Medicare system, the future education of our children, affordable housing, be placed in Republican hands, then the situation is worse than I ever thought.

No, you do not have to be an economist to figure this move out. What we are talking about is borrowing money, making it secure the Social Security system, privatizing the Medicare system, not having enough funds to and keeping every child behind. And why are we doing this? Are we borrowing it for spending, or are we borrowing it for tax cuts? I think the American people understand what we are doing.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered. The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. STENHOLM).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table. The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. THOMAS, DELAY and RANGEL. There was no objection.

VETERANS COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2003

The SPEAKER pro tempore (Mrs. LATOURETTE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1588.

The Clerk read the title of the bill. The SPEAKER pro tempore. At this point, the unfinished business will be deferred until a later moment in time.

PROVIDING FOR FURTHER CONSIDERATION HR. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 247 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 247

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes. No further amendment to the committee amendment in the nature of a substitute or to the order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2. Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as provided in section 2(b) of rule XVIII), offered in such order, and considered in such order as specified in the report.

DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004. This rule provides for further consideration of the bill and makes in order only those amendments printed in the Committee on Rules report accompanying this resolution and amendments en bloc described in section 2.

The amendments printed in the report shall be considered only in the order printed in the report, except as specified in section 3 of the resolution, may be offered only by a Member designated in the report, shall be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for 10 minutes (unless otherwise specified in the report) equally divided between the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of further debate on any pending amendment). All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 2 are waived.

Sec. 2. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Armed Services or other amendments which upon adoption in the Committee of the Whole each may offer one pro forma amendment for the purpose of further debate on any pending amendment. All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 2 are waived.

Sec. 3. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner after the chairperson of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Sec. 4. At the conclusion of consideration of the bill for amendments the Committee on Armed Services or his designee may offer one pro forma amendment for the purpose of further debate on any pending amendment.

Finally, the rule provides one motion to recommit with or without instructions.

This is a fair rule. It is a traditional, structured rule for defense authorization, and it provides for debate on 30 additional amendments that deal with pertinent issues, including personnel issues, maritime security, quality-of-life issues for life and women, and a number of noncontroversial concerns.

The most controversial of these measures is certain to be the modernization of the personnel system. Modernizing the management system is imperative to national security and the retention and recruitment of civilian personnel.

The Committee on Armed Services believes that the important lessons learned from various demonstration projects within DOD should be applied across the Department. These projects have shown to improve the expeditious hiring of qualified personnel, have been valuable in providing flexible personnel compensation and assignment systems, and have improved organizational efficiency. These demonstration projects have also been highly successful in attracting and maintaining high-quality work forces.

The reforms included in this legislation would be similar to the flexibility provided to the Department of Homeland Security.

Finally, I believe that the Secretary of Defense should have more flexible management authority. H.R. 1588 is more than just a signal to our soldiers, sailors, airmen, and Marines that this Nation recognizes their sacrifices. It is the means by which we meet our commitment to providing them a decent quality of life by providing an across the board 4.1 percent pay increase for military personnel, so as to sustain the commitment and professionalism of America's all-voluntary
Armed Forces and the families that support them.

While our men and women in uniform have swiftly dispatched our enemies abroad, they face increasingly complex personal and professional challenges at home. They face those who are putting their lives on the line to defend our freedom, and for the families that support them.

Currently, the Survivor Benefit Program for the survivor of an injured or ill service member who lives long enough to be disability retired is better than the benefit for the survivor of a service member who dies instantaneously. I am deeply concerned about this inequity and am pleased that this legislation recommends that the Secretary of Defense review SPB procedures and propose legislation to ensure equitable treatment for the survivors of all members of our military, regardless of their circumstances.

With Memorial Day on Monday, it is only fitting to remember those who gave the ultimate sacrifice in the defense of our country. Let us take this opportunity to reaffirm our commitment to those who are currently defending our homeland and abroad by passing this rule and the underlying legislation.

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

Mr. FROST. Mr. Speaker, I yield myself some time.

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

Mr. FROST. Mr. Speaker, for all of my 25 years in Congress I have worked for a strong national defense. I do not support the efforts of many pro-defense Democrats, I have bent over backwards to put politics aside and work together to support America’s men and women in uniform.

That cooperative approach is fundamental to our efforts to keep partisan politics from polluting the Armed Forces.

So, repeatedly on the House floor and in the Committee on Rules, I have urged the Republican leadership to stop their assault on the bipartisan cooperation that has defined our approach to defense policy for so long. In response, the chairman of the Committee on Rules kept holding out hope that maybe, just maybe, in this second rule for the defense authorization bill the committee would allow a full and bipartisan consideration of serious defense issues.

Last night, very late, the Committee on Rules reported out the second rule. Guess what? It does even more violence to the tradition of bipartisanship than the first rule did. For the second day in a row, they cast aside bipartisanship to protect the partisan and right-wing ideology that has been attached to this defense authorization bill. This is a shameful way to run this institution, an institution that is supposed to allow the voices of all Americans to be heard.

For instance, Republican leaders used this rule to again defend their assault on America’s environmental policies. The gentleman from West Virginia (Mr. RALPH), and the gentleman from Michigan (Mr. DINGELL), offered their reasonable substitute to Republicans on environmental language. Republican leaders refused to allow the House to vote on this substitute.

To prevent terrorists from getting nuclear, biological, and chemical weapons, the gentleman from South Carolina (Mr. SPROTT), the second ranking Democrat on the Committee on Armed Services and an acknowledged expert on defense issues, once again tried to strengthen America’s cooperative threat reduction program, but the Republican leaders simply shut out his amendment, in spite of the fact that it simply does what President Bush has asked for.

To protect the American taxpayers, the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, offered an amendment that constrains over $1 million be awarded only in open bidding process, but Republican leaders decided to make it easier for big companies, for example, Halliburton, Brown and Root, Bechtel, to get private deals, so they rejected the amendment of the gentleman from California (Mr. WAXMAN).

The gentleman from Mississippi (Mr. TAYLOR), a staunch defense hawk from Mississippi, had a substantive amendment relating to the next round of base closures. But instead of allowing him and the House the vote they deserve, Republican leaders simply shut out his amendment.

Similarly, Committee on Rules Republicans blocked three important amendments that I offered to address defense issues that I have pursued for some time: helping immigrant soldiers earn U.S. citizenship, providing tuition refunds to Reservists called to active duty, and tax fairness for civilian defense employees serving in combat zones.

Finally, Mr. Speaker, Republican leaders are using this rule to rig the game in favor of their attack on work for the Pentagon. Now, these are the same Pentagon employees who showed such bravery and sacrifice on September 11. So the gentleman from Tennessee (Mr. COOPER), the gentleman from Illinois (Mr. DAVIS), and the gentleman from Maryland (Mr. VAN HOLLEN) proposed an employees’ bill of rights. It is a common-sense approach to protecting those public servants who work to protect us. It has the support of America’s firefighters. But Republican leaders refused to allow the House to vote to protect Pentagon employees.

All in all, Mr. Speaker, this rule makes a mockery of the bipartisan cooperation that has been the keystone to our approach to defense policy, so I urge my colleagues to oppose the previous question.

If we defeat the previous question, I will amend the rule to allow the House to consider the bipartisan employee bill of rights. If the previous question passes, I urge a no vote on this rule. This is the only way to restore some semblance of bipartisanship to this process and to safeguard America’s national defense policy from the partisan and right-wing ideology that are tainting this bill.

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. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. It follows the procedure which, as I said here yesterday, has been addressed year after year.

We are coming forward with a second rule which has a wide range of amendments. Contrary to what my friend from Dallas just said, this is a very bipartisan bill. And I will make a prediction, Mr. Speaker. At the end of the day we will have strong bipartisan support, Democrats and Republicans, voting for the Defense Authorization Bill.

