Safety Act, which will prevent school personnel from requiring a child to obtain a prescription for a medication in order to remain in the classroom.

I would first like to thank my colleague from Georgia, Representative MAX BURNS, for his leadership in introducing this legislation to address this significant issue. I would also like to thank LYNN WOOLSEY for her help to improve this legislation. I am pleased to support this bipartisan legislation and am thankful for their efforts.

We have heard from numerous parents and grandparents that have been coerced or pressured by school districts into placing their child on medication in order for the child to attend school or receive services. I recognize the difficulty that children with attention or behavior problems bring to school, but no one should react by automatically assuming that the child should be on drugs. And certainly an individual without a medical license should not presume to understand the severity of a problem and simply assume that the child would be better off with drugs.

I'm concerned that in these situations school personnel think they are doing the child, and the parents, a favor. But they are not. Instead they create new problems, unintended problems, and add to the culture where a pill should magically solve all of the child's problems.

Worse, the quick fix of a pill fails to account for the potentially harmful effects of these drugs when not properly administered.

The diagnosis of a disability or emotional or behavioral problem requires the careful examination and discussion with a licensed medical practitioner. This bill protects that dialogue and ensures that parents are not forced to decide between their own preferences and a school official who is acting inappropriately.

I think it is also important to point out that we have provided strong safeguards to protect appropriate communication between the parent and the teacher. Teachers will still be able to share their observations with parents about the child's behavior in the classroom and the school. Teachers and parents will still be able to discuss the child's academic performance. This bill does not stifle appropriate communication.

This bill has the clear and simple goal of protecting our children from being required by schools to become subject to psychotropic medications that can lead to detrimental health effects as well as drug addiction based on unscientific diagnoses. I urge continued support from my colleagues on this important legislation.

The SPEAKER pro tempore (Mr. LAHOOQ). The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and pass the bill, H.R. 1170, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BURNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Armed Services, I call up House Resolution 245 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the resolution and the amendment thereto to be made in order by a Member designated in the resolution of the Whole House on the state of the Union for consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes. The first reading of the bill shall be suspended with, all points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendment and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. Committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute except those printed in the report of the Committee on Rules and those made in order by a Member designated in the report of the Committee on Rules shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be amendable (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment), and shall not be subject to a demand for division of the question in the House. The rules of the Committee on Armed Services now printed in the bill. The rules of the Committee on Armed Services may be offered only in the order printed in the report (except as specified in section 2 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be amendable (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment), and shall not be subject to a demand for division of the question in the House.

Mr. Speaker, H.R. 1170 would protect our children from being required by schools to become subject to psychotropic medications that can lead to detrimental health effects as well as drug addiction based on unscientific diagnoses. I urge continued support from my colleagues on this important legislation.
from Texas (Mr. FROST), pending which
May 21, 2003

ended, long-term manpower require-

ments of stabilizing Iraq and the con-

tinuing war on terrorism, it is now cru-

cial to begin addressing existing short-

falls.

I commend my colleagues, the gen-

tleman from California (Chairman

of the Committee on Armed Serv-

cices). And, the gentleman from Missori (Mr. SKEL-

TON), for crafting this legislation that will

strength America's military.

Today, our forces must be able to re-

spond quickly to rapidly changing urgencies. In fact, the middle east could be

more important to our military than its

current state of readiness. The pace of

current operations has placed huge

demands on personnel and equipment

already suffering from a decade of

underfunding. This legislation reduces

non-warfighting spending and puts the

money where it is of best use, training

for our service members, maintenance

of equipment, and support for the cost

of operations.

I am pleased that H.R. 1588 authorizes

$35.2 million for 39 Knight family

systems to the Army National Guard.

The Knight system is a high mobility

multipurpose wheeled vehicle-mounted

system which incorporates a Bradley

fire support vehicle mission equipment

package, a laser rangefinder, thermal

sight, hand-held computer and global

positioning systems. It is used to lo-

cate targets for laser-guided munitions.

As the Department of Defense in-

creases the use of precision-guided mu-

nitions in combat, this money will help

North Carolina's 30th Heavy Separate

Brigade Armor use the Knight system

to locate targets in support of these

munitions.

H.R. 1588 makes the preparation and

modernization of our National Guard a
top priority.

I also want to commend my col-

league, the gentleman from North

Carolina (Mr. HAYES), for his work on

terminating the "Buy American" provi-
sions included in this bill. His lan-
guage will ensure that all of the com-

ponents of DOD uniforms come from

American companies. The language

specifically works to more adequately
cover domestic textile and leather indus-
tries.

However, there is one amendment the

Committee on Rules made in order that

I strongly oppose personally, the San-

chez amendment. It would allow abor-

tions on our military bases over-

seas. Military treatment centers,

which are dedicated to nurturing and

healing, should not be forced to facili-
tate the taking of the most innocent

human life, the child in the womb.

For the past 6 years, the House has

voted to keep abortion-on-demand out

of military facilities, and I urge my

colleagues to stay on this course and

vote against this amendment.

That said, this is a fair rule. So let us

pass the underfunded, but well-justi-

cied, defense authorization bill. At the

end of the day, we will be making

our homeland safer, supporting our sons

and daughters serving in the military,

and preparing for war, thereby ensur-

ing victory. At this crucial time in our

history, this bill is most important.

Mr. Speaker, I reserve the balance of

my time.

Mr. FROST. Mr. Speaker, I yield my-
self such time as I may consume.

