[Roll No. 134]

YEAS—44

Allen
Andrews
Barton
Berry
Brady (PA)
Capuano
Conyers
Crowley
DeFazio
Dingell
Doggett
Filner
Frank
Hastings (FL)
Hinchey
Holt
Honda
Jefferson
Lampson
Langevin
Larson (CT)
Lee
Lewis (GA)
McDermott
McGovern
Miller, George
Mink
Owens
Pallone
Pascrell
Payne
Pelosi
Sandlin
Schakowsky
Shows
Slaughter
Spratt
Stark
Tanner
Taylor (MS)
Towns
Waters
Woolsey
Wu

NAYS—366

Ackerman
Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—24

Abercrombie
Bishop
Burton
Clay
Crane
Cubin
Hall (OH)
Jackson-Lee (TX)
Kaptur
Maloney (CT)
Meehan
Moran (VA)
Napolitano
Norwood
Ose
Peterson (PA)
Riley
Schaffer
Skeen
Smith (NJ)
Traficant
Watson (CA)
Waxman
Young (AK)

□ 1139

Messrs. SAXTON, COBLE, GALLEGLY, ROGERS of Michigan, and Mrs. MALONEY of New York and Ms. HART changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would advise that the gentlewoman from North Carolina (Mrs. MYRICK) has 20 minutes remaining, and the gentleman from Texas (Mr. FROST) has 19 minutes remaining.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SESSIONS), another member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, today we are considering this rule and the debate that certainly concerns our support of the United States military and the men and women who represent us. We are talking in this bill about a better pay raise, a pay raise where we are able to keep the brightest and the best. We are talking about better housing for our men and women; we are talking about increasing our readiness; we are talking about research and development; we are talking about counterterrorism. We are trying to talk about the issues which I perceive are important to the military in this country.

However, perhaps the most key component is we are going to talk about homeland security today, and there is one amendment which will be discussed today that says that no funds for 2003 appropriations for the Department of Defense may be used for space-based national defense programs.

Mr. Speaker, I would tell my colleagues that I believe that now, more than ever, this Congress should focus on not only ballistic missile threats that face this country, because it is not just what is aimed at our military, it is what is aimed at our homeland. Our homeland security is now an issue.

Mr. Speaker, there are more than 28 countries outside the United States that possess not only ballistic missiles, but the desire and the threat to not only threaten America, but also our allies. These 28 countries, as we look around, many of them represent belligerent countries who would wish for America to be harmed. These 28 countries possess the ability to threaten the United States and our military and our allies.

What is important about this debate is that we need to understand what our President has said about it. President Bush has said, America's development of a missile defense is a search for security, not a search for advantage.

Mr. Speaker, homeland security for America is what this bill is also about. I support this rule, I support this bill, and I hope Members will focus on homeland security and the support our President gives for this bill.

□ 1145

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I oppose this rule. The defense authorization bill provides a waiver to the Secretary of Defense to get around the current cap on U.S. military personnel in Colombia.

I strongly oppose such a waiver. It is a serious abrogation of the duties of this Congress to monitor and provide oversight to our military programs and presence in Colombia. I oppose this waiver because it provides the Secretary of Defense with the ability for an unrestricted escalation of U.S. military personnel in Colombia and further engages in that country's 40-year-old civil war, a war that Colombia's government has failed to adequately support.

The gentleman from Mississippi (Mr. TAYLOR) offered an amendment to

strike the waiver language and maintain the cap. Unfortunately, that amendment was not made in order.

Mr. Speaker, this a huge issue. We have seen waivers used and abused. Mr. Speaker, this bill strips away the principal safeguard Congress has insisted upon to protect us from an escalating military mission in Colombia. It deserves a debate.

I urge my colleagues to vote ''no'' on the previous question so we can bring up the Taylor amendment and other amendments, and if we are not successful in defeating the previous question, then vote against the rule.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. HAYES), my neighbor.

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

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

Mr. Speaker, today I rise strongly in support of the rule that would allow for consideration of H.R. 4546, the Bob Stump National Defense Authorization Act for 2003.

The tragic events of September 11, 2001, have thrust our Nation's military into the spotlight, and called to duty the brave men and women of the U.S. Armed Forces. Once again, U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called upon to perform, and today the U.S. Congress has the duty to pass this important legislation that will help provide the necessary resources for these brave men and women to do their job.

Where were the Members on September 11? I was in the Pentagon at 8:47 a.m. discussing the defense bill with Secretary of Defense. My question to him that morning was, when will people realize that national security is our number one priority? His answer was to agree and say that it would take a major incident for this to happen. That was 8:47 a.m. on September 11.

Mr. Speaker, this rule and the underlying legislation first and foremost take care of the most vital asset in our military: our people. It provides every servicemember with a 4.1 percent pay increase. It also begins a transition program to fully fund concurrent receipt of veterans' disability and retirement pay. It increases housing allowances and boosts special pay while extending enlistment and reenlistment bonuses.

The defense authorization bill increases our manpower by nearly 1 percent, the largest single increase since 1986. It builds upon our work last year and continues to reverse the decline of military readiness by funding key operations, maintenance, and training accounts.

This financial support devoted to our national security is long in coming. I am proud to say that as a member of the Committee on Armed Services, this legislation will enable our men and women in uniform to continue prosecuting successfully the war on terrorism.

The bill in front of us today marks the most significant increase to the defense budget since 1986. It has targeted two of the most critical areas which are crucial to maintaining a healthy and robust military: quality of life and readiness.

For the soldiers and airmen in my district, Fort Bragg and Pope Air Force Base in North Carolina, the ability to adequately care for their families and train for the mission for which they are called are two issues second to none. I believe this legislation makes significant progress in these areas.

Furthermore, the bill funds the development and testing of an effective ballistic missile defense system.

Mr. Speaker, it is a gross injustice that it took unspeakable tragedies in September to focus the public eye on the need for a more robust defense budget. I feel the legislation in front of us today takes the first step, and the rule provides for consideration and is fair and effective. We are establishing a clear and strong course to rebuild our Nation's defenses.

I urge my colleagues to send a message loud and clear to our soldiers, sailors, airmen, and Marines that we will strongly support them and give them the resources necessary to perform the mission.

Mr. Speaker, before I close, I would also like to pay tribute to my friend and colleague, the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP). He has served honorably, courageously, and effectively. He will be sorely missed. He personifies national security by his service in our military and in our Congress.

I say to the gentleman from Arizona (Mr. STUMP), best wishes and Godspeed.

When it comes to defending our country, our families, and our freedom, there is no higher priority than national security. To this end, I think the Marine Corps says it best: We must always be faithful; Semper Fi.

I urge my colleagues to vote in favor of the rule for national security and in favor of H.R. 4546, the Bob Stump National Defense Authorization Act for fiscal year 2003. Semper Fi.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to this rule. The Committee on Rules has denied the House the opportunity to eliminate the demeaning practice of making only American servicewomen stationed in Saudi Arabia wear an abaya, a religious garment of faith most of them do not follow. These women are on the front lines risking their lives fighting to protect our freedom and democracy and to defend Saudi Arabia itself.

The Langevin-Hostettler amendment should have been ruled in order. Women make first-class soldiers and should not be treated like second-class citizens. Our amendment would have prohibited the military from requiring or strongly encouraging servicewomen to wear abayas and would have stopped forcing the American taxpayer to pay for them.

As we can see, the abaya and head scarf cover the entire body from head to toe. The State Department does not require or encourage any of its employees to wear the abaya on duty precisely because they are representing the United States. Are our military not doing the same? Not even the spouses and dependents of the State Department staff wear the abaya.

The government of Saudi Arabia does not require non-Muslim women to wear the abaya, and neither should we. General Schwarzkopf agrees. During the Gulf War, he never issued such a mandate. Male servicemembers are not required to wear the abaya, grow beards, or embrace any Islamic religious beliefs in this way, so neither should the women.

Forcing our female troops to wear the abaya has a negative impact on our recruitment and diminishes morale, unit cohesion, and the chain of command headed by female servicemembers. Most of all, it is not necessary. As I said, the Saudi government does not require non-Muslim women to wear the abaya.

I urge my colleagues to oppose the rule.

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

I just wanted to issue a point of clarification. It is my understanding that a Federal lawsuit has been filed on this issue, because I also support that. It is very inappropriate for Congress to get involved in this in the middle of the lawsuit.

Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentlewoman for yielding time to me. I thank our colleagues for working on what I think is a good, bipartisan defense bill.

As my colleagues know, I voted against the President's budget on the House floor because I was not satisfied with the level of defense spending because of our inability to meet our resource needs.

I give total credit to the chairman, the gentleman from Arizona (Mr. STUMP), and the gentleman from Missouri (Mr. SKELTON) for working together to get us a portion of that $10 billion to help with the modernization problems we have.

The fact is, we took a holiday in the nineties and we are paying for it today. If we look at the shipbuilding account, which the gentleman from Mississippi (Mr. TAYLOR) has been fighting for, we are building down to a 235-ship Navy with our current funding level. The average age of our tactical fighters is 17

years old. That B–52 bomber will be 7 years old before it is retired. We have cut back across the board and now we are trying to play catch-up, and it is impossible. This bill makes a good downpayment in trying to reverse that, but it is not enough.

I want to respond to one of the issues raised by my colleagues on the environment. I will take a back seat to no one on environmental votes. I have been a green Republican, voting and endorsing and cosponsoring the Clean Air Act, clean water, endangered species, wetlands protection. I serve on the Migratory Bird Commission. I voted against the environmental riders.

This bill does not gut our environmental laws. There is a need for us to make sure that our military is properly trained. At Camp Pendleton in California, the number one training site for our Marines' amphibious force, they come off of the ships, the landing craft, and they have to board buses to go across an area where some endangered species are. Then they come back on the ground and do their training. These are the same people that we ask to risk their lives.

What we are saying in this bill is we need to have some rifle-shot provisions to let this training take place. This is not about any rollback; this is not about going back to the 1930s. This is about a very commonsense, bipartisan approach to let our military and our soldiers, sailors, corpsmen, and Marines be equated to a snail darter. Is a snail darter's life more important than the soldier?

The whole issue of migratory birds, cut me a break. Maybe we should buy a duck stamp and put it on our planes, because for a $15 duck stamp we are legally allowed to kill birds; but yet we are saying we should not have an exemption so our military can properly train.

Those who say that somehow this bill is rolling back environmental laws in this country are grossly misinformed. I invite them to work with us. We are not about hurting the environment. If we look at the Navy's research budget, more money is spent on oceanographic research by the Navy than any Federal agency in this country. Every oceanographic research school, Scripps, Woods Hole, gets all or a bulk of their money from naval research accounts.

We are trying to do the right thing. We are also trying to protect our troops. We are also trying to give some relief so our military personnel can be properly trained and equipped when they are called upon to protect America.

Mr. Speaker, it really boggles my mind. When I took a delegation out to California and we flew by helicopter along the coast, the only open area left along California's coast was Camp Pendleton. Where were the State officials? Where were the county commissioners? I used to be a county commissioner in local zoning and planning, to allow every piece of property to be built up so the endangered species had no place to go except for our military base? And now to come back and say somehow the military has to bear the brunt is absolutely outrageous. Yet, that is the fact today.

