
Hon. DUNCAN HUNTER, Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

Mr. Chairman, I understand that the Armed Services Committee has requested that the Committee on Science waive its right to a referral on several sections of H.R. 1588. The National Defense Authorization Act for Fiscal Year 2004 is also under consideration. It is my understanding that the Parliamentarian's office has confirmed that the Science Committee has jurisdiction over several provisions in H.R. 1588.

To expedite the consideration of this bill by the House, the Committee is willing to waive its right to refer H.R. 1588 to the Committee on Science, provided that the Science Committee's right to participate as conferees on those provisions within its jurisdiction is also protected. I would also appreciate this exchange of letters being included in the record of debate on H.R. 1588 during floor consideration.

Thank you for your consideration in this matter.

Sincerely,

SHERWOOD BOEHLERT, Chairman.

Mr. BLUMENAUER, Chairman, Committee on Science, House of Representatives, Washington, DC.

Mr. Chairman, providing national defense is one of the federal government's most significant functions, and today it is more important than ever. Our military superiority, as demonstrated during the war in Iraq, is unmatched. In terms of numbers, the United States spends more on defense than the next 25 nations combined. Yet this $400 billion authorization, the largest defense allocation in history, does not sufficiently address long term threats to our national security. In fact, it takes us in the wrong direction by exempting the Pentagon from its future environmental responsibilities and not providing adequate resources to clean up the legacy of past defense-related pollution.

With such an enormous authorization of resources, we must make sure that the money is being spent wisely. Unfortunately, we have not eliminated unnecessary, wasteful programs that do little to enhance the security of the United States. Despite agreement on the need for deep and lasting changes to military strategy, doctrine, and force structure, the Pentagon's focus so far has been on acquiring new capabilities rather than on re-evaluating their programs. While the Pentagon identified only $24.3 billion to fund "transformation goals," roughly one third of that amount is also budgeted for missile defense, a Reagan era program that continues to suffer from technological difficulties and cost overruns. This misdirected funding taking away from other defense commitments and ignores the fact that we are more at risk from terrorist with trucks, suitcases, and duffel bags than missiles.

We should be a better partner and clean up after itself. In addition to the unwise and wasteful expenditures in this bill, it also authorizes unnecessary and destructive waivers of important environmental protections essential to the health of our natural resources. Waivers such as the Marine Mammal Protection Act. Unfortunatley these laws apply to all ocean users, not just the Department of Defense. If we exempt the largest landowner in the country from enviromental regulations, how can we expect anytne else to follow our laws?

Mr. Chairman, I rise today to oppose the FY 04 Defense Authorization Bill. There are too many items and bills that threaten Americas' health and safety or waste tax dollars with no tangible benefit. We must do better in shaping our Nation's defense policy and honoring our existing commitments to veterans, our environment, and our community.

Ms. BALDWIN, Mr. Chairman, I rise today to oppose the FY 04 Defense Authorization Bill. Since September 11, 2001, our nation has faced the threat of international terrorism.
Every Member of Congress has taken seri-
ously one of our most important responsibil-
ities; protecting the lives and property of all
Americans. I have supposed many of Presi-
dent’s Bush’s initiatives to address the threat
posed by Al Qaida and international terrorism
when I believed he would enhance our coun-
try’s security. I have proposed proposals when
I believed they would not.

The test of any defense related legislation is:
Does it make our country safer? This bill fails
that test. In fact, in some ways, this bill will
deceive our country.

First, this bill encourages nuclear prolifera-
tion. This bill will eliminate the prohibition on
the research, development and deployment of
low-yield nuclear weapons, even as the United
States works to stop proliferation of nuclear
weapons elsewhere. The list of countries with
nuclear weapons keeps growing: the United
States, Russia, Great Britain, France, China,
Israel, India, and Pakistan. Now North Korea
has them. Who’s next? The United States
committed to work toward disarmament when the
Nuclear Non-proliferation Treaty (NPT) went
into effect. We should be taking bold steps toward
ending the threat of nuclear holocaust once and for all, not creating
ew ones.

The United States must show leadership by
restraining from the use of nuclear weapons. Developing exactly what
site message. By continuing the development of
new nuclear weapons at the same time we
are trying to convince other nations to abstain
from such weapons, we undermine our credi-
bility to fight proliferation. Now is not the time
to send an ambiguous non-proliferation mes-
sage to those nations who would try to join the
nuclear club.

These “tactical” nuclear weapons are not
needed for our defense. Conventional “bunker
bust” bombs have been used and additional
research is ongoing to improve their effectiveness. A “robust earth penetrator”
would not be a targeted “smart bomb;” since fallout
would harm human beings in the area of the
blast. One that successfully penetrates deep
enough to contain the fallout would need to have
substantive explosive power to no longer be
considered a “mini” or tactical nuclear weapon.
The permanent solution to the
nuclear threat is to eliminate these weapons
entirely through a global legal commitment,
backed by strong oversight and enforcement
mechanisms.