Now, as we proceed with this process that has just been described as, frankly, less than bipartisan, the rule that we are addressing here happens to include amendments from my fellow Californian (Mr. LANTOS), the ranking minority member of the Committee on International Relations; my friend, the gentlewoman from Texas (Ms. JACKSON-LEE), has an amendment in order; my Committee on Rules colleague, the gentleman from Florida (Mr. HASTINGS), has an amendment that is made in order. There is a bipartisan amendment that my colleague, the gentlewoman from California (Ms. WOOLSEY), is working with some Republican colleagues on.

We have amendments made in order by the gentleman from Massachusetts (Mr. WALTERS), the gentlewoman from New York (Mr. NADLER). The gentlewoman from Ohio (Ms. KAPTUR) has two amendments that are made in order. My colleague, the gentleman from California (Mr. FARR), came to me and asked that we make in order an amendment that dealt with an important issue to him. We made that in order.

Those are all Democrats I have talked about, Mr. Speaker. So I think it is clear what we have, in fact, proceeded in a bipartisan way to try to allow some concerns that have come forward by our Democratic colleagues to be addressed.
Now, I do know that these two hot buttons of civilian personnel and environmental questions are still out there. Now, I happen to believe that while we did consider this process, as we considered the option of other amendments, we did not send this to the floor that in fact, the Hayley language that was included in the Hunter amendment was the appropriate way to deal with this issue.

Yesterday, a number of us had a chance to share with our colleague, now Secretary of Defense Donald Rumsfeld, and talked about the environmental consequence and what impact this will have on our young men and women in uniform. And I know that the chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), has talked about that and we heard some horror stories of what compliance has in fact done. But this measure does not, in fact, eliminate any of the environmental considerations of legislation like the Endangered Species Act and the Mammal Protection Act.

Now, I know on the civilian personnel question we also have this issue that has come to the forefront. Now, I went through this explanation and I know that my very good friend, the gentleman from Missouri (Mr. SKELTON), has come forward and we have now had, and I will acknowledge a change in positions, but initially a request was made of me that we consider an amendment in order that would strike out the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would consider this process, as we considered the option of other amendments, that would allow for the striking of the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.
to one project, Shchuch'ye, which is the largest repository of the deadliest chemical weapons that the Soviet Union ever produced. After years of negotiating, years of preparation, we are finally at the threshold of beginning a facility that will destroy those weapons.

I was there last May. I have got two posters here that show you what those facilities look like. Wooden roofs. Look at the windows over here with the makeshift bars on them. That is the kind of security they have got. And on the racks, rack after rack, sitting on dirt floors, wooden racks, what you find are little chemical warheads like that, literally thousands upon thousands of them, gathering dust like bottles of wine, barely secured, any one of which could wipe out the population of a soccer stadium, all of which could poison the entire world. Nerve gas, sarin. The deadliest stuff you could possibly imagine. Do we not want to get rid of this?

Is there any reason to wait. Can we not have at least here in the well of the House a debate on whether or not we need these conditions that the chairman of this committee have imposed? I do not think we do. All I ask is with the 21 years of experience that I have had is the opportunity to make that case in the well of the House. You have diminished the House and diminished this process by denying me that opportunity.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER), another member of the Committee on Rules.

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

Mr. Speaker, I rise in support of H. Res. 247. The Committee on Rules has listened to hours of testimony and made in order 39 total amendments, nine in yesterday's order. The new rule and 30 amendments under the new rule before us today. We made in order 22 majority amendments, 14 minority amendments, and three bipartisan amendments. And while everyone will not be pleased by these decisions, it is a fair rule that will give the House the opportunity to debate a wide variety of national security issues.

Mr. Speaker, the underlying legislation, H.R. 1588, is entirely consistent with what the founders envisioned when they wrote article I, section 8 of U.S. Constitution, to ensure that Congress shall have the power to support, maintain, and provide for military to provide for the common defense.

First, this legislation provides adequate funding to help continue the U.S. military's transition to the 21st century. H.R. 1588, for example, authorizes funding for the U.S. Army to procure weapons and tracked combat vehicles for the U.S. Navy for shipbuilding and conversion and for the U.S. Air Force to procure additional aircraft, including language to maintain the important F/A-22 program.

The authorization for these programs, along with others, will help the U.S. military remain the most efficient, most lethal, and most effective fighting force on Earth. But, Mr. Speaker, we cannot possibly hope to maintain the level of excellence obtained without the achievements of men and women who proudly wear the uniform.

As a former captain in the U.S. Air Force myself, I continue to draw inspiration from the resolve, patriotism, and unyielding commitment and controls in place by our servicemen and women. This Congress must work to reinforce that strength, and I believe H.R. 1588 works to that end.

I am pleased that the underlying legislation contains a 4.1 increase in base pay for military personnel. H.R. 1588 also recommends a reduction from 7.5 to 3.5 in the percentage of out-of-pocket expenses military personnel must contribute toward housing cost. Both of these provisions will not only help ease the burden placed on military personnel and their families, but should also help ensure that the U.S. military is able to retain these highly trained personnel.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think it is outrageous that the rule proposed by the Republican leadership denies the 435 Members of this House the opportunity to vote on the amendment to restore certain rights and protections for the 700,000 civil servant employees within the Department of Defense, rights and protections that are stripped away under the underlying bill. It is particularly sad to see this just after those civil servants joined together with our military in such a successful military operation in Iraq.

Yet this bill does away with so many protections. For example, it takes away the time-honored protections to ensure that civil servants will have their professional career advancement operation in place, and this has been in place since Teddy Roosevelt.

Let me just say that the amendment that was proposed, and I will read a provision of the amendment that is being denied an opportunity for us to vote: "An employee shall have the right to be free from discrimination in connection with hiring, tenure, promotion or other conditions of employment due to the employee's political opinion or affiliation." But they do not want us to have an opportunity to vote on that provision.

The head of the nonpartisan General Accounting Office, David Walker, when he was asked about this issue, said, "I do not believe that the infrastructure is in place in order to effectively and fairly move to a more performance-based compensation structure at this time." In response to a question, he said, "I think the agency has to demonstrate that they have the necessary performance goals and controls in place before they should be given the flexibility."

Mr. Speaker, do we want our Defense Department, the civil servants, to be run using professional judgment, which I think is in the best interest of national security, or do we want them to be driven more by political considerations? I think our national security depends on a nonpolitical, professional civil service, and it is very disappointing that the amendment was not made in order.

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

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

Mr. SKELTON. Mr. Speaker, I rise in opposition to this rule.

When I testified before the Committee on Rules, Mr. Speaker, I specifically asked that the committee accept several major amendments, Democratic amendments, and that they be made in order. The first was the Cooper amendment dealing with civil service changes, which would establish a bill of rights for civilian workers within that department. The second, the Spratt amendment, on cooperative threat reduction, which, by the way, Mr. Speaker, the President of the United States requested. The third, the Taylor amendment on base closure. We should have a full and fair debate on that. And the Dingell-Rahall amendment on the environment. The dean of the House, the gentleman from Michigan (Mr. DINGELL), was not given that amendment. As a matter of fact, none of those four amendments were made in order. That is, Mr. Speaker, simply wrong.

Regardless of how Members might feel on the substance of amendments, it is wrong that a major substantive policy amendment is kept from debate. That should not happen. It should not be allowed. It should be debated fully on this floor. This is a deliberative body, and many have said the most deliberative body in the whole world. Yet, Mr. Speaker, we cannot debate key issues that come before us. This is not a full debate. It deserves that. We in this institution do not deserve this disservice, and I cannot agree, sadly, with this rule.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).
Mr. DINGELL. Absolutely not. We meet about 3 days a week to discuss important issues.