I encourage my colleagues to vote for the rule and to vote for final passage. Again, I commend my leaders for the great job they did with this legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, I rise in opposition to the rule and I rise in opposition to the previous question.

Mr. Speaker, this is a fine example of high-handed arrogance by the Republican leadership and the Committee on Rules. What is wrong with having a vote to address the problems which exist with regard to a piece of legislation which does not permit the House to require the regular order and to see to it we have a chance to discuss all of the questions which relate to important environmental matters?

I have been dealing with the military for years. They constantly seek to get out from under environmental laws; and the military bases in this Nation are some of the most skunked up, defiled, and dirty places, contaminated with hazardous waste, radioactivity and other things.

They seek yet another opportunity to escape the requirements of law that say we are all going to together protect our environment against the kind of high-handed arrogance that the military engages in.

There is provision in each of the laws which were challenged originally to permit the military to seek relief and to get it. And there is a regular process around here which would permit the military to have the ordinary hearings and find out what relief they need.

No action of that kind was taken in the committees of jurisdiction; and the Committee on Armed Services, with its usual arrogance, saw to it that there was no opportunity for the environmentalists to be heard, no opportunity for Members to be heard, no opportunity to complete a record to justify whether or not this is appropriate.

Clearly, when they are behaving in this kind of a sneaky and dishonest fashion, it is quite appropriate for the House to give them a rap on the knuckles and say, we think you ought to allow this matter to be debated. We think you at least ought to give an opportunity for an amendment to be considered to strike this.

They seek an exemption from the Migratory Bird Act. I would note that this Nation has fought World War I, World War II, and a number of other wars with that law on the books, and a number of police and military actions with the others. I say vote down the rule and vote down the previous question.

Two weeks ago the Department of Defense (DoD) sent a legislative proposal to the Committee on Armed Services seeking broad exemptions from six of our Nation's most important environmental laws—the Clean Air Act, Superfund, the Resource Conservation and Recovery Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, and the Endangered Species Act.

Armed Services ultimately did not seek to undo the important environmental provisions contained in four of the six laws. Unfortunately, the Migratory Bird Act and the Endangered species Act did not fare so well. Mr. Rahall and I, with several of our colleagues, offered an amendment to strike those broad and unwarranted exemptions. But the Republican leadership will not allow a vote today to undo the damage. That is why I ask my colleagues to defeat the previous question.

We absolutely support the need to maintain military readiness in the interests of national security. That is why when we wrote the laws we inserted specific provisions to ensure there was no conflict between protecting our national security and complying with our environmental laws.

This is the case with the Migratory Bird Treaty Act of 1981, one of our oldest conservation statutes. The Secretary of Interior has the authority to determine the circumstances under which migratory birds can be taken, killed or possessed and issue regulations permitting such activities. The United States has fought in two World Wars, the Korean War, Vietnam, and the Persian Gulf War with the 1918 Act in place. I fail to see why our current war against terrorism would now call for its elimination.

The members of this body should also be aware of the ridiculous arguments that the DoD is making in court to support its efforts to exempt itself.

In the FDM case, DoD claimed:

> . . . plaintiffs have suffered insufficient injury because the more birds that the defendants (DoD) kill, the more enjoyment Mr. Frew (a plaintiff) will get from seeing the ones that remain: ''bird watchers get more enjoyment spotting a rare bird than they do spotting a common one.''

Let me also quote Judge Sullivan's finding with respect to DoD's argument (on page 17 of his opinion):

> Suffice it to say, there is absolutely no support in the law for the view that environmentalists should get enjoyment out of the destruction of natural resources because that destruction makes the remaining resources more scarce and therefore valuable. The Court hopes that the federal government will refrain from making or adopting such frivolous arguments in the future.

With regard to the Endangered Species Act (ESA), the military again seeks to have exemptions for which no other Federal Agencies are eligible. ESA requires that land where threatened or endangered species live be designated critical habitat. The military does not want to comply with this law like every other federal agency and every other American citizen does. As the author of ESA, I can assure you that exemptions are available for reasons of national security. In fact, Section 7 of ESA allows agencies to get waivers from the Fish and Wildlife Service. Ironically, the Pentagon wants a blanket waiver even though they have never sought a Section 7 exemption.

Needless to say, DoD proposals have gone through a most curious legislative process so

far. The relevant Committees with expertise have been bypassed. No hearings have been held on these significant exemptions. And now we don't have a chance to vote on the House Floor.

A stealth process has been employed to circumvent the Committee of jurisdiction, to deny the public the opportunity to testify, and to undermine two of our most important environmental laws. Defeat the previous question so we have the opportunity to reverse this environmental outrage.

□ 1200

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me time. I think it is clear now that as we enter this new century that we entered with such great optimism a few months ago that this century is going to be as dangerous as the last one in which we lost 619,000 Americans killed in battlefields around the world.

Going into this new century, it is more important than ever that we develop what I would call broad military capability. And that means that we, and I think Democrats and Republicans on the Committee on Armed Services understood and marked up a bill, that toward those ends that we must have the ability to deter and, if necessary, to fight a number of different types of conflicts. That means that we have to be able to stop a conventional armored attack like the one that was launched by Saddam Hussein in the Gulf War. We have to be able to handle a guerilla warfare operation. Obviously we have to be able to handle a terrorist and to deal a blow to those who would strike us on our homeland. We have to stop this new threat, this emerging threat of incoming ballistic missiles, the first of which killed our troops in the Gulf War almost a decade ago, in fact, more than a decade ago. So we have to have broad military capability. We cannot have a specialty military like a lot of our allies have. That means we have to spend money.

I think, frankly, the chairman of the Subcommittee on Military Procurement of the Committee on Armed Services, the gentleman from Pennsylvania (Mr. WELDON), did correctly state that we are behind the curve in terms of modernization. If we replaced all the tanks, trucks, ships and planes on a steady-state basis that are now aging, we would be spending an additional $30 billion a year on national security. We have turned the corner. We have made the down payment. We are expensing about $71.8 billion this year, although we have a baseline of about 90 that we should be achieving.

Now we should also perhaps be spending a little bit more money on missile defense, in my estimation. But we do have a pretty good tranche of money in there. We have a good guy, General Kadish, who is working this program, who will be accountable to this Congress, who is going to throw out the losers and he will award the winners in missile defense, those systems that work. And so we are on a pretty good track there.

Lastly, we do some good stuff for our people, and our people in this ongoing war, this conflict we are fighting right now, have proven to be, as usual, our greatest assets. We have the 4.1 percent pay raise. We have more targeted to certain areas where we need a little more help, but all in all we do a pretty good job for our people. So people, modernization, the ability to defend against incoming ballistic missiles, and some good money on some new technology in the future with R&D is in this package. Please support this package. It is the right thing. And every Member should remember as we vote this bill today, we are in a war right now. We need to get the tools that our military needs, that the President needs to carry out this mission. Please vote this bill up, vote the rule and vote the bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, this bill illustrates an apparent Republican principle, namely, that there should be an inverse relationship between one's commitment to practicing democracy at home and exporting it abroad. We are doing a great deal to try and advance democracy overseas, but here we are engaging in a travesty of democratic debate being shut down.

We will have spent today in this Chamber more time honoring the former Members than we will have in debating any single aspect of military policy. Now, former Members are wonderful. Many of us some day hope to be former Members, but to put that ahead of debating environmental policy, nuclear policy level of spending makes no sense. A number of very important issues have been, by the Republican leadership, excluded from today's debate. Why? We were scheduled to meet tomorrow, but Members have now apparently been told that we should put aside any further debate on these issues. A free day tomorrow is more important than thorough debate today. The notion that you take this enormous chunk of the budget, all of these important issues, and cram them into one part of the day, is a travesty of democracy unworthy of the people's House.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

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

Mr. Speaker, I think it may be appropriate at this stage to say a few words about the context in which we are considering this defense authorization bill this year, for it is truly different than the context, the environment, the international situation in which we have considered it in previous years.

The United States is currently engaged in a war. We have troops in the field. And for probably the first time in our history, every American community is a potential target for our enemy. And I think it is important that as the urgency we all felt from September 11 begins to fade away and we have a drift, perhaps, back towards complacency, that we remember that our enemy in this situation is very dangerous, indeed. Their aim is to kill as many Americans as they possibly can.

Mr. Speaker, the President gave an important speech I believe at the Citadel last December when he said, ''The great threat to civilization is that a few evil men will multiply their murder and gaining the means to kill on a scale equal to their hatred.''

Mr. Speaker, I think that has profound implications for us. We have faced evil in the world before. We have faced an evil system with the means to destroy us before during the Cold War. But never before have we faced a situation where a few evil men could gain the means to kill on a scale equal to their hatred. And I think that as a backdrop to everything that we are considering, whether it is pay and benefits, whether it is certain particular weapons systems we ought to buy, whether it is a defense policy regarding some issues or other issue or other, we ought to keep this context in mind and the dangers that we face.

In addition to the war on terrorism, we have very serious tension in the Middle East. We have continuing tension between India and Pakistan, two nuclear powers. We continue to have difficulties and issues with North Korea. Of course, China and Russia are of concern. And that is the international situation in which we find ourselves.

This bill, I believe, will help make us stronger. It takes some important steps towards defining the Department of Defense's role in protecting our homeland security. It takes some important steps towards transforming our military so that we are ready to face the challenges of the future, not refight the wars of the past. Things like joint training and experimentation are talked about here. But, Mr. Speaker, I think more important than any of these particulars is the necessity for this House to take this with all the seriousness which the international situation demands.

Mr. FROST. 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, I have served in the House for 20 years and for 20 years I have served on the House Committee on Armed Services. I speak from experience and mince no words when I say this rule is an outrage, nothing less than that. In the 1980s when I also served here, we had another enormous buildup in our national defense. And every year when we came

to the floor with this defense authorization bill, we would have 100 to 200 amendments filed to the Committee on Rules, and we bent over backwards to make most of them in order. We had a full, fair and free debate in the well of this House. It was a free market idea, but it is no more.

We lived in those days up to article 1, clause 8, the solemn responsibility the Constitution gives us. We gave these issues serious consideration. The consideration they merit.

We had another tradition that somehow has been lost in the last 5 or 6 years. Senior members of the committee with experience were given deference on the Committee on Rules. If we brought amendments to be considered, the Committee on Rules would give some weight to the fact that we had some experience on the committee.

I brought four rules. I did not abuse the privilege. I brought four amendments to the Committee on Rules yesterday and asked that they be made in order. One was an amendment that was made at the behest of the Department of Defense. Another one was an amendment that was made in order because also another amendment, a second order amendment, was made in order that would change it to the liking of the gentleman from California (Mr. HUNTER). I will support that amendment, but that really makes it his rather than mine.

