Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
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
Flake
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
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
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
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
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—9

Berkley
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1322

Mr. YOUNG of Alaska and Mrs. WILSON of New Mexico changed their vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. NORTHUP. Mr. Speaker, earlier today on rollcall vote No. 370, I intended to vote ''nay.'' I would like the RECORD to reflect that I was opposed to the DeLauro motion to instruct conferees. I inadvertently cast a vote in favor of the motion and reiterate my opposition to this effort.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. BUYER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. HUNTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1588) 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

Mr. SKELTON. Mr. Speaker, reserving the right to object, I yield to the gentleman from California for the purpose of explaining this request.

Mr. HUNTER. Mr. Speaker, I thank the distinguished gentleman from Missouri for yielding.

This unanimous-consent request allows the House and Senate Armed Services Committees to formally begin conference.

Mr. SKELTON. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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. SPRATT

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

The Clerk read as follows:

Mr. SPRATT 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. 1588 be instructed to insist upon the provisions contained in section 3111 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from California (Mr. HUNTER) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

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

I offer this motion simply to ask the House to stand by a bipartisan compromise that we struck last May in marking up the defense authorization bill, the bill we are now sending formally to conference which deals with the development of low-yield nuclear weapons.

Members of the House may have read, they may have heard that the Bush administration is pushing to repeal the so-called ban on low-level nuclear weapons research. They disavow any intention of building such weapons, but they at least seek the flexibility to conduct research in that realm. Let me tell everybody, they basically won that argument. Both the House and the Senate defense authorization bills propose changes to current law that allow the flexibility of research into low-yield nuclear weapons.

The administration said this was a problem, the Department of Energy said it was a problem, existing law, so we have changed it. We have addressed the problem. I was an author of the so-called Spratt-Furse amendment in 1993. I believe that the language of that amendment as it now stands as amended in the committee mark is sensible and a fair compromise. That is what I am asking the House to do, to stand behind it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the ranking member on our committee.

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

While there are many reasons to support this motion, let me say that one key reason for supporting it is that the provisions contained in section 3111 of the House bill are largely the same legislation adopted by this body in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 which, of course, was last year's defense bill.

The House adopted that legislation after considerable and very careful deliberations and on a bipartisan basis led by the gentleman from South Carolina. We authorized research but retained the prohibition on development activities that could lead to the production of a destabilizing and unnecessary new low-yield nuclear weapon. We also described permissible activities necessary to address the safety and reliability of those issues.

Mr. Speaker, being a student of history, the war in Iraq and Desert Storm some 12 years ago now have taught us that stealth technology, standoff capability and precision munitions are the key to future warfare. New conventional technologies have changed the way we fight and, if anything, will

allow us to become less reliant on low-yield tactical nuclear weapons.

The House position on low-yield nuclear weapons makes sense. I urge my colleagues to support the motion to instruct conferees.

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

Mr. Speaker, this provision which is in the House-passed bill is a provision that was agreed to by the vice-chairman of the committee, the gentleman from Pennsylvania (Mr. WELDON), and the gentleman from South Carolina (Mr. SPRATT) last year. It was restated this year. It is the House position going into conference. For that reason, we are certainly not going to urge anybody to vote against it.

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

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES), the ranking member on the Subcommittee on Strategic Forces.

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

Mr. Speaker, I rise in strong support of the motion to instruct conferees offered by my friend and colleague, the gentleman from South Carolina.

Earlier this year, the administration proposed a complete repeal of a law that has been on the books for over a decade, the Spratt-Furse ban on research and development of new nuclear weapons with yields below five kilotons. The Spratt-Furse ban is not a complete ban. It bans just R&D of new low-yield nuclear weapons. It permits R&D on new weapons with yields above five kilotons. It permits R&D of modifications to existing nuclear weapons regardless of their yield.

It also permits our national laboratories to conduct R&D on low-yield nuclear weapons for the purposes of counterproliferation, that is, how to detect a low-yield nuclear terrorist device and devise ways in which to disable them.

