

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit:

Bill Frist, Orrin G. Hatch, John Ensign, Sam Brownback, Jim Inhofe, Michael B. Enzi, Wayne Allard, Michael Crapo, Susan M. Collins, Robert F. Bennett, Pete V. Domenici, Conrad R. Burns, Kay Bailey Hutchison, John E. Sununu, Norm Coleman, Charles E. Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessary absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—55

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (FL)
Allen	Ensign	Nelson (NE)
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Breaux	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Thomas
Craig	McCain	Voivovich
Crapo	McConnell	Warner
DeWine	Miller	

NAYS—44

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Bayh	Edwards	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Pryor
Cantwell	Hollings	Reed
Carper	Inouye	Reid
Clinton	Jeffords	Rockefeller
Conrad	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Daschle	Kohl	Stabenow
Dayton	Landrieu	Wyden
Dodd	Lautenberg	

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, is the pending business the Durbin amendment to the Stevens amendment?

The PRESIDING OFFICER. The Senator is correct, that is the pending question.

Mr. STEVENS. Madam President, I am pleased to yield to the Senator from Illinois. I believe we have reached an agreement on this amendment, and I would be glad to have him modify his amendment if he wishes to do so.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 437 TO AMENDMENT NO. 436, WITHDRAWN

Mr. DURBIN. Madam President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. DURBIN. I ask unanimous consent to withdraw my second-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

AMENDMENT NO. 436, AS MODIFIED

Mr. DURBIN. Madam President, I thank the Senator from Alaska. I particularly thank the Senator from Virginia, Mr. WARNER, who has acted as good counsel to both the Senator from Alaska and the Senator from Illinois.

Let me tell my colleagues what this amendment does because I think the Senate can be proud of the outcome. What we are going to do is to increase combat pay for the men and women in uniform by 50 percent from \$150 a month to \$225 a month, and we are going to increase the family separation allowance by 150 percent from \$100 month to \$250 a month. Our action in this fiscal year will be retroactive to October 1. So it covers the entire fiscal year. It is going to mean a helping hand through a difficult time for the men and women in uniform, and their families.

As I have said, and I am sure the Senator from Alaska will agree, there is no amount of money that we can give

these men and women, nor their families, to compensate them for what they are giving to our country, but this effort on the Senate floor, in a bipartisan fashion, shows we are dedicated to work together to express our gratitude not just in speeches but by giving a helping hand to these families who are struggling.

I send a modification of the amendment to the desk on behalf of myself, Senators STEVENS, INOUE, WARNER, CHAMBLISS, MIKULSKI, DOLE, DASCHLE, LANDRIEU, CLINTON, and PRYOR.

Mr. STEVENS. Madam President, I now ask that this be deemed the original amendment before the Senate, that it be the Stevens-Durbin amendment, plus any other Senators who wish to add their name to it.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

Mr. STEVENS. I ask that the Senate cast a unanimous vote in support of this raise of combat pay and family allowances for our men and women who are in harm's way.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 436, as modified.

The amendment (No. 436), as modified, was agreed to, as follows:

In the amendment strike after the first word and insert the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code is amended by striking "S150" and inserting "S225".

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States code, is amended by striking "S100" and inserting "S250".

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on Oct. 1, 2002 and shall apply with respect to months beginning on or after that date.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I would like to make sure we show this was a unanimous vote. Beyond that, I have a letter I received from the Boeing Company which is relevant to what we have just done, because some of the people who are covered by this amendment are men and women of the National Guard and Reserve. The Boeing Company has notified me it has 2,000 valued employees who serve our Nation in the military as members of the National Guard and Reserve. They state:

Over the last 3 years, some 950 men and women have proudly stepped forward for differing periods of military duty in support of the September 11-related operation. To date,

371 Boeing teammates have been activated for Operation Iraqi Freedom, with many more receiving notice of impending call-up. To stress our commitment, Boeing has extended the benefits we provide these citizen soldiers because we want them to be able to focus on their military mission—with no worry that their families are provided for in the interim. For a period of up to 60 calendar months, we will make up the difference between their military and Boeing pay, plus maintain their medical, dental and life insurance benefits. We have also extended re-employment rights to these talented teammates for up to five years of military service. Boeing's long-standing policy provides these benefits for 90 days.