The two other amendments that I sought were important amendments. Neither was made in order. Now they made in order amendments for noncommittee members. But when the gentleman from Maine (Mr. ALLEN), who is a member of the committee, asked for an amendment, he was stiffed. The gentlewoman from California (Mrs. TAUSCHER) was stiffed. I was stiffed. Noncommittee members who offered amendments that they thought might be ''got you'' amendments, they went ahead and made in order, but not ours which were seriously considered and we wanted an open and free debate on those issues. One was nuclear testing.

I sense a slow, subtle about-face in our policy of moving away from nuclear weapons, particularly tactical nuclear weapons, particularly early to use nuclear weapons towards nuclear weapons and even a resumption of nuclear testing. That may be the right policy. It may be the wrong policy. In any event, it is a serious policy issue.

As we make this move subtly, we should have a full, free, fair and open debate. And all I wanted to say was, Mr. President, by virtue of this act, we ask you solemnly for 12 months notice before you make the decision to resume nuclear testing.

As a matter of fact, it will not impede in any way the resumption of nuclear testing. DOE says it will take them today 24 to 36 months. But it would allow us 1 authorization appropriations cycle before that solemn decision was finally taken. We would have an opportunity to register opposition. We will be a full partner in what I think is a fundamentally serious decision. That amendment was not made in order. This is a rigged rule. It shuts out debate. It makes a mockery of the Constitution. Vote against the previous question, vote against the rule.

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

Just a point of clarification, Mr. Speaker. There is a Tauscher amendment that is allowed and there were 10 Democrat amendments, 3 bipartisan, and 12 Republican.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of the rule and to draw attention to a part of H.R. 4546 that is critical in helping to protect the environment and keeping America's commitment to care for our Nation's reserve fleets, also known as the Ghost Fleet, located in the James River.

MARAD is mandated to dispose of all national defense reserve fleet ships by September 30, 2006. The authorization relating to ship disposal and scrapping for the Maritime Administration is of critical importance. I am happy to report that the merchant marine panel, with my strong support, just authorized 20 million to more quickly dispose of surplus vessels that cause serious potential danger to our environment. I would like to see more dollars allocated to this national priority, but after zero dollars in fiscal year 2002, I believe this funding puts us back on track to rid our fleet of these aging ships.

Additionally, this measure also allows for financial assistance to environmentally mitigate and reef these same vessels. We must begin to think out of the box to solve this looming problem. Cleaning, then reefing, these ships will create cost savings and will allow us to scrap them more rapidly. We have to work toward the September 30, 2006 deadline and to encourage adequate funding this year to get the job done.

Mr. Speaker, I would like to thank our distinguished Committee on Armed Services chairman, the gentleman from Arizona (Mr. STUMP), and especially thank the gentleman from California (Mr. HUNTER) of the maritime marine panel for his work on this matter. I say thank you, Mr. Speaker. I support the rule and I ask all of my colleagues to support this authorization.

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

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me time and for his courtesy.

Mr. Speaker, I stood on the floor earlier this morning and heard our distinguished Republican leader extol the institution of this House to the former Members. Then our first order of business following that ceremony is a rule on defense authorization that continues the march of marginalization of this Chamber. There is, Mr. Speaker, a national debate raging about defense policy in this country. It is healthy, it is appropriate, and we all have strong feelings about it, their concern about the nature, extent and direction of national defense, but not on the floor of this Chamber.

I have offered an amendment, for instance, to strike funding for the Crusader. Along with the gentleman from Texas (Mr. THORNBERRY) and the Secretary of Defense, we have deep concerns about this. I would hope that we spend this money cleaning up the thousands of sites across the country that are polluted with military toxics and unexploded ordinance which killed two of our servicemen in this country a few weeks ago. But, no, due to this rule and the management of this piece of legislation, we are going to remain silent. I think that is sad, Mr. Speaker. I expect better from this Chamber.

□ 1215

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. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, according to the GAO and Secretary Rumsfeld, the Pentagon cannot account for $1 trillion, T-trillion, of expenditure and acquisition costs over the last decade, a bookkeeping shambles that makes Arthur Andersen and Enron look somewhat respectable.

So what is the response in this United States House of Representatives, the people's House, in considering this bill for 1 year, $43 billion increase for a budget that will total more than $400 billion? Hear no evil, see no evil and speak no evil.

No amendment to question any Pentagon program, no matter how behind schedule, overbudget or unneeded, will be allowed. It is an expensive debate, $833 million a minute, but not extensive in examining the priorities, waste and abuse at the Pentagon.

I hoped to offer a number of amendments for troubled programs, particularly one on the $12 billion Cold War-era artillery system Crusader that Secretary Rumsfeld says is not needed and he wants to kill, but it will not be allowed nor will an amendment on the F–22, the Comanche.

Stifling debate does not constitute national security readiness for this country. I believe it does a disservice to the people in uniform, those who go without necessities while we put on pedestals gold-plated turkeys.

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

Mr. SHOWS. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time.

Mr. Speaker, I rise in opposition to the rule governing the debate on the

National Defense Authorization Act. No one in this Chamber is a stronger advocate for the military than I am, and I intend to vote for final passage of the defense bill; but the rule prevents us from having an honest debate of two amendments that were offered by myself and the gentleman from Mississippi (Mr. TAYLOR).

First, the defense bill includes a requirement for a GAO report on the current state of health care under TRICARE. Mr. Speaker, if we have another study on health care for our military retirees, we will not have any left.

Too often retirees cannot get timely health care at military bases because TRICARE's space-available provisions send them to the end of the line. Other retirees who do not live near bases have difficulty in finding private doctors who will accept TRICARE, and the system often requires our sick and elderly to travel long distances to military doctors and bases.

My amendment would have replaced the GAO study with real health care alternatives by inserting the text of H.R. 179, Keep Our Promise to America's Military Retirees Act. It would enhance the ability to participate in the same health care system that Federal and congressional retirees can elect. My amendment is fair and does not create another bureaucracy. H.R. 179 has 317 cosponsors in this House, including most of the Members on the Committee on Rules, but the Committee on Rules will not let us debate it.

The Committee on Rules has also struck down the gentleman from Mississippi's (Mr. TAYLOR) amendment to put off another round of base closures. This is no time to be shutting down our military bases when we are engaged in war. When we have shut down bases in the past, we have also shut down military health care for our Mississippians and all over the country. Thousands of active and retired families who depend on the Meridian Naval Air Station and Columbus Air Force Base, among others, for their health care, these and many other facilities could face closures; but the Committee on Rules will not even let us talk about it.

Mr. Speaker, we need to debate these issues today, but the rule does not allow it. So I urge my colleagues to vote ''no'' on this rule. Tell the Committee on Rules that military health care is an essential component of national defense.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

(Mr. RAHALL asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. RAHALL. Mr. Speaker, I do rise in opposition to the rule in its present form and urge Members to vote to defeat the previous question so that amendments to strike anti-environmental riders may be offered.

Along with the distinguished dean of the House, the gentleman from Michigan (Mr. DINGELL), and eight of our colleagues, we filed an amendment to strike the unwise exemptions to the Migratory Bird Treaty Act and the Endangered Species Act, which have been attached to this important bill. Unfortunately, the Committee on Rules did make our amendment in order, even though I am the ranking member of the Committee on Resources, whose jurisdiction has been abused by this bill.

This rule adds insult to injury. Not only has Resources been excluded from the process, but meaningful public hearings have not been held on these important issues. Members will be denied a fair opportunity to debate and vote on these important issues under the rule in its present form, but if we defeat the previous question, the amendment to strike these objectionable anti-environmental exemptions may be offered.

We should not sanction this bill's sneak attack on our environmental laws. This is not a fair rule, and I ask Members to defeat the previous question.

STRIKE THE ANTI-ENVIRONMENTAL RIDERS ON DOD AUTHORIZATION VOTE TO DEFEAT THE PREVIOUS QUESTION ON THE RULE

DEAR COLLEAGUE: We urge you to vote to defeat the previous question on the rule for the Bob Stump National Defense Authorization Act for FY 2003 (H.R. 4546) so that amendments may be offered to strike anti-environmental riders. This legislation—while important to our national security and military preparedness—has been misused as a vehicle to bypass committee jurisdiction and public process in order to create unprecedented and unwarranted exemptions to key environmental laws.

We would clearly have preferred that Members have the opportunity to vote directly to remove the harmful environmental provisions from H.R. 4546. But the Committee on Rules has refused to give Members that choice. Our amendment, which was cosponsored by eight of our colleagues, would have strategically stricken both section 311 and section 312, which unwisely exempt DoD from compliance with the Migratory Bird Treaty Act and the Endangered Species Act, respectively. Moreover, sweeping changes to these laws are unnecessary: Section 7 of the ESA specifically provides for a national security exemption (which DoD has never invoked) and DoD and the U.S. Fish and Wildlife Service are close to finalizing an administrative agreement to resolve Migratory Bird Treaty Act disputes.

In effect, proponents of these anti-environmental riders seek to accomplish through the back door of the Armed Services Committee and a closed rule what they could not through the front door of open public hearings and careful consideration in the regular legislative process. While we fully appreciate the importance of military training and readiness, we also do not think that DoD, in the very limited public process to date, has made the case that exemptions to important and long-standing environmental laws are necessary or that training is greatly impaired because of those laws.

In fact, GAO—in a soon to be a released report—will inform Congress that readiness data provided by the military does not indicate that environmental laws or other ''encroachment'' by urbanization has significantly affected training readiness. To the contrary, DoD continues to report high levels of training readiness at almost all units.

In our view, the House should not be stampeded into gutting key environmental laws based on illusory and inconclusive allegations by DoD. It defies logic that suddenly we should surrender to demands for new statutory exemptions so that the environment no longer matters to our largest and most powerful federal agency.

As longstanding proponents of these critical environmental laws, we urge you to vote ''no'' on the previous question on the rule on H.R. 4546.

Sincerely,

NICK J. RAHALL III,
Ranking Democratic Member, Committee on Resources.

JOHN D. DINGELL,
Ranking Democratic Member, Committee Energy and Commerce.

MIGRATORY BIRD TREATY ACT (MBTA) [SECTION 311 OF H.R. 4546]

The MBTA of 1918, one of our Nation's oldest and most enduring conservation statutes, sets forth U.S. obligations under the Convention for the Protection of Migratory Birds with Canada. It also provides implementing authority for subsequent Conventions with Mexico (1936), Japan (1972) and Russia (1976) which guide the cooperative conservation management of North America's migratory birds.

H.R. 4546 would unilaterally exempt military readiness activities from MBTA requirements. This would compromise U.S. international treaty obligations and could establish a negative precedent for other signatory nations to exempt their own activities from such obligations or consider other forms of retaliation.

This bill would grant the military an unprecedented, far less-restricted self-regulatory authority. No federal agency or state has such an authority.

H.R. 4546 would negatively affect migratory bird management. Removing military readiness and training activities from compliance with the MBTA would likely increase unreported incidental mortalities. Migratory bird population estimates might become far less accurate, the listing of endangered species could increase, and regulated hunting seasons could be delayed or made more restrictive.