Mr. DINGELL. First of all, we do not debate the issues that are important. Second of all, my colleagues are creating a poisonous atmosphere in this place which is going to continue and to persist for a long time. The ability of this institution to properly debate questions and to have respect for each other is being demeaned by this rule. I say, shame.

Mr. DINGELL. We got to stop this bipartisan. It reminds me of the story of a fellow who complained about the stew. He was told it is horse and rabbit stew. He said, what is the recipe? They said, oh, it is simple. Equal parts, one horse, one rabbit. He said, no wonder it tastes like hell.

Mr. DINGELL. The simple fact of the matter is that this is what we have here. That is the Republican definition of bipartisanship. They exclude seven significant amendments. Why? I can only assume one of several reasons: They are scared to death to debate them; they want to be unfair; they have not got the va- guest idea of what is fairness or how a representative body should function. I suspect all of the above are there. In any event, it tends to show they either know or care less about fairness than a hawk does about a handsaw.

What have they denied us the right to do is legislation to address environmental concerns. Legislation to ad- dress the problem of chemical and nuclear weapons. Imagine what is going to happen if the Spratt amendment does not go into place and all of a sudden terrorists show up with nuclear weapons, or they show up with weapons of chemical or biological character because they got them out of a leaky stockpile in Russia? They do away with the opportunity to offer an open bid- ding requirement on contracts over $1 million. That says that they probably are scared to discuss this issue. They will not discuss the question of base closings. They refuse to help immi- grant soldiers to get citizenship and for us to offer an amendment to allow that.

Now there are certain things about a representative body that I have to as- sume my Republican friends either do not care about or they do not know about. My dear Republican colleagues serve here as the servants of the peo- ple. This is the House of Representa- tives, with emphasis on the word rep- resentatives. We are all supposed to repre- sent the House. My Republican colleagues are supposed to represent in the House the people whom they serve. They are also supposed to respect all of the people who are served here and to allow wide, broad, fair, discussion of important issues.

Is there a shortage of time to debate? Absolutely not. We meet about 3 days a week. But my Republican friends do not seem to have time to discuss im- portant questions. I can only assume it is because they do not understand our duty to the people.

My Republican colleagues are crea- ting a precedent which is bad. First of all, we do not debate the issues that are important. Second of all, my col- leagues are creating a poisonous at- mosphere in this place which is going to continue and to persist for a long time. The ability of this institution to properly debate questions and to have respect for each other is being demeaned by this rule. I say, shame.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Ten- nessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, first, I would like to second the remarks of the dean of the House, my friend, the gentleman from Michigan (Mr. DINGELL).

Last night, in this great Capitol building, about 10 p.m., the Committee on Rules was meeting. Our friends on the other side of the aisle had just come back from their lavish dinner at which the newspapers report they raised some $22 million for the Repub- licans. They voted on this rule, and they voted to deny this House the op- portunity to spend its $74 billion in the DOD budget.

That is a matter of some concern, be- cause that is one of the largest items in the entire bill, and the House is un- able to work its will on it due to their refusal. But more im- portant than that, they denied over 700,000 DOD employees to have this sec- tion of the bill aired and debated. Over 700,000 families who work for our Pent- agon worldwide are not able to hear their concerns aired on the floor of this House.

This is the people’s House, yet over 700,000 patriotic and loyal Americans who have served this Nation well in the Iraq war, in the Afghan war, and let us remember 65 of these civilians died in the 9/11 attack on the Pentagon, but, no, this House is too busy to consider their concerns. That is not fair, that is not right, and this House should de- mand justice.

These important civil servants of our Nation. They work hard every day to keep our Nation strong. Only last week our committee bothered to com- mend them for their skill, their hard work and dedication. But, no, their concerns are not important enough to be aired on the floor of this House.

We had one hearing in the Committee on Armed Services, we had no sub- committee markup, and now we are un- able to debate the issue on the floor of this House. It is an injustice.

Mr. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I appreciate the gentlewomen’s yield.

First of all, civil servants have a large role in shaping this. There have been pilot programs the Depart-
and explicitly referred to in this legislation. Overtime pay in chapter 55 of title V, also nonwaivable.

In fact, for middle-level managers, what we have done is corrected some inequities in overtime pay. Currently, GS-12s, 13s, and 14s receive less working overtime than they receive in ordinary pay, and we have corrected that in this. This is a benefit to managers. We have a level that SES’s and managers can get in bonus over what the current level is. So we have raised the levels of what Federal employees can earn.

As a collective bargaining, NSPS states that we must ensure that employees may organize, bargain collectively, and participate through labor organizations of their own choosing. As for the right to an attorney, which was alleged to have been taken away, we do not mention it, but neither does the underlying legislation, and we have established an independent review panel to consider employee grievances.

We did work hard on this legislation. We held a couple of hearings in the Committee on Government Reform on this, but, most importantly, this is designed from nine pilot programs where SES employees themselves have spoken to this and have voted strongly to opt for the new systems versus the existing system. It does not pay for performance; it pays on a seniority basis. This is a way to expedite hiring. It will allow us to do the kinds of things that we have already given other Federal agencies. This is not a new ground. There are numerous Federal agencies currently, in sections 71, 73, and 75, that we have waived or altered, and we do this here. In fact, there is less flexibility here than Congress recently gave to the Department of Homeland Security.

Mr. Speaker, I might add, my colleagues who are arguing against this opposed those provisions in the Department of Homeland Security bill. We had an ensuing election on this issue. The voters spoke, and I think we have visited this issue once. There are fewer flexibilities here than we have in that as well.

I want to say a couple of other things. The Committee on Armed Services also had a day-long hearing and a 2-day markup of the DOD authorization bill. Dozens of the amendments offered were also offered in our committee, and the votes were party line. The same is happening right now. I am not happy with every part of this rule. I have several amendments, particularly on the procurement side, that were part of the Committee on Government Reform’s markup that were not included in the DOD bill that I could not get offered here. I understand the disappointment of those Members who are not able to have those heard at this point.

But 40,000 employees with over 20 years of experience want a new system, and defense of the current system not only leads to more outsourcing, it does not lead to the kind of performance-based pay and the salary levels that many of our best Federal employees are deserving of.

I worked in the private sector for a number of years. I worked for a company where our best asset was not our computers or our building; it was our people. They walked out the door every night; and we prayed to get them back because that was costly, it created more inefficiencies, and it made us less competitive.

Those factors in the private sector sought to be extended to the public sector are because our best asset, too. But I think we need to treat them well, I think we need to give them appropriate safeguards, which this legislation does. The unknown and the concerns by some on the other side are all of this is not written by Congress. But we have put appropriate safeguards in this legislation. This will be part of a later debate, but I certainly support the rule.

Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I understand his assertion. His assertion essentially is that these provisions that will affect our Federal employees are positive provisions.

If that is the case, on our side we are very concerned that we are not being allowed to debate these fully. As the gentleman knows, 30 amendments are allowed with 10 minutes per amendment. The gentleman will admit, I think, that these are very substantial changes that we are making in the law; am I correct on that?

Mr. TOM DAVIS of Virginia. As I stated earlier, we debated these thoroughly in both committees. I cannot speak to whether that is being offered on the floor of the House. I understand the gentleman’s concern. I know we will get debate on the motion to recommit, and we are debating now, but not appointed in not being able to offer some amendments. In addressing that issue, I think that is probably above my pay grade.