The Spratt-Furse ban also permits R&D of low-yield nuclear weapons if it is necessary to help keep our nuclear arsenal safe and reliable.

When asked, Department of Energy officials admitted that there is no military requirement for a new low-yield nuclear weapon, and they had no plans to develop one anytime soon.

□ 1330

They simply wanted to repeal the Spratt-Furse ban because they maintain that it somehow has a chilling effect on the freedom of their scientists to look at any nuclear weapon option regardless of whether or not there is a military need.

During the markup of the defense authorization, the gentleman from South Carolina (Mr. SPRATT) offered an amendment that was adopted by the full committee by a voice vote, and I think this is a very sound compromise. The Spratt amendment permits research on new low-yield nuclear weapons, but draws the line on moving past research and into development. In short, the Spratt amendment makes sure that the Congress will be a co-equal partner with the executive branch if there is any decision to move past research and actually start developing new low-yield nuclear weapons. I think that the Spratt amendment makes good sense and protects Congress's right to fully participate on any future decision to start up development of new low-yield weapons. I urge all of my colleagues to support this motion to instruct.

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

Let me take just a minute to explain the state of play and why it is important that the House provisions prevail over the Senate provision. The Senate defense authorization bill repeals these provisions in their entirety, but then backfills the gap with language that requires specific authorization of Congress to move from development into production of low-yield nuclear weapons. This amounts, really, to restating what the law already is, that to do something this significant with respect to a new product money has to be authorized and appropriated.

The House bill is similar in consequence but better, in my opinion, because it makes it absolutely clear that any movement beyond just research will require Congress to change by law the nuclear weapons policy of the United States. The House and Senate both addressed these specific concerns raised by the administration and the weapons labs and the Department of Defense to permit more flexibility in basic research, but our version contains a stronger guarantee that the Congress is going to be a partner in any decision to go beyond the scope.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr Speaker, I would like to offer my strong support for the motion to instruct which sends an important message that it is the will of the House to maintain the ban on development of low-yield nuclear weapons, and I commend the chairman of the full committee for his initiative to work with us on this.

Nuclear weapons will remain a crucial part of America's arsenal for the foreseeable future. They provide a hedge against potentially hostile nuclear powers and underpin security commitments to our allies. Today, however, the United States is addressing the threat of weapons of mass destruction from North Korea, India, Pakistan, and a growing list of countries.

As we have seen in Afghanistan and in the global war on terrorism, when the United States leads with a purpose, the rest of the world will follow. And just as the world follows our lead on tackling common enemies, it also reacts when we take provocative and destabilizing action. I believe strongly that until our war fighters have a military requirement for a new nuclear weapon or have exhausted conventional alternatives, Congress should maintain its ban on the development of such weapons.

Preventing the development of new nuclear weapons would not affect the RNEP study with focuses on existing warheads. It would not prevent any of the ideas that are currently being explored regarding missile systems. In addition to having no military requirement for them, new nuclear weapons are not the answer to threats being used to justify them. Nuclear weapons of any yield have a limited penetration ability and will never surgically destroy hardened targets. They offer no guarantee of destroying chemical and biological agents without releasing them into the atmosphere. Detonated in an urban area, even a 1-kiloton nuclear bomb would kill tens of thousands of civilians and hinder friendly troops.

Preserving the ban on new nuclear weapons is a small step that would also help restore the belief that the United States intends to fight the proliferation of weapons of mass destruction. I hope my colleagues would support this motion to recommit.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a nuclear physicist who understands what is at stake here better than possibly anybody in the House.

Mr. HOLT. Mr. Speaker, I thank my friend from South Carolina for yielding me this time.

The direction in which the administration has been leading our Nation on nuclear weapons is becoming increasingly dangerous. That is why I wrote to President Bush in April, a letter cosigned by 33 of my colleagues here, to underscore our concern that our Nation's leaders not adopt a mindset of viewing nuclear weapons as just an extension of the continuum of conventional military options available to the United States. It is important that we maintain the nuclear distinction.

