proceed with the bill.

THE BAN ON LOW-YIELD NUCLEAR WEAPONS

Mr. BINGAMAN. Mr. President, we have in the Senate repealed the ban on low-yield nuclear weapons, specifically, section 3136 of the National Defense Authorization Act for fiscal year 1994, Public Law 103–160.

Mr. LEVIN. We have included, however, a requirement for the specific authorization for low-yield warhead development beyond phase 2A or 6.2A. With this amendment, Congress and this committee, will continue to play an important oversight role on nuclear weapons development.

Mr. BINGAMAN. I have submitted an amendment which has been accepted, that requires the Secretaries of the Departments of Defense, Energy, and State, to provide Congress by March 1, 2004, an assessment of the effects, if any, that such a repeal will have on the ability of the United States to achieve its nonproliferation objectives, and whether or not, changes in programs or activities would be required to achieve these objectives. I have asked that this report be submitted in an unclassified form with a classified annex, if needed.

Mr. LEVIN. I believe a careful, systematic study is needed by the executive branch on the effects of such a repeal, and especially, how it affects nations such as Russia, where we are cooperatively working to reduce the proliferation of weapons of mass destruction.

Mr. BINGAMAN. The Senator is correct. There is concern on the signal that this repeal could send to other nations, especially those we are working with to stem the proliferation of nuclear weapons. In particular, my intent in submitting this amendment was the effect that the repeal would have on the Cooperative Threat Reduction Program, which was started by Senators NUNN, LUGAR, and DOMENICI. I want to be assured that we do not send any bad-faith signals to Russia, and other countries, that participate in the program. The United States spends over a billion dollars a year in this effort; the repeal of the low-yield ban must not negatively affect this investment of the taxpayers' money.

Mr. LEVIN. I share this concern. I will work with the Senate Armed Services Committee, through our important oversight role, to insure that the Cooperative Threat Reduction Program continues to be carried out effectively by

the Departments of Defense and Energy, especially now that we have repealed the ban on low-yield nuclear weapons.

Mr. BINGAMAN. I appreciate the committee's help in this important matter.

Mr. CHAMBLISS. Mr. President, I rise today to express my concern with the administration's approach to competitive sourcing and the revisions to Circular A–76 currently under consideration by the Office of Management and Budget and the Office of Federal Procurement Policy. Currently, ''competitive sourcing'' as defined and interpreted through Circular A–76 is biased against work performed by Government employees. Some examples of this are: 1, there are very limited provisions for work, including work that has been previously outsourced, being competed and returned to the Government, and, 2, any function that has ever been studied for outsourcing is required to be restudied for outsourcing every 5 years.

With this in mind, I urge the administration to incorporate provisions in the revised A–76 to be released in the coming months. The following items must be included for our support:

One, remove all barriers to moving previously outsourced or ''inherently governmental'' work into Government facilities and develop clear provisions for competing previously outsourced work. The spirit of A–76 should be to have an even flow of workload between public and private facilities and a level playing field for public and private entities upon which they can compete for work.

Two, encourage public-private partnerships and establish clear provisions for allowing public-private partnerships to compete for work competitively sourced under A–76.

Three, more explicitly define ''inherently governmental'' so that it will be clear which activities are not subject to A–76 studies.

Four, eliminate the requirement once an A–76 competition has been awarded to the Government, for the work to be reviewed again every 5 years and subject to recompetition. The option to restudy should remain but the requirement to restudy should be eliminated.

Mr. INHOFE. Mr. President, I strongly agree with the Senator from Georgia. I truly believe our depots are a national asset and we should address the basic question of ''core'' requirements. Currently, there is no acceptable definition of ''inherently governmental'' functions or ''core'' which can guide the administration and the Department of Defense as they decide which functions should be competed for outsourcing. As we have seen in both Iraq and Afghanistan, the United States does not have the luxury of time in addressing the threats of tomorrow. Before we start making short-term decisions, we need to look at the long-term effects and requirements in support of national defense.

Mr. KENNEDY. Mr. President, I thank my colleagues for their comments and add my own.

Last November, the Office of Management and Budget proposed the most sweeping changes to the rules on outsourcing of Government work since the last 1950s. Now, the administration wants to use the proposal to privatize at least 225,000 Department of Defense civilian jobs over the next several years.

The proposed changes have received strong criticism from the General Accounting Office, GAO, executive branch agencies, and Federal employee organizations. The CIA wrote that they will be unable to meet their own statutory requirements to protect their intelligence sources and methods if they fully implemented the revision. The Department of Transportation raised concern about the adverse impact of the changes on women and minorities employed by the Federal Government.

The proposed revisions could undermine public-private competition. Under the plan, if an agency is unable to complete public-private competitions in 1 year, it could automatically privatize the work. After an outcry from agencies and the public, OMB indicated that it would consider changes, but it is far from clear what the changes will be.

In addition, the proposal allows so-called ''streamlined'' competitions for activities involving 65 or fewer employees and lasting no more than 90 days. Under current rules, the Federal employee or the contractor must be at least 10 percent or $10 million more efficient to win a bid. Under this ''streamlined'' method, there would be no such requirement. Clearly, the potential savings and efficiency created by competition would be threatened and would be contrary to the recommendation of the Commercial Activities Panel, the panel charged with reviewing outsourcing policies, for which all of the contractor and administration representatives voted.

The proposal would also include an automatic bias in favor of contractors. It imposes a 12 percent overhead cost on all Federal employee bids, and then imposes a superfluous charge for indirect labor costs, but it does not impose the same charges on contractor bids, even though both Federal employees and contractors would have similar overhead costs. The DoD inspector general has said that the 12 percent overhead factor is ''unsupportable.''

In addition, the proposal is likely to reduce the standard of living for tens of thousands of Americans. By artificially inflating the costs of in-house personnel, contractors have incentives to reduce costs by providing unfair compensation packages for those who perform Government work. Good jobs with fair wages and opportunities for advancement would be turned into lower wage jobs with no benefits and no security. According to the Economic Policy Institute, more than one in 10 Federal contract workers already earns less than a living wage.

The proposed revisions also apply different competition requirements to Federal employees and contractors in other ways that raise serious fairness concerns. Contractors have an incentive to low-ball their proposal, since there is relatively little likelihood of real private sector competition. The inspector general of the Department of Defense has reported that over three-fifths of the contracts he and his staff surveyed suffered from ''inadequate completion.''

Clearly, the proposed revisions will have significant implications for undermining competition and reducing opportunities for Federal employees to compete fairly for their own jobs.

Today, there is far too little real competition for contacts to provide goods and services of Federal agencies. We should be getting the most out of every taxpayer dollar. But, less than 1 percent of Department of Defense service contracts are subject to full public-private competition.

Government procurement should be based on what is best for taxpayers and our national defense. We face great challenges to the Nation's security in these difficult times. More than ever, we rely on the Department of Defense and its dedicated employees. As the military budget grows rapidly, we must see that taxpayers and our men and women in uniform obtain the benefits too. True competition is more critical today than ever.

Mr. CHAMBLISS. I thank the Senator from Oklahoma and the Senator from Massachusetts for their comments. I agree that we should not make short-term decisions on these issues, that more precise definitions of ''inherently governmental'' and ''core'' are required to guide competitive sourcing decisions and public-private partnerships, and that the ''streamlined'' procedure OMB is advocating are a step in the wrong direction. I look forward to working with my colleagues and the administration to ensure any revision to A–76 are done carefully and do not discriminate against our Federal workforce.

BIOBASED PRODUCTS

Mr. BOND. Mr. President, I would like to engage my colleague, Senator WARNER, in a colloquy.

As we know, Executive Order 13101 provides guidance to the head of each executive agency, including the Secretary of Defense, regarding the use and procurement of recycled and biodegradable products. In fact, the Order states each agency head ''. . . shall incorporate waste prevention and recycling in the agency's daily operations and work to increase and expand markets for recovered materials through greater Federal Government preference and demand for such products.''

I think that now is a great opportunity to once again encourage the Department of Defense to procure products that both reduce waste and enhance recycling. I am aware that

biobased products have been developed using a new composite material consisting primarily of limestone and renewable starch for the production of food serviceware. Manufacturers of these products maintain that they have proven to be strong, provide good insulation, and biodegrade in marine and composting environments. I am told that in recent years, biobased products have become more prevalent and more cost competitive. Moreover, I believe that these products have been tested in the Pentagon cafeterias and are being considered for use in other Defense facilities.

I support environmentally friendly products such as biobased products. In my home State of Missouri, we have a manufacturing plant in the City of Lebanon that produces equipment for manufacturing biobased products. The plant has already produced eight machines. By the end of the year, the plant will have produced 50 additional machines. Buy 2004, the plant will have built 100 additional machines. In addition, due to the high demand for biobased products, the plant is also producing biobased food serviceware. The plant takes up 50,000 square feet and requires 90 full-time and temporary workers. I appreciate the jobs and business created by this multi-million-dollar endeavor, and I am proud that we have a Missouri-manufactured product that reduces the impacts of waste on our environment.

Mr. WARNER. I appreciate the Senator's concerns and support his efforts in this area.

• Mr. KERRY. Mr. President, military planning is about balancing risk and cost. Resources will always be limited. And actions will always incur costs, whether financial or political. In the fiscal year 2004 Defense Authorization Bill, the Bush administration sought to develop a new generation of nuclear weapons that would risk blurring the distinction between conventional and nuclear arms. While the financial cost of this decision would not be insignificant, the political costs internationally—and the costs to America's security—could be enormous.

Since the dawn of the nuclear age, the United States has sought to limit the spread of nuclear weapons. We have signed treaties, we have cajoled allies, we have threatened adversaries, and, in the Nuclear Non-Proliferation Treaty, we made it the stated goal of the United States to pursue real nuclear disarmament. The President has stated that the spread of nuclear weapons, when taken with the global danger posed by terrorism, represents the greatest threat to America's security. We have fought one war over weapons of mass destruction in Iraq. We are locked in a perilous stalemate with North Korea over their nuclear weapons program. We remain concerned about the pursuit of nuclear weapons in places like Iran. And we worry that the Indian-Pakistan border might witness the first exchange of nuclear arms.

We find ourselves in an increasingly contradictory position. On the one hand the Bush administration says that it will pursue whatever measures might be necessary to stop the spread of nuclear weapons around the world. Ye in our own affairs, the administration has broken dangerous new ground. Their Nuclear Posture Review urged the development of new nuclear weapons in order to target deeply buried, hardened targets or chemical and biological agents on the battlefield. Earlier this year, the president signed an order raising the prospect of American first-use of nuclear weapons against a non-nuclear state. These are dangerous and sobering developments. They underscore the perils of this new age. But these policies do not make us safer. Indeed, I would argue they risk making us less secure.

The greatest challenge to the security of the United States is the threat of terrorist armed with weapons of mass destruction. There is little debate of this assertion. At a time when stopping the proliferation of weapons of mass destruction and securing those that already exist is the principal security challenge of our time, it is inconceivable to me that the Bush administration would seek the authority to develop new weapons of our own. It is another example of the administration acting unilaterally and damaging America's long-term interests in the process.

The most effective means to thwart the nuclear ambitions of others is our own moral leadership backed by unquestioned military might. That moral leadership is predicated on the way we conduct ourselves. In short, our efforts to keep nuclear arms out of the hands of others will lack international credibility and support—and ultimately success—if we are determined to develop new nuclear weapons of our own. Without international support, our best efforts to prevent the spread of nuclear weapons will be greeted with cynicism and, quite simply, fail.

Our unquestioned military might is not predicated on the development of new nuclear weapons or our ability to target underground bunkers with nuclear bombs; rather it flows from our investment in conventional arms, our ability to project power around the world, our demonstrated capability to strike any point on the planet with precision, and the investment we make in the men and women of our armed forces.

In fact, the United States alone has demonstrated the ability to achieve near-strategic effects through the use of conventional precision munitions. No other country can do that. No other country is even close. Given that fact, it is not clear why this administration is willing to bear the international costs of developing a weapon that will raise new questions about America's intentions and hinder our leadership in the fight against proliferation without providing any new military utility.

The two most likely scenarios in which United States military might use these new weapons, whether low-yield nuclear weapons or larger bunker-busters, are in striking deeply buried, hardened targets and in defeating chemical and biological agents on the battlefield. In both cases, there are conventional alternatives to the use of nuclear weapons. Deeply buried and hardened facilities can be disabled by using conventional munitions to seal their entrances. Other munitions such as incendiary and thermobaric bombs have proven effective in Afghanistan. A nuclear detonation, in contrast, would eject a plume of radioactive debris that would contaminate the surrounding region, sickening civilians in the area and endangering the well-being of American military personnel. Crossing the nuclear threshold to accomplish these missions would be overkill, it would violate accepted norms of behavior, and it would produce a damaging political backlash against the United States and our interests.

There has emerged in recent years an American way of war. Different observers have ascribed different characteristics to it, but nearly all recognize that among its features is a concern and respect for non-combatants. The Secretary of Defense has even noted the additional risk taken by our aircrews to avoid civilian casualties in Afghanistan and Iraq. The use of nuclear weapons, however, would imperil anyone near a target with exposure to dangerous levels of radiation, introducing a new horrific possibility to the euphemism ''collateral'' damage.

Some have contended that a low-yield nuclear weapon, detonated at some depth, would provide shielding from the dangerous fallout associated wit nuclear detonation. According to Rob Nelson, a nuclear physicist at Princeton University, however, a nuclear bunker buster with a yield of one-tenth of one kiloton—about two hundred times smaller than the bomb dropped on Hiroshima—would need to penetrate to a depth of 230 feet prior to detonation for the earth to absorb the totality of the blast. To provide some perspective, the Pentagon's only current nuclear earth penetrating weapon can reach a depth of only about 20 feet in dry earth. At this depth, a 0.1 kiloton weapon would eject hazardous debris and likely fail to damage a robust, deeply buried, hardened structure.

Finally, by pursuing new, ''usable'' nuclear weapons designs, this administration underscores to every rogue regime in the world the value of nuclear arms, whether that value is real or not. This is the wrong message for the United States to send. In its place, we must find new ways to demonstrate to countries around the world that these weapons are affordable, unusable, and undesirable.

Now is the wrong time to consider developing a new class of American nuclear arms. Instead of researching and developing new weapons, we must redouble our efforts to secure the nuclear

weapons already in the world's inventories and safeguard the stores of nuclear materials scattered in unsecured facilities around the world. There is simply no compelling need for a new generation of nuclear weapons. They will not add any meaningful value to our arsenal. But they will undermine our efforts to stem the growth of nuclear stockpiles around the world while making America less secure and the risks of war and catastrophic terrorism even greater.

The future is not about a return to the city-busting bombs of the past, nor smaller yield nuclear weapons that might blur the distinction—in some minds—between conventional and nuclear arms. Rather, the future is about eliminating the threat posed to us all by such weapons. Our strength and our power at this moment in history is unrivaled. Now is the time for bold leadership that makes the world safer from nuclear dangers, not more eager for new weapons.●

Mr. ROBERTS. Mr. President, I rise in support of the National Defense Authorization Act for fiscal year 2004. I commend Chairman WARNER and Ranking Member LEVIN for their skillful stewardship.

I believe the committee completed its mark-up in near record time, with one of the fastest subcommittee marks in history occurring at the panel I currently chair, the Subcommittee on Emerging Threats and Capabilities.

Nonetheless, Senator JACK REED and I were able to provide funding for a number of important programs. We focused not only on enhancing the capabilities of our men and women in uniform, but also on those initiatives that address threats we face right now here at home.

In fact, since Chairman WARNER established the subcommittee in the Winter of 1999, most of the ''emerging threats'' have become current realities. I am talking in particular about the use and potential use by terrorists of weapons of mass destruction (WMD).

I am certainly thankful for the leadership of President Bush as we try to navigate through this environment, one that includes apocalyptic terror groups acquiring and employing WMD.

Let us remember, day to day, it is the President of the United states who is responsible for preventing terrorism where we live and work. I am confident President Bush is doing all he can to protect us.

He may not be popular in European cafes, universities, or newspapers, but he gets results for us here at home. Foreign actors, be they governments, individuals, or groups, know our President will hold them accountable for terrorism against us. Perhaps more than any policy action or innovation, this posture contributes to success in achieving a secure environment in which we find ourselves right now.

Up against the most asymmetric, organized, determined, and merciless enemy the United States has ever faced, we have not had a major terror attack in the homeland since beginning the Global War on Terrorism shortly after 9/11. In this urgent threat warning atmosphere, knock on wood, Mr. President.

Indeed, there have been recent attacks in Saudi Arabia, Israel and North Africa. At the same time, however, the State Department reports that, globally, 2002 saw the lowest number of incidents of terrorism since 1969, a 44 percent drop from 2001. That is the lowest number of attacks since the birth of modern terrorism.

I recall these facts because the nature of recent comments from certain Members who suggest virtually every act of terrorism is somehow the fault of our Commander in Chief. That is not only inaccurate but counterproductive to the war against terrorism.

In closing, I would like to briefly summarize the funding authorizations achieved by the Subcommittee on Emerging Threats & Capabilities for fiscal year 2004 include the following:

$88.4 million to field an additional 12 Weapons of Mass Destruction-Civil Support Teams (WMD–CST), resulting in a total of 44 teams by the end of 2004.

$76,6 million to the Chemical Biological Installation/Force Protection Program, doubling the number of bases, from 15 to 30, that will be fully equipped with a highly effective suite of manual and automated chemical and biological detection equipment.

$147.0 million in innovative technologies to combat terrorism and defeat asymmetrical threats.

$135.0 million to rapidly accelerate the development and acquisition of unmanned systems such as UAVs.

$1.5 billion in university based research for transformational defense technologies.

$10.7 billion for the Defense Science and Technology program, including an additional $515.0 million for critical, high-payoff science and technology programs, including approximately $150.0 million for technologies to combat terrorism.

$6.7 billion for the Special Operations Command, including an additional $107.0 million for weapons systems, psychological operations capabilities, and enhanced intelligence.

$450.8 million for the Department of Defense's Cooperative threat Reduction (CTR) Program, as well as authorization for CTR projects and activities outside the states of the Former Soviet Union, and one year authority to waive the conditions that must be met before continuing the Russian chemical demilitarization program at Schuch'ye.

Again, I commend Senators WARNER and LEVIN. I also thank Senator REED for being an outstanding partner in completing the tasks given to our panel this year. We believe we are continuing the committee's investment in science and technology, cutting-edge systems, and efforts to prevent the proliferation of WMD.

I thank the Chair and I urge my colleagues to support the Fiscal Year 2004 National Defense Authorization Act.

Mr. LAUTENBERG. Mr. President, I am going to support this national Defense authorization bill, S. 1050, but I would like to speak candidly about my reservations about it.

When I left the Senate in early 2001, weapon development and troop deployment concerns indeed, even the idea of serious national security threats seemed to be fading into the obscurity of our cold war past. Over the past 2½ years, this has changed. We now live in a world of multiple and continuously emerging threats, emanating not only from states but also from nonstate transnational groups.

What's more, we live in a time when America's superior armed services have been called up for missions that embody the essence of defense transformation. Defense transformation means that our country can overthrow the Taliban regime in Afghanistan 6,000 miles away almost solely from the air. It has allowed special operations forces to train antiterrorist units in places such as Georgia and the Philippines. Finally, defense transformation has meant that military commanders can direct precision-guided weapons at specific office buildings in downtown Baghdad from a command room in Florida.

Today we debate the merits of this national defense bill and the important issues it raises regarding the future of weapons control and military research, technology, and development. Let us first acknowledge and express gratitude to the men and women of our armed services. We are proud of their successful wartime mission to liberate Iraq. We wish them continued success in their peace time mission to secure stability for the Iraqi people.

As we support our troops in Iraq, Afghanistan, and elsewhere, we must keep in mind that their ultimate mission is to defend not only America's security interests but also the cause of global security. I have spoken about a new set of threats that require a transformation of our defense budget and priorities. I believe, however, that it is incumbent upon Congress to conceive of defense transformation—indeed our near-and short-term defense needs—in a way that will also seek to protect world peace.

I am concerned about elements of S. 1050 that allow the Pentagon greater flexibility in developing, testing, and producing new types of nuclear weapons. The diplomatic and security costs of even beginning research on these new types of nuclear weapons far outweigh any marginal benefits of such weapons.

These new nuclear weapon initiatives will further weaken the already struggling international efforts to halt the spread of nuclear weapons. U.S. influence with the international community will erode if it seeks to upgrade U.S. nuclear weapons while demanding that other countries, such as Iran and North Korea, disarm.

Dr. Mohamed El Baradei, Director of the International Atomic Energy Agency, recently said that instead of developing new nuclear weapons, the U.S. should send a message to potential proliferators that, ''Even though we have nuclear weapons, we are moving to get rid of them. We are going to develop a system of security that does not depend on nuclear weapons because that's the way we want the world to move.''

I agree with Dr. Baradei; I believe the best way to deter nations trying to develop nuclear capabilities is to send the signal that the prospect of nuclear warfare is an idea confined to science fiction movies.

I have supported the amendments offered by Senators REED, FEINSTEIN, and others intended to modify rather than repeal the 1994 Spratt-Furse prohibition on research and development of low-yield nuclear weapons. Secretary Rumsfeld has argued that these mini-nukes could be the ideal weapon for going after deeply buried stashes of chemical and biological weapons—the sort roguish regimes and terrorist groups like al-Qaida might attempt to conceal.

But at the same time, the Pentagon is considering adapting existing conventional warheads for such bunker busting jobs. We don't need both types of weapons to do the same job. By dangerously treating nuclear weapons as just another explosive in the arsenal, rather than as a deterrent weapon of last resort, researching low-yield nukes threatens to blur the line between conventional and non conventional weapons. Given our interest in preserving the seriousness with which the world regards the nonproliferation treaty, we should not be doing anything in our own arsenals that would confuse this distinction.

I would also like to call attention to my amendment, S. 722, that will help protect many endangered species. I am pleased that this amendment passed.

I would also like to call attention to an amendment that I have sponsored along with Senator BOXER and Senator WARNER regarding a noncompetitive contract granted by the Department of Defense to Halliburton Co. for the reconstruction of Iraq. This amendment will ensure that this no-bid contract gives way to a competitively bid contract expeditiously. I am pleased by the bipartisan cooperation and Senator WARNER's leadership in the passage of this amendment.

In recent weeks, I have become concerned with the lack of transparency regarding this particular contract—worth up to $7 billion—awarded in a no-bid process to Halliburton and Co.'s subsidiary. The scope of the contract—both the actual task order and the dollar amount—were not fully disclosed by the administration, and information leaked out about it piecemeal, when the Army was pressed for it. It is extremely important that the Pentagon divulge information about the contracts it awards in a public and systematic fashion.

I believe that this Defense authorization bill has merits and provides comprehensive funding for the Department of Defense's needs. It will effectively meet the needs of our men and women in the armed services. I am, frankly, very concerned about its authorization of low-yield nuclear weapons research, ballistic missile development, and its reduction of the constraints on nuclear weapons testing.