A legislative ''fix'' is premature and unnecessary. Section 3 of the MBTA provides broad authority to the Secretary of the Interior to determine when the incidental ''taking'' of migratory birds is compatible and to develop regulations within the law's context. In fact, the Fish and Wildlife Service and Department of defense are close to finalizing a Memorandum of Agreement establishing an administrative process to resolve migratory bird disputes.

The U.S. has fought in two World War, the Korean War, Vietnam, and the Persian Gulf War with the MBTA in place. Since 1916 only one modification of this magnitude occurred (1997) and that was only after 20 years of negotiation.

ENDANGERED SPECIES ACT (ESA) [SECTION 312 OF H.R. 4546]

The ESA requires, with limited exceptions, the designation of critical habitat for all endangered or threatened species. Federal agencies are required to consult with the U.S. Fish and Wildlife Service (USFWS) under section 7 in order to avoid actions that destroy or adversely modify critical habitat.

H.R. 4546 would exclude military lands from critical habitat designation under the ESA, if an Integrated Natural Resources Plan (INRMP) has been developed.

Blanket legislative exemptions are not needed. Section 7 of the ESA already provides an exemption for any agency action for

reasons of national security. According to the USFWS, the Secretary of defense has never sought a section 7 exemption.

Critical habitat designation has also been precluded pursuant to ESA,. when concerns about the impacts on military training activities were raised.

It is the critical practice of the USFWS to consider excluding areas covered by INRMPs from critical habitat designation if certain conservation criteria are met. Contrary to DoD assertions, the Clinton Administration did not determine that installations with INRMPs were automatically excluded from critical habitat designation.

H.R. 4546 would require the USFWS to substitute an INRMP for critical habitat if ''such plan addresses special management considerations or protections'' with no further explanation or definition of this standard.

INRMPs do not provide the same level of protection as critical habitat designations.

The ESA has been in place since 1973. Our military maintained its readiness throughout the Cold War and trained for and executed Operation Desert Storm in 1991 during the Persian Gulf War with current laws in place.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, the House Committee on Armed Services does so much of its work on a bipartisan basis, but this rule is an outrage. The Republican leadership has allowed what will probably be about a dozen amendments not considered en bloc to a defense bill authorizing $393 billion.

In the past, under Democratic leadership, dozens of amendments over several days was the rule. Why so little debate permitted? So Members can go home tonight and not have to vote on Friday and not have to deal with controversial matters. Why so few amendments? So the American people will not hear what Democrats have to say.

The House Republicans are squeezing the life out of democratic debate in the people's House. They have blocked amendments to prevent exempting the Defense Department from our environmental laws. They rejected my amendment to stop the development of a proposal to use nuclear weapons to blow up missiles above American cities, a really dumb idea.

They barred amendments by the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from South Carolina (Mr. SPRATT) that would have led to a longer floor debate over the emerging Republican plans to develop and use on a first-strike basis new tactical nuclear weapons.

They blocked debate over aid to Colombia and base closings. When Republicans change our defense policies, change our environmental policies, change our nuclear policies without a full and fair debate, this country loses. Democrats and Republicans stand shoulder to shoulder in the war on terrorism. This rule makes a mockery of our unity. We are weaker as a country when the Republican majority in this House slams the door on a full and fair debate.

I urge my colleagues to defeat this rule, vote down this rule.

Mr. FROST. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. FROST) has 3 minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 2½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, the President's budget is a request for $98 million of the American taxpayers' dollars to defend a pipeline in Colombia owned by Occidental Petroleum through which Colombia National Oil Company oil flows. They had record profits last year, but the Colombia National Oil Company wants the American taxpayer to pay to defend it.

What is worse than that is the President is now trying to change the rules that limit American involvement in Colombia to less than 500 troops so that American troops, the sons and daughters of Mississippi, of Georgia, of Alabama can go defend a pipeline that the Colombians themselves will not defend. While the Colombians have cut their defense budget and made it easier to avoid military service there, they are working with our State Department to get American kids to go fight their war for them.

I think this House ought to vote on that. I think we ought to have a cap on the number of troops that serve in Colombia; and if the President wants to make the case for American kids to die in Colombia, let him come forward, and then let this House vote on it.

Number two, we are at war. Do my colleagues not think it would make sense not to close bases while we are at war? Do my colleagues not think it makes sense not to close commissaries and hospitals that our military retirees, who half of which live near a base, close them while these people are in their senior years? Do my colleagues not think it makes sense not to have every single person who works for the Department of Defense wondering whether or not they have a job tomorrow?

I have asked the Republican Congress for a vote to kill base closure because base closure has not saved one dime. We have not purchased one weapons systems with money from the base closures. We have given away the properties; and better than that, we spent $13 billion in taxpayers' money to clean up bases that used to be good for soldiers, but then we had to pay to clean them up before we gave them away to the local communities.

I urge my colleagues to vote against this rule so we can have an up or down vote as to whether or not American kids are going to die in Colombia.

I urge my colleagues to have an up or down vote on whether or not the base in the gentlewoman from North Carolina's (Mrs. MYRICK) State is going to close, the bases in the gentleman from California's (Mr. DREIER) State are going to close, the bases in the gentlewoman from Ohio's (Ms. PRYCE) State are going to close, whether or not the bases in Georgia, where the gentleman from Georgia (Mr. LINDER) who is on the Committee on Rules, are going to close, decide whether or not the gentleman from Florida's (Mr. GOSS) and the gentleman from Florida's (Mr. DIAZ-BALART) bases in Florida will close, decide whether or not the bases again that every single Member of this body represents, whether or not they are going to close.

Base closure has not saved the taxpayers of the United States one penny. It has not purchased one weapons system; and to make matters worse, we are now looking at spending money to replace the bases that we closed 3 years ago because the military realized they made a terrible mistake in closing bases like Cecil Field in Florida. As we are about to put the Joint Strike Fighter out in the field, we have now got to go out and buy property to replace the bases that we closed just a few years ago.

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

I urge Members to defeat the previous question. If the previous question is defeated, I will offer an amendment to the rule which will allow the House to consider a number of important amendments which Democratic Members proposed to this bill.

Mr. FROST. Mr. Speaker, I yield the remaining time to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

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

Mr. GEPHARDT. Mr. Speaker, I rise in strong opposition to this rule. Make no mistake about it, Democrats are in strong support of providing much-needed and deserved resources for our men and women in uniform in a time of war; and we stand with the President in the war against terrorism, which this legislation will allow us to wage more effectively in the year ahead.

There are a number of very important issues that deserve and need to be debated as we move our military into a new era. Republicans are using this bill to undermine the Endangered Species Act, the Migratory Bird Treaty, and the Wilderness Act. They refuse to accept input from the States, local communities, environmentalists, even the committee of jurisdiction over these environmental issues, the Committee on Resources, before action was taken on this bill. They are eroding environmental protections in a way that is completely inappropriate and unnecessary.

There are also critical nuclear policies that are being excluded from this debate like the future of nuclear testing, the direction of our national missile defense program, the funding for our non-proliferation programs in Russia and a host of other issues, including congressional oversight of military tribunals, U.S. policy toward Colombia,

and management and oversight of major procurement programs.

This is symptomatic of a pattern we have seen in the past months of a majority that wants to close down debate on issues that are critical to the American people. This has become a gag rule House, by a majority that is simply uninterested on the issue of free and fair debate. This Republican leadership shuts down debate on our alternative amendments in the pension reform bill.

Just a few weeks ago, they refused to make our amendments in order on the budget debate and they did not make the Moore substitute in order either in that debate; and months ago this leadership denied a responsible debate on campaign finance reform. They wanted to break the bill into pieces in an effort to sink it. So they forced the House to use a discharge petition just to get the bill on the floor with a fair process.

Then with the debt ceiling, the word is that we will not have a free and fair debate about how to deal with the misguided Republican economic program that was passed last year. Republicans are talking about tacking that bill on the supplemental appropriation.

Again, let us not have a debate, let us not even have a questioning, let us not have a free discussion of issues that affect Americans in their everyday lives.

I think this rule is an abomination. In the days before this, we always had pretty much an open rule on defense bills. There were times in the past that we have taken a week to consider a defense bill, and we allowed Republican and Democratic amendments alike. Let me tell my colleagues that these are important issues that people care about out in the country.

□ 1230

This House is being run with gag rules day in and day out. It must end. Vote against the previous question; vote against this rule. Let us let America into its own defense policy.

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

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

There was no objection.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me this time. I just wanted to follow the minority leader's comments with the observation that we are in a war right now. We have people on the battlefield whose survival depends on good training.

At many of our training bases around the United States, the environmental encroachments have become so strong that today at Camp Pendleton you can only use about a third of the training ground that is available. You have to build foxholes only where you have tape that has been laid out in an environmentally-sensitive manner. The Marines that replicate the Iwo Jima-type assault on the beaches have to dismount from the landing craft and get in buses and be bused up to an environmentally-acceptable point to where they can commence their assault to practice to give their lives to this country. Go to bases like Mountain Home Air Force Base in Idaho, where only one plane at a time can train on the training field, which is like having one football player on the team be allowed out on the field at the same time.

These are reasonable positions that we have taken, reasonable restrictions on the environmental laws to help our people stay alive on the battlefield.

Mrs. MYRICK. Mr. Speaker, I would like to inquire if the gentleman from Texas' time has expired.

The SPEAKER pro tempore. It has.

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

AMENDMENT TO HOUSE RESOLUTION 415

At the end of the resolution insert the following:

SEC. 6. Notwithstanding any other provision of this resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 7 of this resolution. Each amendment may be offered only by the proponent specified in section 7 or a designee, shall be considered as read, and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

SEC. 7. The amendments described in section 6 are as follows:

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. HINCHEY OF NEW YORK

(For himself, Mr. Pallone of New Jersey, and Ms. Sanchez of California)

Strike title XIV (page 240, beginning line 14), relating to the Utah Test and Training Range.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. SHOWS OF MISSISSIPPI

Strike section 712 (page ____, lines ____ through ____) and insert the following new section:

SEC. 712. COVERAGE OF MILITARY RETIREES UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905, by adding at the end the following new subsection:

''(i) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual.''; and

(2) in section 8906(b)—

(A) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2) through (5)''; and

(B) by adding at the end the following new paragraph:

''(5) In the case of an employee described in section 8905(i) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.''.

(b) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(1) Section 1108 of title 10, United States Code, is amended to read as follows:

''§ 1108. Health care coverage through Federal Employees Health Benefits program

''(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

''(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

''(A) a member or former member of the uniformed services described in section 1074(b) of this title;

''(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

''(C) an individual who is—

''(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

''(ii) a member of family as defined in section 8901(5) of title 5; or

''(D) an individual who is—

''(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

''(ii) a member of family as defined in section 8901(5) of title 5.

''(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

''(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

''(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

''(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

''(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

''(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

''(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.''.

(2) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

''1108. Health care coverage through Federal Employees Health Benefits program.''.