(Mr. Frost asked and was given per-
mission to revise and extend his re-
marks.)

Mr. FROST. Mr. Speaker, when it
comes to supporting America’s troops,

there is no partisan divide in this Con-
gress. Democrats and Republicans join

together in saluting the soldiers, sail-

ors, airmen, and Marines who serve

America. More importantly, we work

to provide them with the resources

they need to do their jobs that we have

asked them to do. So every year, Dem-
ocrats and Republicans work very hard
to put together a defense author-

ization bill that is as bipartisan as it is

robust.

There is much to be proud of in this

bill. Its core is a bipartisan product

that provides for more national defense

than the President requested and more

than this Republican Congress ap-

proved in its budget. As always, the

gentleman from Missouri (Mr. SKEL-

TON), the ranking member of the Com-
mittee on Armed Services, deserves a
lot of credit. He remains an unwav-
ering advocate for the men and women in

uniform who put their lives on the line
every day to defend the United States.

As a longtime supporter of the U.S. military, I am especially pleased

by the success of Democrats’ efforts to

include substantial quality-of-life im-

provements for America’s men and

women in uniform and their families.

Specifically, this bill includes a 41

percent increase in basic pay for all

members of the Armed Forces, plus

targeted increases for midgrade and

senior noncommissioned officers and

select warrant officers to enhance re-
tention. It also builds on our efforts to

support the National Guard and the Re-

serves, who bear more and more of the

burden of defending America at home

and abroad.

For instance, it ensures is that when

they serve in areas where those on ac-

tive duty get hazardous duty pay, they

will also.

Mr. Speaker, I want to particularly

thank the Committee on Armed Serv-
ices for including in this bill my legis-
lation to make life easier for the Na-

tional Guard and Reserves, both active
duty and retirees, and their families by

allowing them unlimited access to com-

munities. They and their families are

making great sacrifices for this Na-
tion, and they deserve our support.

Additionally, this bill continues to

invest in the wide range of weapons

that ensure America’s military super-

iority not only today, but into the fu-

ture. It includes $44.4 billion for the F-35 Joint Strike

Fighter, the next generation multi-role

fighter of the future for the Air Force,

the Navy and Marines. It includes $43

CONGRESSIONAL RECORD — HOUSE
May 21, 2003
Now the chairman of the Committee on Rules said last night that it was still possible for additional amendments to be considered for inclusion in the second rule on this bill to be considered by the committee later today. But I doubt any Members will be holding their breath.

The fact is, the Republican leadership would have done well to give this House the opportunity to have a vote on the Rahall-Dingell substitute, rather than risking losing this rule by shutting out reasonable Democrats who support the bill.

Additionally, the House Republican leadership has chosen to tell the second ranking Democrat on the Committee on Armed Services, the gentleman from South Carolina (Mr. SPRATT), a Member who has extensive expertise in the issue of nuclear threat reduction, that his amendment is just too hot to handle. The Spratt amendment sought to restore the President's requests for Cooperative Threat Reduction programs. That is the President's request that he sought to restore. Yet the Republican leadership has refused to make this amendment in order, in spite of the fact that President Bush asked for this money.

Again, the chairman of the Committee on Rules told me last night that it might be possible to consider including the Spratt amendment in the second rule, but, again, Members will not be holding their breath.

Such arrogance practically begs pro-defense Members on this side of the aisle to oppose this rule, and it ought to give plenty of reason to oppose this rule to Republican Members who value fair play and institutional integrity or President Bush's national security priorities.

Mr. Speaker, serious Members on both sides of the aisle have filed amendments that attack the Endangered Species Act and Marine Mammal Protection Act.

Similarly, Republicans are trying to use the bipartisan protections of the patriotic men and women employed by the Pentagon. They even defeated a Democratic attempt to preserve the current rules prohibiting patronage at the Pentagon. Mr. Speaker, the anti-environmental riders and attacks on the men and women who work at the Pentagon are not about supporting the military. There are about supporting the Republican party ideology, and they have no business in a bipartisan bill to provide for the men and women of the United States Armed Forces.

So Democrats have filed amendments with the Committee on Rules to free this bipartisan bill of these partisan riders. Unfortunately, Mr. Speaker, the House Republican leadership has chosen to make ideology of such paramount importance that they have shut out two of the most important Democratic amendments.

First, the Republican ideologues have denied the House the opportunity to even consider the amendment offered by the ranking members of the Committee on Resources and the Committee on Energy and Commerce. The Rahall-Dingell amendment is a common-sense, reasonable alternative to the anti-environmental language reported by the Committee on Resources and incorporated in the Committee on Armed Services bill relating to the Endangered Species Act and the Marine Mammal Protection Act. This rule instead makes in order an amendment offered by the chairman of the Committee on Armed Services. It claims to fix the most egregious provisions in the Committee on Resources bill.

The Republican leadership has chosen to shut out Democrats in this manner gives many Members on this side of the aisle more than ample reason to oppose this rule.

For that reason, I urge Members to vote no on this rule so the Committee on Rules can go back upstairs and start this process over. Maybe on the second try the Republican leaders will allow us to get it right.

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

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

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

Let me say to all my colleagues, this is a great defense bill that is coming to the floor, and I hope everybody supports it. It does a lot of things for America's troops. They have just finished this extraordinary operation where they pushed up through Iraq in very dangerous circumstances, engaged in many conflicts at very close ranges and secured their objective and carried out their mission with extraordinary talent and capable and courage.