Ms. LANDRIEU. Mr. President, on June 6, 2000, the National D-Day opened in New Orleans, LA. This museum was the culmination of a vision of the late Stephen Ambrose. Dr. Ambrose dedicated his life to chronicling American heroes, including Dwight D. Eisenhower. It was President Eisenhower who mentioned to Dr. Ambrose that World War II was won in New Orleans because of the Higgins landing craft, designed by Andrew Jackson Higgins, which enabled Allied Forces to launch successful amphibious invasions.

The National D-Day Museum has been an unquestioned success as a tourist attraction, meeting place for veterans, and teaching tool for men and women, young and old, wishing to learn more about World War II. Already, over 1 million people have come through the museum's turn-styles.

America has a need to preserve its historical accounts and mementos from World War II. The National D-Day Museum is committed to such preservation. As a result of its mission, the museum has already had to expand and is building a 250,000 square-foot addition. We must preserve the stories and artifacts of the ''Greatest Generation.''

Accordingly, I submitted an amendment to designate the National D-Day Museum as ''America's National World War II Museum.'' We owe it to the Great Generation to maintain a museum that pays tribute to their great sacrifices so that we may live today in freedom.

Mr. FEINGOLD. Mr. President, I rise to add my thoughts to the debate on the defense budget for fiscal year 2004.

First and foremost, I want to thank the members of the United States Armed Forces for the excellent work that they are doing in the ongoing fight against terrorism, their efforts in Iraq, and the many missions they have been assigned elsewhere at home and abroad. These dedicated men and women do an exemplary job in every mission that they have been asked to undertake, often at great personal sacrifice. They spend time away from their homes and families in different parts of the country and the world, and are placed into harm's way in order to protect the American people and our way of life. We owe a huge debt of gratitude to all our soldiers, sailors, airmen, marines, and members of the Coast Guard for their selfless service.

I am pleased that this bill authorizes a 3.7-percent pay raise for our men and women in uniform, and that it includes a provision authorizing additional pay for members of the Guard and Reserve who have been called to active duty multiple times.

The men and women of our National Guard and Reserve are a cornerstone of our national defense, and we should ensure that they have adequate pay and benefits. I am pleased that the Senate adopted an amendment to give guardsmen and reservists the opportunity to enroll in TRICARE, the military's health care program, whether or not they are on active duty. The provision also would enable these personnel to elect to keep their civilian health insurance for their families while on active duty with a federal reimbursement program. We owe it to our guardsmen and reservists to give these options to help to ensure that they and their families have access to affordable, stable health care coverage.

I have long advocated for the creation of an additional 23 Weapons of Mass Destruction Civil Support Teams, which are staffed by full-time members of the National Guard. These important teams play a vital role in assisting local first responders in investigating and combating these new threats. As the events of September 11, 2001, so clearly and tragically demonstrated, local first responders are on the front lines of combating terrorism and responding to other large-scale incidents. The tragic events of September 11, the ongoing threat of terrorist activities, and the ongoing military action in Iraq make the presence of at least one WMD-CST in each State all the more imperative.

Currently, there are 32 full-time WMD-CSTs and 23 part-time teams. As a Senator representing one of the states without a full-time team, I was pleased that last year's DoD authorization bill included a statutory requirement that 23 additional full-time teams be established, and that at least one team be located in every State and territory. I want to thank the chairman and the ranking member of the Armed Services Committee for working with me to ensure that resources for 12 of these 23 teams are provided in this bill. I look forward to working with the chairman and ranking member of the Appropriations Committee to ensure that the resources authorized in this bill for the new WMD-CSTs are appropriated.

I am also pleased that the committee report contains language asking the Pentagon to include funding for the remaining 11 full-time WMD-CSTs in its fiscal year 2005 budget request. I urge the Secretary of Defense to do so, and to make every effort to select and begin staffing, training, and equipping the 12 new teams authorized by this bill as expeditiously as possible. These teams will improve the overall capability of Wisconsin and other States with part-time teams to respond to potential WMD threats in the future.

On a related matter, as I noted on the floor earlier this week, I share the

concern expressed by many of our colleagues about a provision in the Committee-passed bill that would repeal the 10-year ban on research and development of low-yield nuclear weapons, or so-called ''mini-nukes.'' Lifting this ban could be the first step in a resumption of nuclear testing and the creation of new classes of nuclear weapons, which I oppose. I regret that the Senate failed to pass an amendment offered by Senators FEINSTEIN and KENNEDY, of which I was a cosponsor, that would have reinstated this ban. While proponents of lifting the ban argue that it will permit only study into the development of mini-nukes, I am concerned that such study will be the first step toward the eventual resumption of an active nuclear program by the United States.

Nuclear weapons, low-yield or otherwise, are relics of the cold war. Instead of a true transformation during which outdated systems are replaced with new technology geared toward combating emerging threats, this bill regrettably continues the process of piling on expensive new versions of the weapon systems that we used to fight and win the cold war. We cannot keep adding on to this behemoth defense budget. There are projects and programs that can and should be subtracted.

As an editorial in the May 20 New York Times points out:

> [G]ood ideas for reforming the military are included [in this bill]. But so are outdated submarines and jet fighters designed for combat against the defunct Soviet threat. There is a reasonable $1.7 billion for the next generation of unmanned aerial drones and an unreasonable $42 billion for anachronistic fighter planes. As social, education and health care programs are being squeezed, the Pentagon is asking for $9.1 billion to build a missile defense system that does not work yet.

On that last point, I am deeply concerned about the $9.1 billion included in this bill for missile defense. We continue to pour billions and billions of taxpayer dollars into this still unproven program year after year, despite the fact that DoD has not developed performance criteria for this system and does not have an operational testing program in place to verify whether such criteria can be met.

I remain concerned about the President's December 2002 decision to field a ground-based interceptor system by October 2004, despite the fact that the system has not yet been fully tested. I am troubled that, despite this accelerated scheduled, the Pentagon has proposed cutting the number of tests that were slated to be conducted on this costly program. While not everyone agrees on whether we actually need a missile defense system, I think we can all agree that such a system should work.

I was pleased to support an amendment offered by the Senator from Rhode Island, Mr. REED, that will require the Pentagon to develop performance criteria for the missile defense system and an operational test plan for these criteria. I am pleased that the Senate adopted a modified version of the amendment, and I look forward to reviewing these performance criteria.

I will support this flawed bill, but with some reluctance. While it provides a well-deserved pay increase and other benefits for our men and women in uniform, it clings to the hardware of the cold war. Our military personnel deserve top-notch equipment that will help them to combat the threats of the 21st century. I regret that there is little in the way of true transformation in this bill, and I will continue to work to change the cold war mentality of the Pentagon.

I ask unanimous consent that the complete text of the New York Times editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 20, 2003]

THE DEFENSE BUDGET SPILLS FORTH

Mammoth defense spending bills bloated with both new military technology and obsolescent weaponry are being rushed to breakneck approval this week as the administration exploits Congress's weakness for leaving no defense contractor unrewarded. The costliest defense budget since the cold war—more than $400 billion and counting—is being gaveled through by the Republican leadership in a breathtaking few days of glancing debate. Good ideas for reforming the military are included. But so are outdated submarines and jet fighters designed for combat against the defunct Soviet threat.

There is a reasonable $1.7 billion for the next generation of unmanned aerial drones and an unreasonable $42 billion for anachronistic fighter planes. As social, education and health care programs are being squeezed, the Pentagon is asking for $9 billion to build a missile defense system that does not work yet.

The waste easily runs into the tens of billions of dollars, making Congress's haste this week all the more outrageous. The armed forces obviously deserve decent pay, better housing and the most effective new technologies and weapons. But these bills provide windfalls for the military, for defense contractors and, not incidentally, for lawmakers who need the hometown pork and fat-cat contributions being subsidized by the new double-dip military-industrial complex. For all his tough talk, Defense Secretary Donald Rumsfeld is not taking on the generals and Congress to challenge the voracious old ways of military budgeting.

Ms. LANDRIEU. Mr. President, over 220,000 Guardsmen and Reservists were mobilized as part of Operation Enduring Freedom. Additionally, over 100,000 were activated as part of Operations Noble Eagle and Enduring Freedom. While the Soldiers and Sailors Civil Relief Act and the Uniformed Servicemembers Employment and Reemployment Rights Act, provide a number of protections of our Guard and Reserve personnel, there are no Federal protections for the educational status of Guardsmen and Reservists involuntarily activated while participating in higher education.

Currently, over 30 percent of Guard and Reserve personnel are enrolled in post-high school education. If they are activated while enrolled in higher-education, there are no safeguards to ensure that their academic status is preserved during activation; that they receive refunds or credits for the portion of the school year they paid for but could not complete to mobilization; that college grants and scholarships are preserved; or that they have a right to re-enroll in the educational institution upon their return from active duty.

I submitted an amendment whereby involuntarily called up student Reservists and Guardsmen would be able to take a leave of absence during the activation and for 1 year after the conclusion of such military duty from their institutions of higher education. Furthermore, the student shall be entitled to be restored to the same educational status, without loss of credit, and offered a right to re-enroll at the same educational institution where the student was enrolled prior to activation. Grants and scholarships shall be reinstated. Moreover, students shall be entitled to a refund of tuition and fees for classes they could not complete due to activation or be allowed to enroll in such classes subsequent to their re-enrollment at no cost.

Soon, thousands of Guardsmen and Reservists will be coming home from Iraq and Afghanistan. They will be eager to re-enroll in colleges, universities, and trade schools. Let's help these heroes get back to the classroom as effortlessly as possible.

Mr. BOXER. Mr. President, I support passage of the fiscal year 2004 Defense Authorization bill.

Our military men and women can rest assured that the Congress of the United States stands behind them—especially when they are doing so much for this country in Iraq, Afghanistan, and throughout world. I appreciate their dedication and service to this grateful nation.

That is why it is important to support the many good provisions that are in this bill—especially a well-earned pay raise and improved benefits for our uniformed men and women. I applaud the work of Senator WARNER and Senator LEVIN on these quality of life issues and am especially pleased that they supported my amendment to study how we can provide additional benefits to those who are so frequently deployed that they are only home for hours at a time. This bill also includes a provision to address the issue of children who are left behind when both military parents are deployed to a combat zone—an important priority of mine since I was a member of the House of Representatives.

I am also pleased that the Congress passed my amendment to provide fairness to taxpayers and businesses by making sure that the Department of Defense replaces its sole source contract with Halliburton to provide oil related services in Iraq with a contract that is subject to full and open competition.

However, this does not mean I support everything in this bill. Most alarmingly are the provisions in the legislation that advance the research and development of new high-tech nuclear weapons. These weapons will not make us more secure, but instead encourage other nations to join us in a new nuclear arms race. I urge the President to reverse his dangerous policy of advocating the development of new ''usable'' nuclear weapons.

I am also disappointed that we did not have the opportunity to address the issue of a future round of base closures. California was disproportionally impacted by previous rounds of the base closure process. Even years later, my state continues to wait for the Department of Defense to meet its responsibility and provide funding for the environmental cleanup of former military installations. For these reasons, I believe the next round of base closures should not go forward in 2005 as scheduled.

It is my hope that these unfortunate shortcomings in the bill can be addressed either in a conference committee with the House or during consideration of the fiscal year 2004 defense appropriations bill.

Mr. INHOFE. Mr. President, as the war in Iraq demonstrated, our troops are the finest in the world. Through their mastery of precision-guided weapons, they minimized casualties of noncombatants and effectively contained war's inevitable destruction. In just 21 days, they liberated Iraq, a country almost the size of California, from a brutal tyranny.

Many factors contributed to the success of the Iraq war. In my view, the most important—and this, I believe, is true of any war—was training. To be strong in battle, soldiers must train as they fight. On U.S. training ranges, our troops engage in highly realistic, combat ready exercises, preparing them to fight and protect themselves in battle. This is what they deserve.

But gradually, those readiness exercises—so critical to the military's training mission—are steadily being constrained and inhibited. Slowly, but surely, training simulations bear little connection with the true-to-life. The cause is straightforward but very disturbing: the extreme agenda of some environmental groups, whose hostile lawsuits are precipitating a crisis in training .

Environmental groups such as the Natural Resources Defense Council and the Center for Biological Diversity have launched an unconscionable war on the military. They believe there are no compromises, even when the issue involves protecting and preparing our troops for battle. They would rather file lawsuits—something they are quite good at, incidentally—than find commonsense solutions to balance environmental protection with the best military training available.

These lawsuits are gradually eroding not just the land available for training and readiness, but are gravely diminishing the actual training exercises and live-fire simulations that are so critical to prepare for real-life combat.

Despite the claims made by environmental groups, the Pentagon has demonstrated a strong commitment to environmental stewardship. The evidence is overwhelming. But land development is fast encroaching upon military facilities, driving wildlife and endangered species into the relative sanctuary of training ranges.

The military has made environmental accommodations time and time again, but there is only so much it can do. The flood of environmental lawsuits is diverting the military away from its all-important training mission. As a result, training slowly but surely is dying a death of a thousand cuts.

There are too many egregious examples to recount here. The situation facing Camp Pendleton in California bears special mention. Camp Pendleton is considered the premier training base for the Marines. Because of a lawsuit filed by the Natural Resources Defense Council to list the gnatcatcher as endangered, 57 percent of the base may become ''critical habitat,'' which in effect means no training and readiness exercises in that area.

Also, there are 17 miles of beach at Camp Pendleton—because of environmental restrictions, only 200 yards of beach are available to practice amphibious landings. All military vehicles that come ashore during an amphibious landing are restricted to designated roads. Troops can only come ashore in single file columns, which is hardly a good simulation of actual warfighting conditions.

To address these problems, the Pentagon has a reasonable, commonsense proposal to clarify existing environmental laws. Contrary to statements by some of my colleagues, the Pentagon is not seeking blanket exemptions from current laws. To say otherwise is simply false.

Take, for example, the provision clarifying how the Endangered Species Act applies to training bases. DoD wants to continue a policy first implemented by the Clinton administration's Fish and Wildlife Service. The proposal would codify Integrated Natural Resource Management Plans, INRMPSs, in place of critical habitat designations.

INRMPs, which are required to provide for, among other things, fish and wildlife management, land management, forest management, fish and wildlife-oriented recreation, and wetland protection, allow the military to balance species protection and training needs.

DoD's proposal explicitly requires DoD to consult with the Fish and Wildlife Service and the National Marine Fisheries Service under section 7 of ESA. Also, the Interior Secretary must approve INRMPs in writing. Other provisions of ESA, as well as statutes such as the National Environmental Policy Act, also would continue to apply.

Thus it is simply unconscionable that this is characterized as a ''sweeping exemption.'' My Democratic colleagues also contend that such a clarification isn't necessary because ESA already contains national security exemptions. Ironically, while complaining about a proposed provision that, in effect, continues to subject DoD to ESA, my colleagues want to pursue exemptions under current law. In practice, those exemptions mean DoD could ignore existing statutory requirements altogether under ESA.

Yesterday, 51 Senators voted for an amendment sponsored by Senators LAUTENBERG and JEFFORDS that effectively guts the ESA provision in the fiscal year 2004 Defense reauthorization bill. The amendment upsets the balance stuck between species protection and training. It tilts irresponsibly in favor of species protection, which is not the mission of DoD.

The amendment says DoD must ''conserve the species,'' rather than, as stated in the bills original language, provide ''conservation benefits.'' The distinction is significant because ''conserve' means DoD must recover species. This is an unacceptably high threshold, one that even Fish and Wildlife has been unable to meet under ESA.

According to original 1973 ESA, conserve means ''to use and use all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this act are no longer necessary. Such methods and procedures include but are not limited to all activities associated with scientific resources and management, such as research, law enforcement, habitat acquisition and maintenance promulgation, live trapping, and transplanting.'' As is obvious, the burdens on DoD training and readiness would be enormous.

DoD opposes the amendment because it could have perverse and unintended consequences, such as removing the Fish and Wildlife Service's flexibility to make decisions based on the differing circumstances facing each training range. Also, DoD and the Department of the Interior believe it will lead to more lawsuits, not less—exactly what DoD is trying to prevent.

The question remains: What should DoD's most important focus be, training or recovering the gnatcatcher?

I am also very disturbed by statements an characterizations of DoD's training predicament. Some Senators alluded to the March 13 testimony of EPA Administrator Christie Whitman before my committee. Governor Whitman, said, ''I don't believe that there is a training mission anywhere in the country that is being held up or not taking place because of the environmental protection regulations.'' With all due respect to Governor Whitman, the EPA does not have jurisdiction over the Endangered Species Act,

which, of all the existing laws addressed in the Pentagon's proposal, is responsible for the most serious training restrictions.

Moreover, I am extremely troubled by the way some Senators have summarized a General Accounting report on military encroachment. To say ''the GAO found the military has presented no evidence that the Endangered Species Act has impaired training'' is utterly false and irresponsible.

Here is what the GAO said about encroachment in its report:

> Over time, the impact of encroachment on training ranges has gradually increased. While the effect varies by service and individual installation, in general encroachment has limited the extent to which training ranges are available or the types of training that can be conducted. This limits units' ability to train as they would expect to fight and/or requires units to work around the problem.

Barry Holman, director of the GAO's Defense Capabilities and Management section, and author of the June 2002 encroachment report, stated in his testimony before the House Government Reform Committee on May 16, 2002:

> One thing I want to make clear, I would not want anyone to conclude from looking at that report that GAO is saying 'no data, no problem.' We're not saying that. I think it's very clear . . . that there are limitations on training.

In addition to the ESA clarification in the base bill, I filed an amendment to clarify how the Superfund law applies to military training and readiness. Though it appears this issue will not be addressed as part of the Defense authorization bill this year, it does deserve some explanation.

Live-fire training, which is the ''capstone event of a unit's training cycle,'' has come under heavy fire from environmental groups. The Army at Fort Richardson is engaged in a lawsuit that could shut down firing munitions at Eagle River Flats range. If environmentalists succeed, live fire operations at every Army range—more than 400 sites—could be severely constrained, seriously threatening training and readiness for our men and women in uniform.

This suit is not an isolated incident—there is another one much like it regarding the range at Vieques in Puerto Rico. The pattern is clear, and the Committee on Environment and Public Works received testimony as to the real agenda behind this pattern of lawsuits.

Describing yet another lawsuit by an eco-radical group against the Department of Defense, witness Frank Gaffey, president and CEO of the Center for Security Policy, stated illuminatingly ''a plaintiff in the lawsuit was Melanie Dutchen who was described in the New York Times as an Anchorage activist with Greenpeace who said, 'Obviously the hope of this litigation is that delay will lead to cancellation.' She went on to say, 'That is what we always hope for in these suits.' I believe this is sort of an instructive insight into why the Defense Department is concerned, not only about the circumstances that you personally observed, in terms of limitations and impediments to training, but the train wreck that is coming. It is not something that is coming up by accident. It is coming about, I believe, by people, at least some of whom, have very little interest in the readiness of our military.''

My amendment will try to stop this by clarifying how RCRA and CERCLA apply to live-fire training ranges. I worked closely with the Pentagon and State officials—in particular, Doug Benevento of Colorado's Department of Public Health and Environment—in drafting compromise language that will balance training needs with environmental protection.

This amendment would codify and confirm longstanding regulatory policy of EPA and every State concerning regulation of munitions on operational ranges under RCRA and CERCLA. The amendment excludes military munitions from the definition of ''solid waste'' under CERCLA. That way, the military can perform live fire training exercises without having to break up those exercises with extensive, time-consuming clean-up operations.

But this change would still offer environmental protections under existing law. Again, as stated previously, this is not an exemption. Cleanup of operational ranges is not required so long as material stays on range, but if such material moves off range, it still must be addressed under existing law. Also, if munitions cause an ''imminent and substantial endangerment on range, EPA will still retain its authority to address it on range under CERCLA.

If we fail to address these and other issues the Pentagon has put before us, we are doing a great disservice to our men and women in uniform. Unfortunately, it appears that Congress will pass only a few pieces of the Pentagon's proposal this year. I think it is imperative, for the sake of our troops, that we address the remaining pieces next year.

Ms. SNOWE. Mr. President, I rise to speak on the Senate version of the fiscal year 2004 national Defense authorization bill.

First, I would like to thank the chairman and the ranking member of the Senate Armed Services Committee for their work on this vital legislation. As a former member of the committee, I am acutely aware of the intense effort required to bring the National Defense Authorization Act to the floor every year. For the chairman and ranking member to be able to bring this bill to the floor with a unanimous vote out of committee is a testament to their leadership. I would also like to thank each of my colleagues who are members of the committee for their invaluable contributions to this bill.

I will take a few moments and discuss some of the provisions of the bill that I believe are important to providing the men and women of our armed services the tools they need to protect our Nation.

First and foremost, I am encouraged that the committee has supported the President's shipbuilding budget that will provide the Navy with an additional seven ships. As the former Chair of the Seapower Subcommittee, I have been concerned for many years about the downward trend in naval shipbuilding that was moving us inexorably towards a 250-ship Navy or less. The administration proposed in its budget to procure seven new Navy ships in fiscal year 2004 and a total of 52 new Navy ships through fiscal year 2009. While this results in an average build rate of 8.6 ships, almost at the 8.9 ships per year necessary to maintain a 310-ship fleet, this average is skewed by the 14 ships the Navy says it intends to build in fiscal year 2009. Fourteen ships is twice the number of ships we have in the bill for fiscal year 2004.

Indeed, if we just look at the proposed shipbuilding plan for the next 5 years, from fiscal year 2004 to fiscal year 2008, there are only 38 ships in the plan, an average of 7.6 ships per year. This is an improvement but still results in the inability to maintain a 310-ship Navy, much less the 360- to 375-ship Navy the current Chief of Naval Operations has said is required to support his Sea Power 21 vision.

We can't afford to risk this essential component of our worldwide defense force. After all, 80 percent of the planet's population lives along the coastal plains of the world, and it is the Navy that has the capability to project power in regional coastal flashpoints around the globe—a capability that is imperative if we are to maintain military superiority and defend America's national interests in the 21st century.

It is the Navy we increasingly rely on to engage the enemy away from our shores. As we saw during Operation Iraqi Freedom, the Navy provides our only means of assured access. Today we are engaged in Southwest Asia and other littoral areas of the world away from our cold war bases in Europe, Japan, and Korea. Our inability to land troops in Turkey during Operation Iraqi Freedom and our withdrawal from bases in Saudi Arabia only highlight the need for a flexible, mobile sea-based defense.

The strength of those surface action groups and carrier battle groups are our major surface combatants. They provide air defense, launch Tomahawk missiles to strike the enemy, interdict opposing naval forces—they truly are the backbone of the fleet. We must do everything we can to ensure that we maintain a strong and healthy shipbuilding base particularly with respect to major surface combatants, for it is only through healthy competition that fresh ideas and reduced costs can be achieved.

To maintain a 116-ship surface combatant force, given the projected service life of 35 years for DDG–51 Class ships, requires a sustained replacement

rate of over three ships per year. If you assume a 30-year service life, which is more realistic historically, sustaining even the 116-ship surface combatant force would require annual procurement of almost 4 DDGs each year.

I believe it is in the vital national interest of America to procure a minimum of three major surface combatants a year, not just this year or next, but in every year. I am encouraged that this bill supports that level of procurement.