Second, the overall spending level in this bill
is excessive. This will be the largest defense
budget in the history of the United States. The
Center for Strategic and Budgetary Assessment
has calculated that it is 10 percent higher
in current dollars than the average military
budget during the Cold War. At $400.5
billion, this bill is $7.6 billion higher than the current
authorized level. It represents 51 percent
of Fiscal Year 2004 discretionary spending. The
first Defense Authorization bill passed after I
was elected to Congress in 1998 was the FY-
2000 bill. That legislation authorized $291.0
billion.

Clearly we are the preeminent military
power in the world. Our military spending is 8
times as large as the next largest military—
Russia. No other nation, or collection of na-
tions, is anywhere close to being able to chal-
lenge American military power. Continuing to
increase our military spending beyond the rate
of inflation and in a time of budget deficits and
a stagnant economy is not a wise use of tax-
payer dollars. We can be safe without spend-
ning more.

Before significantly increasing defense
spending, we need to eliminate the waste,
fraud and abuse within the department. The
Auditors report that the Defense Department could not account for more than
$1 trillion in spending. Yes, $1 trillion. That’s
two and half yearly defense budgets. A Gen-
eral Accounting Office report found that the
Army could not account for 56 airplanes, 32
tanks, and 36 missile launch-units. The GAO
found that the department has 2.200
overlapping accounting systems which cost a
total of $18 billion per year. $18 billion, and
apparently they don’t even work. The GAO es-
states there is at least $20 billion in savings
that could be found in the defense budget.

Third, this bill continues funding for weap-
ons systems that are expensive and unneces-
sary. The bill would authorize $1.05 billion to
purchase 9 new MV-22 Osprey tilt-rotor air-
craft and continue program research and de-
velopment. This aircraft has had continuing
development problems and is 36% over cost.
The GAO found that the department has already cost us $15 billion, four crashes and the lives of 23
Marines. We don’t need these planes. We
also do not need the F-22 Raptor. Like the
Osprey, it has continuing technical problems
and cost overruns. Each aircraft costs $260
million. We could save $120 billion. If we did not purchase the proposed 22 this year.

The bill also makes it harder to close unneeded military bases. We have and will
continue to restructure our forces to meet our
new security needs. That process requires us
to reduce our expenses by closing excess
bases. Keeping unnecessary bases open wastes valuable defense dollars that could be
used to enhance our security.

Perhaps the biggest boondoggle in the de-
fense budget is the national missile defense
system. The bill calls for $9.1 billion to con-
tinue research, development and initial deploy-
ment in Alaska. Each year we put more and
more resources into this unproven technology
that does not address the most likely threats
from weapons of mass destruction. Is a nu-
turally upgraded ABM system or a deinter-
tional ballistic missile? Homeland security ex-
erts don’t believe so. They are worried about
our ports and our borders. The GAO found
that “an effective port security environment
may be many years away.” The U.S. maritime
system consists of more than 300 sea and
river ports with more than 3,700 cargo and
passenger terminals. In excess of 6 million
transport containers enter our ports each year.
With $9.1 billion we could secure our ports,
and have money left over to address other ur-
rent and homeland security needs like funding for
first responders, research on chemical, biologi-
cal and nuclear weapons detection, improving
our border security, and providing more re-
sources for non-proliferation efforts overseas.
These should be our priorities.

Fourth, the bill includes many unwise, inap-
propriate and unnecessary provisions. The bill
would exempt the Department of Defense
from certain aspects of the Marine Mammal
Protection Act and Endangered Species Act.
These laws already contain exemptions in
cases where national security is at stake. Both
the General Administration and the EDA Ad-
ministrator Whitman have testified that envi-
ronmental laws have not affected military
readiness. This provision will undermine
environmental laws and threaten endangered
species.

The bill gives the Secretary of Defense un-
precedented ability to bypass civil service per-
sonnal rules and establish new personnel sys-
tems. Civil service rules were established to
protect workers and protect interest of the
department by ensuring that fair rules and professionalism replace political favoritism and cronyism.
The Bush Administration submitted this sweeping
and unprecedented request at the last minute.
We don’t even know what kind of system the
Secretary of Defense intends to create. Any
more change like this once intensive hearings and in-depth analysis before Con-
gress makes a decision. We should not be
railroaded into dismantling an effective, honest
civil service system. Furthermore, we should
not give a blank check to the Administration
in designing this system.

Finally, I am concerned about the continued
funding of counter-narcotics military operations
in Colombia. The involvement of our military in
Colombia’s civil war is counterproductive and
dangerous. This bill allows counter-narcotics
and equipment funding to the Colom-

brian government to fight its civil war. This
policy should come to an end.

Mr. Chairman, we can keep our nation se-
ure. Unfortunately, this defense authorization
bill does not do so. This defense budget
was done with our money. If I believe that
excess expenditures were appropriately focused
on paying our brave servicemen and women what
they deserve and increasing their readiness, I
would support it. But this defense budget is
targeted at the wrong threats. This defense
budget lacks the wrong priorities.