(3) The amendments made by this subsection shall take effect on January 1, 2003.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. HASTINGS OF FLORIDA

In section 107, relating to the Defense Health Program (page ____, after line ____)—

(1) insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—'' before ''Funds''; and

(2) by adding at the end the following:

(b) INCREASE IN HEALTH CARE SERVICES FOR MILITARY RETIREES AND DEPENDENTS.—The amount provided in subsection (a) is hereby increased by $2,500,000, and the total amount of the increase shall be available for procurement for carrying out health case programs, projects, and activities for retired members of the Armed Forces and their dependents.

(c) OFFSETTING REDUCTION.—The amount provided in section 105 for the Inspector General of the Department of Defense is hereby reduced by $100,000, and the amount provided in section 301(24) for Support for International Sporting Competitions is hereby reduced by $2,400,000.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON

Page 34, after line 11, insert the following new subsection:

(f) LIMITATION ON AWARDING OF CONTRACT FOR LOW-RATE INITIAL PRODUCTION.—The Secretary of the Army may not award a contract for low-rate initial production for the RAH–66 Comanche aircraft program until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees the Secretary's certification of each of the following:

(1) That the plan in the engineering and manufacturing development phase of the program is adequate for determining the operational effectiveness and suitability of the Comanche aircraft before the start of full-rate production.

(2) That the Comanche program has made adequate progress in development flight testing to date and is on a clear track to demonstrate in operational flight testing, before the start of full-rate production, that the aircraft can meet the following key performance parameters:

(A) Vertical rate of climb.

(B) Night target acquisition range.

(C) Radar cross section signature.

(D) Infrared engine exhaust signature.

(E) Digital communications with joint and combined arms forces.

(3) That the Comanche can be produced within cost, schedule, and quality targets.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON OR MR. FRANK OF MASSACHUSETTS

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. LIMITATION ON OBLIGATION OF FUNDS FOR CRUSADER ARTILLERY PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2003 for research, development, test, and evaluation for the Crusader artillery program of the Army may be obligated until the Secretary of Defense, in consultation with the Secretary of the Army and the Director of Operational Test and Evaluation, submits to the congressional defense committees a certification of the Secretary of Defense's continued support for the program and a report that includes each of the following:

(1) An assessment of the extent to which critical Crusader technologies have not been demonstrated, at the component and subsystem level, in an operational environment (also known as technology readiness level 7), and the effect that the status of technology testing will have on the milestone B decision for the Crusader artillery program.

(2) An assessment of the effect that the weight of the Crusader and its resupply vehicle will have on the ability to transport the system to remote battlefields, including an assessment of the importance of deploying two Crusader howitzers on a single C–17 aircraft.

(3) An assessment of the effect of weight reductions on the cost of the Crusader and its ability to meet performance requirements.

(4) A determination of the potential capabilities and timing for deployment of the initial version of the Future Combat Systems and the implications of those capabilities and deployment schedule on the Crusader's utility to the Army.

(5) An analysis, in consultation with the Secretary of the Air Force, comparing the ability of the Crusader to carry out its mission with the ability of aircraft using smart bombs, global positioning systems, and on-the-ground human spotters to carry out that same mission, including an assessment of the utility of the Crusader, compared with the utility of such aircraft, to combat likely future threats given the force structure of the enemy and the terrain in which they operate.

(6) An assessment of the effect of the Army's plans to award contracts for low-rate initial production for the Crusader less than one-fourth of the way through the prototype testing schedule on the cost of the Crusader and its ability to meet performance requirements.

(7) An assessment of the extent to which the automation of the major functions of the Crusader (including aiming, loading, and firing the cannon, managing inventory (projectiles and propellant), and resupplying the howitzer with fuel and ammunition) exposes the entire system to inoperability due to software problems, including an analysis of the extent to which the software has been tested under operational conditions and an analysis of the challenges faced by the crew in repairing potential software glitches in battlefield conditions.

(b) GAO EVALUATION.—Not later than 60 days after the Secretary of Defense submits the report under subsection (a), the Comptroller General shall submit to the congressional defense committees an evaluation of the report.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON OR MR. STARK OF CALIFORNIA

At the end of subtitle A of title II (page 31, after line 9), insert the following new section:

SEC. ____. TERMINATION OF FUNDING FOR THE CRUSADER ARTILLERY PROGRAM.

The amount provided in section 201(1) for the Army is hereby reduced by $475,200,000, to be derived from amounts for the Crusader artillery program.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON

At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

SEC. ____. LIMITATION ON F–22 AIRCRAFT LOW-RATE INITIAL PRODUCTION.

The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $1,812,000,000, to be derived by reducing the number of F–22 aircraft authorized for low-rate initial production from 23 to 13.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON

At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

SEC. 122. F–22 RAPTOR FIGHTER AIRCRAFT PROGRAM.

(a) REQUIREMENT FOR REASSESSMENT OF THE COST OF THE F–22 WITH A REPORT TO CONGRESS.—The Secretary of the Air Force shall reassess the cost to complete the development program for the F–22 Raptor fighter aircraft. The Secretary shall submit to Congress, as a supplement to the fiscal year 2004 budget, information on any amount that the Secretary determines would be necessary for that development program in addition to the amount of $21,000,000,000 previously reported to Congress as the amount for that program.

(b) REQUIREMENT FOR MONITORING KEY MANUFACTURING PROCESSES.—The Secretary of the Air Force shall direct the program office for the F–22 aircraft program to monitor the status of key manufacturing processes for that program by collecting statistics on the percentage of key manufacturing processes in control as the program continues to proceed toward high-rate production. As part of the report required in subsection (a), the Secretary shall provide the congressional defense committees with the statistics, and an analysis of the statistics, collected under this subsection.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. HOEFFEL OF PENNSYLVANIA

At the end of title X (page 218, after line 15), insert the following new subtitle:

Subtitle D—Review of Regulations Relating to Military Tribunals

SEC. 1041. SHORT TITLE.

This subtitle may be cited as the ''Military Tribunal Regulations Review Act''.

SEC. 1042. CONGRESSIONAL REVIEW.

(a) PROCEDURES REQUIRED.—(1) Before a military tribunal rule takes effect, the President shall submit to Congress a report containing—

(A) a copy of the military tribunal rule;

(B) a concise general statement relating to the military tribunal rule; and

(C) the proposed effective date of the military tribunal rule.

(2) A military tribunal rule with respect to which a report is submitted under paragraph (1) shall take effect on the latest of the following:

(A) The last day of the 60-day period beginning on the submission date for that rule.

(B) If the President, having been presented with a joint resolution of disapproval with respect to that rule, returns the joint resolution without his signature to the House in which it originated, together with his objections thereto, the date that is—

(i) the date on which either House, having proceeded to reconsider the joint resolution, votes on and fails to pass the joint resolution, the objections of the President to the contrary notwithstanding; or

(ii) if earlier, the date that is 30 days after the date on which the joint resolution, with the President's objections thereto, was returned by the President to the House in which it originated.

(C) The date on which the military tribunal rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval is enacted).

(3) Notwithstanding paragraph (2), the effective date of a military tribunal rule shall not be delayed by operation of this subtitle beyond the date on which either House of Congress votes to reject a joint resolution of disapproval.

(b) EFFECT OF DISAPPROVAL.—(1) A military tribunal rule shall not take effect (or continue) if a joint resolution of disapproval with respect to that military tribunal rule is enacted.

(2) A military tribunal rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new military tribunal rule that is substantially the same as such a military tribunal rule may not be issued, unless the reissued or new military tribunal rule is specifically authorized by a law enacted after the date of the enactment of the joint resolution of disapproval with respect to the original military tribunal rule.

(c) DISAPPROVAL OF RULES THAT HAVE TAKEN EFFECT.—Any military tribunal rule that takes effect and later is made of no force or effect by the enactment of a joint resolution of disapproval shall be treated as though such military tribunal rule had never taken effect, except that a trial of a person pursuant to such rule that is being carried out before the enactment of such joint resolution of disapproval shall continue to be carried out as though such military tribunal rule remains in effect.

(d) RULE OF CONSTRUCTION.—If the Congress does not enact a joint resolution of disapproval with respect to a military tribunal rule, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such military tribunal rule, related statute, or joint resolution of disapproval.

(e) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—For purposes of this section, the term ''joint resolution of disapproval'' means a joint resolution introduced on or after the date on which a report referred to in subsection (a)(1) is received by Congress, the title of which is ''Joint Resolution disapproving the rule submitted by the President on ____, relating to military tribunals'', containing no whereas clauses, and the matter after the resolving clause of which is as follows: ''That Congress disapproves the rule submitted by the President on ____, relating to military tribunals, and such rule shall have no force or effect.'' (The blank spaces being appropriately filled in).

SEC. 1043. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''military tribunal'' means a military commission or other military tribunal (other than a court-martial).

(2) The term ''military tribunal rule'' means the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy, or describing the organization, procedure, or practice requirements of a Department or agency, with regard to carrying out military tribunals.

SEC. 1044. JUDICIAL REVIEW.

No determination, finding, action, or omission under this subtitle shall be subject to judicial review.

SEC. 1045. REPORTING REQUIREMENTS FOR MILITARY TRIBUNALS.

(a) IN GENERAL.—(1) Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) is amended by adding at the end the following new section:

''§ 940a. Art. 140a. Reports to Congress on military tribunals

''(a) For each military tribunal, the President shall submit to Congress periodic reports on the activities of that military tribunal. The first such report with respect to a military tribunal shall be submitted not later than six months after the date on which the military tribunal is convened and shall include an identification of the accused and the offense charged. Each succeeding report with respect to a military tribunal shall be submitted not later than six months after the date on which the preceding report was submitted.

''(b) A report under this section shall be submitted in unclassified form, but may included a classified annex.

''(c) In this section, the term 'military tribunal' means a military commission or other military tribunal (other than a court-martial).''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''940a. 140a. Reports to Congress on military tribunals.''.

(b) EFFECTIVE DATE.—Section 940a of title 10 United States Code, as added by subsection (a), shall apply with respect to any military tribunal covered after, or pending on, that date of the enactment of this subtitle. In the case of a military tribunal pending on the date of the enactment of this subtitle, the first report required by such section shall be submitted not later than six months after the date of the enactment of this subtitle.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TAYLOR OF MISSISSIPPI

In section 1206, relating to the limitation on number of military personnel in Colombia, strike subsections (c) and (d) (page ____, beginning line ____).

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TAYLOR OF MISSISSIPPI

At the end of title XXVIII (page ____, after line ____), insert the following new section:

SEC. ____. REPEAL OF AUTHORIZATION OF ADDITIONAL ROUND OF BASE REALIGNMENTS AND CLOSURES IN 2005.

Effective as of December 28, 2001, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended by striking title XXX and the amendments made by that title relating to the realignment and closure of military installations.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON OR MR. PAUL OF TEXAS

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. SENSE OF CONGRESS RELATING TO CONGRESSIONAL WAR POWERS UNDER THE CONSTITUTION.

(a) FINDINGS.—Congress finds the following:

(1) Among the powers granted to Congress by the Constitution are the following:

(A) The power to declare war.

(B) The power to lay and collect taxes and to pay the debts and provide for the common defense and general welfare of the United States.