We must also look to the future and work to increase the warfighting capability and operating efficiency of these Aegis destroyers as they age. We must embark on a modernization program now to incorporate new technologies and systems that will allow us to operate these vessels more effectively with reduced manpower. This bill begins that process by authorizing $20 million for the design, nonrecurring engineering and installation planning of DDG–51 modernization and optimized manning upgrades for incorporation on fiscal year 2004 and/or fiscal year 2005 new construction ships.

The bill also supports the President's request for $158 million for the Littoral Combat Ship in the R&D accounts. However, just as the committee is, I am concerned about counting on an undeveloped ship concept to provide the 375-ship force structure called for by the Chief of Naval Operations and its concomitant impact on the major surface combatant force. I support the bill's call for a determination, through a cycle of analysis and experimentation, of the ship's ability to deliver the expected capabilities.

Furthermore, the bill correctly identified the looming gap in attack submarines by noting that decommissioning the USS *Jacksonville*, rather than refueling her, would put the Navy below the QDR recommended attack submarine force of 55 submarines. In fact, the Navy also recognized this gap and placed the refueling of the USS *Jacksonville* on the Navy's Unfunded Program List to support near term submarine force structure. This bill authorizes $248 million for that refueling overhaul, noting the need for the refueling as ''compelling.''

I cannot express strongly enough my belief that we must fund shipbuilding to reflect the increasing demands we place on the Navy. The $12 billion included in this bill is needed and appreciated, but it only represents about 3 percent of the total defense budget. For all we expect of our Navy in today's world, we must do everything we can to provide them with the ships and weapons systems they need.

In regard to the homeland security role of the Department of Defense, the bill authorizes an additional $400 million over the President's budget request to expand unit capabilities, field additional sensor systems, and prepare to engage the threat here and abroad. For example, the bill contains an additional $107 million for those special operations forces that have been so effective in Operation Iraqi Freedom and Operation Enduring Freedom. At home, DoD will be able to deploy an additional 12 Weapons of Mass Destruction Civil Support Teams with the funds provided in this bill. In addition, it also provides $173 million for chemical and biological detection and protection technologies such as those being developed in my home State of Maine.

The University of Maine system has been on the forefront of the development of chemical and biological sensors and decontamination systems. The bill provides them with $1 million this year to begin the development of an environmentally friendly photocatalytic decontamination agent that holds much promise for the safe and rapid decontamination of exposed personnel as well as for the remediation of chemical agent and manufacturing and storage facilities.

It is this type of investment in new science and technology efforts that will provide our forces with the advanced capabilities we saw used so effectively over the past 2 months. I am encouraged that this bill provides $10.7 billion for the science and technology accounts which brings us close to the goal of setting aside 3 percent of the defense budget to invest in the ''seed corn'' of our future military capability. From that investment we see the expansion in our research, development and test and evaluation efforts as evidenced by the commitment of $63.2 billion toward those activities, including over a billion in DD(X) destroyer R&D.

The bill also addresses the need to modernize our military infrastructure by authorizing over $9.0 billion in military construction, an increase of $373 million over the budget request including the addition of $200 million for quality-of-life projects for members and their families. This bill wisely increases investments in stateside facilities while reducing investments overseas while the United States assesses its long-term overseas basing requirements.

Finally, and most importantly, the bill continues our commitment to the men and women in the Armed Forces and their families through the enactment of several important pay and benefits provisions. First, it institutes a 3.7 percent across-the-board pay raise and once again provides an additional targeted pay raise for the senior noncommissioned officers and midcareer personnel who are the backbone of our military. The bill contains several provisions which will directly aid the families of service members such as an increase in the family separation allowance and a high-tempo allowance of $1,000 per month for those troops and sailors deployed away from home for extended periods of time.

Can any of us who watched the poignant homecoming of the USS *Abraham Lincoln* earlier this month after 10 months at sea, the longest carrier deployment since Vietnam, doubt that those dedicated sailors and marines had earned every penny?

In closing, let me say that I hope that as we move this bill towards final passage, we do everything we can to strengthen the bill for those brave young men and women who defend our Nation each and every day. We must do no less.

Ms. COLLINS. Mr. President, I rise today to discuss an amendment to the Defense Authorization bill which Senator VOINOVICH and I have submitted. Our amendment would, among other things, provide for the creation of a National Security Personnel System encompassing the Defense Department's 735,000 civilian employees.

In April, the Department delivered to Congress a proposal to grant the Secretary of Defense authority to dramatically restructure the Department's civilian personnel system. The proposal was designed to provide the Department with the flexibility and agility it needs so it can respond to sudden changes in our security environment. To accomplish this objective, the Department's proposal would give Secretary Rumsfeld not only the personnel flexibilities Congress granted to the Secretary of Homeland Security, but also additional authority to unilaterally waive many personnel regulations.

Of primary importance to the Department of Defense were the following three personnel flexibilities: First, the authority to replace the current General Schedule, 12-grade pay system with a performance-based pay system in which workers would no longer be awarded an automatic, across-the-board pay increase; second, the authority to conduct on-the-spot hiring for hard-to-fill positions; and third, the authority to raise collective bargaining to the national level rather than negotiating with more than 1,000 local units.

Our proposal would grant the Secretary these authorities. It would provide the Secretary of Defense with the three pillars of his personnel proposal and thus would allow for a needed overhaul of an antiquated system. But we do not give the Secretary all he asked for; instead, we have attempted to strike the right balance between promoting a flexible system and protecting employee rights.

Over the past 3 weeks, Senator VOINOVICH and I have repeatedly reached out to a wide variety of interested parties in an attempt to put together a bipartisan proposal. As of today, I believe we have made a considerable amount of headway toward forging a consensus.

For example, in certain areas, such as employee appeals, I am not prepared to support granting the Secretary the authority to immediately do away with the Merit System Protection Board in order to create an internal appeals process. Instead, my amendment allows for a gradual transition from the MSPB to a new appeals process. During the transition, the Department will consult with MSPB while it develops and tests a new appeals process.

I am also not prepared to grant the Secretary the authority to waive the

collective bargaining rights of employees. Instead, my amendment places statutory deadlines of 180 days on the amount of time any one issue can be under consideration by one of the three components of the Federal Labor Relations Authority. This alone should make a significant difference in the timeliness of the bargaining process, and prevent the occasional case from dragging on for years.

The bottom line is, we believe that our amendment would give the Secretary the authorities he needs to manage and sustain a civilian workforce some 735,000 strong. Our amendment would grant the administration's request for a new pay system, on-the-spot hiring authority, and collective bargaining at the national level, not individually with 1300 local union affiliates. In addition, our amendment would enable the Secretary to offer separation pay incentives for employees nearing retirement; to contract with individuals for services performed outside the United States in support of the Defense Department; to offer special pay rates for highly qualified experts like scientists, engineers and medical personnel; and to help mobilized Federal civilian employees whose military pay is less than their Federal civilian pay.

The House Armed Services Committee has already included a personnel amendment in their own authorization bill. For that reason, I was dismayed to learn that our amendment was not deemed ''relevant'' to the underlying legislation, and therefore shall not be made part of the Senate's bill.

But I have worked hard to find a consensus approach, and I don't intend to stop until this goal has been achieved. I believe that the House approach can be improved upon. This is why, on Friday, I plan to re-introduce this legislation as a free-standing bill and to hold a hearing on it the first week of June. Quite simply, I believe civil service personnel reform of this magnitude is too important an issue for the Senate to remain silent.

I urge my colleagues to work with Senator VOINOVICH and me as we continue our efforts on this very important issue. In addition, I would like to thank Senators WARNER and LEVIN for all the advice and input they have already provided. In addition to serving as ranking member of the Armed Services Committee, Senator LEVIN is a senior member of the Governmental Affair Committee, which I chair. As such, he brings expertise to the process from both perspectives. I hope that the bill I introduce on Friday will enjoy his support and that of the chairman.

Mr. DODD. Mr. President, today I will join my colleagues in voting to approve the 2004 Defense authorization bill. This legislation provides a significant increase to our defense budget, a total of $400.5 billion, $17.9 billion more than was authorized for this year. This is the largest defense budget in our Nation's history, and, for the most part, it could not come at a more important time.

This bill is good for our armed services, and crucial for the security of our country. Above all else, it makes a substantial investment in our military's most important assets—our soldiers, sailors, airmen, and marines. It provides a 3.7 percent across-the-board pay raise for all men and women in uniform and introduces a new health care benefit to Reserve and National Guard personnel. In addition, it funds important national security programs to curb the spread of weapons of mass destruction, with $450 million going towards the Nunn-Lugar Cooperative Threat Reduction program to safeguard nuclear stockpiles and fissile material within the former Soviet Union. It ramps up research and development accounts for counterterrorism technologies as well as for intelligence and Special Operations resources.

To respond to emerging threats to our country, these investments are crucial components of the Defense authorization bill. I am also especially pleased that the Senate accepted without dissent, my amendment to establish a new initiative to assist States and communities in hiring firefighters. As we saw so vividly on September 11, our firefighters play an integral part in responding to and protecting our people from terrorist attacks. No homeland security strategy can ignore the crucial role that firefighters play in keeping our Nation safe. My amendment, which was approved by the Senate, authorizes the Department of Homeland Security to invest over $3 billion over the next 3 years in partnership with States and local governments to hire firefighters so that communities are better prepared to respond to potential acts of terrorism.

As this amendment underscores, our States play crucial roles in protecting our security. And the underlying bill supports a number of military initiatives that are particularly supported by the State of Connecticut. Since the days of the Revolutionary War, Connecticut has rightly taken pride in its disproportionately large role in contributing to the U.S. arsenal, earning it the nickname the ''Provision State.''

The 2004 Defense authorization bill continues this strong tradition, greatly outfitting the Nation's armed services and provisioning advanced technology from Connecticut. The projects funded in this bill from Army helicopters and Air Force fighters to new advances in submarine technology, will allow America's military to prosecute its war on terror from every corner of the globe. Included in this bill is $1 billion to fund the procurement of 36 additional UH–60 Blackhawk helicopters, manufactured by one of my State's leading manufacturers, Sikorsky. These aircraft have proven themselves repeatedly in combat on air assault and medical evacuation missions, as well as in peacekeeping missions providing important cargo and personnel transport.

This bill also authorizes a multiyear procurement and $2 billion in 2004 for a *Virginia* class submarine, manufactured in Groton. Production of this next generation ship will further enable the Navy to extend its reach to the coasts of every continent, staying undetected as it performs various missions from special operations and intelligence-gathering to precision guided missile strikes.

The bill also funds our force's next-generation fighter aircraft, the F/A–22 and Joint Strike Fighter, which will be outfitted with the finest engines in the world, developed at Pratt and Whitney. Procurement of these planes will maintain U.S. air superiority—equipping pilots with unprecedented speed, stealth, and advanced munitions, and transforming the Nation's military into a 21st century force.

I believe these investments will save lives in both the near and long term, and they will strengthen the military industrial base that is so crucial to the long-term viability of our military. I am pleased that this authorization bill continues Secretary Rumsfeld's initiative to transform the military and respond to terrorist threats to our Nation. But I would be remiss if I did not enter into this record the serious reservations I have with this bill.

In particular, I am deeply concerned about the steps this legislation takes toward developing new tactical nuclear weapons. Despite the good-faith efforts of some of my colleagues, this Chamber failed to act as a check on an Executive bent on rolling back decades of strategic arms control and nonproliferation policies. At the President's recommendation, this bill repeals the 1993 Spratt-Furse provision that barred the Government from developing low-yield nuclear weapons. It also funds the study of a high-yield bunker-busting nuclear earth penetrator. Both weapons are part of the administration's long-term plan to field tactical nuclear weapons in war, as outlined in the 2001 Nuclear Posture Review.

The defenders of these provisions believe that such weaponry will enhance America's security by enabling the United States to devastate terrorist targets in a more contained environment. They claim that the U.S. use of nuclear weapons during a war will not set an egregious precedent for other nations to begin fielding their own tactical nuclear arsenal. And they claim that by lifting the ban simply on research, we are not opening a new chapter of the nuclear era.

They are dead wrong. And I am gravely disturbed by this shift in U.S. nonproliferation policy. In 2000, the United States joined the other permanent U.N. Security Council members in a declaration of an ''unequivocal commitment to the ultimate goals of a

complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control.''

This declaration was not made on a whim. This was the culmination of decades of diplomacy that has led to the worldwide movement in arms control. But today, with this legislation, we are taking a considerable step away from the goal stated at the 2000 Non-Proliferation Treaty Conference. While we insist that others disarm and cease their development of weapons of mass destruction, we are initiating plans to use new atomic weapons on the battlefield.

As our Armed Forces hone their conventional abilities to surgically strike with increasingly explosive force, it seems peculiar that the United States would now take steps backwards, and devote precious resources to expanding our nuclear arsenal. Our most recent operations in Afghanistan and Iraq have demonstrated that the United States far exceeds any other nation in its ability to strike with nonnuclear weapons anywhere in the world with great precision, and minimal collateral damage. Rather than capitalizing on these new advantages in warfare, the administration's tactical nuclear policy, would actually leave the Nation less secure, and undercut our government's 50-year attempts at averting nuclear war.

But all in all, in spite of these provisions, I believe that this bill's passage is critical to sustaining our national security. Although major combat operations have ended in Afghanistan and Iraq, our military continues to be engaged in low-intensity conflict in this highly unstable region of the world. Our Armed Forces—both Active Duty and Reserve—stand ready to complete their missions in this Nation's ongoing campaign against terror, to stabilize the region, and win the peace.

To do this, they will need the resources provided in this bill. For that reason, I have supported this legislation, and hope that the House and Senate Conferees move quickly toward a final version, so that this Congress will swiftly approve necessary authorizations for America's men and women in uniform.

Mr. MCCAIN. Mr. President, I rise today to strongly support S. 1050, the fiscal year 2004 Defense Authorization bill. This legislation funds $400.5 billion for defense programs, which is 3.2 percent or $17.9 billion above the amount appropriated by Congress last year. The Defense Authorization bill would authorize appropriations to purchase new weapons systems and funds research and development for new weapons systems, funds operations and maintenance for the services, provides pay and quality of life improvements for service members and funds military construction projects at military bases.

A number of provisions in this bill go a long way to ensure our service members get the benefits they deserve. I am pleased the Senate included a provision which I offered as an amendment that was adopted by the committee that would eliminate the remaining so-called ''pay comparability gap'' between military pay and civilian pay. This amendment would tie subsequent military pay raises after 2006 with increases in the Employment Cost Index (ECI). As a former ranking member and long-time member on the Personnel Subcommittee when Senator John Glenn was the chairman, my experience with capping military raises below ECI during the last three decades shows that such caps inevitably lead to significant retention problems among second-term and career servicemembers.

Those retention problems cost our Nation more in the long run in terms of lost military experience, decreased readiness, and increased training costs. Since military pay was last comparable with private sector pay in 1982, military pay raises have lagged a cumulative 6.4 percent behind private sector wage growth—although recent efforts by Congress have reduced the gap significantly from its peak of 13.5 percent in 1999. Our efforts in 1999 increased pay raises, reformed the pay tables, took 12,000 servicemembers off of food stamps, and established a military Thrift Savings Plan.

A key principal of the all volunteer force (AVF) is that military pay raises must match private sector pay growth, as measured by ECI. The Senate's action in this area will send a strong message of support to our servicemembers and women and their families that will continue to promote high morale, better quality-of-life, and ultimately a more ready military force.

For the past 12 years, I have offered legislation on concurrent receipt. This matter is of great significance to many of our country's military retirees, because it would reverse existing, unfair regulations that strip retirement pay from military retirees who are also disabled, and costs them any realistic opportunity for post-service earnings. Last year, I was pleased that the committee, for the first time, included an authorization to begin to address a longstanding inequity in the compensation of military retirees' pay over previous attempts in the past.

I am disappointed that Senator HARRY REID was unable to offer his amendment on concurrent receipt, because the amendment was not ruled relevant under an unanimous consent agreement that was passed by the leadership of the Senate. We must do more to restore retirement pay for those military retirees who are disabled. I have stated this before, and I am compelled to reiterate now—retirement pay and disability pay are distinct types of pay. Retirement pay is for service rendered through 20 years of military service. Disability pay is for physical or mental pain or suffering that occurs during and as a result of military service. In this case, members with decades of military service receive the same compensation as similarly disabled members who served only a few years; this practice fails to recognize their extended, more demanding careers of service to our country. This is patently unfair, and I will continue to work diligently with the committee to correct this inequity for all career military servicemembers who are disabled.

We have a military force that continues to rely more on the Reserve Components—men and women in the National Guard and Reserves—to go to war and to perform other critical military tasks abroad and at home. Many combat, combat support and other support missions are being carried out on the backs of our active and Reserve Component forces—soldiers, sailors, airmen and Marines.

National Guard and Reserve servicemembers are performing many vital tasks: direct involvement in military operations to liberate Iraq in the air, on the ground, and on the sea; guarding nuclear power plants, our borders, and our airports in the United States; providing support to the War on Terrorism through guarding, interrogating, and extending medical services to al-Qaida detainees; rebuilding schools in hurricane-stricken Honduras and fighting fires in our western states; overseeing civil affairs in Bosnia; and augmenting aircraft carriers short on active duty sailors with critical skilled enlisted ratings during at-sea exercises, as well as during periods of deployment.

I believe that the civilian and uniformed leadership of our Armed Forces and the Congress must recognize this involvement, and, at a minimum, provide equal benefits for reserve component servicemembers when they put on the uniform and perform their weekend drills or other critical training evolutions. Reservists, on duty, who resemble their active duty counterparts during training evolutions and are deployed at times around the world, should be treated equally when the administration and Congress provide for quality of life benefits.

I am pleased at the inclusion of language authorizing a Selective Re-enlistment Bonus (SRB) for National Guard and Reserve service members when they are mobilized under a Presidential Select Reserve Call-up and they re-enlist during that period. National Guardsmen and Reservists are prohibited from receiving SRB payments until they get off active duty or mobilization status, sometimes 1 or 2 years later.

The Senate has also authorized Survivor Benefit Plan, SBP, benefits to survivors of National Guard and Reserve service members who die while performing inactive duty training or weekend drills. This legislation provides equity with active duty servicemembers and is consistent with

Defense Department regulations when National Guardsmen and Reservists are mobilized under a Presidential Select Reserve Call-up.

Since January, there have been 13 Reserve Component deaths during weekend military training while their units were preparing for Operations Enduring Freedom and Iraqi Freedom where families of National Guard and Reservists did not receive the Survivor Benefit payments.

The Senate has also authorized Commanders' pay for National Guardsmen and Reservists, similar to the pay that active duty commanding officers and commanders receive.

Additionally, the Senate Authorization bill removes and arbitrary cap on commissary privileges for drilling reservists and National Guardsmen, making the benefit similar to the benefit similar to the benefit of authorized for active duty servicemembers.

Unmanned Aerial Vehicles (UAVs) continue to be of interest to me. Operations in Afghanistan and Iraq have been watershed events for military utilization of UAVs. Increased use in the future as new war fighting capabilities come on line is key to our militaries strategy for future conflicts. During the 1999 Yugoslav air campaign only three UAV systems were used. There are nine UAV systems currently deployed and in extensive use in Iraq. The Army's Shadow, Hunter, and Pointer, the Marine Corps' Pioneer and Dragon Eye; the Air Force's Global Hawk, Predator and the Force Protection Surveillance System; and, the Navy's Silver Fox.

The Silver Fox is a small, inexpensive UAV with tremendous application, particularly in downed pilot search and air rescue, border patrol operations, tactical support for ground troops and SOF, submarine detection, marine mammal detection efforts and other critical reconnaissance missions. Ninety Silver Fox systems were deployed for Operation Iraqi Freedom with great success. Additional resources should be afforded to the unmanned aerial vehicle programs. Low cost, innovative systems, like the Silver Fox, deserve considerable support by the committee and I strongly support this effort. I am extremely please the Senate included a UAV pilot program to study the potential uses of UAVs on our borders.

As part of its consideration of this bill, the Senate approved an amendment I sponsored with Senators SESSION, LINDSEY GRAHAM, and BAYH creating a reporting requirement that should shed light on how to improve decision-making within NATO. As a lifelong Atlanticist, my interest is in keeping NATO relevant and effective as it adapts its mission to the new threats we face today. Doing so will require a hard look at what works well within NATO, and what we can do to streamline decision-making processes to improve the effectiveness of the Alliance.

Our amendment would build on a reporting requirement related to NATO is in the underlying bill. Our intention is to make NATO work better by taking a close look at how some of its decision-making structures have recently evolved, for expressly political reasons, in ways that I believe have weakened NATO, but which we, NATO's full members, can rectify in order to ensure that our Alliance remains strong.

Our amendment would require the Secretaries of Defense and State to assess whether certain new NATO military initiatives are within the jurisdiction of NATO's Defense Planning Committee, which has historically overseen NATO's core defense and security missions. The report would relate how NATO defense, military, security, and nuclear decisions traditionally made in the DPC came to be made in other bodies within NATO. It would discuss the extent of France's contributions to each of NATO's component committees, and specifically the degree of French involvement in specific military and security issues within the competence of the DPC, on which the French do not sit. The report would examine how NATO could make greater use of the DPC, by assuming its traditional role of managing NATO's core defense mission, and how to otherwise streamline NATO decisionmaking to make NATO more effective. NATO is actively engaged in discussions on how to reform and improve NATO decision-making, and I strongly believe our amendment will play a useful role in animating that discussion.

In February, Turkey requested assistance from the Alliance to improve its defenses in the event of war with Iraq. Given Turkey's status as a key member of NATO and the Alliance's only front-line state with Iraq, Turkey's routine request for defensive reinforcements under the terms of the NATO charter should not have been controversial in any way. Regrettably, France denied Turkey's request, and the Alliance spent 3 weeks in crisis trying to overcome French objections. France's position was initially supported by Germany, Luxembourg, and Belgium, but these nations ultimately sided with every other member of the Alliance, leaving the French isolated but refusing to relinquish their effective veto over a fundamental Alliance commitment to the defense of a member state. Ultimately, Turkey's Article Four request for defensive assistance was approved by the Defense Planning Committee (DPC), a component committee of NATO which does not include France. But the singular French obstructionism over the course of nearly a month caused the gravest crisis NATO has known in a generation and raised real questions about whether NATO was going the way of the U.N. Security Council or, more ominously, the League of Nations.

In the wake of this debacle, Atlanticists in Europe and the United States have pondered ways to reform and improve decision-making within NATO. In the interests of avoiding another such near-calamity within NATO that threatens the Alliance itself, Secretaries Wolfowitz and Feith have testified before the Senate Armed Services Committee that the DPC could be used more frequently for decision-making within NATO, thereby circumventing the French veto.

Since the mid-1990s, NATO's North Atlantic Council has been the primary venue within the Alliance for decisions to be taken on Alliance operations. But for most of NATO's existence, the NAC was not preeminent. The Defense Planning Committee was created in 1963 and was co-equal to the NAC. The DPC was charged with NATO's core defense and security business, including questions relating to Article Five, the mutual defense clause that is at the heart of NATO's charter. In 1966, when France withdrew from NATO's integrated military structure, the DPC assumed responsibility for the Alliance's core defense business. This allowed the Alliance to continue to function effectively without France's military involvement, and to avoid a French veto over matters related to NATO's core defense mission, in which France did not then and does not now participate.