Now it is our turn. It is our turn to support the troops. It is our turn to provide the readiness capability. It is time to provide the modernization of old platforms, and it is our turn to not only fix what we need to win now but to look beyond the horizon and fix and create and produce what we are going to need tomorrow, and this bill does this.

It provides for many of the very important enablers. And I call enablers things like tankers, tanker aircraft, that allow us to maintain that aircraft bridge between the United States or a base that we have overseas and a potential point of conflict where we can keep aircraft going back and forth, whether those aircraft are cargo aircraft to supply the troops or strike aircraft that are putting rounds on target. And because of that we have got provisions in this bill to provide for tankers. We have a tanker fund that allows us to go forward on either a buy or a lease. We have got that provision in.

We have got provisions in for more of our airlift with C-17 aircraft, these great aircraft that are providing the centerpiece of our airlift today along with our older C-5s and our in-theater C-130s.

We worked on other so-called enablers. We have ramped up this stock of precision-guided munitions. We have got those munitions that allow you to go in and hit one strut on a bridge and knock it down, instead of having to carpet bomb the entire bridge with hundreds of bombs. We have a so-called deep strike package that allows us to spend $100 million on a new system to replace these bomber aircraft that we are using today. And the newest B-2 was made in July of 1992, so it is more than 40 years old. We have 21 B-1s, and only one of those can carry a B-2 aircraft, our stealth aircraft. We now have a very small fleet of B-1 aircraft, because we had pulled 23 B-1 aircraft out of the fleet because we could not...
afford the spare parts to keep all of those aircraft running. We put those 23 aircraft back in the fleets, or as many of them that can be retrieved, and we provide for the spare parts and the sustainability to keep that part of our important fleet going.

We provide for the 41 pay increase. That is the average pay increase, and we do target parts of that to various aspects of the service where we need critical skills.

We did a good job with respect to housing for our troops, for our families. Today you do not just bring a troop, a uniformed person into the services. You bring a family into the services, and you have to provide for those families. We did that in this bill.

This bill has many good things; and our great subcommittee chairman and subcommittee ranking members and my colleague, the gentleman from Missouri (Mr. SKELTON), my great partner who himself is home to the B-2 fleet in Missouri (Mr. SKELTON), my great subcommittee chairman and you have to provide for those families. We did that in this bill.

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Let us turn over to that first overlay. This is your 100,000-acre base. Here is it to bases across this Nation.

Training base, and then I want to relate applications have crept in and closed off many, many, many more off-limits to our troops because of application, and I think wrongful application of our environmental laws.

As we have heard over the last many years now is that our bases around the country where these great troops that you saw in service have an opportunity to train whether they are hitting a beachhead or firing on a range or going through some type of amphibious warfare, those troops need to have places to train and those training grounds are becoming more and more and more off-limits to our troops because of application, and I think wrongful application of our environmental laws.

I want to speak to one aspect of this package that has been talked about a little this morning because people have said, are you killing the environment? Are you hurting the environment? Are you revamping the environment? The answer is no.

What we are doing is providing for freedom to train for our troops. What we have heard over the last many years now is that our bases around the country where these great troops that you saw in service have an opportunity to train whether they are hitting a beachhead or firing on a range or going through some type of amphibious warfare, those troops need to have places to train and those training grounds are becoming more and more and more off-limits to our troops because of application, and I think wrongful application of our environmental laws.

Let me show you a case in point. This is a picture of the Marine base at Camp Pendleton in California. There is some 17 miles of beach here, and this is the beach on which the United States Marine Corps practices Iwo Jima. That is where they practice going ashore under heavy fire, where they knew they will have substantial casualty for us, for freedom. And guess what we have done with our environmental laws? We have closed them out where they want to practice amphibious warfare.

This is a 17-mile beach. This is a base that is in excess of 100,000 acres. And I want to show my colleagues the various overlays, how the environmental laws have crept in and closed down that ground where training is now locked out. It is called the estuarine sanctuary. So training is locked out at Camp Pendleton. No Marines can go inside that estuarine sanctuary.

Now we have another restriction. These are the gnatcatcher restrictions. We found a small bird that is considered to be endangered; and because of that these huge areas and, remember, this is a 100,000-plus acre base, these huge areas are now restricted.

So what did we do? Did we do something radical? No, we did not do anything radical. We simply said we want to balance conservation requirements and training requirements.

So what we are going to do is put together a process. It is called an inramp, which is a fancy term for saying if the Fish and Wildlife Department of the United States makes an agreement with the U.S. Marine Corps or the U.S. Navy or the U.S. Army or the U.S. Air Force and they also make an agreement with State Fish and Wildlife in the State, so if it is California, New Jersey, New York or whatever, everybody gets together and you take an area and you make a decision that allows you to balance those two important priorities, conservation and training, and you say, for example, we will allow the rifle range to be here. We will allow the gnatcatcher environment to be here. And maybe if the gnatcatchers migrate in the fall and they leave this area, we will let you have training in this area until they come back. It allows you to make a flexibility adjustment that takes care of both priorities, both conservation of endangered species and training.

Once Fish and Wildlife and State Fish and Game and the military makes this agreement, you cannot come on in after the agreement is made and place another critical habitat over the top of it and paralyze the training operation. That is what we do.

I think it is a very reasonable thing. This was passed first out of Resources with a bipartisan vote, and we passed it in the Committee on Armed Services.