Mr. UDALL of Colorado. Mr. Chairman, this
bill is one of the most important measures that
the House will consider this year. It is intended
to set out our vision for the defense of our
country in the years ahead—both in terms of
policy direction and spending priorities. Unfor-
nately, the vision this bill puts forth is not one
I can endorse, and so I cannot vote for it.

We are over a year into our war on ter-
rorism and fresh from military action in Iraq.
There is no doubt that we must continue to
focus on defending our homeland against ter-
rorism. We must support our military per-
sonnel, and we must give our military the
training, equipment, and weapons it needs to
beat terrorism around the world.

That’s why I’m in favor of provisions in the
bill that support those men and women who
made our victory possible in Afghanistan and
Iraq. The bill provides an average 4.1 percent
pay raise for service members, boosts military
special pay and extends bonuses, and fund
programs to improve living and working facili-
ties on military installations. These are all
good provisions that I support.

I’m also in favor of ensuring our defense ca-
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levels 13 percent higher than average Cold War levels, it doesn’t present a coherent vi-
sion of how to realign our defense priorities. We need to make clear decisions about our
defense spending, and this bill doesn’t begin to consider the choices that must be made.
I have objections to the Act. It includes provisions similar to those in H.R. 1935, a bill we considered in the Resources Committee, to exempt the Department of De-
fense from compliance with the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). There is a broad-based support for existing environmental
laws—as there should be—and these laws are already allow case-by-case flexibility to protect
national security. The Pentagon has never sought to take advantage of this flexibility, so
it strains belief that these laws are under-
mining our national security. Indeed, the Gen-
eral Accounting Office has found that training
readiness remains high at military installations notwithstanding our environmental laws.
Lacking any compelling data to conclusively
demonstrate that military readiness and train-
ing have suffered as result of compliance with the ESA and MMPA, I am not persuaded
that the changes to these acts proposed by the military are justified. If anything, the re-
cently completed Iraqi Freedom campaign verifies once again that our armed forces re-
main effective in their role as the best equipment force on the planet. The Administration has
opportunistically selected the present cir-
cumstances as a thin veneer behind which to
move legislation to weaken key aspects of the
ESA and MMPA that it could not achieve otherwise when its reach was not de-
not be rewarded, and the House should
not have included these provisions in the
bill we are considering today.
I am also concerned about the bill’s provisions to overhaul DOD’s personnel system. Last year, Congress authorized the
largest government reorganization over thirty years with the creation of the Department of Homeland Security, affecting 170,000 Federal employees. Following extensive debate, the new DHS was given authority to establish a flexible personnel system that at least attempted to protect workers’ rights. The provisions in this bill would create even wider ranging exemptions for the Department of De-
fense, stripping almost 700,000 civilian employees of fundamental rights relating to due process, appeals, and collec-
tive bargaining.
The Administration only knows that
it wants to gut the current system, but it has not even articulated an alternative. This bill provides a blank check for the Ad-
mnistration to undo many of our civil service laws in an unprecedented unilateral approach to civil service re-
form. What’s worse, the Rules Com-
mittee wouldn’t allow the House to consider a sensible amendment that
would restore a system of checks and balances for our Federal workers. I cannot support the way this bill treats
so many dedicated civilian employees of the Department of Defense.
I am also concerned about the
bill’s provisions on nuclear weapons. This year’s bill provides funding to study the feasibility of developing nu-
clear earth-penetrating weapons and low-yield nuclear weapons. Low-yield nuclear weapons have an explosive
yield of five kilotons or less—”only” a third of the explosive yield of the bomb dropped on Hiroshima.
Mr. Chairman, our obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) require the
United States to work towards nuclear disarmament, rather than further in-
crease the size and diversity of our ar-
senal. The Pentagon has not even shown
it wants to prevent North Korea, Iran, Syria,
and other countries from gaining ac-
to nuclear weapons. By continuing the development of new U.S. nuclear
weapons at the same time that we are
trying to convince other nations to
forgo obtaining such weapons, we under-
mine our credibility in the fight to
stop nuclear proliferation.
I believe we must be extremely cau-
tious before we consider expanding ap-
lications of nuclear use. We all agree that our deterrent capability of our nuclear forces, but I don’t believe we need more or new weapons to maintain our deterrent. This bill takes our nuclear posture a step backwards, putting the U.S. in a posi-
tion of being the first to go in the dire-
ction of developing more nuclear weapons.
Mr. Chairman, if the House had been permitted to consider more needed amendments to the bill, it might have been improved enough so that I could support it. But the Rules Committee rebuffed sensible amendments at every
turn, denying us a voice on civil serv-
ces protections and the environment, among other issues. So in view of my strong objections outlined above, I can-
not support this bill.
Mr. VAN HOLLEN. Mr. Chairman, it
is my intention to vote for the Na-
tional Defense Authorization Act for fiscal year 2004 now before the House. The
fighting for our lives in Iraq deserve the support of the United States Congress and we have a responsibility to provide the military with the means to protect all
of us. However, I am deeply troubled by portions of the Act that have the po-
tential to undermine America’s stand-
ing in the world, decrease our security, undermine the protections guaranteed under current law for civil servants working in the Department of Defense, and undermine our environment. Earlier
today an important amendment failed to
be included in the final version of the Act that we are now being asked to
vote on.
The Tauscher Amendment would have transferred money from the Rob-
stic Nuclear Earth Penetrator to a
conventional weapon system meant to
defeat hardened and deeply buried tar-
gets. The development and possible use of such a bunker-busting nuclear weap-
on is a dangerous step for this Congress to take. I would expect such initiatives
doctrine of the Act that we are now being asked to vote on.
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schools and guarantee our children a high quality education. They won't provide a real Medicare prescription drug benefit for our seniors and people with disabilities. They won't even give so-called “first responders” the resources to protect Americans against terrorist attacks that may well be spurred by this Administration's failed foreign policy.