The Defense Planning Committee was surprisingly active from its creation in 1963 until 1995. It became less prominent following the end of the cold war because the use of NATO forces appeared less likely in Article Five scenarios and more probable in non-Article Five scenarios. The role of the DPC diminished when the North Atlantic Council rose to pre-eminence in the 1990s with NATO peacekeeping scenarios, in the aftermath of the dismal failure of UNPROFOR in Bosnia. In the 1990s, looking for new roles, the NAC endorsed NATO peacekeeping missions in the Balkans.

The process of relying on the North Atlantic Council was also rooted in the futile effort to woo France back into full membership in NATO. Starting with a 1992 decision to support peacekeeping operations and the desire to involve France in Balkans operations, defense issues during the 1990s came to be addressed in the North Atlantic Council. The inclusion of France in NATO Defense Ministerials began in 1993 at Travemunde and has continued. Although they have not rejoined NATO's intergrated military structure, and are therefore not full contributing members of the Alliance, the French have very effectively shifted NATO decision-making into the North Atlantic Council and other bodies in which they have a voice and a vote. Although France does not participate, or participates only selectively, in command structure, infrastructure budget, and defense planning, it has successfully transferred these issues to NATO committees on which it has a seat. France does not participate in 60 percent of NATO budget areas, but participates in 100 percent of the development of resource policy and contribution ceilings.

The upcoming issues for the June NATO Defense Ministerial are of a

military and security nature. They include the Capabilities Initiative, the Command Structure Review, and the NATO Response Force. These are military and security issues within the core competence of the DPC. Our amendment is therefore not backward-looking, but would anticipate possible reforms to improve NATO's effectiveness in light of issues currently on the Alliance's agenda.

France unilaterally withdrew from NATO's military structure in 1966—at the height of the Cold War. France has since chosen to remain outside NATO's military structure. If France wants to return to NATO's military structure, NATO should discuss it, debate it on the merits and make a decision—among the 18 full members of NATO.

What we need now is a better understanding of why NATO came to rely on the NAC, and what can be done to make NATO more effective. We need to understand what we can do to limit France's ability to manipulate NATO, and oppose American foreign policy goals. The report required by our amendment should shed light on how to make our Alliance work as it should, in defense of the supreme national interests of the democracies it protects and nurtures.

I continue to be very concerned about the potential impact on bilateral trade relations with our allies of the domestic source for instance, ''Buy America'', restrictions enacted in the National Defense Authorization Act for fiscal year 1996. I am extremely concerned that an amendment was proposed that would impose ''Buy America'' restrictions on the Department of Defense. From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and essential to economic growth. Moreover, from a practical standpoint, the added ''Buy America'' restrictions could seriously impair our ability to compete freely in the international markets and could also result in loss of existing business from long-standing trading partners. Although, I fully understand the need to maintain certain critical industrial base capabilities, I find no reason to support a ''Buy America'' requirement for a product, like marine pumps, that is produced by no fewer than 25 U.S. companies or a bullet-proof vest made from fabric by a U.S. manufacturer which is inferior and more expensive than a bullet-proof vest made in the U.S. from a fabric produced overseas.

There are many examples of the trade imbalance that I can point to. I would like to review one example for you. The Dutch government, between 1991 and 1994, purchased $508 million in defense equipment from U.S. manufacturers, including air-refueling planes, Chinook helicopters, Apache helicopters, F–16 fighter equipment, missiles, combat radios and various training equipment. During that same period, the United States purchased only $40 million of defense equipment from the Dutch. Recently, the Defense Ministers of the United Kingdom and Sweden pointed to similar situations in their countries. In every meeting regarding this subject, I am told how difficult it is to buy American defense products because of our protectionist policies and the strong ''Buy European'' sentiment overseas. Our protectionist practices will hurt us nationally and internationally.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a domestic supplier in certain product lines. This not only adds to the pressure for our allies to ''buy European,'' but it also raises the costs of procurement for DOD and cuts off access to potential state-of-the-art technologies. DOD should have the ability to make purchases from a second source in an allied country covered by a defense cooperation MOU or Declaration of Principles agreement when only one domestic source exists. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces with which we are increasingly likely to operate in coalition warfare or peacekeeping missions. They increase our influence over recipient country actions, and in a worse case scenario, allow the U.S. to terminate support for equipment. Exports also lower the unit costs of systems to the U.S. military, and in recent years have kept mature lines open while the U.S. has developed new systems that will go into production around the turn of the century.

Finally, these exports provide the same economic benefits to the U.S. as all other exports—higher paying jobs, improved balance of trade, and increased tax revenue. ''Buy America'' restrictions on procurement will hurt funding for readiness, personnel land equipment modernization. These are really issues of acquisition policy, not appropriations matters. During debate on this legislation, I offered a second degree amendment with the intention of striking the protectionist amendment proposed by one of my colleagues. I thank my colleagues who successfully supported my amendment that worked to protect not only our allies but the American taxpayer and most importantly our servicemen and women who depend on the Department of Defense to train them and Congress to equip them with the best equipment irrelevant of its country of origin. Why is it that our special forces servicemembers routinely procure equipment without ''buy America'' requirements?

In all my years on the committee, I have never seen anything like the proposed leasing scheme of the KC–767 aerial tankers. In my efforts and those of others on the Senate Armed Service Committee, to get information on this proposed deal with Boeing, there has been obfuscation. There has been delay. There is withholding of information from me and this committee. Senior Air Force officials have even mislead the committee, according to the DoD Inspector General. It is incumbent upon all of us to provide the men and women of the Armed Forces with the most capabilities in return for our expenditures.

In several hearings this year, we have heard the Air Force Secretary and the Air Force Secretary of Acquisition testify that they have not completed an Analysis of Alternatives (AOA) on aerial tankers. The KC–767 aerial tanker effort requires the Secretary of Defense to do an AOA. Authorized funding should come from Air Force aviation programs which would have originally funded AOA if the program was appropriately planned and programmed like other DoD program. Moreover, the AOA is required by Air Mobility Command (AMC) & DoD documents, TRS–05 and KC–135 ESLS. I am pleased the Senate is requiring the Secretary of Defense to undertake an AOA on aerial tankers.

In the Air Force's fiscal year 2004's budget request the Air Force proposed eliminating 68 KC–135E aerial tankers. The Tanker Requirement Study (TRS–05) was conducted by the Air Mobility Command and the Secretary of Defense Program, Analysis, and Evaluation Division—OSD PA&E. TRS–05 identified the need for approximately 500 to 600 operational KC–135 equivalents to meet air refueling requirements. No other program has received so much attention by the Air Force Secretary. Yet, in direct contrast to his own Air Force studies, he seems relentless in exaggerating aerial tanker shortfalls in order to win approval of his KC–767 leasing scam. I am pleased the committee has included language reducing the number allowed to be retired to 12, but I still feel the Air Force should be prohibited from retiring the requested number of tankers until the AOA is completed and we have determined the best way to replace these national assets. It is foolhardy to begin retiring planes without a plan to replace them.

I am pleased the Senate included a provision that will save millions down the road. The Senate directs the Air Force to provide adequate funding for aviation depots for the purpose of correcting corrosion for the KC–135 aerial refueling fleet. The Armed Services Committee has heard testimony that every $1 spent in preventive maintenance saves $7 in repair or replacement costs. This action to add funding to KC–135 aviation depot level facilities would meet a top objective in the Chief of Staff of the Air Force's fiscal year 2004 Unfunded Priority List.

Operations Iraqi Freedom and Enduring Freedom demonstrated to the world what we saw just 12 years ago. We went to war as the most combat-ready force in the world. The value of that readiness is clear. We won a massive victory in a few weeks, and we did so with very limited loss of American and allied lives. We were able to end aggression with minimum overall loss

of life, and we were even able to greatly reduce the civilian casualties of Afghani and Iraqi citizens.

In order to understand the issues involved, it is necessary to recognize just how difficult it is to achieve the kind of readiness we had during Operations Iraqi Freedom and Enduring Freedom. Readiness is not solely a matter of funding operations and maintenance at the proper level. It is not only a matter of funding adequate numbers of high quality personnel, or of funding superior weapons and munitions, strategic mobility and propositioning, high operating tempos, realistic levels of training at every level of combat, or of logistics and support capabilities.

Readiness, in fact, is all of these things and more. A force beings to go hollow the moment it loses its overall mix of combat capabilities in any one critical area. Our technology edge in Afghanistan and Iraq would have been meaningless if we did not have men and women trained to use it. Having the best weapons system platforms in the world would not have given us our victory if we had not had the right command and control facilities, maintenance capabilities, and munitions.

The military forces that we sent to participate in Operation Desert Storm, Kosovo and Serbia, and Operations Enduring Freedom and Iraqi Freedom, trained for their missions on military ranges here in the United States. Perhaps the premier range in the continental United States is the Barry M. Goldwater Range in Arizona. This nearly 3 million acre range comprises portions of the Sonoran desert and the Cabeza Prieta wilderness.

It is estimated that the military spends approximately $77 million a year on conservation efforts on the Barry M. Goldwater Range. There are nearly 80 employees dedicated to continued protection of the Goldwater Range, including archaeologists, biologists, ornithologists and other natural resources experts. In my view, the Air Force and the Marine Corps are very good stewards of this critical habitat.

Efforts are ongoing among environmental agencies, the Department of Defense, and the various land management agencies to further clarify and define the use and management of the Goldwater Range land and the airspace above it, While I applaud these efforts, I must affirmatively state my strong support for preserving the military use of this land and associated airspace. Every service has approached me to convey their deep concern that the military maintain its ability to train in this one-of-a-kind training range.

The Barry M. Goldwater Range is one of the last open-space ranges available to our Armed Forces for realistic, integrated, joint training exercises. I am glad the Senate has included language to help ensure that this training ''jewel'' remains available to our military for training purposes.

I am very concerned with the trend in the services to curtail live fire opportunities in training. As weapon systems become more expensive and are manufactured in fewer quantities, we are creating a military force that often fires a weapon for the first time in combat. In the Navy, aviators used to fire one radar-guided and one heat-seeking annually. This was reduced to one missile each during a single tour of duty, and has now been further reduced to a single missile each during an entire career.

Luke Air Force Base (AFB) is home to the 56th Fighter Wing and 228 F–16, single engine, high performance aircraft. Luke AFB, similar to the situation at Nellis AFB, that the committee has previously addressed, has significant urban development encroachment issues that impact training at the base. Armed aircraft are no longer permitted to take off to the north of Luke AFB and over the past several years, there have been 16 serious aircraft accidents due to catastrophic engine failure. It is critical that land use along the southern departure corridor (SDC) remain compatible with armed aircraft weapons training, to preserve access to the Barry M. Goldwater Range (BMGR), to prevent land use or encroachments that are incompatible with activities at Luke AFB in the SDC and to increase the margin of safety associated with the Live Ordnance Departure Are (LODA) southwest of Luke AFB.

The Fiscal Year 2003 National Defense Authorization Act provided $10 million to the Air Force for land acquisition at Luke AFB intended to prevent encroachment from residential development and to ensure safe operations for flight departures and munitions storage.

The Air Force identified an immediate requirement to purchase 234 acres around the munitions storage and is in the process of executing this purchase to correct the most serious safety deficiencies. Furthermore, other parcels have been identified to be purchased to protect surrounding communities from impeding upon explosive blast distance arcs and the danger of single-seat F–16 Falcon jets with live ordnance that overfly land areas in the Southern Departure Corridor headed to the BMGR.

A land compatibility use study is currently ongoing to identify potential additional real estate to be purchased in the Southern Departure corridor of the airfield overflown by F–16's headed to the BMGR. I am pleased the chairman of the Subcommittee on Readiness and Management Support included in the chairman's mark, $14.3 million as a modification to the Fiscal Year 2003 authorization to facilitate the quick acquisition of additional parcels around the munitions area and in the Southern Departure corridor once they are identified. The Air Force has identified significant encroachment problems hindering safe flight operations at Luke AFB and will be able to protect accident potential zones from residential development through additional land acquisitions. The Senate Armed Services Committee expects the Air Force to send the committee the results of the land compatibility use study by June 1st, as promised by the Office of the Secretary of the Air Force. The project is a modification to a current requirement previously considered by this committee, authorized, appropriated, and now being executed by the Air Force.

For too long, we have asked our Armed Forces to do more with less. Now it is time to provide them with the funding they need, and to ensure that it is spent more wisely. The American people must also be assured that their tax dollars are being spent to provide for their defense—for the national interest, not for special interests.

More must be done to eliminate unnecessary and duplicative work and military installations. More effort must be made to turn over nonmilitary functions to civilian contractors, to reduce the continuing bloat of headquarters staffs, and to decentralize the Pentagon's labyrinth of bureaucratic fiefdoms.

The base realignment and closure (BRAC) legislation that Congress authorized in 2000 will make available from $4 to $7 billion per year by eliminating excess defense infrastructure. There is another $2 billion per year we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional $5.5 billion per year by eliminating ''Buy America'' restrictions that discourage U.S. competition and raise costs.

Similar attention is required to wean our political system of its highly developed taste for pork. I identified $5.2 billion in items that the Appropriations Committee, not the Defense Department, added to the budget last year. We should not tolerate the sacrifice of limited defense resources to special interests masquerading as improvements to our defense. These total savings in the Defense Department amount to almost $20 billion per year—$20 billion that must be reallocated within the defense budget to higher priority military personnel and modernization requirements.

While I am pleased that amount of member adds in this year's legislation has been reduced to around $1 billion, I am still troubled by the amount of unrequested spending on this legislation. Year after year, funding for the same unrequested, unnecessary projects are included in this legislation. For example, the 21st century truck has received $17.5 million dollars in this legislation. I wonder how many veterans Concurrent Receipts benefits would be funded by the total amount we have sunk into the development of the 21st century truck over the years? In the wisdom of the Senate, we have provided $35 million more than the President requested to buy the JPATS Texan. That is a lot of money for an aircraft the Navy does not need or even want. We have provided $10 million for

the High Temperature Superconducting Alternating Current HRSAC Synchronous Motor. We have provided $60 million for Advanced Extra High Frequency Spare Parts. Also on the member adds list is $50 million for the Los Alamos National Lab.

The fiscal year 2004 defense authorization bill adds $60 million for Evolved Expendable Launch Vehicle (EELV). This project is one of the largest additions in the bill. This is in addition to the $609.3 million that was included in the President's defense budget request.

With this funding the Air Force will provide a $669.3 million boost to defense companies Boeing and Lockheed Martin to keep both companies in the rocket-launch business, easing the impact of a steep falloff in commercial orders for such services in the commercial-satellite market, where orders have all but dried up.

I am opposed to the ''assured access to space program'' as it is currently designed. I believe the Committee should hold hearings to review whether to drop one company. I do not believe that two companies are providing adequate competition in this critical program. I believe that a proper accounting of the EELV program will result in a report that more rocket launches and additional weather, communications, reconnaissance, eavesdropping and global position satellites would be launched if the Department of Defense would simply choose a single source for military rocket launches.

I could continue in this vein, but it is sufficient to say that the military needs more money and should spend it more wisely to address the serious problems caused by a decade of declining defense budgets. I have included a copy of the fiscal year 2004 Member Add List which I ask unanimous consent be printed in the record.

I will continue to fight for additional support of increases to the Department of Defense budget. I also will continue to examine with a keen eye all congressional marks that take money away from needed military programs and instead buy political support through favoritism in awarding contracts. In addition, I will persist in placing the men and women who fight for our flag and country at the top of my priority list where they belong; we owe them our gratitude, respect, and unwavering support. They keep us free.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fiscal Year 2004 National Defense Authorization Act Member Adds

Emerging Threats:	
Collective Protection Chem-bio Protective Shelter	2.0
Army R, D, T & E:	
Low-temperature technology	2.0
Desert terrain analysis	4.0
University and Industry Research Center Infrastructure Protection Research	4.0
Materials Technology:	
Advanced Materials Processing	3.0
Multifunctional Composite materials	3.0
Missile Technology:	
E-Strike Radar & Powertransmission Technologies	8.0
Maneuver Air Defense System	6.5
Multiple Component Flight Test	2.5
Advanced Concepts and Simulation: Advanced Photonics Detection Research	5.0
Combat Vehicle and Automotive Technology:	
Rapid Prototyping Technologies	2.0
Digital Executive Officer for UAVs	2.5
Advanced Energy and Manufacturing Technology	3.0
Advanced Electric Drive	3.0
Weapons and Munitions Technology: Single Capital Tungsten Alloy Penetrators	3.0
Countermine Systems:	
Chemical Vapor Sensing Technologies	2.5
Small SAR Mine Detection	2.0
RAPID and Reliable Countermeasure Capabilities	5.0
Environmental Quality Technology: Environmental Response and Security Protection System	1.0
Military Engineering Technology: Geosciences and atmosphere research	3.0
Warfighter Technology: Embedded Optical Communication for Objective Force Warrior	4.8
Medical Technology: Genomics Research	2.0
Medical Advanced Technology:	
Electronic Garments	5.0
Stable Hemostat Research	5.0
Combat Vehicle and Automotive Technology:	
21st Century Truck	17.5
Fuel Cell Technology	5.0
Advanced Collaboration Environments	2.0
Fastening and Joining Technologies	1.5
Tactical Vehicle Design Tool	2.0
Advanced Thermal Management Controls	1.5
Advanced Composite Materials for Future Combat System	5.5
Medical Systems Advanced Development:	
Automated Detection for Biodefense	5.0
Topically Applied Vector Vaccines	1.0
Navy Research, Development, Test and Evaluation:	
Chemical Detection on UAVs	2.0
Advanced Fusion Processing	5.0
Fiber Reinforced Polymer for Ship Structuring	4.0
Rapid Prototype Polymeric Aircraft Components	4.8
Warfighter Sustainment Applied Research:	
Bioagent Diagnostic Tool	4.0
Biowarfare Agent Detector	4.0
Low Observable Materials for Stealth Application	6.0
Formidable Aligned Carbon Thermo Sets (FACTS)	1.5
Step-AIRSEDS (tether technology on UAVs and electrodynamic propulsion capabilities)	1.0
RF Systems Applied Research:	
High Brightness Electron Sources	3.0
Advanced Semiconductor Research	2.0
Ocean Warfighting Environment Applied Research: Southeast Atlantic Coastal Ocean Observing System (SEACOOS)	6.0
Undersea Warfare Applied Research: Low Acoustic Signature Motors & propulsors	2.8
Common Picture Advanced Technology:	
Consolidated Undersea Situational Awareness Capabilities	4.0

Fiscal Year 2004 National Defense Authorization Act Member Adds—Continued

Shipboard Automated Reconstruction Capability	6.0
Joit Warfare Experiments:	
Modeling and Simulation for Homeland Defense USJFCOM	1.5
Mine Expeditionary Warfare Advanced Technology Augmented Reality Research	3.5
Studies and Analysis Support for Navy Fire Retardant Fibers	1.0
Management, Technical & International Support Warfare Analysis and Education	3.5
Modeling Simulation Support	2.0
Air Force Research, Development, Test & Evaluation:	
Materials:	
Low-cost Components for UAVs	4.0
Fabrication of Microelectronic Components	6.0
Closed Cell Foam Fire Retardant Materials	2.0
Nanotechnology Research for Aerospace Materials	4.5
Space Technology:	
Elastic Memory Composites Materials	4.0
Rigid Silicone Thin Film Solar Cells	3.5
Parallel Datacon Network for Satellite Communication	4.0
Microsatellite Duster Technology	3.0
Command Control & Communication: MASINT Warfighter Visualization Tools	7.0
Advanced Materials for Weapons Systems: Materials Affordability Initiative for Aerospace Materials	7.0
Aerospace Technology Development Demonstration:	
Advanced Aluminum Aerostructure	6.5
Life Cycle Extension Assessment for Tactical Aircraft	2.0
Fly-by-light Photonictechnology	3.0
Aerospace Propulsion and Power Technology:	
Fuel Lubrication and Turbine Engine Technology	7.0
Advanced Turbine Gas Engine Generator	6.0
Support System Development: Aging Aircraft	3.5
Defense-Wide, Research, Development, Test & Evaluation:	
Nano and Micro-electro Mechanical Systems	5.0
Neural Engineering Research for Autonomous Control	4.0
Govt Industry Cosponsorship of University Research Program	10.0
University Research Initiatives:	
Photonics Research	3.5
Advanced Remote Sensing Software	5.0
Bioterrorism Response Analysis	2.0
Carbon Nanotechnology Research	6.0
Chemical and Biological Defense Program:	
Bacteriophage Amplification	1.5
Cell and Tissue Culture and Bacterial Growth Cell Research	2.0
Chemical and Biological Defense Program:	
Acoustic Wave Sensor Technology	2.0
Water Quality Sensor	3.5
Mustard Gas Antidote	3.0
Bioinformatics	6.5
Sensor Technologies	2.0
Food Security Technologies	3.0
Nerve Agent Decontamination Technology	1.0
Counterproliferation Advanced Development Technologies: Portable radiation search tool	10.0
Chemical and Biological Defense Program: Advanced Technologies	5.0
SensorNet Cell Phone Infrastructure for Chemical and Biological Defense Pilot Program	5.0
General Logistics R&D Technology Demonstrations: Multi-state Manufacturing Extensions Partnership Identify Requirements for Product Delivery Time	9.0
DMS Data Warehouse	7.0
Vehical Fuel Cell Program for JP–8 research	7.0
Command Control and Communications Systems All Optical Switching System	3.0
Joint Robotics Program Semi-autonomous Unmanned Ground Vehicle	3.0
Chemical and Biological Defense Program Anthrax and Plague Oral Vaccine Development	6.0
Chemical and Biological Defense Program Wide Area Decontaminate and Applicators	5.7
Joint Robotics Program Semi-autonomous small UGV	4.0
General Support to C3I See and Avoid UAV Technologies	3.0
Industrial Preparedness Laser Additive Manufacturing Technology	3.0
Information Systems Security Program: Collaboration between industry, government, and academia to share lessons learned and improve cooperation to solve common defense information systems security challenges	2.0
Sub-total	445.6

Airland	
Army Aircraft Procurement: OH–58D Kiowa Warrior GAV–19 Machine Gun	12.3
Army Communications Procurement:	
Single Shelter System for Army Common User System (ACUS)	25.0
Multiband Radios	6.2
Army Training Equipment Procurement: Military Operation on Urbanized Terrain Intrumentation	4.8
Navy Aircraft Procurement: JPATS Texan	35.0
Air Force Aircraft Modification: Ku-Band Satellite Communication Intergration Capability	6.8
Air Force Special Communications Electronics Projects: Joint Threat Emitter (JTE) System	5.0
Air Force Personal Safety and Rescue Equipment:	
Aircrew Survivable Radio Test Equipment	7.0
Fixed Aircraft Standardized Seats for C–130 & KC–135	4.8
Air Force Base Support Equipment: Expeditionary Medical Support Packages (EMEDS)	3.0
Army Research, Development, Test & Evaluation:	
Missile and Rocket Advanced Technology Close-in Active Protective	6.0
Logistics and Engineer Equipment Advanced Development:	
Mobile Parts Hospital Development	6.0
Theater Support Vessel Development	7.5
Weapons and Munition:	
Abrams Tank Track Improvement	4.7