And the House Committee on Armed Services, I might add, when we went over this diagram of how training has been cut back further and further and further, at places like Camp Pendleton, where those Marines that went up the An Nasiriya Corridor trained, I do not think any American would disagree with the idea that you get together Fish and Wildlife and the Marine Corps, you make an arrangement, you set some land aside for the birds, set some land aside for the Marines, and let them both go through their operations.

So I want to thank the gentlewoman for letting me get up and explain this important aspect of the defense bill; and let me urge all Members, Republican and Democrat, to vote for this bill.

The SPEAKER pro tempore. Does the gentleman from Massachusetts (Mr. McGovern) seek to control the time of the gentleman from Texas (Mr. Frost)?

Mr. McGovern. Yes, I do.

The SPEAKER pro tempore. Without objection the gentleman is recognized.

Mr. HOYER. Mr. Speaker, I think it is a very reasonable thing. This was passed first out of Resources with a bipartisan vote, and we passed it in the Committee on Armed Services.

And the House Committee on Armed Services, I might add, when we went over this diagram of how training has been cut back further and further and further, at places like Camp Pendleton, where those Marines that went up the An Nasiriya Corridor trained, I do not think any American would disagree with the idea that you get together Fish and Wildlife and the Marine Corps, you make an arrangement, you set some land aside for the birds, set some land aside for the Marines, and let them both go through their operations.

So I want to thank the gentlewoman for letting me get up and explain this important aspect of the defense bill; and let me urge all Members, Republican and Democrat, to vote for this bill.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER), our minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. Once again, once again, this Republican majority shows no compunction about turning even the most bipartisan legislation into a vehicle of divisive and unnecessary partisanship.

The defense authorization traditionally unites Members on both sides of the aisle. I have always voted for it. The American people expect that. Our brave men and women in the service deserve no less. However, today, the majority has purposefully loaded up this bill with extraneous and controversial provisions and forced the rule to deny our side of the aisle a fair opportunity to be heard.

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER), the distinguished chairman of the committee, who is now speaking to the Committee on Rules chairman, just spent 10 minutes explaining why the provisions of the bill are not. But they do not have the courage of that representation to allow us to debate fully on the floor and present an alternative.

My, my, my, how confident they must be of the reasonableness of their position. Again, the majority is trying to insulate sweeping policy changes from serious scrutiny by invoking the words “national security,” and casting anyone who raises questions as, at
DREIER), the distinguished chairman of the Committee on Rules, has in fact been completed. It has not been completed.

But I want to say that the issue of the environment is one that is very important to me as a Californian. It is one that I feel very strongly about, to a broad cross-section of the membership of this House, Democrats and Republicans. We also know that there have been requests made by this administration to deal with the situation that was outlined so well by the chairman of the Committee on Armed Services, where in fact we may be jeopardizing the lives of our men and women in uniform if we do not take some action.

So I understand this is going to be debated. This will be discussed. There is no doubt about the fact that this will be a topic of discussion when the amendment of the gentleman from California (Mr. Hunter) comes up, and it will be a topic of discussion as we consider this rule as it is right now, as well as the second rule which we plan to report out tomorrow.

Let me just say that this should be a noncontroversial rule, and I do not want to foreclose the opportunity to consider any proposals that were submitted to the Committee on Rules. We will, in fact, have an opportunity to do that this afternoon, and then tomorrow we will debate a second rule that will allow for further consideration.

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

MR. DREIER. Well, Mr. Speaker, I would be happy to yield further, but I do not know how we stand time-wise. We are using up our time here.

MR. MCGOVERN. It looks like you have plenty of time.

MR. DREIER. Excuse me. I think it is wonderful for the gentleman from Massachusetts to come to that conclusion, but let me just suggest we do this. I will yield back my time now to my friend, and I am happy to stand here and field questions from the minority on their time.
Mr. MCGOVERN. I just have a question that requires a one-word answer. The Speaker pro tempore. The gentleman from California has yielded back his time. The Chair recognizes the gentleman from Massachusetts (Mr. McGovern).

Mr. DREIER. Mr. Speaker, the gentleman does not wish to yield to me?

Mr. MCGOVERN. Unfortunately, we have a lot of people who are outraged by this unfair rule.

Mr. DREIER. We have a lot of people who wish to speak on this issue as well.

Mr. MCGOVERN. I yield 4 minutes to the distinguished gentleman from Missouri (Mr. Skelton), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me this time and for giving me the opportunity to rise in strong, but reluctant, opposition to this rule.

By and large this is a good bill. It puts forward the opportunity for the United States military to continue research and development, procurement, training, attracting the bright young men and women who serve, and to continue along the way to think strategically, operationally, and tactically. Yet I find that this particular rule is shutting out some amendments that I thoroughly believe should be made in order. I hope that the Committee on Rules, on the second look, in the second rule that it will adopt, will hear our recommendations from the committee hearing yesterday and take us quite seriously.

Let me further state, though, that it is a pleasure working with the chairman of the Committee on Armed Services, the gentleman from California (Mr. Hunter). And I thank him for his hard work, for his dedication, for his strong feeling for the military, and for his sincerity. I think that we should let it be known that he is a strong advocate for our national security.

This is a big bill, Mr. Speaker. It authorizes almost $400 billion for the Department of Defense and energy. This bill is over 600 pages long. The Congress has a constitutional duty, as you know, to raise and defend the military in law. I had highlighted three major issues when I testified before the Committee on Rules. The first are the changes in the civil service system. That has been addressed in a manager's amendment. It provides training and additional measures for implementation of the underlying rule. The legislation we have crafted in the Committee on Armed Services is targeted at two of the most critical areas crucial to maintaining a healthy and robust military quality of life and readiness. For the soldiers and airmen in my district at Fort Bragg and Pope Air Force Base respectively, the ability to adequately care for their families and train for the mission for which they are called are the two issues second to none.