I rise to support this motion because it gives us the opportunity to invoke at least one cautionary restraint on this dangerous path. Both the House and Senate versions of this bill eliminate the Spratt-Furse ban that has been in place since 1993. And this Senate language, especially, would allow Pandora's box to be opened to allow, in effect, unfettered research into low-yield nuclear weapons. As a scientist, I can talk about the studies that some of my scientific colleagues have prepared about why some of the newly conceived weapons like the bunker buster would not work as proposed, why they would be dirty, why they would be unwieldy; but I choose instead to focus for just a moment on the more important strategic and tactical questions.

We should be stepping away from using tactical nuclear weapons, not

moving in that direction. U.S. battlefield commanders have said over and over again that they have long recognized the folly of battlefield nukes. The weapons and especially these newly conceived weapons put our troops at risk and are not useful in advancing military campaigns. And very important, this work would be sending the wrong message to our allies and to potential adversaries around the world. They would view the adoption of this bad, particularly the bad Senate language as further evidence that America is bent upon developing and procuring a new generation of nuclear weapons. As we go to war around the world in part to stop the proliferation of nuclear weapons, we should not be sending the signal that we are bent on developing and procuring a new generation of nuclear weapons.

So the Spratt motion is a very constructive step that provides, I think, an important safeguard that actually will help to make our country and our world more secure.

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

I thank the gentleman for his comments, and I rise to make one correction. The House bill does have language which we would like to retain. The gist of this motion is let us stand by the House language and reject the Senate language.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

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

I rise in support of the motion to instruct and I rise to thank the gentleman from California (Mr. HUNTER), the distinguished chairman of my former committee, for his acceptance of this motion.

Certainly this motion reflects a bipartisan compromise that has been worked out not just in this Congress but in the past Congress, and when that happens we should seize the moment. It does allow expanded research, but it stops short of allowing the development or the fabrication of new nuclear weapons. That is an essential step for this Congress to take, partly to make sure that we do not send the wrong signal to the rest of the world and partly to make sure that the institutional prerogatives of this House are protected when decisions of that magnitude are faced at any time.

There is, of course, an important strategic deterrent role for nuclear weapons, but 10 years ago or more we stepped back from the brink with Russia. We stepped back from maintaining or developing tactical nuclear weapons. We do not need to go down that path again because if we do, we risk losing further our standing in the international community. Our arguments about nonproliferation will seem hollow.

We are today continually concerned about weapons of mass destruction held by adversaries or held by other countries where we believe there is some risk to our security in the world. We do not advance those arguments about weapons of mass destruction if we start to develop new nuclear weapons that can only be used in a tactical way, whatever they are called. The nuclear Earth penetrator is one. We really need to make sure that we are exercising the kind of responsible leadership in this area that the world expects of us and that will redound to the benefit of our own national security.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the Cold War is over and the good news, to my friends, is we won and the Soviet Union lost. We do not need a new arms race with ourselves. We do not now need to send a signal to countries around the world who harbor desires to obtain nuclear weapons that we believe that it is still worth our while to invest in a new generation of nuclear weapons which are more usable in battleground situations. We must avoid being viewed as the drunk preaching temperance from a bar stool. If we want to convince others to embrace our view that nuclear weapons are not usable, we must ourselves act in a way that does not leave the misimpression that we are still engaging in the same kind of mindless development of another generation of nuclear weapons that only encourages countries like North Korea, countries like Iran, which each have active nuclear weapons programs, that they are wise in pursuing that course.

So the resolution that we are considering right now is one which is saying to the rest of the world we understand their concern about an initiation of another nuclear arms race, and we understand the consequences for regions around the world where there are bad actors, bad countries trying to develop nuclear weapons programs. We brought the country of Iraq to its knees militarily in 3 weeks. Our problem is not destroying any country's military capacity. Our real problem is in controlling the country after we do so, and nuclear weapons do not add to our capacity to accomplish those goals. So this is, in my opinion, a wise approach to take. The gentleman from South Carolina as usual is trying to draw a very fine line between programs that have already been put in place and do protect our country and new programs which would potentially add to an acceleration of an arms race, a nuclear arms race around the world.