Mr. HOYER. Mr. Speaker, if the gentleman will continue to yield, I tell my number of years. I would test very closely on issues dealing with Federal employees, there is a tendency to undervalue our Federal employees, as the gentleman knows. But the concern we have is if the other side is so concerned that the propositions it puts before us are correct, then it is a shame that we do not allow this body to fully debate them. I understand there were votes in committee. However, I am not on the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Although we were privileged to have the gentleman testify before us.

Mr. HOYER. I did appreciate the opportunity to testify, notwithstanding the fact that the committee did not follow my advice. My point is that the majority of Members on both sides of the aisle are not on your committee or the Committee on Armed Services, and I think it would have been appropriate for us to debate these items. If the proposals are as good as the gentleman says they are, presumably they would have been supported by the majority of this House.

Mr. TOM DAVIS of Virginia. I appreciate the gentleman’s comments, and we did take some of his suggestions in the markup. The gentleman’s testimony was not for naught.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, let me jive by 1 minute as many hearings as we have on the other side has made a point that more time should be given to this issue.

We are doing a $400 billion bill; and arguably the decision on hundreds of weapons systems that we are approving, both whether we are talking about the high-tech stuff or the low-tech stuff that we are bolstering in this bill, those decisions could have life and death impact, and yet we moved this bill through.

I want to assure the gentleman that we gave more time to this issue. We did a 10-hour hearing on this issue, largely at the insistence of the distinguished ranking member, Mr. SKELTON from Missouri, but we did a 10-hour hearing. That is more time than we gave any single weapons system in the entire DOD bill. So the argument can be made that we should have 10 times as many hearings as we have, and the gentleman knows that in this House and on this floor we have a myriad of responsibilities. We spent more time on this than any single weapon system in the entire DOD bill, and we had a 25-hour markup. I would say a very substantial portion of that markup, without limitation to debate, was afforded all of the Members.

Lastly, the chairman of the Committee on Government Reform makes a good point. I listened to the concerns. I listened early on to the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Oklahoma (Mr. COLE) and the gentleman from California (Mrs. DAVIS). We sat down and put together this independent appeals board that is going to be afforded any one and everyone. So we spent a lot of time on this. This was not hastily thrown together.

Lastly, the gentleman from Tennessee (Mr. COOPER) made a good point. He said we are putting a major entrustment to the Secretary of Defense to build a new system, and we all agree in theory that it is broken. I am looking at this union dispute over whether they should have cancelled the annual picnic, and it ended up costing $750,000 of taxpayer money to decide whether or not you should cancel the picnic. There are changes that need to be made.

Lots of good people involved themselves on this and worked on this; and
this is an excellent, excellent product. I want to thank everybody who had suggestions because a number of the concerns from Democrats and Republicans were addressed. We are entrusting the Secretary of Defense, who with his team took 300,000 American lives into a very dangerous military theater, and answered to us and did a good job with that entrustment. He deserves some degree of respect, and he has merited the empowerment to move forward and build a new system under our guidance.

We are going to be reviewing everything he has done in a few months. We can change things that he does that we do not like; but certainly giving him an opportunity to revamp his shop to make it better, not just for DOD and the taxpayers but also for the folks that live and work in this system, the Federal employees.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to make an observation to the distinguished chairman of the Committee on Armed Services. The gentleman and I served in this body when this bill had 5 full days of debate, discussion and open amendment, which we had very extensive discussions on not only weapons systems but other proposals contained in the bill.

I am probably going to end up voting for this bill. As the gentleman knows, I have consistently supported authorization bills and appropriation bills. I believe this Nation needs a strong defense, and I respect the Secretary of Defense. But I would say to the gentleman that the time when the Secretary should have been the member of the Committee on Armed Services. The gentleman and I served in this body when this bill had 5 full days of debate, discussion and open amendment, which we had very extensive discussions on not only weapons systems but other proposals contained in the bill.

I am probably going to end up voting for this bill. As the gentleman knows, I have consistently supported authorization bills and appropriation bills. I believe this Nation needs a strong defense, and I respect the Secretary of Defense. But I would say to the gentleman that the time when the Secretary should have been the member of the Committee on Armed Services. The gentleman and I served in this body when this bill had 5 full days of debate, discussion and open amendment, which we had very extensive discussions on not only weapons systems but other proposals contained in the bill.

Mr. WYNN. Mr. Speaker, I rise in opposition to this rule and the underlying bill. My colleague from Virginia only said one thing that is significant and that is our Federal employees are our greatest resource. Unfortunately, in this bill they are treated very poorly.

In this bill, the Secretary of Defense can waive collective bargaining. That was designed to allow employee input into working conditions and grievances. He talks about Federal employees, but every Federal employee organization opposes this language.

The Secretary of Defense would be allowed to exempt the Department of Defense from the Federal wage schedule that was designed to prevent discrimination and nepotism.

The Secretary of Defense is allowed to exempt the Department of Defense from due process and appeals rights, appeals to the Equal Opportunity Commission, fighting discrimination.

This bill would authorize the Secretary of Defense to bypass OPM and create an entirely new personnel system.

It authorizes the Secretary to have authority under this proposal to take action at his sole, exclusive, and unreviewable discretion.

The Secretary of Defense, in an opinion piece in The Washington Post yesterday, said one thing that is significant and that is our Federal employees are our greatest resource. Unfortunately, in this bill they are treated very poorly.

In this bill, the Secretary of Defense can waive collective bargaining. That was designed to allow employee input into working conditions and grievances. He talks about Federal employees, but every Federal employee organization opposes this language.

The Secretary of Defense would be allowed to exempt the Department of Defense from the Federal wage schedule that was designed to prevent discrimination and nepotism.

The Secretary of Defense is allowed to exempt the Department of Defense from due process and appeals rights, appeals to the Equal Opportunity Commission, fighting discrimination.

This bill would authorize the Secretary of Defense to bypass OPM and create an entirely new personnel system.

It authorizes the Secretary to have authority under this proposal to take action at his sole, exclusive, and unreviewable discretion.

The Secretary of Defense, in an opinion piece in The Washington Post yesterday, said one thing that is significant and that is our Federal employees are our greatest resource. Unfortunately, in this bill they are treated very poorly.

In this bill, the Secretary of Defense can waive collective bargaining. That was designed to allow employee input into working conditions and grievances. He talks about Federal employees, but every Federal employee organization opposes this language.

The Secretary of Defense would be allowed to exempt the Department of Defense from the Federal wage schedule that was designed to prevent discrimination and nepotism.

The Secretary of Defense is allowed to exempt the Department of Defense from due process and appeals rights, appeals to the Equal Opportunity Commission, fighting discrimination.

This bill would authorize the Secretary of Defense to bypass OPM and create an entirely new personnel system.

It authorizes the Secretary to have authority under this proposal to take action at his sole, exclusive, and unreviewable discretion.

The Secretary of Defense, in an opinion piece in The Washington Post yesterday, said one thing that is significant and that is our Federal employees are our greatest resource. Unfortunately, in this bill they are treated very poorly.

In this bill, the Secretary of Defense can waive collective bargaining. That was designed to allow employee input into working conditions and grievances. He talks about Federal employees, but every Federal employee organization opposes this language.

The Secretary of Defense would be allowed to exempt the Department of Defense from the Federal wage schedule that was designed to prevent discrimination and nepotism.

The Secretary of Defense is allowed to exempt the Department of Defense from due process and appeals rights, appeals to the Equal Opportunity Commission, fighting discrimination.

This bill would authorize the Secretary of Defense to bypass OPM and create an entirely new personnel system.

It authorizes the Secretary to have authority under this proposal to take action at his sole, exclusive, and unreviewable discretion.