Fiscal Year 2004 National Defense Authorization Act Member Adds—Continued

Full Authority Digital Engine Control Improvement Program	5.0
Air Force Research, Development, Test & Evaluation:	
EW Development Loitering Electronic Warfare Killer (LEWR)	6.0
Armament/Ordinance Development Passive Attack Weapon	5.0
F–15 Eagle C/D AESA Radar upgrade	16.5
Eagle Vision Commercial Imaging Program	8.0
Joint Air-to-Surface Missile Extended Range (JASSME—ER	17.0
KC–135 Simulator Upgrades (boom)	3.4
Sub-total	195.0
Readiness:	
Navy Research, Development, Test & Evaluation: Environmental Protection Wireless Sensor-network Technology	2.0
Army Operation and Maintenance:	
Quadruple Shipping Containers	4.0
Satellite Communication Language Training (SCOLA) USSOCOM	2.0
Corrosion Prevention and Control Program	8.0
Navy Operation and Maintenance: Condition-based Maintenance Photonic Sensors for Marine Gas Turbine Engines	6.5
Air Force Operation & Maintenance: Manufacturing Technical Assistance Production Programs (MTAAP)	3.0
Army Reserve Operation & Maintenance: Equipment Storage Site Initial Operations	1.0
Army National Guard Operation & Maintenance: Test Support Program	1.5
Sub-total	28.0
Seapower:	
Army, Other Procurement: Causeway Systems Modular Causeway Systems	25.0
Navy, Aircraft Procurement: H–1 Series Navigational Thermal Imaging System (NTIS)	5.5
Navy, Weapons Procurement: ABL Facilities Restoration	20.0
Navy Other Procurement:	
Submarine Training Performance Support Systems	5.0
Supply Support Equipment: Serial Number Tracking Systems (SNTS)	8.0
Navy RDT&E:	
Force Protection Advanced Technology:	
Project M	4.7
High Temperature Superconducting Alternating Current HRSAC synchronous motor	10.0
Laser Welding for shipbuilding	4.1
Warfighter Sustainment Advanced Technology: Automated Container and Cargo Handling System	6.5
Shipboard System Component Development: Improved Surface Vessel Torpedo Launcher	3.0
Surface Anti-Submarine Warfare (ASW): ASW Risk Reduction	2.5
P–3 Modernization Program P3 AIP Phased Capability Upgrade (Integrated tactical picture, Link-16, Tactical Common data link, electro-optic geo-location	12.3
SSN–688 and Trident Modernization:	
Submarine antenna technology improvements: Expandable two-way satellite communications buoy	2.0
Tethered communication and sensor platform	3.0
Submarine Tactical Warfare System: Submarine Weapons Control System	10.0
Navy Energy Program: Uninterruptible Proton Exchange Membrane Fuel Cell	3.5
Airborne Reconnaissance Systems: Podded Sensors for Air Reconnaissance	5.1
Sub-total	130.2
Strategic	
Air Force Missile Procurement: Evolved Expendable Launch Vehicle (EELV)	60.0
Army Research, Development, Test and Evaluation:	
Army Missile Defense Systems Integration (Non-Space):	
Advanced Laser Electric Power	2.9
Integrated Composite Missile Systems	5.0
AMD Architecture Analysis (A3) Program	3.0
Army Security and Intelligence: Base Protection and Monitoring System	8.0
Navy Research, Development, Test & Evaluation:	
Space and Electronic Warfare Architecture:	
Advanced Wireless Network NAVCIITI	5.0
Strategic Sub & Weapons System Support (TPPL) Thin plate pure lead batteries for submarines	1.5
Air Force Research, Development, Test & Evaluation:	
Advanced Spacecraft Technology:	
Satellite Hardening Technologies	6.8
Thin Film Amorphous Silicon Solar Arrays	7.0
Maui Space Surveillance System (MSSS), Hawaii: High Accuracy Network Detection System	10.0
Space Control Technology:	
Kinetic Energy Antisatellite Program (KEASAT)	4.0
Space Control Test Bed	2.5
Global Hawk Lithium Battery Demonstration	3.5
Applied Research: Air Force Research Lab Materials	1.0
Materials, electronics and Computer Technology: Coastal Area Tactical Mapping System	2.0
Defense Wide Research, Development, Test & Evaluation:	
Ballistic Missile Defense Terminal Defense Segment Arrow, US/Israel Ballistic Missile Defense	10.0
Ballistic Missile Defense Sensors E–2 Hawkeye Infrared Search and Track	3.8
Defense Research Sciences Nanophotonic Systems Fabrication	2.0
Department of Energy National Security Programs: Replacement, Los Alamos National Lab Albuquerque, NM	50.0
Sub-total	184.0
Grand Total	982.8

Mr. WARNER. Mr. President, I would like to indicate to my distinguished colleague we are prepared to move to third reading.

Mr. LEVIN. That is my understanding. I don't know of any other matters that can be resolved.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum. I don't want you to lose the floor, but if I had the floor I would suggest the absence of a quorum.

Mr. WARNER. If that is your wish, I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to make a brief speech on the bill. Are we under a time limit?

The PRESIDING OFFICER. We are not.

Mr. BYRD. I thank the Chair.

Mine will not be a lengthy speech.

Mr. President, just weeks ago, our Armed Forces once again demonstrated—demonstrated—the overwhelming might of the United States military. Due to the sustained commitment of our country to invest a substantial proportion of our national wealth into our national defense, our military is faster, more agile, more lethal, better equipped, better protected, and better compensated than any other in the world.

Make no doubt about it, the sums that we invest in defense are enormous. According to the most recent CIA World Factbook, the world spent about three-quarters of a trillion dollars on arms in 1999, the latest year for which statistics are available. That same year, the United States spent $292 billion on its military that is nearly 40 percent of all military spending on Earth. Our country spends more on defense than all the other 18 members of NATO, plus China, plus Russia, and plus the six remaining rogue states combined.

Yet our defense budget continues to increase. This bill authorizes $400 billion for our national defense in the next year.

In an age when we talk about smart bombs, smart missiles, and smart soldiers, any talk of smart budgets has gone out the window.

It was not that long ago that Secretary Rumsfeld conducted an extensive series of top-to-bottom reviews of the Defense Department. I supported him in those exercises, and said so, as did many other Members of Congress. Those reviews were supposed to eliminate old weapons systems, field new ones, and cut the fat at the Pentagon, all for the purpose of getting more bang for our defense buck.

I understand that a huge bureaucracy like the Defense Department cannot turn on a dime. But any hopes of containing military spending increases while preparing our forces for the 21st century seem to be a distant memory. Two years into what was supposed to be a major overhaul, the Pentagon's budget has grown by 24 percent, not counting any of the billions of dollars that we have spent on the war on terrorism and the war in Iraq. Our defense budget seems more the same than ever: not more bang for the buck, just more bucks.

The administration has charted a course now to increase defense budgets to $502.7 billion within the next 5 years. At the same time, Congress has passed one tax cut of $1.35 trillion, and the Senate is headed at flank speed to pass another $350 billion in tax cuts before this week is over. Budget deficits are soaring—soaring—out of control, while our economy is in the doldrums.

Instead of saving money by skipping a generation of military weapons, we are sending our country even deeper into debt a debt that will have to be borne by yet another generation of Americans who will be expected to pay for our defense largess.

Let there be no doubt that we can and must provide first-rate fighting capability for our troops. But we can do so without committing to defense budgets that are set to spiral ever, ever higher. I know of no one who would seriously propose to give our troops second-rate equipment or to cut their pay and benefits. The size of our defense budget is not a good measure of our support for our troops.

We have plenty of headroom in which to maintain our overwhelming military superiority without bowing to every request by the powerful defense industry for more and more and more money for more and more and more programs that are all too often over budget and behind schedule. Propping up unproven weapons systems through infusions of taxpayer cash is the surest means to short change our men and women in uniform.

There remains much to be done regarding the business practices at the Pentagon. Secretary Rumsfeld has made a commitment toward improving DOD's financial management and accounting systems, and he appears to be making an earnest effort toward that end, but progress is painfully slow. Untangling the mess of unreliable accounting entries will take years to solve. The bottom line is that the Pentagon still has no way—none—no way of knowing how much it spends, how much it owns, or what its real budgetary needs are. It makes little sense to keep piling more money on a Department that does not know how it spent last year's funds.

The DOD proposed a transformation package that was said to be able to make the Department more efficient. ''Flexibilities''—and I use that word in quotation marks—''flexibilities'' are held up as the cure-all to what ails the Pentagon's management. The answer to problems like the Pentagon's accounting system clearly is not more flexibility—what is needed is more accountability. Accountability within the Department, accountability to Congress, which means accountability to the Constitution and accountability to the American people.

It is a good sign that this bill does not include most of the ''flexibilities'' requested by the Department of Defense. Senator WARNER and Senator LEVIN acted wisely in crafting a bill that upholds the prerogatives of Congress in this respect.

Now, we owe a great debt of gratitude to both of these managers, Senator WARNER and Senator LEVIN, because they went against the grain when they opposed those ''flexibilities'' and when they took them out. It is a good sign that this bill does not include most of the ''flexibilities'' requested by the Department of Defense.

But we remain on the wrong track when it comes to defense spending. Instead of truth in budgeting, Congress cannot even get a straight answer about how much it will cost to occupy Iraq. Congress could not get a straight answer as to what it would cost to wage the war in Iraq. And Congress still cannot get a straight answer about the costs of reconstructing Iraq or how long we will be there. Instead of choosing priorities for our military and skipping a generation of weapons, defense spending is through the roof while our Government is swimming in red ink.

Instead of holding the Pentagon accountable for what it spends, we are kept busy fighting off legislative proposals that would reduce oversight of the Department of Defense.

Here again, I compliment Senator WARNER and Senator LEVIN. They put the foot down and said no; this far but no further. They took out those various and sundry so-called flexibilities that the Department wanted.

We are living in a time when the greatest threat to our national security is the threat of asymmetrical warfare. We learned that on September 11, 2001. We are in no danger of being outmatched militarily by any nation on Earth, but as the current orange alert status reminds us, we remain vulnerable to the very real threat of terrorists. Yet our Department of Defense is on a track to be the instrument—get this—to be the instrument of a doctrine of preemptive attacks: Ready and willing to invade and take over sovereign states that may not even pose a direct threat to our security. The name ''Department of Defense'' is increasingly a misnomer for a bureaucracy that is poised to undertake conquests at the drop of a hat.

Senator WARNER and Senator LEVIN have done an excellent job of managing this bill and of stripping some of the most egregious provisions from the President's request.

I have been on the Armed Services Committee a good many years. I first came to the Armed Services Committee when the late Senator Richard Russell, who stood at this desk and who sat in this chair, was chairman of that great committee. I have been a supporter of our national defense. I supported the war in Vietnam until most everyone else had left the field. I held up President Nixon's hand when others on my side and the then majority leader—God rest his soul—were opposed to an amendment that I offered which said in essence that if the President sends our boys, our young men—young men for the most part at that time—to Vietnam, then the President has a responsibility to protect those men to the best of his ability and to enable them to return home safely. I lost on the amendment. I received a call from Camp David from the late President Nixon complimenting me on that amendment.

I don't take a back seat to anyone when it comes to national defense, but I think we are going too far. I commend Senator WARNER and I commend Senator LEVIN for their hard work, but I believe this bill is still too costly and steers our Nation in exactly the wrong course for the future. I hope they will not think that I in any way am criticizing them or the other members of my Armed Services Committee. I believe it is time to just say no to Pentagon excesses. I believe it is time to force the Defense Department to work smarter and waste less. I believe it is time to demand accountability for our enormous investment in defense.

For these reasons I will vote against this bill.

We will revisit this subject in the Defense Appropriations Committee and the Appropriations Committee as a whole, votes on Defense appropriations bill. But we will meet that challenge when it comes. I thank both the managers for their patience and for their good work.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, our distinguished colleague, former majority leader of the Senate, has been on the Armed Services Committee for 25 years, the quarter of a century Mr. LEVIN and I have been on there.

The Senator invoked the name of Richard Russell. When I was Secretary of the Navy, I used to come up and testify before him. I don't think anybody—maybe Senator Stennis—could match his skill. It was remarkable. Senator Tower, Senator Goldwater idolized him as we all did. But I thank the Senator for his remarks about this Senator. I do respectfully disagree with some of his conclusions, but that is the nature of the magnificence of the Senate. We have argued and expressed to the people of this country our own views.

Mr. LEVIN. If the chairman will yield a minute, I join in thanking Senator BYRD. He has a unique role in this institution and in this Nation. He makes a huge contribution in ways sometimes which are visible but often in ways which are not visible and are not known. One of those ways has been on the Armed Services Committee with so many issues. The issues he pointed out where the so-called flexibility was being sought but was not incorporated in this bill is in significant measure a tribute to his strength in defending the role of the legislative branch. It is a reflection of what is not only a big part of him but what he has instituted in so many others as a role model in this institution for fighting for a branch of government which is truly coequal to the executive branch. We have sustained that in this bill.

While the Senator from West Virginia will be voting no for the reasons he gave, the fact that he noted and welcomed the effort we made to keep out the excess power and flexibility in the executive branch to me is very heart warming indeed. I thank him for it.

Mr. BYRD. Mr. President, I thank both the very distinguished managers of the bill. May I say once again, to the distinguished Senator and to his comrade, the ranking manager, you have indeed properly upheld the role of the Senate and the principle of the separation of powers when you insisted that those various requests for ''flexibility'' be dropped. I hope you will be able to maintain that position in conference.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, my colleague Senator LEVIN and I, at the concurrence of the distinguished leadership on both sides, are prepared to proceed to a third reading and final passage.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that following passage of S. 1050, the Senate proceed to executive session for the consideration of calendar No. 171, the nomination of Consuelo Maria Callahan to be U.S. Circuit Judge for the Ninth Circuit; further, there then be 10 minutes equally divided for debate on the nomination prior to the vote on the confirmation of the nomination, without intervening action or debate; further, I ask unanimous consent that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, would that be the 126th judge we have approved during the Bush years?

The PRESIDING OFFICER. Regular order.

Mr. WARNER. I am unable to give an answer to that, I say to my distinguished colleague. I am sure in the course of the colloquy preceding the vote on that jurist, that could be answered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, as we are proceeding, I first want to acknowledge my profound gratitude to my colleague and almost lifetime friend of 25 years in this Chamber, Senator LEVIN, for his support and that of his staff and indeed to my staff who, under the tutelage of Judy Ansley, have done a magnificent job, and for the support of our respective leaderships in making this bill pass, particularly the two whips, the Senator from Nevada and the Senator from Kentucky.

Mr. LEVIN. Mr. President, very briefly, let me thank Senator WARNER, our chairman, for his usual courtesy, his indomitable spirit, and his willingness to try to find ways in which we can resolve differences. He has done a masterful job. We thought it was going to get done in record time. It probably didn't end up quite that way, but not because of any failure on the part of our good friend from Virginia.

I thank Rick DeBobes and all the staff on this side, Judy Ansley and all the staff on the Republican side, all the members of our committee who contributed so much, as members of the committee, as chairmen and as ranking members of the subcommittee. I think we have produced a good bill.

Let me add my thanks to Senator REID in particular. I want to single out Senator REID, if I may. All the leaders help us, but I must say what a unique whip we have in HARRY REID. He really makes things happen around here which otherwise simply could not happen.

I want to take a moment to acknowledge and thank the minority staff members of the Committee on Armed Services for their extraordinary work on S. 1050, the National Defense Authorization Act for Fiscal Year 2004. To arrive at final passage of this important legislation requires hours and hours of hard work and many personal sacrifices. The committee and the Senate are so fortunate to have men and women of their expertise and dedication so ably assisting us on this bill. Rick DeBobes leads our minority staff of fifteen. Although small in numbers, they all make huge contributions to the work of the Committee each and every day. As a tribute to their professionalism, I thank Chris Cowart, Dan Cox, Madelyn Creedon, Mitch Crosswait, Rick DeBobes, Evelyn Farkas, Richard Fieldhouse, Creighton Greene, Jeremy Hekhuis, Maren Leed, Gary Leeling, Peter Levine, Arun Seraphin, Christy Still, Mary Louise Wagner, and Bridget Whalan.

Mr. WARNER. Mr. President, I ask unanimous consent, on behalf of the members of the Senate Armed Services Committee, that they be permitted before the close of business tonight to file such statements as they wish relative to this bill.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I express my profound gratitude to the members of the committee and, most notably, the Presiding Officer. I ask that the bill be read the third time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. WARNER. Mr. President, I ask for the yeas and nays on passing of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—98

Akaka	Dole	Lott
Alexander	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Miller
Bennett	Enzi	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wyden
Dodd	Lincoln	

NAYS—1

Byrd

NOT VOTING—1

Kerry

The bill (S. 1050), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I wish to thank all of our colleagues for their patience. I ask unanimous consent that S. 1050, as amended, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I ask unanimous consent that the Senate proceed immediately to the consideration, en bloc, of S. 1047 through S. 1049, Calendar Order Nos. 93, 94, 95; that all after the enacting clause of those bills be stricken and that the appropriate portion of S. 1050, as amended, be inserted in lieu thereof according to the schedule which I am sending to the desk; that these bills be advanced to third reading and passed, the motions to reconsider en bloc be laid upon the table, and that the above actions occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The bill (S. 1047) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2004

The bill (S. 1048) to authorize appropriations for fiscal year 2004 for military construction and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2004

The bill (S. 1049) to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The bill will be printed in a future edition of the RECORD.)

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I thank the two managers for their hard work and willingness to stay late into the evening in an effort that some said could not be done over the course of the last 3 days, but both managers said we were going to do it. I congratulate them for delivering on that commitment.

In a couple of moments, we will have an additional vote on a Ninth Circuit court judge.

Before doing that, the Democratic leader and I wanted to have a general understanding with our colleagues of where we are and where we will be going over the next couple of days, or next couple 12 hours, say, 18 hours. We will see how long it will be.

It is my understanding we will be receiving sometime in the next hour the conference report on the jobs and growth package. It will be filed shortly in the House. I don't know exactly what time that will be. We just left there. Hopefully, it will be in the next hour or so. It is my hope we will be able to begin debate tonight, following the vote on the judge, on the jobs and growth package.

If that is the case, what I think, in talking to the Democratic leader, we would like to accomplish is the debate, which statutorily would be 10 hours, would begin, although we will not officially start the clock at that point, right after the vote on the judicial nominee. If that were acceptable to our colleagues, again, depending on what time the language arrived and papers could be filed, we would be able to vote on final passage tomorrow morning. This is on the jobs and growth package.

That is not all the business and I will comment on the other business.

Ideally, we would be able to vote sometime around 9:30 tomorrow, although we cannot say with certainty at this juncture.

If that were the case and we were able to complete that vote, we still have the debt limit extension to address, which is something that we have to, absolutely no question about it, deal with tomorrow. Everyone agrees with that, although I do understand there will be amendments from the other side of the aisle to allow discussion. Some of those amendments will be substantive and useful to discuss and debate and some, hopefully, will disappear, and we will talk about the issues at some point. I believe we are talking about eight amendments.

We will have to pass the debt ceiling extension tomorrow. How many amendments, we have not yet decided. We have to wait until tomorrow. I am not sure how long we need to talk on the debt ceiling, but if we had the vote on the jobs and growth package at 9:30 in the morning, I imagine there is a period we might be able to agree to tonight—or may not—at which time we start the amendment process and have a series of amendments, hopefully one after another, or I would encourage that to be the case.

People have a lot of commitments tomorrow and tomorrow evening. We

want to do the business in a very deliberate way. That is a rough outline.

Let me turn to my distinguished colleague, Senator DASCHLE, to comment. Right now we are talking not unanimous consents but a general understanding of how the next day will play out.

Mr. DASCHLE. Mr. President, the majority leader and I have been discussing this now for the last several hours and he has described it accurately. Our hope is we can use this evening productively, knowing that a lot of people have schedules tomorrow afternoon and tomorrow evening they will want to keep.

While it would be difficult for us to agree at this point to begin the deliberative process on the conference report until we have actually had a chance to see it and review it, there is no reason why we cannot begin the debate.

We are suggesting that we informally begin the debate, have people address the issues if they want to be heard on the issues. If we can get a copy of a conference report in the next couple of hours, we may be in a position then to retroactively agree to the time already spent and make a commitment with regard to the time certain on the conference report itself. That could be as early as tomorrow between 9:30 and 10.

It would then be our hope we could move to the debt limit. We are not sure yet how many amendments may be offered, but we will try to limit the amount of time on each amendment so we can accommodate the schedules, with the expectation that by early afternoon we could depart.

The majority leader has articulated this understanding accurately and we will work with him to see if we can accomplish this in the next few hours.

Mr. FRIST. Mr. President, let me add, for tomorrow we do the jobs and growth package, we would take what time is necessary on the debt ceiling extension, and then we also have one other issue, which is unemployment insurance, which we will be addressing tomorrow. Again, all of this can be done in a very short period of time. These are not new issues. In each and every one of them, we know what the consequences are. They have been debated. The jobs and growth package we talked a lot about, although it is not exactly as written now, but the issues we talked about and discussed.

On all three of these issues, we will finish them. We could finish them, actually, early afternoon tomorrow if we stay focused, and that will be my intent. I understand some people on the other side of the aisle may want to talk on the debt ceiling and possibly unemployment insurance as well.

I think if we work together in a collegial way, we will be able to complete all of this legislation. Again, it has been an ambitious schedule for the week, but based on what we have seen over the last 3 years, we are making progress as we go forward.

EXECUTIVE SESSION

NOMINATION OF CONSUELO MARIA CALLAHAN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Under the previous order, there are 10 minutes evenly divided prior to the vote on the nomination.

Who yields time?

Mr. LEAHY. Have the yeas and nays been ordered on this nomination?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I express my enthusiastic support for the confirmation of Consuelo Callahan to the Ninth Circuit Court of Appeals. Justice Callahan is an outstanding nominee with broad support on both sides of the aisle. She has the support of both of the distinguished senators from her home state of California, and she was unanimously approved by the Judiciary Committee the day after her hearing.

Justice Callahan received her undergraduate degree from Stanford University and her law degree from McGeorge School of Law. In 1976, she began her 10-year career as a Deputy District Attorney with the San Joaquin County District Attorney's Office where she specialized in the prosecution of child abuse and sexual assault cases. During her 10-year career as a prosecutor, she handled more than 50 jury trials.

Justice Callahan also has first-hand experience with breaking the gender barrier. In 1992, she was appointed to the Superior Court in San Joaquin County, where she was the first female and Hispanic to serve on that court. She was also the first female member of two local social and service organizations. In 1996, Justice Callahan became the first judge from San Joaquin County to be elevated to the California Court of Appeal in more than 73 years.

In addition to her outstanding career as a prosecutor and a jurist, she has donated her time to organizations involved in addressing the problem of child abuse and sexual assault and has received an award for her work in this area. She has received other awards during her career, including the Governor's award for Criminal Justice Programs and the Susan B. Anthony award for Women of Achievement. In 1999, Justice Callahan was inducted into the San Joquin County Mexican-American Hall of Fame.