There isn’t a dollar in the President’s overall budget for school modernization, but this defense budget has us spending $9.1 billion on a pie-in-the-sky missile defense system. 28,000 kids will be cut from Head Start, but $15 million will go to researching something called nuclear “bunker buster” bombs.

Make no mistake about it, the Bush Administration has us on the edge of a new nuclear arms race by pushing for research into so-called “low-yield” nuclear weapons. The idea behind their development is their possible use in conventional warfare! So much for the theory of nuclear deterrence. Such a policy would only welcome more nations—on top of North Korea—into a renewed worldwide nuclear weapons race. I don’t even want to imagine a future in which the U.S. military uses nuclear weapons to fight wars.

At the same time this bill raises the nuclear ante throughout the world, we’ll be spending $28 million less than the federal government says is necessary for non-proliferation efforts. These are dangerous weapons which threaten destruction out of the hands of Al Qaeda and other terrorist organizations.

Republicans are also overriding basic environmental protections in this defense bill before us today. Their bill will allow military bases to override the Endangered Species Act—putting rare species at risk of extinction. It also allows the Navy to use sonar devices that have led to the deaths of whales and other threatened marine mammals.

It doesn’t stop at endangering our environment. It also tramples the rights of workers at the Department of Defense and other who work for our military. If enacted, this bill will scrap basic civil service protections at the Defense Department that have long promoted a professional federal workforce. It even fails to provide workers at military bases with access to potentially needed reproductive health services—even if they pay for those services with their own money.

Mr. Chairman, this Department of Defense Authorization bill is wrong in many ways. It dedicates too much of our limited federal budget to defense at the expense of other vital domestic needs. It spends those dollars in ways that could add to our defense costs by inciting a new nuclear arms race. It weakens protections for those who work in the Department of Defense or otherwise serve our military. And it allows for environmental protections here at home. I urge my colleagues to join me in opposition to this dangerous bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I want to thank the Chairman, the Ranking Member and both Republican and Democratic members of the Armed Services Subcommittee on Total Force and the full Committee for unanimously supporting an amendment to increase the number of military academy appointments from American Samoa, Guam and the Virgin Islands to the U.S. Military Academy, the United States Naval Academy, and the United States Air Force Academy.

For my constituents, this means that American Samoa will be able to send two students to each service academy. Given that American Samoa has a population of over 57,000 people, a per capita income of less than $4,500 and almost 5,000 men and women serving in the U.S. Armed Services, I am pleased that we may be able to offer more students the opportunity to attend one of our nation’s prestigious military academies.

Like other States and Territories, American Samoa has a long and proud tradition of supporting and defending the United States of America. In 1900, the traditional leaders of American Samoa ceded the island of Tutuila to the United States. Tutuila’s harbor is the deepest in the South Pacific and the port village ofPago Pago was used as a coaling station for U.S. naval ships in the early part of the century and a support base for U.S. soldiers during World War II. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

American Samoa also has a per capita enlistment rate in the U.S. military which is as high as any State or U.S. Territory. Our sons and daughters have served in every U.S. military engagement from World War II to present operations in our war against terrorists. We have stood by the United States in good times and bad and I believe it is only appropriate that this relationship should be acknowledged with a fair number of military academy appointments.

Again, I want to thank Chairman JOHN J. MCMONagle and Ranking Member VIC SNYDER of the Subcommittee on Total Force for supporting my request to increase the number of military academy appointments for American Samoa. I also want to thank my good friends, the Chairman of the Committee on Armed Services, Congressman DUNCAN HUNTER and Ranking Member Ike SKELTON, for their support.

On a personal note and as a Vietnam Veteran, I also want to thank the sons and daughters of this great nation who are currently serving in the U.S. Armed Forces. As we consider the National Defense Authorization for Fiscal Year 2004, I am hopeful that we can increase the number of opportunities for American Samoa. I also want to thank my good friends, the Chairman of the Committee on Armed Services, Congressman DUNCAN HUNTER and Ranking Member Ike SKELTON, for their support.