The Secretary of Defense, in an opinion piece in The Washington Post yesterday, said one thing that is significant and that is our Federal employees are our greatest resource. Unfortunately, in this bill they are treated very poorly.

In this bill, the Secretary of Defense can waive collective bargaining. That was designed to allow employee input into working conditions and grievances. He talks about Federal employees, but every Federal employee organization opposes this language.

The Secretary of Defense would be allowed to exempt the Department of Defense from the Federal wage schedule that was designed to prevent discrimination and nepotism.

The Secretary of Defense is allowed to exempt the Department of Defense from due process and appeals rights, appeals to the Equal Opportunity Commission, fighting discrimination.

This bill would authorize the Secretary of Defense to bypass OPM and create an entirely new personnel system.

It authorizes the Secretary to have authority under this proposal to take action at his sole, exclusive, and unreviewable discretion.

The Secretary of Defense, in an opinion piece in The Washington Post yesterday, said one thing that is significant and that is our Federal employees are our greatest resource. Unfortunately, in this bill they are treated very poorly.

In this bill, the Secretary of Defense can waive collective bargaining. That was designed to allow employee input into working conditions and grievances. He talks about Federal employees, but every Federal employee organization opposes this language.

The Secretary of Defense would be allowed to exempt the Department of Defense from the Federal wage schedule that was designed to prevent discrimination and nepotism.

The Secretary of Defense is allowed to exempt the Department of Defense from due process and appeals rights, appeals to the Equal Opportunity Commission, fighting discrimination.

This bill would authorize the Secretary of Defense to bypass OPM and create an entirely new personnel system.

It authorizes the Secretary to have authority under this proposal to take action at his sole, exclusive, and unreviewable discretion.
Mr. BLUMENAUER, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to make the comment that we do have a committee system in this House because not everybody can be on every committee. This makes recommendations to the full House, and usually we value their opinions and accept their recommendations. That is part of what is going on today.

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

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

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

Mr. Speaker, I rise in strong opposition to the rule. The issues we are dealing with around civil service, none of the lessons learned and the myriad projects that we are talking about would necessarily be part of the law as it is drafted in the civil service part of the provisions in this bill. So we did have that debate and some of that discussion, but in fact none of that is relevant to the bill at all.

Second, I object to the fact that the Committee on Rules deprived this body of the opportunity to have a substantive debate on the environmental provisions, a debate about the facts.

Mr. Speaker, the fact is that the Deputy Secretary of Defense, Paul Wolfowitz, wrote in a March memo, "We have demonstrated that we are able to comply with environmental requirements and to conduct necessary military training and testing." The administration's own EPA agrees, and that is the fact.

Finally, Mr. Speaker, for 3 years I have worked to close the military pay gap. This year at the Committee on Rules I offered an amendment to close that gap permanently, but that amendment was denied. My amendment agrees, and that is the fact.

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

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

Mr. BLUMENAUER. Mr. Speaker, one of the problems with the way the Republicans have managed, orchestrated the rule is that it simply does not permit an opportunity for us to clarify even simple misunderstandings. Many of my colleagues may have listened on television to the distinguished chairman of the committee put a map on the floor here of Camp Pendleton was off-limits to military activities. We came to the floor and pointed out that that was simply not true. It never was. Using the flexibility under existing law, 1 percent was set aside.

The real problem with Camp Pendleton is the fact that you have got an interstate freeway, you have got encroachment from sprawl, but we could not clarify it.

I have had colleagues who misunderstood what the chairman said. I am sure it was a mistake to imply that 57 percent was off-limits to military training. The gentleman from West Virginia (Mr. RAHALL) and I are reduced to putting out a Dear Colleague with the overlays in the blizzard of paper. It is an embarrassment to this Chamber that we cannot have a legitimate debate and clarify things like this and not mislead the public or Members of this assembly.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentlewoman for yielding me this time.

Mr. Speaker, the gentleman is aware of the map that I put up of Camp Pendleton that showed the overlays on the various environmental restrictions. I have gone through that a number of times. It has got the areas for the gnatcatcher, it has got the estuarine sanctuary, it has got the closeout for the beach. The gentleman is aware that there is about 17 miles of beach there where the Marines practice their amphibious landings. Is it the gentleman's claim that that beach is now open for use for the United States Marines?

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

Mr. HUNTER. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Yes. Absolutely. This limited area, 840 acres out of 125,000 acres, is available to amphibious landings, according to the information we have received. And it only applies out of 6 months. The real problem is you have got a nuclear power plant, you have got a State park. There never was a legal restriction ever.

Mr. HUNTER. Let me ask the gentleman further, because we are going to have this thing sorted out before this bill is ever on the floor. Is it the gentleman's contention that the Marine Corps' position is they understand that they can use that beach and they simply have not used it, that that beach is available for amphibious landings?

Mr. BLUMENAUER. That is my question, I guess.

Mr. HUNTER. Let me ask the gentleman further, because we are going to have this thing sorted out before this bill is ever on the floor. Is it the gentleman's contention that the Marine Corps' position is they understand that they can use that beach and they simply have not used it, that that beach is available for amphibious landings?

Mr. BLUMENAUER. That is my question, I guess.

Mr. HUNTER. Let me just tell the gentleman that if you have these agreements that you are not supposed to have, those agreements are made by several parties: one, Fish and Wildlife; one, State resources, in California that is Fish and Game; and, largely, the Service. Since we want to make sure we are all on the same playing field here before this debate is over, I would ask the gentleman, we have got a couple of hours here, to check with the U.S. Marine Corps. I will be happy to be with him when we check on it and we can come to the floor and give together an opinion on how much land is ruled off-limits.

My information from the Marine Corps is that they cannot use that beach. That is not the small part of the beach that is up in the north that they use as the nuclear deterrent. Nobody has claimed you want to make amphibious landings at a nuclear power plant.

I would ask the gentleman, since he did not have a direct communication with the Marine Corps, if he could get that, and I will work with him, and we will try to come in with the same sheet of music.

Mr. BLUMENAUER. I welcome the gentleman's offer to do so and to correlate that with what the Secretary of the Interior has actually ruled in this case. I welcome it.

Mr. HUNTER. Let me just finish by saying that my information from DOD as of last week is that, currently, of that 17 miles, only roughly one-fifth of a mile, that is roughly one one-hundred-and-fiftyth or one one-hundredth of this shoreline where the Marines practice their amphibious landings is available for use. So we have got totally disparate views. The gentleman says the beach is open. The Marines tell me that the beach is closed. We will be happy to work with him and get a communication from the Marine Corps.

Mr. BLUMENAUER. I thank the gentleman.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentleman.
has been put forth in this. My good friend and chairman has said they had 10 hours of testimony. But when you factor in that there are 700,000 civilian employees that are going to be affected, that is .0008 minutes for each one of the employees that has been given in terms of hearings. I think our civil servants deserve better than that, and we ought to have more hearings on this issue and not just take their civil protections away as we are with this bill.

Mr. Speaker, I rise in strong opposition to this unfair bill.

The bill before us today contains provisions that would give the Department of Defense unprecedented authority to establish an entirely new civil service system for its 700,000 civilian employees with little or no congressional oversight, jeopardizing many employee protections that Federal workers have fought so hard for over the years.

This issue gives personal significance to me, because for more than 26 years prior to becoming a Member of Congress, myself was a civil servant, first as a Border Patrol agent and later as a Sector Chief. When I joined the Border Patrol, I was one of only two Hispanic members of my training class. I can tell you that there were some that would have preferred that I not be part of the Border Patrol, but the civil service system protected me.

As a Sector Chief, over the objections of my superiors, I implemented what turned out to be one of the most successful programs to stop illegal immigrants from entering this country. If it were not for the civil service protections, I would have been fired immediately.