The Committee has received numerous letters supporting Justice Callahan's nomination to the Ninth Circuit. The La Raza Lawyer's Association of Sacramento described Justice Callahan's professional qualifications in the following way: ''as a state appellate court justice, her opinions have been detailed, thoughtful and supportive of legal precedent. . . . She possesses both the intellect and temperament to be an outstanding justice of the Ninth Circuit Court of Appeals.''

The ten justices that serve with Justice Callahan on the Third Appellate District and work with her every day also sent a letter to the Committee praising her skills as a jurist. They write, ''During her more than six years on our court, Connie has shown that she has the integrity, capacity, collegiality, and diligence to serve with distinction on the Ninth Circuit. Our only reservation in recommending her confirmation is that it will mean a significant loss to our court. We will miss Connie's energy and enthusiasm, her legal skills, and the positive way in which she fulfills her responsibilities as an appellate jurist.''

Her colleagues' loss will be the federal judiciary's gain, as I have great confidence that the beleaguered Ninth Circuit will greatly benefit from her confirmation. I urge my colleagues to support this nomination.

Mr. LEAHY. Mr. President, each of the Senators from California would like to speak.

Mrs. FEINSTEIN. Mr. President, I rise in support of Justice Callahan to go from the California State appellate court to the Ninth Circuit Court of Appeals. This woman was really born in Senator BOXER's and my backyard. She is a Bay area person. She was born in Palo Alto. She attended Stanford, graduated with honors, attended the University of the Pacific McGeorge Law School. She has been both a deputy city attorney and deputy district attorney. She founded the first child abuse unit in the DA's Office of San Joaquin County. In 1996 she was elevated to the State Court of Appeals from the Superior Court of San Joaquin County. She has served with distinction for the past 6 years, has extraordinarily strong support.

I certainly believe, and I believe Senator BOXER concurs in this, that she is going to be an excellent judge of the Ninth Circuit Court of Appeals. I am delighted to support her and to recommend her and to vote for her.

I yield the floor.

Mrs. BOXER. Mr. President, I am very pleased to join with my colleague, Senator FEINSTEIN, in support of this fine nominee,

To support Consuelo ''Connie'' Callahan to be a judge for the U.S. Circuit Court of Appeals for the Ninth Circuit.

Judge Callahan is a native Californian, born in Palo Alto. She is a graduate of Stanford University and the

McGeorge School of Law at the University of the Pacific.

She was the first female and the first Hispanic judge to sit on the San Joaquin County Superior Court. She currently serves on the Third District Court of Appeals located in Sacramento.

She has been a champion of protecting children. When she served as a prosecutor, she focused on major felony prosecutions in the area of child abuse. She has received public recognition for her work on this issue.

She also is a former board member and President of the San Joaquin County Child Abuse Prevention Center. I applaud her involvement in this very serious cause.

I am pleased to join with my colleague, Senator FEINSTEIN, to support this nominee. In addition to having the support of both of her home-state senators, Judge Callahan received unanimous support from the Judiciary Committee.

I urge my colleagues to join us in supporting this well-qualified, mainstream nominee.

Mr. LEAHY. Mr. President, today, we vote to confirm Judge Consuelo Maria Callahan to serve on the United States Court of Appeals for the Ninth Circuit. This is another judicial nominee of President Bush whom Senate Democrats have strongly supported and whose consideration we had expedited through the Judiciary Committee.

I thank the Democratic leader and assistant leader for supporting Judge Callahan's nomination and working out this arrangement with the Republican leadership so that this consensus nomination can be considered without further delay. I appreciate that the majority leader has been willing to work with us to allow this nomination to go forward today.

I still do not know who on the Republican side delayed consideration of this consensus nominee. Just as Senate Democrats last month cleared the nomination of Judge Edward Prado to the United States Court of Appeals for the Fifth Circuit without delay, so, too, the nomination of Judge Callahan to the Ninth Circuit was cleared on the Democratic side promptly. All Democratic Senators serving on the Judiciary Committee voted to report her nomination favorably. All Democratic Senators indicated that they were eager to proceed with her nomination and, after a reasonable period of debate, vote on her nomination.

Unlike the divisive nomination of Carolyn Kuhl to the same court, both home-State Senators support the nomination of Judge Callahan and she is expected to be confirmed by an extraordinary majority—maybe unanimously. Rather than disregarding time-honored rules and Senate practices, I urged my friends on the other side of the aisle to help us fill more judicial vacancies more quickly by bringing those nominations that have bipartisan support, like Judge Callahan, to the front of the line for committee hearings and floor votes. I noted in a statement last week to make the point that the nomination of Judge Callahan to the Ninth Circuit Court of Appeals was cleared on the Democratic side.

We still do not know who on the Republican side delayed consideration of the consensus nomination of Judge Prado for a month. I thank the Congressional Hispanic Caucus for its support of that nomination as well as for its support of Judge Callahan, and for working with the Senate to bringing fair evaluation of these nominees and for adding their voice to the discussion of these lifetime appointments.

It is most unfortunate that so many partisans in this administration and on the other side of the aisle insist on bogging down consensus matters and consensus nominees in order to focus exclusively on the most divisive and controversial of this President's nominees as he continues his efforts to pack the courts. Democratic Senators have worked very hard to cooperate with this administration in order to fill judicial vacancies. What the other side seeks to obscure is our effort, our fairness and the progress we have been able to achieve without much help from the other side or the administration.

The fact is that when Democrats became the Senate majority in the summer of 2001, we inherited 110 judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive and controversial, several who had mixed peer review ratings from the ABA and at least 1 who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed ''full employment'' by Senator HATCH. Since the beginning of this year, in spite of the Republican's fixation on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies has been reduced to 45 and is the lowest it has been in 13 years. That is lower than at any time during the entire 8 years of the Clinton administration. We have already reduced judicial vacancies from 110 to 45, in 2 years. We have reduced the vacancy rate from 12.8 percent to 5.2 percent, the lowest it have been in the last two decades. With some cooperation from the administration, think of the additional progress we could be making.

Earlier this month, we were able to obtain Senate consideration of the nomination of Judge Prado, and another distinguished Hispanic nominee, Judge Cecilia Altonaga, to be a Federal judge in Florida. We expedited consideration of that nominee at the request of Senator GRAHAM of Florida. I am told that she is the first Cuban-American woman to be confirmed to the Federal bench. Indeed, Democrats in the Senate have worked to expedite fair consideration of every Latino nominee this President has made to the Federal trial courts in addition to the nominations of Judge Prado and Judge Callahan.

As I have noted throughout the last 2 years, the Senate is able to move expeditiously when we have consensus nominees to consider. In a recent column, David Broder noted that he asked Alberto Gonzales if there was a lesson in Judge Prado's easy approval, but that Mr. Gonzales missed the point. In Mr. Broder's mind: ''The lesson seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituents have reason to think them fair-minded.'' Judge Consuelo Callahan is another such nominee.

With this confirmation, the Senate will have confirmed 126 judges, including 24 circuit court nominees, nominated by President Bush, 100 in the 17 months in which Democrats comprised the Senate majority. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last 2 years, but that lesson has been lost on this White House and the current Senate leadership.

One hundred judicial nominees were confirmed when Democrats controlled the Senate for 17 months, and 26 have been confirmed in the other 12 months in which Republicans have controlled the confirmation process under President Bush. This total of 126 judges confirmed for President Bush is more confirmations than the Republicans allowed President Clinton in all of 1995, 1996 and 1997 the 3 full years of his last term. In those 3 years, the Republican leadership in the Senate allowed only 111 judicial nominees to be confirmed, which included only 18 circuit court judges. We have already exceeded that total by 13 percent and the circuit court total by 33 percent before Memorial Day and with 7 months remaining to us this year.

Today's confirmation makes the seventh court of appeals nominee confirmed by the Senate just this year. That meets the annual average achieved by Republican leadership from 1995 through the early part of 2001. The Republicans have now achieved as much in less than 5 months for President Bush as they used to allowed the Senate to achieve in a full year with President Clinton. They are moving two to three times faster for this President's nominees, despite the fact that the current appellate court nominees are more controversial, divisive and less widely supported than President Clinton's appellate court nominees were.

Understand that if the Senate did not confirm another judicial nominee all year and simply adjourned today, we would have treated President Bush more fairly and would have acted on more of his judicial nominees than Republicans did for President Clinton in

1995 to 1997. In addition, the 45 vacancies on the Federal courts around the country are significantly lower than the 80 vacancies Republicans left at the end of 1997. Of course, the Senate is not adjourning for the year and Chairman HATCH continues to hold hearings for Bush judicial nominees at between two and four times as many as he did for President Clinton's.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I regret the administration's refusal to work with us to end the impasse it has created in connection with the Estrada nomination. The partisan politics of division that the administration is practicing with respect to that nomination are not helpful and not respectful of the damage done to the Hispanic community by insisting on so divisive a nominee.

I invite the President to work with us and to nominate more mainstream individuals like Judge Prado and Judge Callahan with proven records and bipartisan support. In connection with the unexplained Republican delay before consideration of the nomination of Judge Prado, some suggested that Judge Prado had been delayed because Democratic Senators were likely to vote for him and thereby undercut the Republican's shameless charge that opposition to Miguel Estrada is based on his ethnicity.

We all know that the White House could have cooperated with the Senate by producing Mr. Estrada's work papers. This would have enabled the Senate to have voted on the Estrada nomination months ago. The request for his work papers was sent last May 15 and has been outstanding for more than a year. Rather than respond as every other administration has over the last 20 years and provide access to those papers, this White House has stonewalled. Rather than follow the policy of openness outlined by Attorney General Robert Jackson in the 1940s, this administration has stonewalled. And Republican Senators and other partisans could not wait to claim that the impasse created by the White House's change in policy and practice with respect to nominations was somehow attributable to Democrats being anti-Hispanic. The charge would be laughable if it were not so calculated to do political damage and to divide the Hispanic community. That is what Republican partisans hope is the result. That is wrong.

Unfortunately, in the case of Mr. Estrada, the administration has made no effort to work with us to resolve the impasse. Instead, there has been a series of votes on cloture petitions in which the opposition has grown and from time to time the support has waned. Recently, there have been press reports indicating that Mr. Estrada asked the White House months ago to withdraw his nomination. I understand his frustration. If this administration is not going to follow the practice of every other administration and share with the Senate the government work papers of the nominee—the very practice this administration followed with its own EPA nominee in 2001—then I can understand him not wanting to be used as a political pawn by the administration to score partisan, political points. That the administration has not acceded to his reported request but has plowed ahead to force a succession of unsuccessful cloture votes and to foment division in the Hispanic community for partisan gain is another example of how far this administration is willing to go to politicize the process at the expense of its own nominees.

Judge Callahan is a fine candidate for elevation to the appeals court. She has years of experience serving on the bench in the state of California, first on the California Superior Court and then on the California Court of Appeal. She enjoys the full support of the Congressional Hispanic Caucus. Not a single person or organization has submitted a letter of opposition or raised concerns about her. No controversy. No red flags. No basis for concern. No opposition. This explains why her nomination was voted out of the Judiciary Committee with a unanimous, bipartisan vote on an expedited basis.

During President Clinton's tenure, 10 of his more than 30 Latino nominees, including Judge Rangel, Enrique Moreno, and Christine Arguello to the circuit courts, were delayed or blocked from receiving hearings or votes by the Republican leadership. Republicans delayed consideration of a well-qualified Hispanic nominee to the Ninth Circuit, Judge Richard Paez for over 1,500 days, and 39 Republicans voted against him. The confirmations of Latina circuit nominees Rosemary Barkett and Sonia Sotomayor were also delayed by Republicans. Judge Barkett was targeted for delay and defeat by Republicans based on claims about her judicial philosophy, but those efforts were not successful. After significant delays and an unsuccessful Republican filibuster, 36 Republicans voted against the confirmation of Judge Barkett. Additionally, Judge Sotomayor, who had received the ABA's highest rating and had been appointed to the district court by President George H.W. Bush, was targeted by Republicans for delay or defeat when she was nominated to the Second Circuit. She was eventually confirmed, although 29 Republicans voted against her.

The fact is that the Latino nominations that the Senate has received from this administration have been acted upon in an expeditious manner. They have overwhelmingly enjoyed bipartisan support. Under the Democratically led Senate, we swiftly granted hearings for and eventually confirmed Judge Christina Armijo of New Mexico, Judge Phillip Martinez and Randy Crane of Texas, Judge Jose Martinez of Florida, U.S. Magistrate Judge Alia Ludlum, and Judge Jose Linares of New Jersey to the district courts. This year, we also confirmed Judge James Otero of California, and we would have held his confirmation hearing last year if his ABA peer rating had been delivered to us in time for the scheduling of our last hearing. As I have noted, we also have recently confirmed Judge Cecilia Altonaga and Judge Edward Prado with unanimous Democratic support.

Judge Callahan's nomination was delayed on the Senate executive calendar unnecessarily in my view. I am pleased to see that at the urging of the Democratic leadership—the Republican majority has agreed to bring up this uncontroversial Latina nominee for a vote. I congratulate Judge Callahan and her family on her confirmation.

Mr. President, I thank both the majority leader and the distinguished Democratic leader for clearing this action. We have tried on this side of the aisle for some time to clear this nomination. I appreciate my friends on the Republican side lifting their hold. I support the nominee and yield back all time.

The PRESIDING OFFICER. All time is yielded back. The question is, will the Senate advise and consent to the nomination of Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 195 Ex.]

YEAS—99

Akaka	Craig	Jeffords
Alexander	Crapo	Johnson
Allard	Daschle	Kennedy
Allen	Dayton	Kohl
Baucus	DeWine	Kyl
Bayh	Dodd	Landrieu
Bennett	Dole	Lautenberg
Biden	Domenici	Leahy
Bingaman	Dorgan	Levin
Bond	Durbin	Lieberman
Boxer	Edwards	Lincoln
Breaux	Ensign	Lott
Brownback	Enzi	Lugar
Bunning	Feingold	McCain
Burns	Feinstein	McConnell
Byrd	Fitzgerald	Mikulski
Campbell	Frist	Miller
Cantwell	Graham (FL)	Murkowski
Carper	Graham (SC)	Murray
Chafee	Grassley	Nelson (FL)
Chambliss	Gregg	Nelson (NE)
Clinton	Hagel	Nickles
Cochran	Harkin	Pryor
Coleman	Hatch	Reed
Collins	Hollings	Reid
Conrad	Hutchison	Roberts
Cornyn	Inhofe	Rockefeller
Corzine	Inouye	Santorum

Sarbanes	Snowe	Talent
Schumer	Specter	Thomas
Sessions	Stabenow	Voinovich
Shelby	Stevens	Warner
Smith	Sununu	Wyden

NOT VOTING—1

Kerry

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Virginia.

UNANIMOUS CONSENT REQUEST—S. 392

Mr. WARNER. Mr. President, I have been working with the distinguished Democratic whip. There is a small matter that we wish to wrap up with a UC request.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, but no later than June 27, the Senate proceed to a bill introduced by Senators REID and DORGAN on the subject of concurrent receipts, the text of which is at the desk, S. 392. I further ask unanimous consent that no amendments be in order to the bill, and that there be 60 minutes equally divided for debate in the usual form. Finally, I ask unanimous consent that following the use or yielding back of that time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we just got a call from the cloakroom, so I withhold my UC request and yield to the Senator from Utah. He has one.

The PRESIDING OFFICER. The request is withheld.

The Senator from Utah.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I further ask unanimous consent that I be recognized to speak for up to 15 minutes, and that following my remarks, Senator BEN NELSON be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR FRIDAY, MAY 23, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m., Friday, May 23. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the conference report to accompany H.R. 2, the jobs and economic growth bill, as provided under the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, tomorrow the Senate will resume debate on the conference report to accompany H.R. 2, the jobs and economic growth bill. Under the previous order, the Senate will vote on the adoption of the conference report tomorrow morning at 9:30. The 9:30 a.m. vote on the conference report will be the first vote tomorrow.

Following the disposition of the conference report, the Senate will consider the debt limit extension legislation. Amendments to the measure are expected throughout the morning and therefore rollcall votes will occur throughout the afternoon. It is my hope that Members will show restraint in the number of amendments offered to the debt limit legislation, and we could thereby complete action on this necessary measure early tomorrow afternoon.

In addition, we will be considering in all likelihood the unemployment compensation initiative at some point tomorrow, most probably following the debt limit legislation.

I would alert Members at this time that tomorrow will be a very busy day, starting early in the morning with a number of rollcall votes expected throughout the day. I encourage Senators to make the necessary scheduling arrangements to accommodate the voting on these important issues.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:34 p.m., adjourned until Friday, May 23, 2003, 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 22, 2003:

THE JUDICIARY

BRIAN F. HOLEMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE MARY ELLEN ABRECHT, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) DUNCAN C. SMITH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) SALLY BRICE-O'HARA, 0000
REAR ADM. (LH) HARVEY E. JOHNSON, 0000
REAR ADM. (LH) DAVID W. KUNKEL, 0000
REAR ADM. (LH) DAVID B. PETERMAN, 0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DOUGLAS BURNETT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CRAIG S. FERGUSON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAN C. HULY, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. MICHAEL G. MULLEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES 1NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. EDMUND P. GIAMBASTIANI JR., 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN

THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

ALI ABDI, OF VIRGINIA
JUDE AKHIDENOR, OF VIRGINIA
DEANNA M. AYALA, OF THE DISTRICT OF COLUMBIA
KEVIN LATNER, OF CALIFORNIA
KEVIN L. SAGE-EL, OF MARYLAND
ERIC B. TRACHTENBERG, OF NEW YORK

DEPARTMENT OF STATE

HENRY A. LEIGHTON JR., OF CALIFORNIA
BRIAN GEORGE HEATH, OF NEW JERSEY

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

KIMBERLY L. SVEC, OF WASHINGTON

DEPARTMENT OF STATE

CLAY KRAUSS ADLER, OF CALIFORNIA
PATRICIA AGUILERA, OF TEXAS
ERIC CHARLES ANDERSON, OF ILLINOIS
DAVID R. ATKINSON, OF VIRGINIA
JOSEPH J. BEDESSEM, OF VIRGINIA
MIKAEL CLEVERLEY, OF CALIFORNIA
KIA JEANNINE COLEMAN, OF MARYLAND
CRAIG M. CONWAY, OF NEVADA
MICHELE J. DASTIN-VAN RIJN, OF MARYLAND
CYNTHIA A. EBEID, OF THE DISTRICT OF COLUMBIA
NICOLAS ANTOINE FETCHKO, OF VIRGINIA
DAVID L. FISHER, OF CALIFORNIA
STEPHEN THOMAS FRAHM, OF NEVADA
KENDRA L. GAITHER, OF VIRGINIA
RICHARD H. GLENN, OF NEW MEXICO
TOBIAS HENRY GLUCKSMAN, OF NEW YORK
JASON BAIRD GRUBB, OF VIRGINIA
KRISTIN R. GUSTAVSON, OF CALIFORNIA
HENRY R. HAGGARD, OF VIRGINIA
CRAIG L. HALL, OF FLORIDA
MORGAN C. HALL, OF CALIFORNIA
JULIA HARLAN, OF INDIANA
KRISTI DIANNE HOGAN, OF CALIFORNIA
DONNA LEIGH HOPKINS, OF TEXAS
MATTHEW EDWARD KEENE, OF PENNSYLVANIA
MARTIN T. KELLY, OF MARYLAND
ANTHONY J. KLEIBER, OF ILLINOIS
ERIC W. KNEEDLER, OF PENNSYLVANIA
NANCY W. LEOU, OF CALIFORNIA
VICTORIA C. MALZONE, OF MASSACHUSETTS
CHARLES K. MAY, OF WASHINGTON
DAVID MICHAEL MERON, OF FLORIDA
MITCHELL ROLAND MOSS, OF TEXAS
PERLITA W. MUIRURI, OF VIRGINIA
ROBERT JOHN PALLADINO JR., OF VIRGINIA
LISA JEAN PITTMAN, OF CALIFORNIA
WILLIAM WAYNE POPP, OF VIRGINIA
JONATHAN GOODALE PRATT, OF CALIFORNIA
MARY BRETT ROGERS, OF CALIFORNIA
RACHEL SCHOFER, OF PENNSYLVANIA
SUZANNE A. SHELDON, OF NEW HAMPSHIRE
IAN M. SHERIDAN, OF CALIFORNIA
SHELBY V.V. SMITH-WILSON, OF VIRGINIA
DAVID JONATHAN TESSLER, OF NEW YORK
ERIC WATNIK, OF CALIFORNIA
HANS F. WECHSEL, OF IDAHO
AMY MARIE WILSON, OF MASSACHUSETTS
CHARLES AUGUSTUS WINTERMEYER JR., OF WASHINGTON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