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Mr. BRADLEY of New Hampshire. Mr. Chairman, I rise today in support of the defense authorization bill and commend Chairman HUNTER, ranking member SKELTON and the committee staff on their strong efforts in crafting this legislation.

As our soldiers, sailors and airmen continue the global war on terrorism and as thousands of our military personnel make the ultimate sacrifice to protect our liberties and in so remembering I urge my colleagues to support this reauthorization.

Mr. BRADLEY. Mr. Chairman, yesterday I had the honor of meeting Air Force Capt. Jeremy Shane Carter and 1st Lieutenant Drew Bjerken, two courageous airmen who recently returned from Operation Iraqi Freedom. They are part of the electronic warfare component of our military success that does not receive the full credit it deserves. Capt. Carter and Lieutenant Bjerken operated one of the real jewels in our electronic warfare arsenal, the Compass Call aircraft. This platform monitors and jammers communications and targeting systems used by adversaries. Compass Call air crews flew over 200 combat sorties providing 24/7 coverage in all major combat engagements including the operations to recover POW Pvt. Jessica Lynch and the capture of the oil facilities at the Al Faw peninsula in Iraq. Saving Private Lynch is its own fantastic story. But it should be remembered that Compass Call aircraft were essential to the successful capture of Al Faw by providing electronic warfare support that protected our forces and delayed in the capture of Baghdad.

The bill also continues our efforts to have the F-16, the A-10, and the AV–8B and F–18 C/D, bring important cost savings to our military and improve the mission effectiveness of our aircraft. It also authorizes another 4.1 percent average pay raise and other incentives that are critical to maintaining retention, morale, recruitment, and quality of life. The thousands of men and women who get up and put on a uniform to serve our country abroad or on the seas and in the air so with the best equipment and the best training possible. Their service will protect our shores, provide stability in unstable regions, provide security to our friends and allies, and deter or destroy those who wish to harm us.

A lesser-known aspect of our Operations Enduring Freedom and Iraqi Freedom is the success of the logistical support structure of those operations. The logistical coordination we reported our efforts in Iraq and Afghanistan can be described as nothing less than an organizational marvel. It takes teamwork, training, skill and courage, Mr. Chairman, and critical to that achievement is the work of the 157th Air Refueling Wing of the Air Mobility Command based at Joint Base McGuire-Dix-Lakehurst.

The 157th Air Refueling Wing is the heart of our air refueling capability. The Wing is tasked with the mission of refueling aircraft, providing strategic lift in support of contingency operations around the world. The Wing also provides logistical support for deployed combatant commands, and military forces in the United States. It oversees the scheduling of aircraft and aerial refueling systems, ensuring effective mission accomplishment.

The bill also continues our efforts to have the F-35 Joint Strike Fighter. Variants of the F-35 will eventually replace four aircraft, the F-16, the A–10, and the AV–8B and F–18 C/D, bringing improved capabilities to our forces and to our taxpayers not only in production but also in the maintenance and operation over the life of each aircraft.

Air dominance today and in the future is directly attributable to the electronic warfare component of our military. The Compass Call aircraft, helocopter and satellite systems. BAE Systems' Electronic Systems Division in my home state of New Hampshire is the world leader in electronic warfare systems,
providing protection, surveillance, stealth and lethality for our pilots and aircrews in all the services. I am pleased with the programs included in this bill that fund research and development for countermeasures to protect our pilots and other important electronic systems.

As a Navy man, I will attest, our Navy is stretched thin, especially our submarine force. Although this bill does not fund the refueling of the USS Jacksonville, I would like to highlight the need to refuel all of the remaining Los Angeles Class submarines in our fleet. Taxpayers have already paid billions of dollars for these submarines and have been procured at a cost of over $200 million each, it makes sense for us to finish the job and keep these boats in service for the remainder of their design life.

Mr. Chairman, this bill is a good balance of our resources to continue our military's transformation to meet the challenges of tomorrow. It responds to the realities of the war on terrorism and sets us on course to meet the new international security, both in and out of uniform. Our service men and women and those civilians who support them deserve only the best. Our colleagues and my classmate, DUNCAN HUNTER, chairman of the House Armed Services Committee, deserves our congratulations for the hard work of his committee in bringing this bill to the floor.

There are some provisions in this bill, however, which deeply concern me. Those addressed the wholesale personnel reforms and management authority changes at the Defense Department which I believe could foreclose the opportunity to amend that section of the bill. Unfortunately those parts of the bill relating to personnel issues have not been adequately addressed or considered. As every regional military commander will attest, our Dept. of Defense must be in a position to respond to the threats the world is facing. This bill does not fund the refueling of the USS Jacksonville, a sizable procurement agenda allowing the United States to stay at the cutting edge of technology. It also provides a 4.1 percent pay raise for the remainder of their design life.