We sought to offer an amendment to help ensure that DoD civilian employees would continue to enjoy the basic protections that I was afforded as a civil servant, including the right to due process and appeal in cases of alleged discrimination, collective bargaining, and veterans preferences.

Unfortunately, the Republican leadership did not see fit to make Mr. Cooper's amendment in order. I urge my colleague to vote "no" on the pre-enactment vote on this bill.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I include for the Record my op-ed article entitled "Overhaul Without Oversight" from the Washington Post dated May 21.

I believe history will show that the swift-ness of America's military victory in Iraq was due in large part to the in-depth training of our military. This training of our military would not have been possible without the civil service protections that Federal workers have fought so hard for over the years.

I urge my colleague to vote "no" on the pre-enactment vote on this bill.
The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GEORGE MILLER of California.

... The SPEAKER pro tempore. The gentleman's time has expired.

Mrs. MYRICK. Mr. Speaker, the gentleman's time has been expired for about 2 minutes.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California.

... The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California.

... The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California.

... The SPEAKER pro tempore. The gentleman will suspend.

Mrs. MYRICK. Mr. Speaker, the gentleman's time has expired.

Mr. GEORGE MILLER of California.

... The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California.

... The SPEAKER pro tempore. The gentleman will suspend.

Mrs. MYRICK. Mr. Speaker, regular order.

Mr. GEORGE MILLER of California.

... The SPEAKER pro tempore. The gentleman from California is no longer recognized.

Mr. GEORGE MILLER of California.

I thank the Chair, and I yield back my time.

Mr. OBEY. The SPEAKER pro tempore. All Members please suspend. The Chair would observe that this is the United States House of Representatives, and respect for the decorum of this Chamber is expected by all. The gentleman from California is a distinguished gentleman, but all rules of the House and the rulings of the Speaker should be followed.

Mr. GEORGE MILLER of California.

... The SPEAKER pro tempore. The gentleman is not recognized.

Mr. GEORGE MILLER of California.

... Mrs. MYRICK. Regular order.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to compliment the gentleman from California for having the guts to finally say the rules are rigged against those Members who do not blindly follow the Republican leadership. Every one of us represents about 700,000 people. We do not run for office saying, some of us can speak and some of us can't. Some of us can offer amendments and some of us can't. The Committee on Rules serves to limit but it does not prevent Members from offering their amendments.

I have got an amendment on base closure. I think every single citizen of this body ought to be recorded as being wanting to close bases or wanting to keep bases open. I have been denied the opportunity to have that vote for 3 years running now.

I have got to ask, who wants to close bases? Do the military retirees who live next to them who want to use the hospital want to close them? No. Do the military retirees who want to use the commissaries want to close them? No. Do the communities that in many instances have paid to bring those bases there like Pascagoula, Mississippi, paid $20 million to help bring home port Pascagoula there, do they want to close them? No.

So maybe who does want to close bases? Mr. DREIER, how about your friend Katrina Leung? I think it is a fair question to ask whether or not some Democrats are willing to be a Communist Chinese spy, who has contributed to your campaign, whether or not she wants to close bases.

Why can I not have a vote as a Member of this body on deciding whether or not we are going to close bases? Are we going to listen to our Nation’s military retirees? Are we going to listen to our citizens? Or are we listening to Katrina Leung?

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

Mr. Speaker, I 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 Cooper/Davis/Van Hollen Civil Service Bill of Rights amendment. Last night, the Republican majority refused to allow the House to consider this amendment. The Republican leadership had decided what kind of Democratic amendment would be acceptable to be included in the rule and since no Democrat was willing to toe the Republican Party line, Democrats have been shut out once again on a straight party line vote.

The bill we are considering today makes enormous and far-reaching changes in the personnel laws affecting civilian defense employees. Furthermore, it does so with virtually no input or oversight from Congress. It leaves this massive overhaul in the hands of the Secretary of Defense.

The Cooper/Davis/Van Hollen amendment would spell out an employee bill of rights to ensure that these valuable employees do not lose their basic employee rights. Let under this unfair rule it will not be allowed to come to the floor for a vote.

Mr. Speaker, it is hard for me to believe that just a few weeks after the war in Iraq, after all of us heaped deserv- ing praise on all employees of the Defense Department, both military and civilian, that we would pull the rug out from underneath these patriotic, hard-working Americans.

Let me make it very clear. A “no” vote will not stop the House from taking up the Department of Defense authorization. However, a “yes” vote amounts to slamming the door in the face of the military’s civilian employees. As you cast your vote, think about these people and whether you will turn your back on them or whether you will do the right thing and vote to allow this amendment.

Ms. PELOSI. Mr. Speaker, I rise to speak in opposition to the rule on the National Defense Authorization Act. This rule fails to make in order several important Democratic amendments, including the Rahall-Dingell amendment on the environmental provisions in the bill.

The Department of Defense claims that it needs exemptions from five of our major environmental laws—laws that protect the air, water, endangered species, whales, dolphins, and last but not least, humans. The Pentagon says these laws are interfering with military readiness. But the evidence is at best anecdotal. In a June 2002 study, the Government Accounting Office could find no evidence that environmental protection is a problem for our Armed Forces.

In light of the impressive performance of our men and women in Iraq, any assertion that our military is not ready to fight and win is patently ridiculous. These environmental laws have been in place for several decades, and our Armed Forces are the best trained in the world.

The defense bill that we are debating today rolls back protections in two key environmental laws: the Endangered Species Act and the Marine Mammal Protection Act. The DOD bill significantly reduces the Secretary of the Interior’s responsibility to designate critical habitat for endangered species. The DOD bill weakens the definition of “harassment” for all users of the oceans and coastal waters, not just for the military. It would also specifically reduce protections for endangered species on military lands. For marine mammals, the bill weakens the definition of “harassment” for all users of the oceans and coastal waters, not just for the military. It would also give the DOD unlimited, unmonitored exemptions from marine mammal protection.

The majority has refused to allow us to vote on the Rahall-Dingell amendment to fix these provisions. Why? Because they are afraid they will lose. The American people reject the idea that the federal government should be above the law. A recent Zogby poll showed 84 percent of likely voters think the Pentagon should follow the same environmental and public health laws as everyone else. Liberals, moderates, and conservatives alike agree that all agencies of the federal government should be held accountable for their actions.

Congress makes a mess of the nation are grappling with the toxic contamination of former bases that used to be exempt from environmental laws. Many of us have decommissioned military facilities in our districts. In my
home city of San Francisco, we have been pushing for years for the clean up of the Hunters Point Naval Shipyard. The military’s track record on protecting the environment is dismal. We hold the Department of Defense accountable for its actions in the future.

I urge my colleagues to vote “no” on the previous question so that we can make the Rahall-Dingell amendment in order, and “no” on the rule.

Mr. LEVIN. Mr. Speaker, I strongly oppose this unfair rule. I do so because it denies Members the opportunity to offer amendments to critical provisions in the Defense Authorization bill.

National defense should be a subject that brings the Congress and the nation together, and not an occasion to create division. Especially given the clear and present danger of further terrorist attacks against the United States, it is imperative that we remain united as we confront these threats.

I support most of the provisions in this bill. It is unfortunate that the Majority chose to insert a number of highly controversial provisions into the Defense Authorization. In particular, I oppose the provisions of the bill that seek to suspend longstanding civil service protections for more than 700,000 civilian workers who are instrumental in supporting our men and women in uniform. Without a competent civilian workforce at the Defense Department to back up our troops, it would be difficult, if not impossible, for our armed forces to prevail on the battlefield.