DARREL W.C. CHING, OF GEORGIA

DEPARTMENT OF STATE

ERNEST J. ABISELLAN, OF FLORIDA
PAUL S. AGUE, OF VIRGINIA
LAURA T. BARBORIAK, OF VIRGINIA
PAUL J. BARRY, OF VIRGINIA
WENDY LYNN BERG, OF VIRGINIA
ELLEN S. BIENSTOCK, OF PENNSYLVANIA
DAN BIERS, OF CALIFORNIA
BRIAN EDWARD BOLTON, OF VIRGINIA
TREVOR W. BOYD, OF NEW JERSEY
JOSEPH M. BOYLE, OF VIRGINIA
DANNA JULIE BRENNAN, OF THE DISTRICT OF COLUMBIA
TIMOTHY S. BRISCO, OF VIRGINIA
CHRISTOPHER CHARLES BROWN, OF WISCONSIN
LAWRENCE J. BURKHART, OF MARYLAND
DANNIE L. BUTLER, OF VIRGINIA
JEREMY D. CADDEL, OF TEXAS
SONIA L. CALCAGNO, OF VIRGINIA
JENNIFER A. CARA, OF VIRGINIA
ANTHONY P. CATINELLA, OF VIRGINIA
MICHAEL JUSTIN CHADWICK, OF VIRGINIA
LYRA S. CHIDONI, OF VIRGINIA
WILLIAM MONROE COLEMAN IV, OF NORTH CAROLINA
DEWITT CHARLES CONKLIN, OF FLORIDA
RENEE YNIGUEZ COTTON, OF FLORIDA
W. PATRICK CRAGUN, OF TEXAS
KEVIN CRISP, OF CALIFORNIA
ELIZABETH ANNE CULVER, OF VIRGINIA
JENNIFER J. DANOVER, OF MINNESOTA
JENNIFER LYNN DAVIS, OF NORTH CAROLINA
JESSICA LYNN DAVIS BA, OF THE DISTRICT OF COLUMBIA
RAMONA G. DUNN, OF VIRGINIA
MICHAEL B. ELIESON, OF TEXAS
KIERA LACEY EMMONS, OF CALIFORNIA
JEROME NORBERT EPPING JR., OF NEW MEXICO
ERIN M. EWART, OF VIRGINIA
MARY FISK-TELCHI, OF ARKANSAS
REBECCA A. FONG, OF CALIFORNIA
CHRISTOPHER T. FRIEFELD, OF VIRGINIA
THOMAS BARRY FULLERTON JR., OF THE DISTRICT OF COLUMBIA
JONATHAN GANNON, OF VIRGINIA
KATHERINE L. GILES, OF VIRGINIA
JEFFREY DAVID GRAHAM, OF THE DISTRICT OF COLUMBIA
CANDACE A. GRAVES, OF NORTH CAROLINA
MICHAEL W. GRAY, OF LOUISIANA
CATHERINE I. GULYAN, OF COLORADO
CHRISTOPHER J. GUNNING, OF TEXAS
DANIELLE ALISA HARMS, OF PENNSYLVANIA
SCOTT E. HARTMANN, OF THE DISTRICT OF COLUMBIA
CYNTHIA R. HARVEY, OF VIRGINIA
CHARLES V. HAWLEY, OF VIRGINIA
TODD MARTIN HAZELBARTH, OF VIRGINIA
NICHOLAS J. HEGARTY, OF NEW JERSEY
KEVAN HIGGINS, OF THE DISTRICT OF COLUMBIA
SHAROLYN HIGGINS, OF VIRGINIA
SARAH PRICE HORTON, OF FLORIDA
MARK HOUGAARD, OF VIRGINIA
WILLIAM B. HURD, OF THE DISTRICT OF COLUMBIA
MICHELE A. JAROSINSKI, OF VIRGINIA
DANIEL JEON, OF VIRGINIA
ANDREW JOHNSON, OF WASHINGTON
CATHERINE L. KEANE, OF THE DISTRICT OF COLUMBIA
ANDREW F. KERR, OF VIRGINIA
MARY-ELIZABETH KNAPP, OF NORTH CAROLINA
RYAN JOHN KOCH, OF COLORADO
KAWEEM MOHAMMAD KOSHAN, OF VIRGINIA
JOSEPH D. LACROSSE, OF VIRGINIA
MARSHA ANN LANCE, OF FLORIDA
JENNIFER LARSON, OF NEW HAMPSHIRE
CHRISTOPHER GEORGE LESLIE, OF VIRGINIA
VLAD LIPSCHUTZ, OF NEW YORK
BONNIE D. LONG, OF FLORIDA
DAVID A. LYON, OF VIRGINIA
ERNEST V. MALATO III, OF VIRGINIA
CATHERINE V. MARINIS, OF VIRGINIA
PETER H. MARTIN, OF THE DISTRICT OF COLUMBIA
JOHN TIMOTHY MAYS, OF NORTH CAROLINA
SHANNON TOVAN MCDANIEL, OF THE DISTRICT OF COLUMBIA
MATTHEW J. MILLER, OF WYOMING
WALTER R. MILLER, OF CONNECTICUT
ADAM B. MOBARIK, OF VIRGINIA
JOSEPH MOONE, OF VIRGINIA
DAVID WAYNE MOYER, OF MARYLAND
TERRY L. MURPHREE, OF MARYLAND
JAI L. NAIR, OF MARYLAND
SIRIANA KVALVIK NAIR, OF MARYLAND
KEISHA P. NEAMO, OF THE DISTRICT OF COLUMBIA
AARON C. OLSA, OF VIRGINIA
BRYAN OLTHOF, OF VIRGINIA
LESLIE T. ORDEMAN, OF NEW YORK
ANDRES PAZ, OF THE DISTRICT OF COLUMBIA
ROBERT P. PECK, OF FLORIDA
DEBORAH Y. PEDROSO, OF CALIFORNIA
MARY ANN PEFFER, OF VIRGINIA
MAURA VAUGHAN PELLET, OF NEVADA
AARON MICHAEL PERRINE, OF WASHINGTON
JENNIFER PETERSON, OF FLORIDA
RICHARD J. PETERSON, OF UTAH
JOSHUA WILEY POLACHECK, OF ARIZONA
ROBERT JASPER POPE, OF MINNESOTA
JENNIFER KATHLEEN PURL, OF CALIFORNIA
SARAH MORRIS RADT, OF VIRGINIA
MARION HEYNA RAM, OF CALIFORNIA
LARILYN L. REFFETT, OF ILLINOIS
CHERYL I. RICE, OF THE DISTRICT OF COLUMBIA
BRUCE O. RIEDEL, OF VIRGINIA
JASON B. RIEFF, OF THE DISTRICT OF COLUMBIA
SCOTT ASHTON ROBINSON, OF CALIFORNIA
RUSSELL C. ROBY, OF VIRGINIA
JENNIFER LEE ROQUE, OF MASSACHUSETTS
ADAM DOUGLAS ROSS, OF CONNECTICUT
ERIC A. SALZMAN, OF NEW MEXICO
BRIANA L.M. SAUNDERS, OF MINNESOTA
CAROLYN A. SCHERER, OF FLORIDA
TAMER SHARKAWY, OF VIRGINIA
MARILYN D. SIRI, OF VIRGINIA
DEMIAN SMITH, OF VIRGINIA
TIMOTHY G. SMITH, OF WASHINGTON
AARON DAVID SNIPE, OF NEW YORK
CHRISTOPHER KIRKLAND SNIPES, OF CALIFORNIA
STEVE J. SO, OF VIRGINIA
MARGARET A. SORENSON, OF VIRGINIA
DEREK SPEAKMON, OF THE DISTRICT OF COLUMBIA
MARK EMANUEL STROH, OF PENNSYLVANIA
SUZANNE M. SUMMERS, OF THE DISTRICT OF COLUMBIA
DOUGLAS MICHAEL SWIGERT, OF VIRGINIA
OSMAN N. TAT, OF MARYLAND
KATYA THOMAS, OF MARYLAND
PAUL STERLING THOMAS, OF COLORADO
KRISTIN L. WESTPHAL, OF NEW YORK
JOHN D. WILCOCK, OF CONNECTICUT
JAMES BENTON WILLIAMS, OF MARYLAND
CHRISTOPHER J. YOUNG, OF VIRGINIA
STACIE ZERDECKI, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBERS OF FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

VAN S. WUNDER III, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

LAWRENCE C. MANDEL, OF MASSACHUSETTS

CONFIRMATIONS

Executive nominations confirmed by the Senate May 22, 2003:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STEVEN B. NESMITH, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

NATIONAL INSTITUTE OF BUILDING SCIENCES

LANE CARSON, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2004.

JAMES BROADDUS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2004.

JOSE TERAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2005.

MORGAN EDWARDS, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2005.

EXECUTIVE OFFICE OF THE PRESIDENT

NICHOLAS GREGORY MANKIW, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF STATE

JEFFREY LUNSTEAD, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

JAMES B. FOLEY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

STEVEN A. BROWNING, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

HARRY K. THOMAS, JR., OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

RICHARD W. ERDMAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

MICHAEL B. ENZI, OF WYOMING, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PAUL SARBANES, OF MARYLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAMES SHINN, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CYNTHIA COSTA, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RALPH MARTINEZ, OF FLORIDA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

UNITED STATES SENTENCING COMMISSION

MICHAEL E. HOROWITZ, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2007.

RICARDO H. HINOJOSA, OF TEXAS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2007.

THE JUDICIARY

CONSUELO MARIA CALLAHAN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

DEPARTMENT OF JUSTICE

MARK MOKI HANOHANO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

L. SCOTT COOGLER, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.

Daily Digest

HIGHLIGHTS

Senate passed S. 1050, National Defense Authorization Act.

House committees ordered reported nine sundry measures.

The House agreed to the Conference Report on H.R. 2, Jobs and Growth Tax Relief Reconciliation Act.

The House passed H.R. 1588, National Defense Authorization for Fiscal Year 2004.

The House passed H.R. 2185, Unemployment Compensation Amendments of 2003.

Senate

Chamber Action

Routine Proceedings, pages S6891–S6946

Measures Introduced: Thirty-nine bills and two resolutions were introduced, as follows: S. 1103–1141, S.J. Res. 13, and S. Res. 153.

(See next issue.)

Measures Reported:

S. 579, to reauthorize the National Transportation Safety Board. (S. Rept. No. 108–53) **(See next issue.)**

S. Res. 92, designating September 17, 2003 as "Constitution Day". **(See next issue.)**

S. Res. 136, recognizing the 140th anniversary of the founding of the Brotherhood of Locomotive Engineers, and congratulating members and officers of the Brotherhood of Locomotive Engineers for the union's many achievements. **(See next issue.)**

S. Res. 145, designating June 2003, as "National Safety Month". **(See next issue.)**

S. 554, to allow media coverage of court proceedings. **(See next issue.)**

S. 858, to extend the Abraham Lincoln Bicentennial Commission. **(See next issue.)**

Measures Passed:

National Defense Authorization: By 98 yeas to 1 nay (Vote No. 194), Senate passed S. 1050, 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, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after taking action on the following amendments proposed thereto: **Pages S6892–S6918, S6919–41**

Adopted:

Warner (for Smith) Amendment No. 804, to authorize a land exchange, Naval and Marine Corps Reserve Center, Portland, Oregon. **Pages S6892–93**

Levin (for Sarbanes) Amendment No. 805, to provide for the conveyance of land at Fort Ritchie, Maryland. **Page S6893**

Warner (for Inhofe) Modified Amendment No. 707, to add an amount of Army RDT&E funding for human tissue engineering, and to provide offsets within the same authorization of appropriations. **Page S6893**

Reid (for Daschle/Johnson) Modified Amendment No. 791, to set aside an amount for reconstituting the B–1B bomber aircraft fleet of the Air Force. **Pages S6892, S6893–94**

Warner (for Santorum) Modified Amendment No. 787, to make available $2,000,000 for non-thermal imaging systems. **Pages S6894–95**

Levin (for Biden/Carper) Amendment No. 806, to increase by 30 personnel the personnel end strength of the Air National Guard of the United States as of September 30, 2004, to provide personnel to improve the information operations capability of the Air National Guard of the United States. **Page S6895**

Subsequently, the amendment was modified. **Pages S6920–21**

Warner (for Santorum) Modified Amendment No. 788, to make available, with an offset, $3,000,000 for operation and maintenance for the Army Reserve

for information operations for Land Forces Readiness—Information Operations Sustainment. **Page S6895**

Levin (for Bingaman) Amendment No. 807, to make available, with an offset, ($2,100,000) from amounts available for research, development, test, and evaluation for the Air Force for Major T&E Investment (PE 0604759F) for research and development on magnetic levitation technologies at the high speed test track at Holloman Air Force Base, New Mexico. **Page S6895**

Warner (for Santorum) Amendment No. 808, to make available, with an offset, $2,000,000 for other procurement for the Army for medical equipment for the procurement of rapid infusion (IV) pumps. **Page S6895**

Warner (for Graham (SC)) Modified Amendment No. 743, to set aside an increased amount for the Collaborative Information Warfare Network at the Critical Infrastructure Protection Center at the Space Warfare Systems Center. **Pages S6895–96**

Warner (for Lott/Lieberman) Modified Amendment No. 723, to set aside an amount of Navy RDT&E funding for the development and fabrication of composite sail test articles for incorporation into designs for future submarines. **Page S6896**

Warner (for Santorum) Amendment No. 809, to make available, with an offset, $2,000,000 for research, development, test, and evaluation for the Army for the development of Portable Mobile Emergency Broadband System (MEBS). **Page S6896**

Warner (for Domenici) Amendment No. 810, to provide, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Air Force for boron energy cell technology. **Page S6896**

Warner (for Cochran) Amendment No. 760, to set aside an amount for coproduction of the Arrow ballistic missile defense system. **Page S6896**

Levin (for Bingaman) Modified Amendment No. 790, to require a report assessing the effects of the repeal of the prohibition on the research and development of low-yield nuclear weapons. **Pages S6896–97**

Warner Amendment No. 811, to authorize the acceptance of guarantees with gifts for the development of the Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia. **Page S6897**

Levin (for Nelson (FL)) Amendment No. 737, to authorize certain travel and transportation allowances for dependents of members of the Armed Forces who have committed dependent abuse. **Page S6897**

Warner (for McCain) Amendment No. 812, to provide funds for certain emergency and morale communications programs. **Pages S6897–98**

Warner (for Hutchison) Amendment No. 813, to express the sense of the Senate that air carriers should provide special fares to members of the armed forces. **Page S6898**

Warner (for Chambliss) Amendment No. 814, to modify the program element of the short range air defense radar program of the Army. **Page S6898**

Levin (for Mikulski) Amendment No. 815, to provide additional duties for the DOD-VA Joint Executive Committee relating to integrated healing care practices for members of the Armed Forces and veterans. **Page S6898**

Warner (for Bennett) Amendment No. 816, to require a Department of Defense study of the adequacy of the beryllium industrial base. **Pages S6898–99**

Warner (for McCain) Amendment No. 817, to require a report on decisionmaking by the North Atlantic Treaty Organization. **Page S6899**

Levin (for Boxer) Amendment No. 818, to require a GAO report regarding the adequacy of special pays and allowances for service members who experience frequent deployments away from their permanent duty stations for periods less than 30 days. **Page S6899**

Warner Amendment No. 819, to set aside an amount for initiating a capability in historically Black colleges and universities to support the network centric operations of the Department of Defense. **Page S6899**

Warner (for Bunning) Modified Amendment No. 789, to express the sense of the Senate on the deployment of airborne chemical agent monitoring systems at the chemical stockpile disposal sites in the United States. **Pages S6899–S6900**

Warner (for Sessions) Amendment No. 820, to require a study of the military death gratuity and other death benefits provided for survivors of deceased members of the Armed Forces. **Page S6900**

Levin (for Landrieu) Amendment No. 821, to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program for fiscal year 2004, and to provide an offset. **Pages S6900–01, S6902**

Warner (for Bunning) Amendment No. 727, to authorize the use of multiyear procurement authority for the Navy for procurement of the Phalanx Close In Weapon System program, Block 1B. **Page S6901**

Warner Amendment No. 822, to provide an equitable offset for any fee charged the Department of Defense by the Department of State for maintenance, upgrade, or construction of United States diplomatic facilities. **Page S6901**

Levin (for Landrieu) Amendment No. 823, to provide for feasibility study of the conveyance of the Louisiana Army Ammunition Plant, Doyline, Louisiana. **Page S6901**

Levin (for Feinstein/Reid/Boxer) Amendment No. 824, to require the submittal of a survey on perchlorate contamination at Department of Defense sites. **Pages S6901–02**

Levin (for Dodd) Amendment No. 785, to strengthen the authority under section 852 to provide Federal support for the enhancement of the emergency response capabilities of State and local governments. **Page S6902**

By a unanimous vote 99 yeas (Vote No. 193), Warner/Boxer/Lautenberg Modified Amendment No. 826, to require the Department of Defense to fully comply with the Competition in Contracting Act for any contract awarded for reconstruction activities in Iraq. **Pages S6914–18**

Levin (for Kerry/Kennedy) Amendment No. 828, to authorize the transportation of dependents to the presence of members of the Armed Forces who are retired for illness or injury as a result of active duty. **Page S6921**

Warner (for Voinovich/DeWine) Amendment No. 829, to provide that requirements on coverage of the costs of instruction at the Naval Postgraduate School shall also apply with respect to costs of instruction at the Air Force Institute of Technology. **Page S6921**

Warner (for Hutchison) Amendment No. 830, to amend the section 351 funding authority to include authority for the funds to be used for making Impact Aid basic support payments to local educational agencies affected by the Brooks Air Force Base Demonstration Project, including amounts computed on the basis of Federal property that is converted non-Federal property. **Page S6921**

Warner (for Domenici) Amendment No. 831, to state the sense of the Senate on the reconsideration of the decision to terminate the border and seaport inspection duties of the National Guard as part of its drug interdiction and counter-drug mission. **Pages S6921–22**

Rejected:

By 48 yeas to 51 nays (Vote No. 192), Murray Amendment No. 691, to restore a previous policy regarding restrictions on use of Department of Defense medical facilities. **Pages S6892, S6902–12**

Withdrawn:

Boxer Amendment No. 825, to require a report relative to a sole-source contract for the reconstruction of the Iraqi oil industry. **Pages S6914–18, S6919**

Department of Defense Authorization: Senate passed S. 1047, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 1050, National Defense Authorization, as amended. **Page S6941**

Military Construction Authorization: Senate passed S. 1048, to authorize appropriations for fiscal year 2004 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1050, National Defense Authorization, as amended. **Page S6941**

Department of Energy Defense Activities Authorization: Senate passed S. 1049, to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 1050, National Defense Authorization, as amended. **Page S6941**

Idaho Judgeship: Senate passed S. 878, to authorize an additional permanent judgeship in the District of Idaho, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Anti-Semitic Violence Concern: Senate agreed to S. Con. Res. 7, expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences. **(See next issue.)**

Condemning Bigotry and Violence: Committee on the Judiciary was discharged from further consideration of S. Res. 133, condemning bigotry and violence against Arab Americans, Muslim, Americans, South-Asian Americans, and Sikh Americans, and the resolution was then agreed to. **(See next issue.)**

Designating Constitution Day: Senate agreed to S. Res. 92, designating September 17, 2003 as "Constitution Day". **(See next issue.)**

Designating National Safety Month: Senate agreed to S. Res. 145, designating June 2003, as "National Safety Month". **(See next issue.)**

Parental Notification Act Agreement: A unanimous-consent agreement was reached providing that, at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate proceed to S. 1104, to amend title 10, United States Code, to provide for parental involvement in abortions of dependent children of members of the Armed Forces, that immediately upon the reporting of the bill, the Majority Leader or his designee be recognized to file a motion to close further debate on the bill; that there be 60 minutes, for debate only, equally divided between Senators Brownback and Murray, and that following debate time, and notwithstanding the provisions of Rule 22, Senate proceed to vote on the motion to close further debate; that if cloture is not invoked, the bill be placed on the Calendar; if cloture is invoked, it be

in order to file first-degree amendments until the vote, and second-degree amendments up to three hours after the vote. **(See next issue.)**

Enrollment Correction: Senate concurred in the amendment of the House to S. Con. Res. 46, to correct the enrollment of H.R. 1298. **Pages S6918–19**

Reconciliation—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the conference report on H.R.2 , to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004, at 8:30 a.m., on Friday, May 23, 2003, with a vote on adoption of the conference report to occur at 9:30 a.m. **Page S6945**

Debt Limit Extension Agreement: A unanimous-consent agreement was reached providing that following the vote on the conference report on H.R. 2 (listed above), Senate will begin consideration of H.J. Res. 51, increasing the statutory limit on the public debt. **(See next issue.)**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to the International Emergency Act and the National Emergencies Act, a report that declares a national emergency to deal with the unusual and extraordinary threat posed to the national security and foreign policy of the United States by the threat of attachment or other judicial process against the Development Fund for Iraq, Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein; to the Committee on Banking, Housing, and Urban Affairs. (PM–36) **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 99 yeas (Vote No. 195), Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit.

Pages S6942–45, S6946

Michael B. Enzi, of Wyoming, to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

Paul Sarbanes, of Maryland, to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

James Shinn, of New Jersey, to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

Cynthia Costa, of South Carolina, to be an Alternate Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

Ralph Martinez, of Florida, to be an Alternate Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

Mark Moki Hanohano, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Michael E. Horowitz, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2007.

Ricardo H. Hinojosa, of Texas, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2007.

Jeffrey Lunstead, of the District of Columbia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives.

James B. Foley, of New York, to be Ambassador to the Republic of Haiti.

L. Scott Coogler, of Alabama, to be United States District Judge for the Northern District of Alabama.

Steven A. Browning, of Texas, to be Ambassador to the Republic of Malawi.

Steven B. Nesmith, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development.

Lane Carson, of Louisiana, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2004.

James Broaddus, of Texas, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2004.

Jose Teran, of Florida, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2005.

Nicholas Gregory Mankiw, of Massachusetts, to be a Member of the Council of Economic Advisers.

Harry K. Thomas, Jr., of New York, to be Ambassador to the People's Republic of Bangladesh.

Morgan Edwards, of North Carolina, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2005.

Richard W. Erdman, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria. **Page S6946**

Nominations Received: Senate received the following nominations:

Brian F. Holeman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

2 Air Force nominations in the rank of general.

5 Coast Guard nominations in the rank of admiral.

1 Marine Corps nomination in the rank of general.

2 Navy nominations in the rank of admiral.

A routine list in the Foreign Service.

Pages S6945–46

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Read First Time: **(See next issue.)**

Enrolled Bills Presented: **(See next issue.)**

Executive Communications: **(See next issue.)**

Petitions and Memorials: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Statements on Introduced Bills/Resolutions: **(See next issue.)**

Additional Statements: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Notices of Hearings/Meetings: **(See next issue.)**

Authority for Committees to Meet: **(See next issue.)**

Privilege of the Floor: **(See next issue.)**

Record Votes: Four record votes were taken today. (Total—195) **Pages S6911, S6920, S6941, S6944–45**

Adjournment: Senate met at 9:30 a.m., and adjourned at 10:34 p.m., until 8:30 a.m., on Friday, May 23, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6945.)

Committee Meetings

(Committees not listed did not meet)

STEM CELL RESEARCH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies concluded hearings to examine federal funding for human embryonic stem cell research, focusing on increasing the availability of stem cell lines for federal research, training scientists for technically-challenging cells, and basic pre-clinical research relative to the treatment of injuries and diseases, after receiving testimony from Elias Zerhouni, Director, and James Battey, Director, National Institute on Deafness and Other Communication Disorders, and Ronald McKay, Senior Investigator, National Institute of Neurological Disorders and Stroke, both of the National Institutes of Health, all of the Department of Health and Human Services; John A. Kessler, Northwestern University's Feinberg School of Medicine, Evanston, Illinois; James Cordy, Pittsburgh, Pennsylvania, on behalf of the Coalition for the Advancement of Medical Research; and Roy Ogle, University of Virginia Medical School, Charlottesville.

APPROPRIATIONS: AGRICULTURE/FDA

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies concluded hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Agriculture and the Food and Drug Administration, Department of Health and Human Services, after receiving testimony from Eric M. Bost, Under Secretary for Food, Nutrition, and Consumer Services, Elsa A. Murano, Under Secretary for Food Safety, and William T. Hawks, Under Secretary for Marketing and Regulatory Programs, all of the Department of Agriculture; and Mark B. McClellan, Commissioner of Food and Drugs, Department of Health and Human Services.

APPROPRIATIONS: DOE

Committee on Appropriations: Subcommittee on Interior concluded hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Energy, after receiving testimony from Spencer Abraham, Secretary of Energy.

APPROPRIATIONS: HIGHWAY SAFETY INITIATIVES

Committee on Appropriations: Subcommittee on Transportation, Treasury and General Government concluded hearings to examine proposed budget estimates for fiscal year 2004 for highway safety initiatives, focusing on developing a plan to research and enact effective data-driven programs to reduce the number of highway fatalities, after receiving testimony from Jeffrey Runge, Administrator, National Highway Traffic Safety Administration, Annette M. Sandberg, Acting Administrator, Federal Motor Carrier Safety Administration, both of the Department of Transportation; Wendy Hamilton, Mothers Against Drunk Driving, Irving, Texas; and Chuck Hurley, National Safety Council, Itasca, Illinois.