(C) The powers to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces, to provide for calling forth the militia to execute the laws of the United States, to suppress insurrections and repel invasion, to provide for organizing, arming, and disciplining the militia, and for governing such part of the militia as may be employed in the service of the United States.

(D) The power to make all laws necessary and proper for carrying into execution not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(E) The power of the purse (''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law'').

(2) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) states that the President has constitutional authority to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, only pursuant to a declaration of war, specific statutory authority, or a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

(3) In response to the terrorist attacks against the United States that occurred on September 11, 2001, section 2(a) of Public Law 107–40 provides limited authorization to the President ''to use all necessary and appropriate force against those nations, organizations, or persons [the President] determines planned, authorized, committed, or aided the terrorist attacks . . . or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that deployment of elements of the Armed Forces into hostilities outside the United States or into situations where imminent involvement in hostilities outside the United States is clearly indicated by the circumstances should be made only in accordance with the powers granted to Congress by the Constitution as described in subparagraphs (A) through (E) of subsection (a)(1) and relevant provisions of law.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MRS. TAUSCHER OF CALIFORNIA

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. INTERNATIONAL DEMONSTRATION PROJECT ON IMPROVING PROTECTION OF NUCLEAR MATERIALS IN FOREIGN COUNTRIES.

(a) PROJECT REQUIRED.—In carrying out the materials protection, control, and accounting program of the Department of Energy, the Secretary of Energy shall carry out a demonstration project under this section to improve the level of physical protection of nuclear materials in facilities, whether military or civilian, of foreign countries.

(b) PARTICIPATING COUNTRIES.—The Secretary shall select not more than three foreign countries for participation in the demonstration project required by this section. The Secretary may not select a country that was included within the former Soviet Union for participation.

(c) ELEMENTS.—The demonstration project required by this section shall include the

first two, and may include all three, of the following elements:

(1) During the first three months of such demonstration project, providing training to local experts in physical protection of nuclear materials, including an exchange of best practices.

(2) During the first 12 months of such demonstration project, implementation of basic improvements, such as upgrading doors and windows, installing barriers, and blocking nonessential doors and windows.

(3) During the first 24 months of such demonstration project, implementation of extensive improvements, such as upgrading the perimeter, installing sensors, implementing personnel access procedures, and providing training in the operation of new equipment and procedures.

(d) FUNDING.—(1) The amount provided in section 3101 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security is hereby increased by $10,000,000, to be available to carry out this section.

(2) The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-Wide, is hereby increased by $10,000,000, to be derived from program element 0603880C.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MRS. TAUSCHER OF CALIFORNIA AND MR. ALLEN OF MAINE

Strike section 1021 (page 210, line 2, through page 211, line 20) and insert the following new section 1021:

SEC. 1021. SENSE OF CONGRESS ON MAINTENANCE OF A RELIABLE AND SECURE STRATEGIC DETERRENT.

It is the sense of Congress that, consistent with the national defense strategy delineated in the Quadrennial Defense Review dated September 30, 2001 (as submitted under section 118 of title 10, United States Code), the global strategic environment, and the commitments of the United States to the arms control regimes to which the United States is a party, the President should, to ensure the national security of the United States and advance the foreign policy goals and vital interests of the United States, take the following actions:

(1) Maintain an operationally deployed strategic force of not less than 1,700 operationally deployed nuclear weapons, unless determined otherwise by a subsequent Nuclear Posture Review and or through negotiated bilateral or multilateral agreements.

(2) Dismantle as many nuclear weapons that are not in the operationally deployed forces of the United States as possible, consistent with—

(A) the commitments of the United States under bilateral and multilateral agreements; and

(B) effective execution of the Single Integrated Operational Plan.

(3) Develop advanced conventional weapons and enhanced intelligence to provide better capability for destroying—

(A) hard and deeply buried targets; and

(B) enemy weapons of mass destruction and the development and production facilities of such enemy weapons.

(4) Report to Congress on any plans to shorten the lead time and enhance the capability to conduct underground testing of nuclear weapons, and, in the case of plans to shorten the lead time to conduct such testing, include an assessment of cost, effect on the global strategic environment, and projected technical scientific benefits associated with such plans.

(5) Ensure, through the stockpile stewardship and management program, that the United States nuclear weapons arsenal remains as safe and reliable as possible.

(6) State that the United States remains committed to its obligations under the Non-Proliferation Treaty to reduce its nuclear weapons arsenal in order to discourage the spread of nuclear weapons to non-nuclear states.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. SPRATT OF SOUTH CAROLINA

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. PRESIDENTIAL NOTIFICATION TO CONGRESS BEFORE RESUMPTION OF UNDERGROUND TESTING OF NUCLEAR WEAPONS.

(a) NOTIFICATION OF FIRST TEST.—(1) Not less than 12 months before the United States first conducts an underground test of a nuclear weapon after the date of the enactment of this Act, the President shall submit to Congress a report on the resumption by the United States of the conduct of such tests. The report shall include each of the following:

(1) The date on which the President intends the first such test to be conducted.

(2) The President's certification that the national security of the United States requires that the United States resume conducting such tests, and an explanation of the reasons why the national security so requires.

(3) An assessment of the expected reactions of other nations to the resumption by the United States of the conduct of such tests.

(b) REPORT ON TEST READINESS.—Not later than March 1, 2003, the Secretary of Energy shall submit to Congress a report on the options for reducing the amount of time required to conduct an underground test of a nuclear weapon after a decision to conduct such a test is made. The report shall include the following:

(1) The findings of the study carried out by the Department of Energy in fiscal year 2002 that examined such options.

(2) The assessment of the Secretary as to whether reducing such amount of time to less than 24 to 36 months is feasible.

(3) The technical challenges and requirements associated with reducing such amount of time to less than 24 to 36 months.

(4) The cost, during the period from fiscal year 2003 to 2012, associated with reducing such amount of time to less than 24 to 36 months.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. SPRATT OF SOUTH CAROLINA

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. TRANSFER OF FUNDS TO PROVIDE INCREASE IN AMOUNTS FOR DEFENSE NUCLEAR NONPROLIFERATION.

(a) INCREASE FOR DEFENSE NUCLEAR NONPROLIFERATION.—The amount in section 3101 for defense nuclear nonproliferation is hereby increased by $10,000,000, to be available only for Russian surplus fissile materials disposition.

(b) OFFSETTING REDUCTION.—The amount in section 201(4) for the Missile Defense Agency is hereby reduced by $10,000,000, to be derived from program element 0603880C, Ballistic Missile Defense System Segment.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. ALLEN OF MAINE AND MR. SPRATT OF SOUTH CAROLINA

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. PROHIBITION ON DEVELOPMENT AND DEPLOYMENT OF NUCLEAR-TIPPED BALLISTIC MISSILE INTERCEPTORS.

(a) STATEMENT OF POLICY.—It is the policy of the United States not to develop or deploy nuclear-tipped ballistic missile interceptors.

(b) PROHIBITION ON USE OF FUNDS.—No funds appopriated or otherwise made available to the Department of Defense or the Department of Energy may be obligated or expended to develop or deploy a nuclear-tipped ballistic missile interceptor.

(c) DEFINITION.—In this section:

(1) The term ''nuclear-tipped ballistic missile interceptor'' means a ballistic missile defense system that employs a nuclear detonation to destroy an incoming missile or reentry vehicle.

(2) The term ''develop'' includes any activities referred to in section 179(d)(8) of title 10, United States Code, more advanced than feasibility studies.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. EDWARDS OF TEXAS

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

SEC. 3146. TRANSFER OF FUNDS TO PROVIDE ADDITIONAL AMOUNTS FOR PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM IN RUSSIA.

(a) INCREASE FOR PROGRAM TO ELIMINATE WEAPONS GRADE PLUTONIUM IN RUSSIA.—The amount in section 3101 for defense nuclear nonproliferation is hereby increased by $30,000,000, to be available only for the program transferred under section 3142.

(b) OFFSETTING REDUCTION.—The amount in section 201(4) for the Missile Defense Agency is hereby reduced by $30,000,000, to be derived from program element 0603880C, Ballistic Missile Defense System Segment.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. FROST OF TEXAS

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____. REQUIREMENTS FOR NATURALIZATION TO CITIZENSHIP THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) PERIOD OF REQUIRED SERVICE REDUCED TO 2 YEARS.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking ''three'' and inserting ''two''.

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Section 328(b) of the Immigration and Nationality Act (8 U.S.C. 1439(b)) is amended—

(1) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(2) by adding after paragraph (3) the following:

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.''.

(c) NATURALIZATION THROUGH ENLISTMENT IN THE ARMED FORCES AND SERVICE WITH AN ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The Immigration and Nationality Act is amended by adding after section 328 the following new section:

''NATURALIZATION THROUGH ENLISTMENT IN THE ARMED FORCES OF THE UNITED STATES AND SERVICE WITH AN ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION''

''SEC. 328A. (a) A person who has served honorably at any time in the Armed Forces of the United States, who enlisted for such service and was not inducted to service, whose eligibility for access to classified information has been certified to the Service by the relevant military department, and who, if separated from such service, was never separated except under honorable conditions, may be naturalized without having resided, continuously immediately preceding the date of filing such person's application, in the United States for at least five years, and in the State or district of the Service in the United States in which the application for naturalization is filed for at least three months, and without having been physically present in the United States for any specified period, if such application is filed while the applicant is still in the service or within six months after the termination of such service.

''(b) A person filing a application under subsection (a) of this section shall comply in all other respects with the requirements of this title, except that—

''(1) no residence within a State or district of the Service in the United States shall be required;

''(2) notwithstanding section 318 insofar as it relates to deportability, such applicant may be naturalized immediately if the applicant be then actually in the Armed Forces of the United States, and if prior to the filing of the application, the applicant shall have appeared before and been examined by a representative of the Service;

''(3) the applicant shall furnish to the Attorney General, prior to any final hearing upon his application a certified statement from the proper executive department for each period of his service upon which he relies for the benefits of this section—

''(A) clearly showing that such service was honorable and that no discharges from service, including periods of service not relied upon by him for the benefits of this section, were other than honorable,

''(B) clearly showing that the applicant entered the Service through enlistment and not induction; and

''(C) clearly showing that the applicant was eligible for access to classified information; and

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.

''The certificate or certificates herein provided for shall be conclusive evidence of such service and discharge.

''(c) In the case such applicant's service was not continuous, the applicant's residence in the United States and State or district of the Service in the United States, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during any period within five years immediately preceding the date of filing such application between the periods of applicant's service in the Armed Forces, shall be alleged in the application filed under the provisions of subsection (a) of this section, and proved at any hearing thereon. Such allegation and proof shall also be made as to any period between the termination of applicant's service and the filing of the application for naturalization.

''(d) The applicant shall comply with the requirements of section 316(a) of this title, if the termination of such service has been more than six months preceding the date of filing the application for naturalization, except that such service within five years immediately preceding the date of filing such application shall be considered as residence and physical presence within the United States.

''(e) Any such period or periods of service under honorable conditions, and good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such service, shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of compliance with the provisions of section 316(a).''.