I believe this legislation makes significant progress in these areas and will enable our men and women in uniform to continue prosecuting the war on terrorism. A recent trip to Iraq and Afghanistan has been at the very tip of the spear that brings about the dark reign of Saddam Hussein and continue to lead the way in post-conflict resolution in Iraq and Afghanistan. These brave men and women served with honor and distinction as they liberated a nation. Troops from the Eighth Congressional District of North Carolina have been at the very tip of the spear that brings about the dark reign of Saddam Hussein and continue to lead the way in post-conflict resolution in Iraq and Afghanistan. These men and women deserve our support for this bill.

I commend the gentleman from California (Mr. Hunter), the gentleman from Missouri (Mr. Skelton), the gentleman from New York (Mr. McGough), and the subcommittee for their leadership and attention to this matter and look forward to continuing their work to put an end to domestic violence.

The National Defense Authorization Act addresses another critical issue, that of fortifying the defense industrial base, ensuring that the DOD purchases products that are made in America. My two top priorities are national and economic security. There is seldom, if ever, a reason that these two goals should be considered mutually exclusive.

I have vowed to always work to protect and promote the U.S. manufacturing industry, and this is a perfect opportunity to do so. Strengthening the Buy American Act is the right thing to do for our workers and soldiers. Protecting national security is important; economic security is important as well.

Mr. Speaker, we debated this bill for 25 hours, and we had a good debate. It is time to support this rule in the underlying rule that supports our men and women in uniform.
Mr. Speaker, today I rise in support of the rule that will allow for the consideration of H.R. 1588, the National Defense Authorization Bill for Fiscal Year 2004. The legislation that we have crafted in the Armed Services Committee is targeted for the health and readiness of our military—quality of life and readiness. For the soldiers and airmen in my district at Fort Bragg and Pope Air Force Base respectively, the ability to do the job for their families and train for the mission for which they are called are the two issues that are second to none. I believe this legislation makes significant progress in these areas and will enable our men and women in uniform to continue prosecuting the war on terrorism.

My recent trip to Iraq served to strongly reinforce my pride in our Nation’s war fighters. These brave men and women served with honor and distinction as they liberated a nation. Troops from the 8th District of North Carolina have been at the very tip of the spear that ended the dark reign of Saddam Hussein and continue to lead the way in post conflict resolution in Iraq and Afghanistan. These men and women deserve our support for this rule and the underlying bill.

This legislation first and foremost takes care of our most vital asset of our military, our people. It provides every service member with an average 4.1 percent pay raise. It also boosts military special pay and extends enlistment bonuses. Furthermore, it funds programs to improve living and working facilities on military installations.

The bill under consideration today also indicates that we have come a long way since the procurement moratorium of the mid-1990s, and we are seeing results of the restoration of national security funding in our victories in Iraq and Afghanistan. I believe that we must continue to provide adequate funding for our Nation’s military. President John F. Kennedy spent 9 percent of America’s gross domestic product on defense. President Reagan spent 6 percent. The legislation in front of us today spends 3.4 percent and is inching upward. With the national security threats we face today, I believe we must continue moving upward in defense spending.

I would like to take this opportunity to highlight two issues the National Defense Authorization Act for FY 04 addresses that are of particular concern to me. The first is domestic violence. Last year, in the wake of several murders involving soldiers stationed at Fort Bragg, I requested that the Armed Services Committee conduct a series of fact-finding meetings at Fort Bragg and in the Fayetteville community to examine the problem of domestic violence in our military. Working closely with folks in the community and the Defense Task Force on Domestic Violence, we have made progress in implementing their recommendations. The bill before us today contains a provision that allows chaplains to work more closely with military families and gives them the maximum flexibility to work with all family members to prevent potentially tragic situations. It also includes funds funding for travel and transportation for military dependents who are relocating for reasons of personal safety. It provides transitional compensation for victims and additional measures for implementation of the Task Force recommendations. I commend Chairmen HUNTER and MCHUGH and the staff of the Total Force Subcommittee for their leadership and attention to this matter and look forward to continuing to work with them to end domestic violence.

The National Defense Authorization Act for 2004 also addresses another critical issue, that of fortifying the defense industrial base, ensuring that the Department of Defense purchases products that are made in America. My top two priorities are national security and economic security. There is seldom, if ever, a reason that these two goals should be considered mutually exclusive. I always work to protect and promote the U.S. manufacturing industry and this is a perfect opportunity to do so. Strengthening the “Buy American” provisions is the right thing to do for our workers and our soldiers. Protecting our nation’s security is important but it’s just as important to protect our economic security here at home. I have worked hard with Chairman HUNTER to mandate more accountability on the specialty metals used in all of the components used in DoD projects, ensure that all of the parts of DoD uniforms come from domestic sources, and require the Secretary of Defense to notify Congress in writing of the factors that would ever lead to a decision to waive the domestic sourcing requ for the purpose of national security. I’m hopeful that our colleagues in the other body will recognize the need to protect U.S. jobs and work with us through the conference process.

Mr. Speaker, it is a gross injustice and misfortune that it took the tragedy on September 11th, 2001 to focus the public eye on the need for a more robust defense budget. But I feel that the legislation in front of us today will help our troops accomplish their mission. The provision for its consideration 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 you and give you the resources necessary to perform the mission at hand. I urge my colleagues to vote in favor of the rule and in favor of H.R. 1588, the National Defense Authorization Bill for Fiscal Year 2004. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of our House, who it appears was shut out of the process by the Committee on Rules last night.