U.S. ECONOMY

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine issues relating to the U.S. economy, focusing on increasing investments in the equity markets, after receiving testimony from Peter R. Fisher, Under Secretary of the Treasury for Domestic Finance; Wayne D. Angell, Angell Economics, Arlington, Virginia;

James W. Stuckert, J.J.B. Hilliard and W.L. Lyons Incorporated, Louisville, Kentucky; and Mark Zandi, Economy.com, West Chester, Pennsylvania.

MEDIA OWNERSHIP

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine media ownership, focusing on localism, diversity, and competition in broadcast television, and the Federal Communication Commission's ban on newspaper/broadcast cross-ownership, after receiving testimony from Senator Allard; Rupert Murdoch, News Corporation, Gene Kimmelman, Consumers Union, on behalf of Consumers Union and the Consumer Federation of America, and Kent W. Mikkelsen, Economists Incorporated, all of Washington, D.C.; and Thomas Fontana, Fontana-Levinson Company, New York, New York, on behalf of the Writers Guild of America, East and the Caucus for Television Producers, Writers and Directors, and the American Federation of Television and Radio Artists.

EMERGENCY COMMUNICATIONS AND COMPETITION ACT

Committee on Commerce, Science, and Transportation: Subcommittee on Communications concluded hearings to examine S. 564, to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and issues relating to providing wireless broadband in rural areas, after receiving testimony from Antoinette Cook Bush, Northpoint Technology, Ltd., and Thomas W. Hazlett, Manhattan Institute for Policy Research, both of Washington, D.C.; Andrew S. Wright, Satellite Broadcasting and Communications Association, Alexandria, Virginia; Harold Kirkpatrick, MDS America, Stuart, Florida; and Larry Roadman, Margaretville Telephone Company Incorporated, New York.

SAFETEA

Committee on Commerce, Science, and Transportation: Subcommittee on Competition, Foreign Commerce and Infrastructure concluded hearings to examine S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, (also known as SAFETEA (Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003)), after receiving testimony from Jeffrey W. Runge, Administrator, National Highway Traffic Safety Administration, Department of Transportation; Peter Guerrero, Physical Infrastructure Team, General Accounting Office; Jacqueline S. Gillan, Advocates for Highway and Auto Safety, Robert Strassberger, Alliance of Automobile Manufacturers, and Richard Berman, American Beverage Licensees/American Beverage Institute, all of Washington, D.C.; Wendy J. Hamilton, Mothers Against Drunk Driving, Irving, Texas; and Kathryn Swanson, Minnesota Office of Traffic Safety, St. Paul, on behalf of the Governors Highway Safety Association.

IRAQ

Committee on Foreign Relations: Committee held hearings to examine Iraq stabilization and reconstruction, focusing on U.S. policy and plans, security, the political situation, the international community, the Coalition and the United Nations, military organization, troop strength, and rules of engagement, receiving testimony from Paul Wolfowitz, Deputy Secretary of Defense; and General Peter Pace, Vice Chairman, Joint Chiefs of Staff.

Hearings continue on Wednesday, June 4, 2003.

INDIAN TELECOMMUNICATIONS

Committee on Indian Affairs: Committee concluded hearings to examine the status of telecommunications in Indian Country, focusing on establishing telecommunication infrastructures in tribal communities, after receiving testimony from K. Dane Snowden, Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission; Hilda Gay Legg, Administrator, Rural Utilities Service, Rural Development, Department of Agriculture; Kelly Klegar Levy, Associate Administrator, Office of Policy Analysis and Development, National Telecommunications and Information Administration, Department of Commerce; Kade L. Twist, Kade L. Twist Consulting, Tempe, Arizona; Roanne Robinson Shaddox, Privacy Council, Incorporated, Washington, D.C., and Marcia Warren Edelman, Reston, Virginia, both of the Native Networking Policy Center; Richard P. Narcia, Gila River Indian Community, Sacaton, Arizona; Nora McDowell, Fort Mojave Tribe, Needles, California; Madonna Peltier Yawaki, Turtle Island Communications, Fort Yates, North Dakota; Gerald Monette, Turtle Mountain Community College, Belcourt, North Dakota, on behalf of the American Indian Higher Education Consortium; Valerie Fast-Horse, Couer d'Alene Tribe of Idaho, Plummer, on behalf of the Affiliated Tribes of Northwest Indians; Denis Turner, Southern California Tribal Chairmen's Association, Valley Center, California; Cora Whiting-Hildebrand, Oglala Lakota Sioux Tribe, Pine Ridge, South Dakota; Gene Dejordy, Western Wireless Corporation, Bellevue, Washington; Mike Strand, Montana Independent Telecommunications Systems, Helena; and Ben H. Standifer, Jr., Tohono O'odham Nation, Sells, Arizona.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 554, to allow media coverage of court proceedings;

S. 1023, to increase the annual salaries of justices and judges of the United States, with amendments;

S. 858, to extend the Abraham Lincoln Bicentennial Commission;

S. Res. 136, recognizing the 140th anniversary of the founding of the Brotherhood of Locomotive Engineers, and congratulating members and officers of the Brotherhood of Locomotive Engineers for the union's many achievements;

S. Res. 92, designating September 17, 2003 as "Constitution Day";

S. Res. 145, designating June 2003, as "National Safety Month"; and

The nominations of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, and Robert D. McCallum, Jr., of Georgia, to be Associate Attorney General, and Peter D. Keisler, of Maryland, to be an Assistant Attorney General, both of the Department of Justice.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings to examine the nominations of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit, who was introduced by Senators Schumer and Clinton, and Representative Reynolds; J. Ronnie Greer, to be United States District Judge for the Eastern District of Tennessee, who was introduced by Senators Frist and Alexander, Thomas M. Hardiman, to be United States District Judge for the Western District of Pennsylvania, who was introduced by Senators Specter and Santorum, Mark R. Kravitz, to be United States District Judge for the District of Connecticut, who was introduced by Senator Dodd, and John A. Woodcock, Jr., to be United States District Judge for the District of Maine, who was introduced by Senators Snowe and Collins, after each nominee testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Measures Introduced: There were no measures introduced today.

Reports Filed: Reports were filed today as follows:

H.R. 1086, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards (H. Rept. 108–125);

(See next issue.)

Conference report on H.R. 2, to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004 (H. Rept. 108–126);

H.R. 1119, to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector (H. Rept. 108–127);

H.R. 238, to provide for Federal energy research, development, demonstration, and commercial application activities, amended (H. Rept. 108–128, Part 1); and

H. Res. 253, waiving points of order against the conference report on H.R. 2, to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004 (H. Rept. 108–129). **(See next issue.)**

Jobs and Growth Tax Relief Reconciliation Act: The House disagreed to the Senate amendment to H.R. 2, to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004, and agreed to a conference. Appointed as conferees: Chairman Thomas and Representatives DeLay, and Rangel. **Pages H4534–42**

Agreed to the Stenholm motion that instructs conferees to (1) include in the conference report the fiscal relief provided to States by section 371 of the Senate amendment, and (2) to the maximum extent possible within the scope of conference agree to a conference report that will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit. **Pages H4534–42**

Same Day Consideration Jobs and Growth Tax Relief Reconciliation Act Conference Report: The House agreed to H. Res. 249, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules by recorded vote of 218 ayes to 202 noes, Roll No. 212; and agreed to order the previous question by yea-and-nay vote of 221 yeas to 202 nays, Roll No. 211. **Pages H4558–64**

Agreeing to the Jobs and Growth Tax Relief Reconciliation Act Conference Report: The House agreed to the conference report on H.R. 2, to provide for reconciliation pursuant to section 201 of the

concurrent resolution on the budget for fiscal year 2004 by yea-and-nay vote of 231 yeas to 200 nays, Roll No. 225. **(See next issue.)**

Agreed to H. Res. 253, the rule waiving points of order against the conference report by voice vote and agreed to order the previous question by yea-and-nay vote of 221 yeas to 205 nays, Roll No. 224. **(See next issue.)**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Veterans' Compensation Cost-of-Living Adjustment: Debated on May 20, H.R. 1683, to increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans (agreed to by 2/3 yea-and-nay vote of 426 yeas with none voting ''nay'', Roll No. 209); and **Pages H4556–57**

Selected Reserve Home Loan Equity Act: Debated on May 20, H.R. 1257, to amend title 38, United States Code, to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans (agreed to by 2/3 yea-and-nay vote of 428 yeas with none voting ''nay'', Roll No. 210). **Page H4557**

National Defense Authorization for Fiscal Year 2004: The House passed H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2004 by recorded vote of 361 ayes to 68 noes, Roll No. 221. Agreed to amend the title 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.'' The bill was also considered on May 21. **Pages H4571–83 (continued next issue)**

Rejected the Cooper motion to recommit the bill to the Committee on Armed Services with instructions to report it back forthwith with amendments that establish an Employee Bill of Rights by recorded vote of 204 ayes to 224 noes, Roll No. 220. **(See next issue.)**

Agreed To:

Goss amendment No. 6 printed in H. Rept. 108–120 and debated on May 21 that requires a report from the Secretary of Defense on appropriate steps that can be taken in response to foreign governments who initiate legal actions against current or former officials of the United States or members of the Armed Forces relating to the performance of their official duties (agreed to by recorded vote of 412 ayes to 11noes, Roll No. 217); **Pages H4572–73**

Saxton amendment No. 8 printed in H. Rept. 108–120 and debated on May 21 that repeals the statutory requirement that the United States defense attache to France must hold, or be on the promotion list, the grade of brigadier general or rear admiral, lower half (agreed to by recorded vote of 302 ayes to 123 noes, Roll No. 218); **Pages H4573–74**

Hunter en bloc amendment consisting of amendments printed in H. Rept. 108–122 and numbered 1, that grants the Secretary of Education waiver authority to provide student loan relief to those affected by military mobilization; No. 2, includes health agencies as recipients to the DOD Excess Personal Property Disposal Program; No. 3, encourages the Navy to resume regular port visits to Haifa, Israel by the Sixth Fleet; No. 5, establishes a pilot program to improve the use of Air Force Reserve and Air National Guard Modular Airborne Fire-Fighting Systems to fight wildfires; No. 7, strikes the repeal of reporting requirement regarding foreign military training programs abroad;

No. 8, directs study on the use of small, minority-owned and women-owned businesses in the efforts to rebuild Iraq; No. 10, encourages the maintenance of functions and missions of the Army Peacekeeping Institute; No. 11, as modified, establishes the Nuclear Security Initiative with respect to the Russian Federation and other independent states of the former Soviet Union; No. 12, requires support to Iraqi children who were injured during Operation Iraqi Freedom; No. 13, authorizes imminent danger pay to military service members responding to terrorist attacks on the United States; No. 14, allows existing vessels to be documented under United States flag providing that certain telecommunications and electronic standards are met;

No. 15, provides an additional $100 million to the fourth Stryker brigade; No. 16, requires a review of the effects of disqualification factors on the granting of security clearances; No. 17, expands the scope of industrial base assessment to include the business rationale for transferring work overseas; No. 18, directs the examination of the costs and benefits of purchasing all ex-Soviet weaponsgrade uranium and plutonium and safeguarding it from theft; No. 19, requires a study on the effects of perchlorate in drinking water on human beings; No. 20, requires a report on the military construction requirements necessary to support homeland defense missions;

No. 21, as modified, provides for the identification of all contractors and subcontractors that use machine tools in carrying out any defense contract in an amount that is $5 million or greater; No. 22, specifies that DOD shall not consider the provisions of trade agreements when the application of the Buy American Act is inconsistent with the public interest; No. 23, directs DOD to assist with the United States Air and Trade Show; No. 24, allows for roads used for public access to be available after military installations are closed or placed in an inactive status; No. 25, requires purchases subject to the Buy American Act to be at least 65 percent domestic content instead of 50 percent;

No. 26, urges the demolition of the Tacony Warehouse in Philadelphia, Pennsylvania; No. 27, clarifies that the domestic source limitation in section 821 applies only to pre-formed retort packaging in direct contact with main entree meals; No. 28, makes permanent a demonstration project in Monterey, California that allows a contract for municipal services; No. 29, authorizes the Navy to convey land at the Puget Sound Naval Shipyard to the city of Bremerton, Washington; and No. 30, transfers certain vessels from the Maritime Administration to the Beauchamp Tower Corporation for use as moored support ships and as memorials to the Fulton and Victory-class ships;.

Pages H4574–83 (continued next issue)

Tom Davis of Virginia amendment No. 3 printed in H. Rept. 108–122 that establishes the Human Capital Performance Fund to be administered by OPM; and **(See next issue.)**

Hastings of Florida amendment No. 9 printed in H. Rept. 108–122 that strikes the repeal of Title 10 reporting requirements on the President's objectives when forces are deployed, costs of military humanitarian assistance; and the management of the civilian workforce.

Rejected:

Loretta Sanchez amendment No. 3 printed in H. Rept. 108–120 and debated on May 21 that sought to permit abortions at DOD facilities outside of the United States (rejected by recorded vote of 201 ayes to 227 noes, Roll No. 215); **Pages H4571–72**

Tauscher amendment No. 4 printed in H. Rept. 108–120 and debated on May 21 that sought to transfer Robust Nuclear Earth Penetrator program funding of $15 million and advanced concepts initiative activities funding of $6 million to conventional programs to defeat hardened and deeply buried targets (rejected by recorded vote of 199 ayes to 226 noes, Roll No. 216); and **Page H4572**

Dreier amendment No. 6 printed in H. Rept. 108–122 that sought to repeal the Million Theoretical Operations Per Second (MTOPS) based method for controlling computer exports 120 days after enactment (rejected by recorded vote of 207 ayes to 217 noes, Roll No. 219). **(See next issue.)**

The Clerk was authorized to make corrections and conforming changes in the engrossment of the bill. **(See next issue.)**

The House agreed to H. Res. 247, the rule that provided for further consideration of the bill by recorded vote of 222 ayes to 199 noes with 2 voting "present", Roll No. 208; and agreed to order the previous question by yea-and-nay vote of 224 yeas to 198 nays with 1 voting "present," Roll No. 207. On May 21, the House agreed to H. Res. 245, the first rule that provided for consideration of the bill.

Pages H4542–56

Unemployment Compensation Amendments of 2003: The House passed H.R. 2185, to extend the Temporary Extended Unemployment Compensation Act of 2002 by recorded vote of 409 ayes to 19 noes, Roll No. 223. **(See next issue.)**

Rejected the Cardin motion to recommit the bill to the Committee on Ways and Means with instructions that the Committee report the same back to the House forthwith with the following amendment that sought to extend temporary extended unemployment compensation by yea-and-nay vote of 205 yeas to 222 nays, Roll No. 222. **(See next issue.)**

Earlier, the House agreed to H. Res. 248, the rule that provided for consideration of the bill by recorded vote of 216 ayes to 201 noes, Roll No. 214; and agreed to order the previous question by yea-and-nay vote of 217 yeas to 203 nays, Roll No. 213.

Pages H4564–71

Memorial Day District Work Period: The House agreed to H. Con. Res. 191, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate by yea-and-nay vote of 213 yeas to 195 nays, Roll No. 226. **(See next issue.)**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 4. **(See next issue.)**

Pending Concurrence of the Senate in Adjournment Resolution: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Tuesday, May 27, 2003 unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 191, in which case the House shall stand adjourned pursuant to that concurrent resolution. **(See next issue.)**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Tom Davis of Virginia or, if not available to perform this duty, Representative Pence to act as Speaker pro

tempore to sign enrolled bills and joint resolutions through Monday, June 2. **(See next issue.)**

Presidential Message—National Emergency re Development Fund for Iraq: Read a message from the President wherein he announced that he has exercised his authority to declare a national emergency to deal with the unusual threat posed to the national security by the threat of attachment or other judicial process against the Development Fund for Iraq—referred to the Committee on International Relations and ordered printed (H. Doc. 108–76). **(See next issue.)**

Recess: The House recessed at 9:21 p.m. and reconvened at 10:39 p.m. **(See next issue.)**

Senate Messages: Messages received from the Senate today appear on page H4531.

Referral: S. 515 was referred to the Committee on Energy and Commerce. **(See next issue.)**

Quorum Calls—Votes: Nine yea-and-nay votes and eleven recorded votes developed during the proceedings of the House today and appear on pages H4555, H4556, H4556–57, H4557, H4562–63, H4563, H4570, H4570–71, H4571–72, H4572, H4573, H4573–74 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 2:17 a.m. on Friday, May 23, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Tuesday, May 27, 2003 unless it sooner has received a message from the Senate transmitting its adoption of H. Con. Res. 191, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Committee Meetings

CROP INSURANCE INDUSTRY—FINANCIAL STATUS

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to review the financial status of the Crop Insurance industry. Testimony was heard from the following officials of the USDA: Ross J. Davidson, Administrator, Risk Management Agency; and Keith Collins, Chief Economist; and public witnesses.

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies held a hearing on Impact of Chinese Imports on U.S. Companies. Testimony was heard from Peter F. Allgeier, Deputy U.S. Trade Representative; Grant D. Aldonas, Under Secretary, International Trade, International Trade Administration, Department of Commerce; Douglas M. Browning, Deputy Commissioner, Customs and Border Protection, Department of Homeland Security; and public witnesses.

NIH—DECODING FEDERAL INVESTMENT IN GENOMIC RESEARCH

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''National Institutes of Health: Decoding our Federal Investment in Genomic Research.'' Testimony was heard from the following officials of the Department of Health and Human Services: Francis Collins, M.D., Director, National Human Genome Research Institute, NIH; and Muin J. Khoury, M.D., Director, Office of Genomics and Disease Prevention, Centers for Disease Control and Prevention; and Aristides Patrinos, Director, Office of Biological and Environmental Research, Department of Energy; and public witnesses.

HEDGE FUNDS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''The Long and Short of Hedge Funds: Effects of Strategies for Managing Market Risk.'' Testimony was heard from William H. Donaldson, Chairman, SEC; and public witnesses.

SECTION 8 HOUSING ASSISTANCE PROGRAM

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled ''The Section 8 Housing Assistance Program: Promoting Decent Affordable Housing for Families and Individuals who Rent.'' Testimony was heard from Michael Liu, Assistant Secretary, Public and Indian Housing, Department of Housing and Urban Development.

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported the following measures: H.R. 2122, amended, Project BioShield Act of 2003; H.R. 2087, amended, Bob Hope American Patriot Award Act of 2003; H. Con. Res. 162, honoring the city of Dayton, Ohio, and its many partners, for hosting ''Inventing Flight: The Centennial Celebration,'' a celebration of the centennial of Wilbur and Orville Wright's first flight; H.R. 1465, to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''; H.R. 1610, to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline,

the occasion of the death of Irma Rangel; H. Res. 195, congratulating Sammy Sosa of the Chicago Cubs for hitting 500 major league home runs; and H.R. 2030, to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building.''

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION

Committee on Government Reform: Held a hearing on H.R. 2086, Office of National Drug Control Policy Reauthorization Act of 2003. Testimony was heard from John P. Walters, Director, Office of National Drug Control Policy.

INTERNET TAX NONDISCRIMINATION ACT; BANKRUPTCY JUDGESHIP ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action, as amended, H.R. 49, Internet Tax Nondiscrimination Act.

The Subcommittee also held a hearing on H.R. 1428, Bankruptcy Judgeship Act of 2003. Testimony was heard from Michael J. Melloy, U.S. Circuit Judge, Court of Appeals of the Eight Circuit; Paul Mannes, U.S. Bankruptcy Judge for the District of Maryland; William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, GAO; and a public witness.

U.S. PATENT AND TRADEMARK FEE MODERNIZATION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property approved for full Committee action, as amended, H.R. 1561, United States Patent and Trademark Fee Modernization Act of 2003.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the following measures: H.R. 2048, International Fisheries Reauthorization Act of 2003; and H. Res. 30, concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico. Testimony was heard from Ambassador Mary Beth West, Deputy Assistant Secretary, Oceans and Fisheries, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State; William T. Hogarth, Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce; and Marshall P. Jones, Jr., Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 1598, Irvine Basin Surface and Groundwater Improvement Act of 2003; and H.R. 1732, Williamson County Water Recycling Act of 2003. Testimony was heard from Representatives Carter and Edwards; Mark Limbaugh, Director, External and Intergovernmental Affairs, Bureau of Reclamation. Department of the Interior; and public witnesses.

CONFERENCE REPORT—JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on H.R. 2, Jobs and Growth Tax Relief Reconciliation Act of 2003, and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides that the previous question shall be considered as ordered on the conference report to final adoption without intervening motion except one motion to recommit. Finally, the rule provides that the yeas and nays shall be considered as ordered on the question of adoption of the conference report and that clause 5(b) of rule XXI (requiring a three-fifths vote on any measure containing a federal income tax rate increase) shall not apply to the conference report.

PREMIER CERTIFIED LENDERS PROGRAM IMPROVEMENT ACT

Committee on Small Business: Ordered reported, as amended, H.R. 923, Premier Certified Lenders Program Improvement Act.

COAST GUARD AND MARITIME TRANSPORTATION ACT

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on the Coast Guard and Maritime Transportation Act of 2003. Testimony was heard from Adm. Thomas H. Collins, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security.

WATER: IS IT THE ''OIL'' OF THE 21ST CENTURY?

Committee on Transportation and infrastructure: Subcommittee on Water Resources and Environment held a hearing on Water: Is it the ''Oil'' of the 21st Century? Testimony was heard from public witnesses.

Hearings continue June 4.

VA—LONG-TERM CARE PROGRAMS

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on long-term care programs in the Department of Veterans Affairs. Testimony was heard from Cynthia A. Bascetta, Director, Veterans' Health and Benefits Issues, GAO; and Robert H. Roswell, M.D., Under Secretary, Health, Department of Veterans Affairs.

FBI NATIONAL SECURITY PROGRAMS BUDGET

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on the FBI National Security Programs Budget. Testimony was heard from departmental witnesses.

BRIEFING GLOBAL INTELLIGENCE UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to hold a briefing on Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

PROGRESS REPORT ON DEPARTMENT OF HOMELAND SECURITY

Select Committee on Homeland Security: Concluded hearings entitled ''How is America Safer? A Progress Report on the Department of Homeland Security.'' Testimony was heard from Tom Ridge, Secretary of Homeland Security.

Joint Meetings

KEEPING CHILDREN AND FAMILIES SAFE ACT

Conferees: agreed to file a conference report on the differences between the Senate and House passed versions of S. 342, to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act.

JOBS AND GROWTH RECONCILIATION TAX ACT

Conferees: agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2, to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

COMMITTEE MEETINGS FOR FRIDAY, MAY 23, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold closed hearings to examine current United States policy and military operations in Afghanistan and Iraq, 9:30 a.m., S–407, Capitol.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

8:30 a.m., Friday, May 23

Senate Chamber

Program for Friday: Senate will consider the Conference Report on H.R. 2, Jobs and Growth Reconciliation Tax Act, with a vote on adoption of the Conference Report to occur at 9:30 a.m.; following which, Senate will consider H.J. Res. 51, Debt Limit Extension. Also, Senate expects to consider the Unemployment Compensation Bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, June 2

House Chamber

Program for Monday: To be announced.

(Senate and House proceedings for today will be continued in the next issue of the Record.)

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