(d) CONDUCT OF NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Notwithstanding any other provision of law, the Attorney General, the Secretary of State, and the Secretary of Defense, shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act relating to naturalization of members of the Armed Forces are available through United States embassies and consulates and, as practicable, United States military installations overseas.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MS. HOOLEY OF OREGON

At the end of title III (page 81, after line 18), insert the following new section:

SEC. ____. ADDITIONAL FOOD ITEM AUTHORIZED FOR PURCHASE FOR COMBAT FEEDING PROGRAM.

The Secretary of Defense shall amend the list describing the types of shrimp that may be purchased for use in the Department of Defense Combat Feeding Program to include frozen, Pacific pink shrimp (Pandalus jordani), consisting of 350 to 500 shrimp per pound.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TIERNEY OF MASSACHUSETTS

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. LIMITATION ON USE OF FUNDS FOR GROUND-BASED NATIONAL MISSILE DEFENSE PENDING ANNUAL CERTIFICATION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

No funds of the Department of Defense may be obligated or expended for a fiscal year for ground-based national missile defense until after the Director of Operational Test and Evaluation submits to Congress in that fiscal year the Director's certification that the Missile Defense Agency and the contractors of that agency have provided to the Director access to all records and data that the Director considers necessary, as required by section 139(e)(3) of title 10, United States Code.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TIERNEY OF MASSACHUSETTS

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. LIMITATION ON USE OF FUNDS FOR GROUND-BASED NATIONAL MISSILE DEFENSE PENDING ANNUAL CERTIFICATION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

No funds of the Department of Defense may be obligated or expended for a fiscal year for ground-based national missile defense until after the Director of Operational Test and Evaluation submits to Congress in that fiscal year the Director's certification that the Department of Defense is in full compliance with the recommendations of the National Missile Defense Deployment Readiness Review issued by the Director in August 2000.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. TIERNEY OF MASSACHUSETTS

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

SEC. 234. LIMITATION ON USE OF FUNDS FOR CONSTRUCTION OF MISSILE DEFENSE FACILITIES AT FORT GREELY, ALASKA, PENDING APPROVAL OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

No funds appropriated for fiscal year 2003 for the Department of Defense may be obligated or expended for the construction of any missile defense facilities at Fort Greely, Alaska, until the Director of Operational Test and Evaluation approves (in writing) the adequacy of the plans (including the projected level of funding) for operational test and evaluation pursuant to section 2399(b) of title 10, United States Code.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MS. MCKINNEY OF GEORGIA

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TERMINATION OF CRUSADER PROGRAM.

(a) TERMINATION.—The Secretary of the Army shall terminate the Crusader program.

(b) ELIMINATION OF FUNDING.—The amount in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $475,200,000.

AMENDMENT TO H.R. 4546 (FY03 DEFENSE AUTHORIZATION BILL) OFFERED BY MR. JONES OF NORTH CAROLINA

At the end of subtitle D of title III (page 64, after line 19), insert the following new section:

SEC. 3____. RIGHTS OF DEPARTMENT OF DEFENSE EMPLOYEES WITH RESPECT TO ACTIONS OR DETERMINATIONS UNDER PUBLIC-PRIVATE COMPETITIONS.

(a) APPEAL RIGHTS.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) APPEAL RIGHTS.—(1) A person described in paragraph (2) who is adversely affected by any action or determination under Office of Management and Budget Circular A–76 or other public-private competition for the performance of a function for the Department of Defense shall have appeal rights to the Comptroller General.

''(2) A person referred to in paragraph (1) is an officer or employee of an organization within the Department of Defense that is an actual or prospective offeror to perform the activity that is the subject of the action or determination under paragraph (1).''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

"2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison.".

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to any review under Office of Management and Budget Circular A–76 or other public-private competition for the performance of a function for the Department of Defense that is commenced on or after the date of the enactment of this Act and any review or competition underway on the date of the enactment of this Act.

AMENDMENT TO H.R. 4546 (FY03 DEFENSE AUTHORIZATION BILL) OFFERED BY MR. JONES OF NORTH CAROLINA

At the end of subtitle D of title III, insert the following new section:

SEC. 3___. RIGHTS OF DEPARTMENT OF DEFENSE EMPLOYEES WITH RESPECT TO ACTIONS OR DETERMINATIONS UNDER PUBLIC-PRIVATE COMPETITIONS.

(a) APPEAL RIGHTS.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) APPEAL RIGHTS.—(1) A person described in paragraph (2) shall be considered to be an interested party under subchapter V of chapter 35 of title 31 for purposes of any action or determination that adversely affects the person under Office of Management and Budget Circular A–76 or other public-private competition for the performance of a function for the Department of Defense.

"(2) A person referred to in paragraph (1) is—

"(A) an officer or employee of an organization within the Department of Defense that is an actual or prospective offeror to perform the activity that is the subject of the action or determination under paragraph (1); or

"(B) the head of any labor organization referred to in section 7103(a)(4) of title 5 that includes within its membership officers or employees of an organization referred to in subparagraph (A).".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

"2467. Cost comparisons: inclusion of retirement costs; consultation with employees; appeal rights; waiver of comparison.".

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. RAHALL OF WEST VIRGINIA

(For himself, Mr. Dingell of Michigan, Mr. Maloney of Connecticut, Mr. Allen of Maine, Mr. Farr of California, Mr. Pallone of New Jersey, Ms. Sanchez of California, Mr. Hinchey of New York, Mr. Meehan of Massachusetts, and Ms. Lee of California)

Strike sections 311 and 312 (page 52, line 10 through page 54, line 18).

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. BLUMENAUER OF OREGON

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TRANSFER OF FUNDS TO UNEXPLODED ORDNANCE PROGRAM.

(a) INCREASE FOR UNEXPLODED ORDNANCE PROGRAM.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $20,000,000, to be available for program element 0603716D, for use for unexploded ordnance detection and clearance.

(b) REDUCTION FROM CRUSADER PROGRAM.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $20,000,000, to be derived from amounts available for the Crusader program.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. BLUMENAUER OF OREGON

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

SEC. 217. TRANSFER OF FUNDS TO UNEXPLODED ORDNANCE PROGRAMS.

(a) INCREASES FOR UNEXPLODED ORDNANCE PROGRAM.—(1) The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $20,000,000, to be available for program element 0603716D, for use for unexploded ordnance detection and clearance.

(2) The amount provided in section 301(17) for environmental restoration, Defense-wide, is hereby increased by $30,000,000, to be available for the military munitions response program.

(3) The amount provided in section 301(18) for environmental restoration, formerly used defense sites, is hereby increased by $70,000,000, to be available for unexploded ordnance cleanup.

(b) REDUCTION FROM CRUSADER PROGRAM.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $120,000,000, to be derived from amounts available for the Crusader program.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. LANGEVIN OF RHODE ISLAND

At the end of subtitle F of title V (page ____, after line ____), insert the following new section:

SEC. ____. WEAR OF ABAYAS BY MEMBERS OF THE ARMED FORCES IN SAUDI ARABIA.

(a) PROHIBITIONS RELATING TO WEAR OF ABAYAS.—(1) A member of the Armed Forces may not be required or strongly encouraged to wear the abaya garment or any part of the abaya garment while in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty.

(2) No adverse action, whether formal or informal, may be taken against a member of the Armed Forces who chooses not to wear the abaya garment or any part of the abaya garment while in the Kingdom of Saudi Arabia pursuant to a permanent change of station or orders for temporary duty.

(b) INSTRUCTION.—(1) The Secretary of Defense shall provide each member of the Armed Forces ordered to a permanent change of station or temporary duty in the Kingdom of Saudi Arabia with instructions regarding the prohibitions in subsection (a). Such instructions shall be provided to a member within 10 days before the date of a member's arrival at a United States military installation within the Kingdom of Saudi Arabia or immediately upon such arrival. The instructions shall be presented orally and in writing. The written instruction shall include the full text of this section.

(2) In carrying out paragraph (1), the Secretary shall act through the Commander in Chief, United States Central Command and Joint Task Force Southwest Asia, and the commanders of the Army, Navy, Air Force, and Marine Corps components of the United States Central Command and Joint Task Force Southwest Asia.

(c) PROHIBITION ON USE OF FUNDS FOR PROCUREMENT OF ABAYAS.—Funds appropriated or otherwise made available to the Department of Defense may not be used to procure abayas for regular or routine issuance to members of the Armed Forces serving in the Kingdom of Saudi Arabia or for any personnel of contractors accompanying the Armed Forces in the Kingdom of Saudi Arabia in the performance of contracts entered into with such contractors by the United States.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. UDALL OF COLORADO

At the end of subtitle D of title XXXI (page 356, after line 25), insert the following new section:

SEC. 3153. SENSE OF CONGRESS REGARDING COMMITMENT TO CLEANUP AT ROCKY FLATS.

(a) FINDINGS.—The Congress finds the following:

(1) The United States and the State of Colorado have a compelling interest in achieving the safe and effective cleanup of present and former nuclear weapons facilities of the Department of Energy, including the Rocky Flats Environmental Technology Site in Colorado.

(2) Completion of cleanup at Rocky Flats and closure of that site will allow resources to be redirected to meet the needs of other present and former nuclear weapons sites, including sites in Washington, Texas, Idaho, Ohio, New Mexico, Tennessee, South Carolina, and other States.

(3) The Department of Energy seeks to complete cleanup and closure of the Rocky Flats site on or before December 15, 2006, and it is in the national interest for that objective to be met.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should take all steps necessary and appropriate, including removal from the site of all plutonium and other wastes, to achieve cleanup and closure of the Rocky Flats Environmental Technology Site, Colorado, on or before December 15, 2006, in a manner consistent with the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(1) the Department of Energy;

(2) the Environmental Protection Agency; and

(3) the Department of Public Health and Environment of the State of Colorado.

AMENDMENT TO H.R. 4546, AS REPORTED OFFERED BY MR. KUCINICH OF OHIO OR MR. PAUL OF TEXAS

At the end of subtitle A of title X (page 196, after line 2), insert the following new section:

SEC. ____. LIMITATION ON FUNDING PENDING COMPLETION OF SUCCESSFUL AUDITS.

(a) IN GENERAL.—Of the total amount appropriated pursuant to authorizations of appropriations in this Act for any component of the Department of Defense specified in subsection (b), not more than 99 percent may be obligated until the Secretary of Defense submits to Congress a notice in writing that such component has received an unqualified opinion on its audited financial statements pursuant to section 3521 of title 31, United States Code.

(b) COVERED COMPONENTS.—Components of the Department of Defense subject to subsection (a) are those components that the Director of the Office of Management and

Budget has identified (as of the date of the enactment of this Act) under subsection (c) of section 3515 of title 31, United States Code, as being required to have audited financial statements meeting the requirements of subsection (b) of that section.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MR. KUCINICH OF OHIO

At the end of title II (page 49, after line 17), insert the following new section:

SEC. ___. LIMITATION ON MISSILE DEFENSE SYSTEMS.