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

Mr. DINGELL. Mr. Speaker, this is a bad rule. It should be defeated. My Republican colleagues have done the same thing that they usually do. They have gagged the minority. They have denied us a right to discuss important questions, and they have denied us the right to give us the right to offer amendments.

The chairman of the Committee on Rules appears in the well of the House and tells us what a wonderful job they have done at being fair. If they were fair, they should have had the courage and decency on that side of the aisle to let us offer the amendments that should be offered to allow matters to be properly discussed.

This is the language of the Endangered Species Act. There is no need for them to take away the right of the government to properly protect our national symbol, the bald eagle, and other endangered species. There is no need for them to take away the authorities that the leadership in the Department of Defense have sought. Indeed, the members of the agency itself, the fighting soldiers have not asked for and do not want it.

It is interesting to note that they not only amend the environmental laws, but they have amended many more, and they again foreclose the opportunity for amendments.

Now, the chairman of the Committee on Rules comes down and says we are going to have more opportunities. We are going to be considering it again. Well, if we have to consider it again, why did they not offer us a fair rule in the first place? Why do they have to do it this way? They have basically a sound bill, but they have sought to change all manner of environmental laws, and they will put more on the floor if they are permitted to do so.

One of the things that my Republican colleagues have sought to do is to change the Civil Service laws and to repeal, amongst other things, the laws against nepotism. Perhaps there is a little Cheney or a little Bush in the woods somewhere that needs a job, or perhaps a little Wolfowitz. There might even be a relative of the membership on that side of the aisle who happens to need employment.

We should address these issues properly. This is the People’s House. We are supposed to discuss national issues. We are supposed to, under the traditions and the practices of this body, deal with the matters which the public thinks are important. Certainly the protection of conservation values, certainly the protection of Civil Service laws, certainly the protection of the values that all of us think are important enough to be discussed in this body, are strangled by the Committee on Rules when the chairman comes down and says, oh, we have been fair.
Well, if the gentleman from California has been fair, why in the name of common sense does he not have the goodness to allow us to have an opportunity simply to offer the amendment? Is it because my Republican colleagues are scared to death and have made the perjury in order to have an honest application of the rules of the House with regard to the offering of amendments? Why are they so afraid on the other side of the aisle to have the truth brought forth and to offer a fair process?

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

Mr. KIRK. Mr. Speaker, I rise in support of this rule because it makes a needed change. By including the Hefley amendment in the manager’s amendment, we make a change narrowing the application of this DOD authorization bill on the environment just to DOD events alone. I think that is what the committee wanted to do originally. It is what the chairman of the Subcommittee on Readiness and the ranking member of the Subcommittee on Readiness support.

For those of us who are very strong supporters of the environment, we wanted this change made at the full committee, but because of jurisdictional reasons it was not made. By the manager’s amendment including this, I think a change that the Committee on Armed Services wanted to have happen has happened. Now we are making the necessary modifications to the Endangered Species Act and the Marine Mammal Protection Act, as narrowly applied, to support the Department of Defense but not with broad application. To make this early in the process in the manager’s amendment is the right decision by the Committee on Rules, and I urge adoption of the rule and commend the committee for making that decision.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. Rahall).

Mr. RAHALL. Mr. Speaker, I certainly associate myself with the comments the distinguished dean of the House, the gentleman from Michigan (Mr. Dingell). Therefore, I also rise against this rule.

As many Members know, the underlying bill contains broad exemptions from the Endangered Species Act and the Marine Mammal Protection Act which go far beyond what the military requested. For those of who found that the DOD has provided little in the way of justification for its own proposals, these broad exemptions were extremely troublesome.

In fact, under the guise of maintaining national security and military readiness, H.R. 1588 would weaken the ESA to allow critical habitat designations to be removed at the president’s discretion and necessary for the recovery of imperiled species to be done on a discretionary basis and to do so in all instances, not just as it may apply to the military. In fact, when it came to marine mammals, any nonmilitary, nongovernmental activity also would be covered by the weakened standards of this bill.

Let me be clear, H.R. 1588 goes far beyond what even the military requested. As an amendment to itself, we have had two recent GAO reports which found that the Pentagon has failed miserably to provide any compelling examples to verify their allegation that the ESA and the MMPA are undermining and readiness of our fighting forces. In Iraq, we watched on live television the overwhelming strength and bravery of our Armed Forces. We salute them for a job well done. There is no doubt they were well-prepared for battle, and they did it under existing law.

Further, we know that existing law already provides exemptions to all laws when national security is at stake. Yet the military has not even availed themselves of those exemptions in current law.

However, the gentleman from Michigan (Mr. Dingell) and myself are reasonable people. We are strong supporters of environmental protection. Just as strongly as anybody in this Chamber, support our troops. We are proud of the great sacrifices our fighting men and women have made to protect our Nation.

As such, to the Committee on Rules an amendment which was submitted to us, limited the proposed revisions to the ESA and the MMPA contained in this legislation strictly to military activities. Second, we would have ensured that those revisions, while providing the military with some compliance flexibility, would not have diminished the letter and intent of the ESA and the MMPA. This reasonable amendment was not made in order. Instead, buried within the text of what was supposed to be a technical manager’s amendment by the chairman of the Committee on Armed Services, we find a sleight-of-hand amendment that the Hunter amendment hall-Dingell amendment.