I am not doing this to blow up Boeing, although I think it is a tremendous gesture. I ask unanimous consent that the letter, in full, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BOEING COMPANY,
Arlington, VA.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: The Boeing Company is honored to have more than 2,000 valued employees who also serve our Nation in the military as members of the National Guard and Reserve. Over the last three years, some 950 Boeing men and women have proudly stepped forward for differing periods of military duty in support of September 11th-related operations. And to date, 371 Boeing teammates have been activated for Operation Iraqi Freedom—with many more receiving notice of impending call-up.

To stress our commitment, Boeing has extended the benefits we provide these citizen soldiers because we want them to be able to focus on their military mission—with no worry that their families are provided for in the interim. For a period of up to 60 calendar months, we will make up the difference between their military and Boeing pay, plus maintain their medical, dental and life insurance benefits. We have also extended re-employment rights to these talented teammates for up to five years of military service. Boeing's long-standing policy provides these benefits for 90 days, with reviews for adjustments depending upon circumstances.

The Boeing Guard and Reserve Network was created to help focus support to these men and women. With membership from employees and senior staff, this network was instrumental in President Bush naming Boeing a winner of the prestigious Employer Support Freedom Award in 2001 for continued support to National Guard and Reserve employees.

Boeing is proud of this leadership role and firmly committed to all our talented men and women called to serve the Nation.

Sincerely,

RUDY F. DE LEON,
Senior Vice President,
Washington, DC Operations.

Mr. STEVENS. This shows much of the problem that the Senator from Illinois has been trying to handle, the problem of people who have been called up who are not regulars. Theirs is a problem that is more acute than those who are in the military and are called up and they have their full military pay continue. The civilian pay of those who have been called up is many times quite a bit in excess of what they get in the military.

We have very complicated problems in a period of the callup cycle we are in right now because our country has called up people for the war on terrorism, called up people for the war in Afghanistan, and are now calling up people for the war in Iraq. Sometimes there have been multiple callups in the same calendar year. It is a very difficult problem to deal with, and I urge the Armed Services Committee to work on it and give us a comprehensive package so we do not have to deal with it in regard to appropriations bills.

That is my point I make now. I prefer that not be the case.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. STEVENS. Madam President, the Secretary of Defense is giving a classified briefing, and I ask unanimous consent that the Senate recess until 3:30.

There being no objection, the Senate, at 2:43 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 435

Mr. STEVENS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 435, by the Senator from Alaska.

Mr. STEVENS. I ask that that may be set aside for the Senator from Nevada.

Mr. REID. Madam President, I debated my amendment. I have an amendment at the desk. I would call that up, ask that it be set aside, and then yield to Senator HOLLINGS.

Mr. STEVENS. Set them both aside, I assume.

AMENDMENT NO. 440

Mr. REID. I ask unanimous consent that the pending amendment be set aside and the clerk report my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW, proposes an amendment numbered 440.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide critical funding to safeguard nuclear weapons and nuclear material in the United States and around the world)

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER

DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
OPERATIONS AND MAINTENANCE,
GENERAL

For an additional amount for homeland security expenses, for "Operations and Maintenance, General," \$29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for "Water and Related Resources," \$25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" for emergency expenses necessary to support safeguards and security activities, \$10,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY

ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for emergency expenses necessary to safeguard nuclear weapons and nuclear material, \$70,000,000, to remain available until expended: *Provided*, That \$30,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That \$40,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex, including at least \$15,000,000 for cyber security.

NUCLEAR NONPROLIFERATION

For an additional amount for "Nuclear Nonproliferation" for emergency expenses necessary to safeguard fissile nuclear material, \$300,000,000, to remain available until expended: *Provided*, That \$135,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further*, That \$40,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further*, That \$20,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further*, That \$20,000,000 of the funds provided shall be available for nonproliferation forensics and attribution: *Provided further*, That \$15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including \$2,500,000 for the Caucasus Seismic Network: *Provided further*, That \$12,000,000 of the funds provided shall be available for nonproliferation assistance to Russian strategic rocket forces: *Provided further*, That \$10,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in