We now must turn our attention to Iran and North Korea. The only way to deal with it is with strong diplomacy, active diplomacy. Additional nuclear weapons will not help us, and that is why this resolution must pass.

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

Mr. Speaker, in conclusion, let me simply put in context why we have this particular provision before us and why we are emphasizing it in this motion to instruct. The Spratt-Furse prohibition on low-yield nuclear weapons was a follow-up to the decision by President Bush, the first President Bush, on September 27, 1991, a historic day.

□ 1345

That day he announced the withdrawal of all land-based tactical nuclear weapons from our overseas bases, particularly those in Europe, and all sea-based tactical nuclear weapons from surface ships, submarines, and naval aircraft. We decided to forgo the development of the follow-on to Lance, a battlefield tactical nuclear missile, and we sent a signal to the world by all of these decisions that we were serious about minimizing the role and possible uses of nuclear weapons early in a conflict and especially for tactical or theater purposes. We said that our arsenal in the future in effect would be a strategic arsenal, a strategic determinant, and we would not use nuclear weapons for tactical and theater purposes anymore, such as the Davy Crockett, to take out tanks or nuclear artillery, rounds, and sea-based mines and things of that kind.

This move away from tactical nuclear weapons prompted the Soviet Union to move in the same direction; and Gorbechev shortly announced the elimination of their warheads, their land-based tactical nuclear missiles, mines, and artillery shells. He announced that he was removing warheads from surface-to-air missiles and removing sea-based tactical nukes on naval aircraft.

Taken together, these steps marked a major step away from tactical nuclear weapons and a step toward global security. The initiative by the first Bush administration helped us persuade Kazakhstan, Ukraine, and Belarus to forswear nuclear weapons after the breakup of the Soviet Union. It also made it easier for the United States and our European allies to convince much of the rest of the world to extend indefinitely the nuclear proliferation treaty, or NPT.

Now, the NPT is not the final, definitive answer to our proliferation concerns, but the world would be a lot riskier place without it. It definitely makes it harder for nations or terrorist groups to obtain nuclear materials and nuclear know-how, and it establishes the authority of the war community to question and inspect the activities of States that are a signatory to this treaty.

I think a return by the United States back to the days of tactical nuclear weapons, especially nuclear weapons designed to be more usable by virtue of low yields, would send a troubling signal, a signal that nuclear weapons just maybe are useful for tactical purposes, battlefield purposes, strategic purposes, and were really just an extension of conventional weapons for the same tactical purposes. It would indicate that we see tactical utility in these weapons, and it would reverse the

step that was taken in 1991. I do not think we need to go down that path.

Now, there are some who will say that we need to do this because we have to have weapons to take on deep, hard targets. The actual numbers are classified, of course, but even if we can improve the ability of our nuclear weapons to burrow in the hard terrain and into geologic formations such as granite, simple physics tells us we are going to come up way short of reaching the underground bunkers that we are really worried about, like those in North Korea.

Some say that we need these new weapons, these low-yield weapons, deeper penetrators, because we need the heat and the gamma rays and the X-rays of a nuclear weapon to destroy the chemical and biological agents that might be stored in deep underground bunkers. But if the fireball and the X-rays and the gamma rays are to reach the bunker, then we need to use, we are told by qualified experts, weapons that are much, much bigger than 5 kilotons; and using even a 5 kiloton weapon has consequences that have to be dealt with, fallout, for example.

Alternatively, if we want to use the pressure and blast of a nuclear weapon to crush a bunker, then we already have weapons to do that job.

Supporters of full repeal also say that our restraint thus far on developing these tactical theater and battlefield nuclear weapons has not really had any effect on nations that are bent upon acquiring them, North Korea being a prominent example, but I am not so sure about that. Ukraine, Belarus, and Kazakhstan in a momentous decision all decided to rid their countries of nuclear weapons. Brazil, South Africa, South Korea, and Taiwan have taken similar steps; and numerous countries have signed the NPT.