Yes, the Hunter amendment revises the broad ESA and MMPA exemptions contained in H.R. 1588. It limits these changes to the military, but it does not do so in the prudent, protective manner that was part and parcel of the Rahall-Dingell amendment.

Mr. Speaker, I suggest to my colleagues that we not be lulled into believing that the Hunter amendment would have accomplished what the Rahall-Dingell amendment would have. On process and substance, the Hunter amendment should be rejected. Therefore, I urge a no vote on the previous question; and if that fails, I urge a no vote on the rule.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. Tauzin) for the purpose of a colloquy.

Mr. TAUZIN. I thank the chairman and look forward to working with him and the administration in ensuring that we properly implement the BioShield program and congratulate him and the committee for, again, a great effort in this bill to help secure our country and protect her.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. Spratt).

Mr. SPRATT. Mr. Speaker, there were 99 amendments filed to the defense authorization bill. Nine were made in order: six for Republicans, three for Democrats. Among those not made in order was an amendment that I offered along with the gentleman from California (Mr. Schiff) which would simply have restored this bill so that the President’s request for cooperative threat reduction, our efforts better known as Nunn-Lugar to get rid of Russian nuclear materials, chemical weapons and biological weapons, could be fully funded and fully expressed.

Let me be clear, Mr. Speaker, we on this side of the aisle simply want to see that the President’s request for cooperative threat reduction, our efforts better known as Nunn-Lugar to get rid of Russian nuclear materials, chemical weapons and biological weapons, could be fully funded and fully expressed.

Mr. HUNTER. Let me just say to my good colleague and the chairman of the Committee on Energy and Commerce and a guy who has a great dedication to the Armed Forces, we appreciate all his support and all of the hard work that his committee has done in this area. I learned my assistance that we will work with him as this bill walks down through the process.

Mr. TAUZIN. I thank the chairman and look forward to working with him and the administration in ensuring that we properly implement the BioShield program and congratulate him and the committee for, again, a great effort in this bill to help secure our country and protect her.

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Mr. Speaker, I have served in the Congress for 21 years, and all these years I have served on the House Armed Services Committee. I am the second-ranking Democrat on that committee. I do not suggest that time served or rank necessarily entitles a Member to be heard on the floor, but when a Member has a serious and substantive provision, there should surely be some deference, some comity. We have always extended it in the past. In the 20 years I have served there, it has been done. I think it has been understood in the past if we are to have good policy, we have to have good debate on the House floor. When you present good proposals, worth ideas, when you shut us out, you do not just diminish me, the individual Member who would offer the amendment, you diminish the House of Representatives. That is exactly what you are doing here.

My amendment is not as important as Nunn-Lugar, as the other amendments which have been addressed here, but it is serious. It is serious, and it is right to be heard on this amendment, and we are diminishing the House. Every Member who respects this institution and has any sense of comity and fair play should vote against the previous question and against this rule.

Mr. MCGOVERN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is a very important bill that we are debating here today. Every soldier, every person who serves in our armed forces, every living American deserves to see this bill as written. This is not a trivial matter. This is an amendment on one of the most significant provisions in the defense bill. Anyone who wants to vote against it can vote against it, but it deserves genuine debate. We deserve to have our voices heard, and we deserve a vote on this amendment.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mrs. Speaker, this rule is not in the finest traditions of this House. As it applies to Washington State, it rolls back in the very operations. Many of us on our side and some on the other believe they should not be rolled back as much. There are those on the majority side who believe this is the right way to go. What we are asking for is a chance to debate this question and an opportunity to try to repair some of the damage, and they can start with the Cooper/Van Hollen amendment. There are almost 700,000 civilian employees at the Department of Defense who serve this country proudly and patriotically. But with the stroke of a pen this bill will strip them of their most basic rights and protections.
It is the supreme and bitter irony that the world's greatest fighting force that defends democracy around the world with great skill and in whom we take great pride, that the bill that funds that fighting force is not being pursued under basic democratic principles. Our military force defends democracy around the world, but we do not have democracy on the floor of the House of Representatives.

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

Mr. Speaker, I will call for a vote on the previous question, and I am going to urge Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order the Rahall/Dingell amendment that was offered in the Committee on Rules last night and defeated on a straight party line vote.

Mr. Speaker, I am absolutely amazed today that the Republican leadership is throwing away the long-standing tradition of bipartisan cooperation in shaping national defense policies. It is a very sad day indeed when something as important as defending our Nation takes a back seat to partisan politics. In fact, it is more than a sad day. It is shameful, and it is wrong.

This bill is supposed to be about protecting our Nation and providing the very best tools to help our brave servicemen and women defend this great land. Instead, it is a vehicle pursued under basic democratic principles. Our military force defends democracy around the world with great skill and in whom we take great pride, but not limited to, migration, breeding, care of young, predator avoidance and defense, and feeding.

Mr. Speaker, I ask unanimous consent that the material previously referred to by Mr. McGovern is as follows:

| Previous Question for H. Res. 245—Rule on H.R. 3988, Defense Authorization Act for Fiscal Year 2004 Amendment to H. Res. 245 Offered by | SEC. 4. Notwithstanding any other provision of this resolution, the amendment specified in section 5 shall be in order as though printed after the amendment number 1 in the report of the Committee on Rules if offered by Representative Rahall of West Virginia or a designee. That amendment shall be debatable for one hour equally divided and allotted to the sponsor and an opponent. Section 2 shall not apply to the amendment numbered 1 or the amendment specified in section 5.