But the secretary should heed his own op-ed conclusion. He stated: “The fact is that the transformation of our military capabilities depends on the transformation of the way the Defense Department operates. This does not mean an end to congressional oversight. What it means is that we need to work together to ensure the department's ability to keep up with the new threats emerging as this century unfolds.”

Indeed, we need to work together. That means giving Congress the opportunity for thoughtful and deliberate study of this plan, time to investigate its implications and the chance to ask the tough questions to make sure we fully understand how this plan will impact the lives of the people at the Pentagon who work to serve their country. That doesn't mean that Congress just salutes and says, “Yes, sir,” and rubber stamps the secretary's controversial plan.

We must ask what message this plan sends to the rest of the government. Will the Department of Defense’s rush into a personnel transformation plan encourage other government agencies, the Federal Reserve and the Federal Home Loan Mortgage Corporation to do the same, affecting even more federal employees? Because of my concern about responding to the terrorism threat in our country, I voted for the legislation establishing the new Department of Homeland Security and allowing the department to set up new model rules which could be used to judge future decisions on personnel policy. We are on new ground and don’t as yet know well how this model works. The DOD personnel proposal before the House could not only affect the Department of Defense, but may impact the entire government in ways we have not yet seen.

I also must share my concern about a pattern of unilateral action we continue to see within the Office of the Secretary of Defense. There have been troubling news reports about how some high ranking military personnel have been treated at the Department of Defense. I am concerned about how senior civilian employees would fare under the new personnel proposals for DOD.

Our Armed Forces deserve the very best, and it appears that this bill authorizes giving those in uniform and those civilians supporting them the funding they need to continue to do their jobs in the outstanding way in which they have in the past and will do in the future.

Unfortunately those parts of the bill relating to personnel issues have not been adequately investigated by Congress and will impact civilian employees at the Department of Defense in ways that we can only guess at this point. These Federal employees and the military deserve more than a rushed plan that fundamentally alters the way the Department of Defense interacts with its civilian employees.

Mr. KIND. Mr. Chairman, as we were reminded last week with the triple bombing in Saudi Arabia, international terrorism still threatens our world. Currently we have troops around the world fighting in the global war against terrorism, and it is important that we make sure they have the resources to prevail.

The United States has the best trained, best equipped and best fighting force in the world, and the legislation today seeks to ensure America’s military supremacy in the future. It provides for a sizable procurement agenda allowing the United States to stay at the cutting edge of technology. It also provides a 4.1 percent pay raise for the remainder of their design life. The Department of Defense would be able to overrule the director of the Office of Personnel and Management in making personnel decisions, if the President agreed with the Secretary.

The Department of Defense would be granted more power than ever before in how it structures policies which will impact its 746,000,000 civilian employment. I understand the need for flexibility in the modern-day federal workplace, I am very concerned that some of the changes in H.R. 1588 champion flexibility at the expense of oversight and congressional involvement in ensuring employee protections on a fair and level civil service playing field. When oversight is limited and decisions are channeled to one source, red flags should go up about accountability and the decision-making process at DOD.

I also am concerned about the new law that appears to be some ambiguity on the question of veterans’ preference in hiring at the Department of Defense. Veterans are given preference in hiring for civil service positions in recognition of their military service to our nation. This section of the bill would affect government employees. The Office of Personnel and Management in making those decisions included in this bill is the aggregation of the Department of Defense as well as other government departments and agencies to recruit and retain veterans who can continue to provide valuable service to their nation in their civilian lives. It is unclear under this legislation whether the veterans preference remains intact in all areas of hiring in the Department of Defense. This lack of clarity is troubling not only as a matter of practice, but as a matter of principle: there should be a clear understanding that the veterans preference cannot be waived in any circumstances.

Because of the controversial personnel change included, in this legislation, I am very disappointed that the House Rules Committee foreclosed the opportunity to amend that section of the bill. Not only could the amendments were made in order concerning the civil service portion of H.R. 1588. Some colleagues, including Representative COOPER were prepared to offer a valuable amendment and had submitted it to the Rules Committee. That amendment would have established an Employee Bill of Rights of offering fundamental civil service protections for the civilian employees at the Department of Defense. That amendment should have been made in order, and this House should have had the chance to amend. Had we been given that opportunity, I would have voted for the Cooper amendment.

Our colleague Representative IKE SKELETON, the ranking member of the Armed Services Committee, argued yesterday in a Washington Post op-ed that “major reassignments of constitutional authority such as this demand the same sort of thoughtful foresight as a war plan.” He added “the only thing that is obvious and consistent throughout the 50 provisos included in this bill is the aggregation of power away from the Department of Defense, removing the legal restrictions and congressional oversight that should safeguard against any abuses, however unintentional. This approach is a rush to judgment that will affect vast numbers of people and, in many cases, will erode their trust in their government.”