So before we repeal this long-standing language in the code, we should keep in mind the effects that surround us and also, also I think we should point out what is already in this bill. This bill will reduce the amount of time it takes to resume underground nuclear testing. This bill will call for a review of nuclear weapons for ''bunker-busting'' missions, the so-called Robust Nuclear Earth Penetrator. This bill will call for building a brand-new, multi-billion-dollar facility to produce plutonium pits for nuclear weapons. Just the beginning, planning money, but these things that are in here of a still-robust nuclear policy but one that is slanted towards strategic usage and not tactical usage.

Mr. Speaker, I commend the chairman of our committee for his generosity and collegiality in allowing us to reach an agreement on this. I know it is a compromise for him. He has his doubts, and we have our disagreements. But, nevertheless, I appreciate his kindness in doing it.

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

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

Mr. HUNTER. Mr. Speaker, I just want to thank the gentleman for his participation as a great member of the committee. I did have and do have my reservations about his position, but it was an agreement between the gentleman from Pennsylvania and the gentleman from South Carolina and it is the position of the House. We are now going into conference with the other body, and I think it is appropriate to carry the House position forward.

I thank the gentleman for his thoughtful words.

Mr. SPRATT. Mr. Speaker, reclaiming my time, I have gratitude for the gentleman's agreeing to the amendment. As long as it passes by voice vote, I will not ask for a record vote on final passage.

Mr. MARKEY. Mr. Speaker, I rise in strong support of the motion. The Administration and the Republicans in Congress have made clear their intent to explore new, low-yield nuclear weapons. Before we head down that path, we need to remember two things.

(1) The Cold War is over and I have good news for my friends on the other side of the aisle. We won! The Russians are no longer our adversaries. Remember, President Bush has told us he's looked into President Putin's eyes and found him to be a man he could deal with! Let's stop fighting the last war. The Russians are no longer a threat and I see no reason why we should allow the development of mini-nukes because somebody in Russia may have talked about the possibility of developing new weapons. They're probably only talking about doing that because they hear all of this talk about new nuclear weapons being developed by the U.S. What does this mean? It means that the only reason to develop mini-nukes is to start a new arms race. But that begs the question: with whom would we have this arms race? No nation in the world has a conventional military that can compare with ours. The only country that has a nuclear arsenal that compares to ours is Russia, and we're paying them to dismantle their nuclear weapons! Where's the beef behind this threat?

(2) These so called mini-nukes are still nuclear weapons. They may be smaller, but they will still kill tens of thousands of people, will still produce radioactive fallout and contaminate the countryside, and will still carry the stigma of being nuclear weapons. We already have big nuclear weapons, and medium-sized nuclear weapons, and small nuclear weapons. In fact, some of our nuclear weapons are ''dial-a-yield'', meaning we can select the yield of the weapon—and some of them can be ''dialed'' down to less than 1 kiloton, which, by the scale of nuclear weapons, is pretty mini. We used to have a weapon with a yield of less than a kiloton that weighted only 163 pounds—we called that the SADM or Special Atomic Demolition Munition. Is that what we want? To have kicked out the nuclear-seeking Saddam, only to replace him with our own nuclear SADM?

I would urge my colleagues to remember these two things: that to develop mini-nukes would be to start an arms race with ourselves, and that a mini-nuke is still a nuclear weapon, with all the associated consequences. We simply cannot preach nuclear temperance from a barstool. We cannot tell Iran, North Korea and other countries not to develop nuclear weapons while simultaneously developing our own new weapons.

I urge you to support this Motion to Instruct. Let's not turn back the clock and start a new ''mini'' arms race.

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

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

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:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, Mrs. WILSON of New Mexico, Messrs. CALVERT, SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, TURNER of Texas, Ms. LORETTA SANCHEZ of California, and Mr. COOPER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. GOSS, Mr. HOEKSTRA, and Ms. HARMAN.

From the Committee on Agriculture, for consideration of sections 1057 and 2822 of the House bill, and modifications committed to conference: Messrs. GOODLATTE, LUCAS of Oklahoma, and STENHOLM.