We are legislating in the dark here. Over the past century, we have established the Civil Service to prevent the civil service form becoming a political patronage system. Before we throw these protections in the garbage can, we’d better know what we’re doing, the Bush Administration delivered its 205-page legislative proposal to restructure the Pentagon’s civilian and military personnel system on April 10, just days before the House adjourned for a two-week recess. These sweeping proposed changes are not well understood and they have the potential for long-term negative consequences.

It is unfortunate that the Majority chose to offer amendments to the Defense Authorization in order to undo the home city of San Francisco, we have been pushing for years for the clean up of the Hunters Point Naval Shipyard. The military’s track record on protecting the environment is dismal. We hold the Department of Defense accountable for its actions in the future.

I urge my colleagues to vote “no” on the previous question so that we can make the Rahall-Dingell amendment in order, and “no” on the rule.

Mr. LEVIN. Mr. Speaker, I strongly oppose this unfair rule. I do so because it denies Members the opportunity to offer amendments to critical provisions in the Defense Authorization bill.

National defense should be a subject that brings the Congress and the nation together, and not an occasion to create division. Especially given the clear and present danger of further terrorist attacks against the United States, it is imperative that we remain united as we confront these threats.

I support most of the provisions in this bill. It is unfortunate that the Majority chose to insert a number of highly controversial provisions into the Defense Authorization. In particular, I oppose the provisions of the bill that seek to suspend longstanding civil service protections for more than 700,000 civilian workers who are instrumental in supporting our men and women in uniform. Without a competent civilian workforce at the Defense Department to back up our troops, it would be difficult, if not impossible, for our armed forces to prevail on the battlefield.

We are legislating in the dark here. Over the past century, we have established the Civil Service to prevent the civil service form becoming a political patronage system. Before we throw these protections in the garbage can, we’d better know what we’re doing, the Bush Administration delivered its 205-page legislative proposal to restructure the Pentagon’s civilian and military personnel system on April 10, just days before the House adjourned for a two-week recess. These sweeping proposed changes are not well understood and they have the potential for long-term negative consequences.

It is unfortunate that the Majority chose to offer amendments to the Defense Authorization in order to undo the
Representative CAROLYN MALONEY, House of Representatives, Rayburn House Office Bldg., Washington, DC.

Dear Representative Maloney:

The American Federation of State, County and Municipal Employees (AFSCME) strongly supports the amendment you seek to offer to the Defense Authorization bill that would require the Department of Defense to fill newly created positions in the federal agency, to be political appointees. There is no sound justification for such a proposal. In light of the Administration’s announcement to contract out half the federal workforce, it should be seen for what it is: a strategy to facilitate reaching this goal whether or not it is cost effective or in the public interest.

H.R. 1588 entrusts the contracting process to political appointees who stay an average of only 15 months, yet turn federal contracts into political currency. It will diminish public accountability of the public’s money, further destroy the morale of committed career employees, destabilize the delivery of federal services, and lead to the award of billions in contracts to the Administration’s political allies and friends with little regard to effective management.

At a time when we should be shoring up the public’s faith in our government, H.R. 1588 will return to the corruption and spoils system that the creation of a professional workforce under the civil service system was intended to correct. AFSCME strongly supports your amendment and commends you for seeking to ensure that federal operations are performed in an objective and professional manner that puts the public interest ahead of special interests.

Sincerely,

Charles M. Loveless, Director of Legislation.


Hon. Carolyn B. Maloney,
Rayburn House Office Building, Washington, DC.

Dear Representative Maloney:

On behalf of the American Federation of Government Employees, AFL-CIO, which represents more than 600,000 federal employees in the United States, including a cadre of career executives that insure the impartiality of the process.

Please let us know if there is any way in which we might be of assistance in securing the passage of this critical amendment.

Sincerely,

Carolyn A. Bonosaro, President.


Thank you Chairman Davis and members of the Subcommittee for the opportunity to testify today on this very important legislative proposal. You have already heard from others about many of the problems and concerns of employees and their representatives about this proposed legislation today. SEA too has its issues. But we will confine our comments to those matters that we believe threaten the integrity of the federal workforce, and specifically of the Senior Executive Service and its cadre of career executives that insure the impartial and non-political enforcement and administration of our nation’s laws.

I was watching a “60 Minutes” segment on CBS television last night. It was directly applicable to the proposed legislation and our concerns. It involved allegations by the “60 Minutes” correspondent that there had been improper political interference in the awarding of DoD contracts for rebuilding efforts in Iraq. Specifically it accused Vice President Cheney of “obviously” interfering in the awarding of contracts to Halliburton Corporation, which he headed prior to becoming Vice President of DoD. It also made allegations about former General Officers in the military who were now working for Halliburton and some of the other companies and corporations that received DoD contracts for providing services to the US troops in Iraq, including food service, waste disposal, water, fire fighting, and other necessitates. Finally, it sought to cast aspersions on the current Administration’s political allegiances to these other companies and corporations that received DoD contracts to Halliburton and some of the other companies and corporations that received DoD contracts for providing services to the US troops in Iraq, including food service, waste disposal, water, fire fighting, and other necessitates.

We all know that such allegations and innuendo are the lifeblood of “60 Minutes” and other television news shows, and are not to be taken seriously on many occasions; this may well be one of those occasions. But the interesting part was the response by DoD.

Instead of the Secretary of Defense or other high level political appointees responding, DoD had the Chief Counsel of the Dept. of the Army Corps of Engineers, Robert Anderson respond to the allegations. Mr. Anderson was a career member of the Senior Executive Service. He provided an eloquent defense of the procurement process, but his most important and telling statement was that the contract procurements that were performed by career employees, who would NOT allow DoD or other federal agencies to award contracts to Halliburton or other companies and corporations that received DoD contracts for providing services to the US troops in Iraq, including food service, waste disposal, water, fire fighting, and other necessitates.

We all know that such allegations and innuendo are the lifeblood of “60 Minutes” and other television news shows, and are not to be taken seriously on many occasions; this may well be one of those occasions. But the interesting part was the response by DoD.

Instead of the Secretary of Defense or other high level political appointees responding, DoD had the Chief Counsel of the Dept. of the Army Corps of Engineers, Robert Anderson respond to the allegations. Mr. Anderson was a career member of the Senior Executive Service. He provided an eloquent defense of the procurement process, but his most important and telling statement was that the contract procurements that were performed by career employees, who would NOT allow DoD or other federal agencies to award contracts to Halliburton or other companies and corporations that received DoD contracts for providing services to the US troops in Iraq, including food service, waste disposal, water, fire fighting, and other necessitates.
The importance of this is that DoD realized that one of its programs depended on the career executives and career employees who carry out the day-to-day activities of the government. It also knew that if a member of a career employee expressed the facts, they would carry more credibility with the public "60 Minutes" was at a loss when confronted with the career employees as the protector of the integrity of the procurement process, and I believe that most of the nation's citizens dismissed out of hand the allegations because of the assurances of the career employee, Mr. Anderson.

We relate this incident because firmly believe that some of the authorities sought by DoD could seriously undermine the citizens confidence in the integrity of government operations. This confidence is based in large part on the integrity of the Civil Service system, and the Career Senior Executive leadership of our system. Provisions of this legislation would do away with many of the rights and protections these employees now have that maintain our non-partisan integrity, and the people of this country know this. SEA is that this is not intended, but there is always a concern about such exceptions. We believe that breadth and depth of the unfettered authority sought by this legislation justifies our, and your concern.

Most of SEA's concerns are stated and supported in our statement, which we have submitted for the record. However, we do want to highlight some of the important ones.