Secretary of Defense Donald Rumsfeld responded to Congressman SKELETON’s arguments today in his own Post op-ed. He laid out his case for why he sees as necessary “flexibility and agility” in managing the civilian workforce at DOD. He argued that change is necessary because the Department of Defense is “in a changed world” and that the federal government must respond to those changes.
increase for our deserving military personnel who sacrifice to ensure the security of America, most recently in dangerous battlegrounds in Afghanistan and Iraq.

Further, this bill reduces housing expenses for service members, contains new benefits for reservists and veterans with brain injuries, and creates a $35 million Impact Aid program that serves school districts with high numbers of military children. H.R. 1588 also moves forward new weapons programs critical to meet 21st century challenges, as well as funds important for non-proliferation and weapons of mass destruction security activities in Russia and other nations.

In past years, defense authorization bills have generally been approved with wide bipartisan support. And while most provisions of the legislation in front of us today are necessary and widely supported, the majority party and the administration have decided to include a few highly controversial riders that need to be addressed. Under the rules of debate set up by the majority party, however, we will not have an opportunity to debate and attempt to amend provisions that strip civil services pro-
tection from 700,000 federal employees, unnecessarily discard environmental regulations and hinder nuclear nonproliferation efforts. These provisions do not serve to enhance the security of our Nation, and at the very least, deserve to be thoroughly considered by Congress in public.

In the name of transformation, the administration has proposed eliminating civil service protections of the 700,000 civilians working in the Department of Defense. This unprecedented proposal stabs at the heart of our Federal civil service. The Department has been crafted over decades based on concerns and needs of em-
ployees and the federal government to protect federal employees from political pressure and favoritism. Most offensive, however, is the ar-
rogance of the administration in seeking to re-
move the civil service protections from dedi-
cated employees without consulting with Con-
gress or employee representatives on a re-
placement plan. In fact, the General Account-
ing Office (GAO) notes that the Department of Defense (DOD) does not have a good track record on working with employee representa-
tives, raising additional concerns that the needs of employees will not be considered as a new personnel plan is formulated.

I was pleased that the Government Reform Committee stepped in to curtail the administra-
tion’s proposal, however, the language passed by that committee and included in the legisla-
tion before us still fails to adequately protect our federal employees in areas such as due process, appeal, and collective bargaining rights. In addition, it grants the Secretary of Defense (SECDEF), the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Army the authority to conduct, destroy, or dispose of nuclear weapons and materials. The bill also exempts DOD from the Endangered Species Act, Marine Mammal Protection Act, and Marine Mammal Protection Act.

Another area of concern is the exemption from environmental regulations being sought by the administration and included in this bill. While it is understandable that the Defense Department must have the ability to properly train our soldiers, sailors, airmen, and Marines in realistic combat conditions, the necessity of exempting 25 million acres of land at the more than 425 installation nationwide from the Re-
source Conservation and Recovery Act, Clean Air Act, Superfund, Endangered Species Act, and Marine Mammal Protection Act has not been proven. Again, the GAO has found that training readiness remains high at most mili-
tary installations.

DOD currently has the ability to seek na-
tional security and military training exemptions in federal environmental law to address en-
croachment concerns. However, as we de-
bated in the House Resources Committee two weeks ago, DOD has never sought an exemp-
tion from the Endangered Species Act or Ma-
 Marine Mammal Protection Act. Exempting the DOD from these proven environmental laws is simply not necessary to ensure the best train-
ing of our troops and will harm the tremen-
dous progress made in protecting important species for future generations. An amendment drafted by the ranking member of the House Resources, Mr. RAHALL, would have removed this unnecessary exemption. Again, however, the majority has refused to allow consideration of this important amendment.

While current times call for increased atten-
tion to national security, it is also important that Congress make responsible funding deci-
sions and dedicate limited resources to de-
fense projects needed for our security in the 21st century. I have consistently criticized the hurried efforts of the administration to develop a balanced scorecard that is ques-
tioned by most experts and will post enormous costs to the taxpayers. Formidable technical challenges plague the proposed missile de-
fense program in which every component is behind schedule, over budget, and unable to perform its mission. Yet, the administration’s answer is to exempt the program from ac-
countability requirements and increase fund-
ing. The legislation in front of us contains $9.1 billion for the ballistic missile defense program, which is a 17 percent increase over last year’s budget. The administration is dependent on proven nuclear non-proliferation efforts. This is a perfect example of how Congress must bet-
ner prioritize the national security threats, and work to reduce funding for ineffective and ob-
solete programs.

In conclusion, Mr. Chairman, we need to con-
tinue to fund a strong national defense to meet the emerging challenges of tomorrow but at the same time highlight the deficiencies in the majority’s proposal. We are doing well, but we can do better. For this reason, I urge my colleagues to oppose the majority’s rule for deficiencies and gives us the opportunity to con-
sider amendments to remove the sweeping personnel and environmental revisions of this bill.