SEC. 5. The amendment referred to in section 4 is as follows:

Strike section 317 (page 59, line 16, through page 62, line 24) and insert the following new section:


(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(3);" and

(3) by adding at the end the following:

"(B)(i) The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that—"

"(i) the management activities identified in the plan, for the term of the plan, are likely to provide conservation benefits for the species within the lands or areas covered by the plan;

(ii) the plan provides assurances that adequate funding will be provided for the management activities identified in the plan for the term of the plan; and

(iii) the biological goals and objectives, monitoring provisions, and reporting requirements provide reasonable certainty that the implementation of the plan will be effective to achieve the identified conservation benefits.

(b) Exemption of Actions During War or Declared National Emergency.—Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by inserting after subsection (e) the following:

"(f) Exemption of Actions During War or Declared National Emergency.—(1) The President, during time of war or a declared national emergency, may exempt any action undertaken by the Department of Defense and its components from compliance with any requirement of this Act if the Secretary of Defense determines that an exemption is necessary for reasons of national security.

(2) An exemption granted under this subsection shall be effective for a period of not more than two years. Additional exemptions for periods not to exceed two years each may be granted for the same action under the Secretary of Defense determines that an exemption is necessary for reasons of national security. However, exemptions granted under this subsection shall terminate not more than 180 days after the end of the war or declared national emergency.

(3) The President shall submit to the Congress, during the period of the war or national emergency, an annual report on all exemptions granted under this subsection, together with the reasons for granting such exemptions.

Strike section 319 (page 64, line 8, through page 65, line 15).
Mr. MCGOVERN. Mr. Speaker, I de-
The Speaker pro tempore (Mr. Burns) that the House suspend the H.R. 1170, as amended, pending the rules and passing the bill, the table.

The vote was taken by electronic de-

This will be a 5-minute vote.

The Clerk read the title of the bill.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

CHILD MEDICATION SAFETY ACT

OF 2003

The SPEAKER pro tempore. The

The SPEAKER pro tempore (Mr. Burns) that the House suspend the rules and pass the bill, H.R. 1170, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic de-

There were—yeas 425, nays 1, not voting 8, as follows:

[Roll No. 203]

YEAS—425

Abercrombie (TX)

Ackerman (NY)

Aderholt (AL)

Akin (TN)

Alexander (TN)

Allender (TX)

Andrews (SC)

Baca (CA)

Bachus (MT)

Baird (WA)

Baker (LA)

Baldwin (WI)

Ballance (NC)

Ballance (NC)

Baldwin (WA)

Baker (IA)

Baird (WA)

Bachus (AL)

Boozman (AR)

Boucher (LA)

Boyce (NY)

Brady (PA)

Brady (TX)

Brown (OH)

Brown (SC)

Brown, Corrine (GA)

Brown, Walts (NH)

Burgess (TX)

Burns (WY)

Burton (IN)

Calvert (MD)

Camp (TX)

Cannon (GA)

Capito (WV)

Capuano (MA)

Cardin (MD)

Cardozo (NY)

Carson (IN)

Carson (OK)

Carter (GA)

Castle (NY)

Chabot (OH)

Chocola (CT)

Clay (OH)

Clayburn (WA)

Cole (NY)

Collins (GA)

Combest (TX)

Conyers (GA)

Costello (IN)

Costello (NY)

Cox (GA)

Cox (OH)

Craner (NY)

Crenshaw (AL)

Cubley (Hawaii)

Cullen (NY)

Cummings (MD)

Cunningham (NY)

Davis (AL)

Davis (FL)

Davis (IL)

Davis (TN)

Davis, J. A. (OH)

Davis, Tom (TX)

Deal (GA)

DeFazio (CA)

DeGette (CO)

DeLauro (CT)

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Delacruz (NM)

DeMint (SC)

Deutsch (NY)

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Dingell (MI)

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Dyer (OH)

Dyer (TX)

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Ehlers (TX)

Emmanuel (DC)

Emerson (IA)

Engel (NY)

Engstrom (WI)

Eshoo (NY)

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Evans (NV)

Everett (WA)

Farr (NH)

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Ferguson (TX)

Filmer (WA)

Flake (AZ)

Fletcher (GA)

Foley (NY)

Forbes (PA)

Fossella (NY)

Frank (NJ)

Frank (AZ)

Frelighsungery (NY)

Frost (ME)

Gallegly (CA)

Garland (TX)

Gatchell (TX)

Gehrke (AZ)

Gillmor (CA)

Gingrey (GA)

Gonzalez (TX)

Goodlatte (GA)

Goss (NY)

Granger (TX)

 Graves (VA)

Green (TX)

Green (WI)

Greenwood (AL)

Grijalva (AZ)

Gunther (CA)

Harman (GA)

Hart (NY)

Hartzler (MO)

Hastings (FL)

Hastings (WA)

Hayes (CA)

Hayward (CA)

Hefley (MO)

Hensarling (TX)

Hill (NY)

Hillburn (NY)

Hinojosa (TX)

Hobson (OH)

Hoffel (CA)

Hoekstra (MI)

Holden (OK)

Holt (IA)

Hoyt (CA)

Houghton (MI)

Hoyt (OH)

Hudofsky (MI)

Hyde (TN)

Inouye (HI)

Isakson (GA)

Israel (CA)

Issa (CA)

Istook (OK)

Jackson (LA)

Jackson (IL)

Jackson-Lee (TX)

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