As of the date when the total amount expended by the United States since April 1, 1997, for fixed-base ballistic missile defense programs has exceeded $50,000,000,000, the Secretary of Defense shall terminate all such programs unless before that date the Secretary certifies to Congress that the Department of Defense has demonstrated in a flight test that an interceptor missile can destroy a warhead without relying in the test on any device on the target vehicle that an enemy would not employ.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MR. KUCINICH OF OHIO

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8___. UNIT COST REPORTS.

Section 2433 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(5) Whether, since the most recent unit cost report was submitted, a new baseline description has been established under section 2435 of this title. If such new baseline description has been established, the program manager shall report whether this new baseline description was established due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth.'';

(2) in subsection (c), after ''Secretary concerned,'' insert ''or if a new baseline description of the program has been established since the most recent previous unit cost report submitted under subsection (b) due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth,'';

(3) in subsection (d)—

(A) by inserting ''(A)'' after ''(d)(1)''; and

(B) by inserting before paragraph (2) the following:

''(B) If, according to the report submitted by the program manager under subsections (b) or (c), a new baseline description of –the program has been established since the most recent previous unit cost report submitted due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth, the service acquisition executive shall consider the current program acquisition unit cost for the program to have increased by at least 25 percent.'';

(C) by inserting ''(A)'' immediately after the first place ''(2)'' appears; and

(D) by inserting before paragraph (3) the following:

''(B) If, according to the report submitted by the program manager under subsections (b) or (c), a new baseline description of –the program has been established since the most recent previous unit cost report submitted due to excessive cost growth and for the purpose of establishing new per unit costs for charting cost growth, the service acquisition executive shall consider the current program acquisition unit cost for the program to have increased by at least 25 percent.''; and

(4) by adding at the end of subsection (e) the following:

''(4) If a determination of an increase of at least 15 percent is made by the Secretary under subsection (d) in three successive years, or if a determination of an increase of at least 25 percent is made by the Secretary three times in any period, funds –appropriated for military construction, for research, test, and evaluation, and for procurement may not be obligated for a major contract under the program.

''(5) In the event of a congressional declaration of war, and if the Secretary of Defense determines that a program subject to termination under paragraph (4) is vital to any operation of the United States Armed Forces pursuant to this declaration of war, the President may, for the duration of hostilities, such paragraph may be waived.''.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8___. EFFECT OF CONSOLIDATED CONTRACTS ON SMALL BUSINESSES.

(a) IN GENERAL.—Whenever the Secretary of Defense or the Secretary of a military department awards a consolidated contract that displaces a small business as a prime contractor, the Secretary shall develop and implement a plan to offset the decrease in prime contract awards to small businesses occurring as a result of the consolidated contract.

(b) PLAN REQUIREMENTS.—A plan under subsection (a) shall be developed before the award of the consolidated contract and shall be implemented during the same fiscal year as the fiscal year in which the consolidated contract is awarded. The plan shall provide for an increase in prime contract awards to small businesses during such fiscal year so as to offset the decrease in prime contract awards by reason of the award of the consolidated contract.

(c) TRANSMISSION TO SBA.—The Secretary shall transmit a copy of the plan to the Administrator of the Small Business Administration not later than 10 days after the date on which development of the plan is completed.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8___. LIMITATION ON AWARD OF SPECIFIED CONTRACT PENDING ACTION ON SMALL BUSINESS ADMINISTRATION RECOMMENDATIONS.

(a) LIMITATION.—No funds may be obligated for a contract described in subsection (b) until the Secretary of the Army has accepted in their entirety the recommendations of the Administrator of the Small Business Administration with respect to that contract contained in the Administrator's letter to the Secretary dated March 20, 2002.

(b) COVERED CONTRACT.—Subsection (a) applies with respect to a contract to be awarded by the Army Communications-Electronics Command under the contract solicitation of that command numbered DAAB07–02–R–G401.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 174, after line 5), insert the following new section:

SEC. 8___. LIMITATION ON AWARD OF BASE SUPPORT CONTRACTS.

No funds available to the Department of Defense may be obligated for a contract referred to as a ''Base Support Contract'' until the head of the Base Contracting Activity has prepared a written plan specifying how the Department of Defense is going to increase opportunities for the local small business community to be awarded prime contracts with the Department of Defense during the fiscal year during which the Base Support Contract is awarded or renewed.

AMENDMENT TO H.R. 4546, AS REPORTED
OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of title IV (page 90, after line 23), insert the following new section:

SEC. 422. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL ACCOUNTS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated in section 421 is increased by $7,784,000,000.

(b) OFF-SETTING REDUCTION.—The amount authorized to be appropriated in section 201(4) for research, development, test, and evaluation for Defense-wide activities is reduced by $7,784,000,000, to be derived from ballistic missile defense programs.

AMENDMENT TO H.R. 4546, AS REPORTED
Offered by Ms. Millender-McDonald of California

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ___. TERRORIST-RELATED THREATS TO PUBLIC TRANSPORTATION.

(a) ASSESSMENT.—The Secretary of Transportation, in consultation with the heads of other appropriate Federal departments and agencies, shall conduct an assessment of terrorist-related threats to all forms of public transportation, including public gathering areas related to public transportation.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall transmit to the President and Congress a report on the results of the assessment conducted under this section, including the Secretary's recommendations for legislative and administrative actions.

Mr. UDALL of Colorado. Mr. Speaker, this rule is a serious abuse of power on the part of the Republican leadership and should be rejected by the House.

Everyone knows that the Defense Authorization bill is one of the most important measures that the House will consider this year. It should be considered under a rule that will allow the full House—not just members of the Armed Services Committee and some others favored by the Rules Committee—to have an opportunity to participate in shaping the legislation.

That is particularly true this year because the bill as approved by the Committee includes many controversial provisions.

Some of these controversial provisions involve matters appropriate for debate in the context of a bill to authorize defense programs. They include provisions authorizing weapons systems not requested or needed by the Pentagon as well as provisions authorizing policy changes in the area of missile defense and nuclear weapons development.

But other controversial provisions go beyond the normal or appropriate scope of a defense authorization bill.

For example, the bill includes provisions concerning the Endangered Species Act and the Migratory Bird Treaty Act, matters within the jurisdiction of other Committees, including the Resources Committee but which our Committee has had no opportunity to consider.

And, in addition, the bill includes an entire title—Title XIV—that not only

includes provisions dealt with in a bill referred to the Resources Committee but goes further to include matters within our Committee's exclusive jurisdiction. Many Armed Services Committee members themselves have said this was ''a procedural foul.''

At the very least, the Rules Committee should have allowed the House an opportunity to consider changing or removing these very controversial provisions. But the rule does not allow that debate to take place.

Further, I cannot support the rule because it would not even allow the House to consider going on record in support of finishing the cleanup and closure of the Rocky Flats site by 2006.

That former nulcear-bomb plant is right at the edge of the most heavily-populated part of our state. The Energy Department is working to clean it up so it can be closed by 2006 and transferred to the Interior Department for management as a National Wildlife Refuge. This is a matter of highest priority for all Coloradans, and we think it should be a high priority for the Congress and the Administration as well. So, I filed an amendment that would have added to this bill a mere ''sense of Congress'' statement reiterating that DOE should do all that is needed to meet the goal of a 2006 closure. But this rule does not even allow the House to consider adding that to the bill. Just allowing my amendment would not, by itself, have made this rule fully acceptable. Not allowing just makes the rule worse. I urge rejection of the rule.

Mr. MARKEY. Mr. Speaker, I rise in opposition to the Rule.

The Republican attack on our Nation's environmental laws in this bill reminds me of the old quote from a U.S. officer during the Tet Offensive—''We had to destroy the village in order to save it.''

Here, we have a situation where the military has told us that it can assure readiness without the exemptions being sought by the Republicans. Down at Fort Bragg, for example, the Army has been working with the environmental community to protect endangered birds and set aside additional land outside of the base for wildlife habitat. Readiness has not suffered—just ask the Taliban and Al Queda.

In fact, the environmental laws provide exemptions for activities necessary for national security. And to date, no exemption has ever been sought by our Armed forces. In fact the most damning word the Air Force could conjure up to describe the effect of current law is ''subtle.'' And the Marine Corp admitted that the Fish and Wildlife Service is ''sympathetic'' to DOD's needs.

Our military personnel are well-trained and ready for action and they have successfully coexisted with environmental laws for the past 3 decades.

Nevertheless, in this legislation the Republican Majority says we must destroy the environment in order to save America from the terrorist threat. The Republicans have chosen to grant the DOD broad exemptions from our environmental laws wrapped in the cloak of national security and military readiness.

What is really happening here is that those people committed to dismantling the environmental laws that protect public health and the environment can't do it directly because the public outcry would be too great. So, instead they wrapped up their arguments in the cloak of national security and tried to pass off despoiling the environment and threatening endangered species as necessary because of the war on terrorism.

Don't be fooled by the new national security wrapping. This is the same old package—the elimination of laws inconvenient to some but crucial for protecting public and environmental health.

I urge you to defeat the previous question.

Let's defeat this gag Rule that prevents us from considering an amendment to delete these anti-environmental riders.

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.

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 adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 215, nays 202, not voting 17, as follows:

[Roll No. 135]

YEAS—215

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps

Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bentsen
Bishop
Boucher
Burton
Crane
Hall (OH)
Jackson-Lee (TX)
LaFalce
Maloney (CT)
Meehan
Ose
Riley
Roukema
Smith (NJ)
Traficant
Watson (CA)
Waxman

□ 1257

Messrs. RUSH, GEORGE MILLER of California, ORTIZ, and Ms. McCOLLUM changed their vote from ''yea'' to ''nay.''

Mr. HYDE and Mrs. JOHNSON of Connecticut changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). 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. FROST. 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 200, not voting 18, as follows:

[Roll No. 136]

AYES—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Bentsen
Bishop
Boucher
Burton
Crane
Davis (FL)
Hall (OH)
Jackson-Lee (TX)
LaFalce
Maloney (CT)
Meehan
Ose
Riley
Roukema
Smith (NJ)
Traficant
Watson (CA)
Waxman

□ 1315

Mr. ORTIZ and Mr. GREEN of Texas changed their vote from ''aye'' to ''no.''

Mr. KERNS changed his vote from ''no'' to ''aye.''

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 975

Mr. WATKINS of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama (Mr. BACHUS) be removed as a cosponsor of H.R. 975.

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

There was no objection.

□ 1315

MOTION TO ADJOURN

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion to adjourn offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 35, noes 375, not voting 24, as follows:

[Roll No. 137]

AYES—35

Abercrombie
Allen
Berman
Berry
Brady (PA)
Capuano
DeFazio
Delahunt
Dingell
Doggett
Filner
Frank
Greenwood
Hastings (FL)
Hinchey
Holt
Johnson, E. B.
Jones (OH)
Langevin
Lee
McDermott
McGovern
McIntyre
Miller, George
Mink
Olver
Owens
Pallone
Schakowsky
Shows
Slaughter
Stark
Tanner
Taylor (MS)
Waters

NOES—375

Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett