

amendment. It is my understanding Senators HATCH and HARKIN wish to second-degree that amendment. Senator DURBIN is, of course, waiting around to see what that second degree would do.

Senator DAYTON has an amendment. He is willing to offer that. It is a "Buy American." He would agree to a short time period, but the Senator from Arizona said he wanted to be here when that amendment was offered so Senator DAYTON is somewhat hesitant. I am going to talk to Senator DAYTON and tell him he should get his vote out of the way today. If Senator MCCAIN does choose to offer a second degree, we would be that much further ahead.

Senator BINGAMAN has a number of amendments but it appears maybe they can be worked out. Senator BINGAMAN thinks so. Senator BYRD is going to make a decision tonight as to whether he is going to offer his amendment. Senator CORZINE is indisposed today and is unable to offer his two amendments, but they should be on short time agreements. Senator KENNEDY has said he would be ready to offer his first thing in the morning.

So we are moving along. We don't have too much left to do. But there are a few things that will take a little bit of time.

Mr. WARNER. Mr. President, if I could reply, first, I think the distinguished Senator from Nevada has been extremely helpful and is continuing to be that way. Let me point out that we are prepared to take up each and every one of those amendments that he just mentioned right now. In the case of Senator MCCAIN, it could be that I could present on his behalf the second degree, we could engage in part of that debate on DAYTON, and upon the arrival of Senator MCCAIN, I am sure he could move right in and conclude the debate.

Mr. REID. Senator DAYTON is here. He would be willing to do that.

Mr. WARNER. That is one option.

I am not certain as to the time of the arrival of the Senator from Utah, Mr. HATCH. But there again I don't have the knowledge. It is a matter unrelated to the Defense bill. As you know, it relates to dietary supplements. I understand my committee chairman, Senator GREGG, has some views on it. I expect we could begin to engage in some debate on that prior to the arrival of Senator HATCH.

Mr. FRIST. Mr. President, let me interject. The Senator from Utah will be here early afternoon, sometime right after 2:30.

Mr. WARNER. So we could get started on that.

Mr. FRIST. Mr. President, I will allow Senators to finish. I think from the discussion we all just witnessed, we are working very hard with certain limitations with people who are here and the way they want to express themselves.

From a leadership standpoint, because this is the last week before the recess and we have other important

legislation, I want to encourage the managers to do exactly what they are doing, and the leadership on both sides of the aisle, to bring this bill to closure tomorrow night. If it means working very hard today and tonight and starting early tomorrow with votes continuing late tomorrow night, I ask them to give every consideration to that so we can move on to very important business before our recess.

Mr. WARNER. Fine. Mr. President, if I heard the distinguished leader properly, the word was "closure" tomorrow night, not "cloture"? I want to make sure of that.

Mr. FRIST. That is correct, Mr. President. We want to proceed in good faith as we have been doing.

Mr. WARNER. As we have been doing.

Mr. FRIST. I vitiated the last cloture vote because I recognize the good faith both sides are working in, but we need to bring the bill to completion tomorrow night if it is at all humanly possible.

Mr. WARNER. I thank my leader.

With respect to the first issue raised by the distinguished Senator from Nevada about the Lautenberg measure, I did not mean in any sense to be negative about his approach. Frankly, it is a bipartisan issue, in my judgment. There will be Senators on both sides who will perhaps look at this amendment, which I believe is an important one in terms of the very critical subject before us today—that is, how this Nation best respects those who lose their lives in the combat operations in far lands today, primarily Afghanistan and Iraq. It is a serious amendment. There will be, I think, some support on both sides for my proposition and perhaps as well for the position of my distinguished friend from New Jersey, Senator LAUTENBERG.

But I wish to raise the subject of sequential votes in the case of second degrees. Each one should be looked at individually rather than just establishing an ironclad policy that we will proceed to have sequential votes every time there are second-degree amendments.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities for 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 Services, and for other purposes.

Pending:

Brownback amendment No. 3235, to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

Burns amendment No. 3457 (to amendment No. 3235), to provide for additional factors in indecency penalties issued by the Federal Communications Commission.

Durbin amendment No. 3225, to require certain dietary supplement manufacturers to report certain serious adverse events.

Lautenberg amendment No. 3291, to require a protocol on media coverage of the return to the United States of the remains of members of the Armed Forces who are killed overseas.

Warner amendment No. 3458 (to amendment No. 3291), to propose a substitute expressing the sense of Congress on media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas.

Reed amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-Based Midcourse Defense Program pending the submission of a report on operational test and evaluation.

Mr. REID. Mr. President, the reason we have considered these side by side on a number of occasions is the person offering the amendment initially wants a vote on his amendment. The second degree usually wipes out that amendment, which causes that person to reoffer the amendment, which they have a right to do. It has been discovered in the past that we are much better off considering them side by side right off the bat rather than doing the parliamentary skirmishing. Of course, as I said to the distinguished Chair, if there is an overwhelming vote on the second degree, a lot of times the Senator who offers the first degree doesn't want to do that. That is what we will have to see.

Mr. WARNER. Mr. President, I concur in the observation of our distinguished colleague. All I am saying is we should look at each one individually rather than establishing a policy at this point—certainly with regard to this bill because, as the distinguished majority leader said, the Senate has devoted extensive time to this piece of legislation. It is very important. I am optimistic that we can meet the schedule for completion tomorrow night. I hope that optimism is shared on the other side.

At this time, the bill is open to amendment. The managers await the arrival of the first Senator.

Mr. REID. Mr. President, the first Senator we have indicated to speak on an amendment will be here at 2 o'clock. Senator DAYTON will be here on the Buy America amendment. Senator LEVIN has a missile defense amendment with which the distinguished Chair is familiar. He will be here also to offer that amendment shortly. We probably won't have too many other amendments offered today, but we will see. We have placed calls, as you know. We have lined up for today Senators LEVIN, DAYTON, BYRD, and BINGAMAN. But we now understand that Senator BINGAMAN may not want to offer his amendment, Senator BYRD