From the Committee on Education and the Workforce, for consideration of sections 544, 553, 563, 567, 907, 1046, 1501, 1502, and 1504 through 1506 of the House bill, and sections 233, 351, 352, 368, 701, 1034, and 1036 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, KLINE and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 601, 3113, 3201, and 3517 of the House bill, and sections 601, 701, 852, 3151, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BARTON of Texas, and DINGELL.

From the Committee on Financial Services, for consideration of sections 814 and 907 of the House bill, and modifications committed to conference: Mr. OXLEY, Mr. KING of New York, and Mrs. MALONEY.

From the Committee on Government Reform, for consideration of sections 315, 323, 551, 805, 822, 824, 828, 829, 1031,

1046, 1050, 1057, Title XI, Title XIV, sections 2825 and 2826 of the House bill, and sections 326, 801, 811, 813, 822, 831 through 833, 841, 852, 853, 1013, 1035, 1102 through 1104, and 2824 through 2826 of the Senate amendment, and modifications committed to conference: Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mrs. JO ANN DAVIS of Virginia, and Messrs. PUTNAM, TURNER of Ohio, WAXMAN, VAN HOLLEN, and DAVIS of Illinois.

From the Select Committee on Homeland Security, for consideration of section 1456 of the House bill, and modifications committed to conference: Messrs. COX, SHADEGG and THOMPSON of Mississippi.

From the Committee on House Administration, for consideration of section 564 of the Senate amendment, and modifications committed to conference: Messrs. NEY, MICA, and LARSON of Connecticut.

From the Committee on International Relations, for consideration of sections 1047, 1201, 1202, 1209, Title XIII, sections 3601, 3611, 3631, 3632, 3634, 3635, and 3636 of the House bill, and sections 323, 343, 921, 1201, 1202, 1204, 1205, 1207, 1208, Title XIII and section 3141 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, BEREUTER, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 661 through 665 and 851 through 853 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 311, 317 through 319, 601, and 1057 of the House bill, and sections 322, 330, and 601 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GILCHREST, REHBERG, RAHALL, and UDALL of New Mexico.

From the Committee on Science, for consideration of sections 852 and 911 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SMITH of Michigan, and HALL of Texas.

From the Committee on Small Business, for consideration of section 866 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 312, 601, 907, 1049, 1051 and 2824 of the House bill, and sections 324, 601, and 2821 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and CARSON of Oklahoma.

From the Committee on Veterans' Affairs, for consideration of section 565 of the House bill, and sections 644 and 707 of the Senate amendment, and modifications committed to conference: Messrs. SMITH of New Jersey, BILIRAKIS, and FILNER.

From the Committee on Ways and Means, for consideration of section 701 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY, and STARK.

There was no objection.

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PROJECT BIOSHIELD ACT OF 2003

Mr. TAUZIN. Mr. Speaker, pursuant to the order of the House of Tuesday, July 15, 2003, I call up the bill (H.R. 2122) to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. JENKINS). Pursuant to the order of the House of Tuesday, July 15, 2003, the bill is considered read for amendment.

The text of H.R. 2122 is as follows:

H.R. 2122

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Project BioShield Act of 2003''.

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

''SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

''(a) IN GENERAL.—

''(1) AUTHORITY.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

''(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term 'qualified countermeasure' means a priority countermeasure (as defined in section 319F(h)) that affects national security.

''(3) INTERAGENCY COOPERATION.—

''(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

''(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

''(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, and supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

''(b) EXPEDITED PROCUREMENT AUTHORITY.—

''(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR BIOMEDICAL COUNTERMEASURE PROCUREMENTS.—

''(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

''(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

''(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

''(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

''(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

''(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

''(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

''(C) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

''(2) OTHER THAN FULL AND OPEN COMPETITION.—(A) In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

''(B) The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

''(C) The Secretary shall implement this paragraph in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

''(3) INCREASED MICROPURCHASE THRESHOLD.—

''(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

''(B) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

''(C) EXCEPTION TO PREFERENCE FOR PURCHASE CARD MECHANISM.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

''(c) AUTHORITY TO EXPEDITE PEER REVIEW.—

''(1) IN GENERAL.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the