1. The legislation would do away with the requirement for Career Reserved SES positions. These positions are limited in number to achieve a key goal of maintaining our non-partisan status. These employees work on the front lines of the government, and they could serve for six years in any position, with no independent check on their qualifications. If a particular DoD administration wished, they could unilaterally fire one of their career SES employees, and fill her/his position with a different career SES employee, without review of their actions or appointees.

2. The legislation would do away with the requirement that career SES appointments be made from among SES employees, and positions limited to a certain number of SES positions at DoD. The current policy provides the 120 day notification rule for SES appointments, the 200 SES slots, and the 120 day notice for SES appointment rules, the 120 day rule, which has been increased to 60 days for the appointment or re-appointment of career SES employees. This too has been done to maintain our non-partisan status in order to ensure that Chief Acquisition Officers are career civil servants, not political appointees. The appointment process for the Department of Homeland Security was the first time that agencies would be required to go through the same process as Homeland Security before issuing regulations and beginning or implementing new systems in the Department of Defense.

SEA does not object to additional flexibility for DoD. But we believe the new flexibility should be limited to 25% in any given year, provided the DoD maintains the integrity of their nonproliferation programs.

3. The legislation would allow the elimination of all appeal rights for career executives and employees to the MSPB if their pay was drastically cut, or they were released. This too is an important policy decision that could be made, but we believe it is important to ensure that Chief Acquisition Officers are career civil servants, not political appointees. The current policy provides the 120 day notice for SES appointments, the 200 SES slots, and the 120 day rule, which has been increased to 60 days for the appointment or re-appointment of career SES employees.

4. The legislation would allow for an SES employee to be reassigned to a position in their career field of choice, to the position of his or her choice, without regard to the job or their capabilities, or their positions as SES employees. This too is an important policy decision that could be made, but we believe it is important to ensure that Chief Acquisition Officers are career civil servants, not political appointees. The appointment process for the Department of Homeland Security was the first time that agencies would be required to go through the same process as Homeland Security before issuing regulations and beginning or implementing new systems in the Department of Defense.

5. The legislation would allow for the appointment of individuals without regard to qualifications, or any right on behalf of the employee to challenge the determination anywhere, including if the pay is cut.

6. It allows the creation of appointments of "highly qualified experts, who could be paid up to 120% of SES salary, or currently $297,900. There would be no limit on the number of these appointments, and they could serve for six years in any position, with no independent check on their qualifications. If a particular DoD administration wished, they could unilaterally hire one of their career SES employees, and fill her/his position with a different career SES employee, without review of their actions or appointees.

The current DoD has such authority for 40 positions at DoD. This includes the armed services research labs, and 10 more between NIMA and NSA. However, these are limited to scientific and engineering positions, and the appointees are limited to pay 25% higher than the SES pay, or currently $248,250. No such limitations are contained in the proposed legislation.

These are but some of our concerns. We urge the Majority to expediently amend this proposal to restore the necessary safeguards for career SES employees, and other civil service employees before its enactment.

SEA does not object to additional flexibility for DoD. But we believe the new flexibility should be limited to 25% in any given year, provided the DoD maintains the integrity of their nonproliferation programs.

This administration's attempt to enact sweeping environmental exemptions under the guise of "military readiness" is a disgrace.

I am also outraged that the rule has not allowed Mr. SPRATT's amendment on nuclear nonproliferation.

The threat level has been increased to orANGE, the administration is on the lookout for terrorists and rogue nations with weapons of mass destruction, yet the Majority refuses to allow debate on the most meaningful way to prevent terrorists from getting nuclear weapons in the first place—our long-standing, proven nonproliferation programs.

Mr. Speaker, this is an outrage. I urge my colleagues to vote for the very principles this bill was founded upon and vote against this egregious rule.

Mr. FROST. Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials that you have submitted to the vote on the previous question.

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

There was no objection.

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


Hon. CAROLYN MALONE, Rayburn House Office Building, Washington, DC.

Dear Representative Malone,

I write on behalf of the National Treasury Employees Union (NTEU) to express support for your amendment to the "Defense Authorization Act of FY 2004." Your amendment was developed to ensure that Chief Acquisition Officers are career civil servants, not political appointees.

NTEU represents 150,000 career federal employees in 28 federal agencies and departments. These employees work on the front lines of government, and they could serve for six years in any position, with no independent check on their qualifications.

This administration is on the lookout for terrorists and rogue nations with weapons of mass destruction, yet the Majority refuses to allow debate on the most meaningful way to prevent terrorists from getting nuclear weapons in the first place—our long-standing, proven nonproliferation programs.

Mr. Speaker, this is an outrage. I urge my colleagues to vote for the very principles this bill was founded upon and vote against this egregious rule.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials that you have submitted to the vote on the previous question.

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

There was no objection.

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

AMENDMENT TO H.R. 1588, AS REPORTED OF- MR. COOPER OF TENNESSEE OR A REPRESENTATIVE OF A DESIGNATE. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

The amendment referred to in section 5 is as follows:

AMENDMENT TO H.R. 1588, AS REPORTED OF- MR. COOPER OF TENNESSEE OR A REPRESENTATIVE OF A DESIGNATE. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

At the end of the resolution, add the following:

"(a) The sense of Congress.—It is the sense of Congress that—

(A) The Department of Defense should have flexibility in personnel decisions, including pay and promotion, in order to provide the strongest possible national defense; and

(B) The Department of Defense should protect fundamental civil service protections of civilian employees at the Department.

(C) CIVIL SERVICE PROTECTIONS.—(1) It is the sense of Congress that—

(A) the Department of Defense should have flexibility in personnel decisions, including pay and promotion, in order to provide the strongest possible national defense; and

(B) an employee shall have the right to be free from favoritism or discrimination in
connection with hiring, tenure, promotion, or other conditions of employment due to the employee’s political opinion or affiliation.

(C) The Secretary shall not refuse to bargain in good faith with a labor organization, except as provided in section 9002(f) (relating to bargaining at the national rather than local level), and shall submit negotiation impasses to—

(i) an impartial panel; or

(ii) an alternative dispute resolution procedure agreed upon by the parties.

(D) An employee shall have the right to full and fair compensation for overtime, other time worked that is not part of a regular work schedule, and pay for hazardous work assignments.

(E) An employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal. Such right includes the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees.

(F) An employee against whom removal or suspension for more than 14 days is proposed is entitled to a hearing.

(i) reasonable notice stating specific reasons for the proposed action, unless the agency determines after consultation with the employee or the employee’s representative that such notice would disclose information that is avoidably delayed. Had I been present, I would have voted "no."

(ii) an impartial panel; or

(iii) a pre-commission representative of counsel for the prevailing party in an appeal of a removal or suspension.

Strike 9002(f)(2)(D) of title 5, United States Code (as so added) (and make all necessary technical and conforming changes).

Mrs. MYRICK. Mr. Speaker, did the gentleman from Texas (Mr. FROST) yield back his time? The SPEAKER pro tempore. The SPEAKER pro tempore. 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.

The SPEAKER pro tempore. Pursuant to 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 and thereafter on the motions to suspend the rules and pass H.R. 1693 and H.R. 1257.

The vote was taken by electronic device, and there were—yeas 224, nays
The SPEAKER pro tempore (Mr. ISAASON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1683. The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1683, on which the yeas and nays are ordered. This is a 5-minute vote.

The vote was taken by electronic device, and there were yeas 426, nays 0, not voting 8, as follows:

[A Roll No. 209]

YEA—426

ACCOMPANYING BILL—H.R. 1683

VETERANS’ COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2003

The SPEAKER pro tempore (Mr. ISAASON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1683. The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1683, on which the yeas and nays are ordered. This is a 5-minute vote.

The vote was taken by electronic device, and there were yeas 426, nays 0, not voting 8, as follows:

[A Roll No. 209]