Currently our nation is under a “Code Or-
ge” homeland security alert, meaning that the risk of a terrorist attack on our nation is high. The tireless work of our soldiers, sailors, airmen, and Marines, along with other security and intelligence officials, has protected the American people from the last devastating ter-
rorist attacks, and we need to make sure they have the resources they need to do their job. If we can remove the detrimental provisions from this legislation, we will certainly be able to pass a truly effective and bipartisan bill.

Mr. RAHALL. Mr. Chairman, I rise today in support of H.R. 1588, the National Defense Authorization Act for fiscal year 2004. The au-
thorizations of appropriations in this important piece of legislation are consistent with the lev-
els established in H. Con. Res. 95, the Con-
gressional Budget Resolution. On April 11, this body passed a conference report that made available the budgetary resources for our most urgent constitutional responsibility—the com-
mom defense. We provided $400.6 billion in budgetary resources for the fiscal year 2004.

The principal reason for these considerable budget resources is, of course, Congress’s un-
wavering commitment to win the war against terrorism. But in addition to combating ter-
rorism, we provided a blueprint in the resolu-
tion that the service members deserve to serve our country and continue to earn a living. Since the beginning of the War on Terror, we have increased average pay by 4.1 percent, increased housing allow-
ces, and increased incentive pay. Consis-
tent with the resolution, the bill we are con-
sidering today contains levels of weapons procurement not seen since the Reagan ad-
mistration, and the largest amount ever for research and development.

This bill improves our national security by striking a balance between modernizing exist-
ing forces and investing in transformational ca-
pabilities. The U.S. forces are facing every type of conflict in recent months, from air cam-
paigns and armored warfare, to special oper-
ations and urban street combat. They have fought terrorists and irregular forces while con-
ducting psychological warfare and other con-
ventional activities.

The budget resolution also provided an allo-
cation of $70 million so that proceeds from Post Exchanges and other facilities on closed bases can be re-applied without an appropria-
tion. H.R. 1588 would direct DOD to rescind this allocation of $70 million so that proceeds from Post Exchanges and other facilities on closed bases can be re-allocated without an appropriation. H.R. 1588 would direct DOD to rescind this.

I will note that H.R. 1588 contains a provi-
sion affecting the Pentagon’s Military Housing Privatization Initiative. There were some tech-
nical problems because the Congressional Budget Office has recently reconsidered its scoring rules for activities involving loans, loan guarantees, and other ways the government encourages private sector participation in mili-
tary housing projects. But working together, the Armed Services and Budget Committees have arrived at an agreement that this program to be appropriately reflected in the budget. I am pleased that we were able to re-
solve this issue in a spirit of cooperation.

Several provisions of this bill directly affect the lives of my constituents who work at the Rock Island Arsenal in the Quad Cities in Eastern Iowa. Funding for the Army’s Future Combat Systems program, increased funding for replenishing of munitions stocks, and overall spending levels will enhance the ability of these workers to continue their very important job. The employees of the Rock Island Arse-
nal do a superb job of equipping the world’s best Army, and this bill reflects Congress’s continued commitment to those workers.
Mr. FARR. Mr. Chairman, earlier in the year, Department of Defense (DOD) approached Congress with a request to exempt itself from several fundamental environmental laws in order to enhance military readiness. At the time this request shocked most of us, because the readiness of our military is the best in the world but that the state of some of our natural resources are not. Things went from bad to worse when the House Armed Services Committee reported out a bill that went way above and beyond what DOD had originally asked for.

H.R. 1588, the fiscal year 2004 defense authorization bill, contains provisions that fundamentally change the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Two major pieces of legislation that directly affect my home district in California. There are many species listed under ESA in my home district. These include the California condor, which has been through an intense reestablishment program, the San Joaquin light-footed salamander, the Santa Cruz long-toed salamander, steelhead trout that breed in our rivers and streams, and the snowy plover which nests on our beaches.

The continued existence of many of these species relies on the designation of “critical habitat,” which is basically the habitats and breeding grounds that are necessary for their survival. For example, the Santa Cruz long-toed salamander has only six breeding ponds on which the whole species depends. Without the designation of these breeding ponds as critical habitat, the species would likely be extirpated without a vehicle for bringing them back from the brink of extinction.

This bill aims to make critical habitat designation only when it is “necessary” and not when its “prudent and determinable” as the law currently states. I ask you when would it be “necessary” to designate critical habitat? I’m not sure because “necessary” is not defined in the bill. So basically, the Secretary of the Interior and the Secretary of Commerce would be able to make a decision with no set criteria. The Administration has stated its belief that critical habitat provides no protection, and as such this provision could result in many species without homes and breeding areas such that the Santa Cruz long-toed salamander would have no ponds, the snowy plover would have no open beaches, and the marbled murrelet would have no trees.

H.R. 1588 not only guts ESA, but it also puts whales and dolphins in jeopardy by changing the Marine Mammal Protection Act. The MMPA is to prohibit the “harassment” of marine mammals. The language in H.R. 1588 weakens the definition of “harassment” not just for DOD related activities but also for all people who use our oceans and coasts. The waters of Monterey Bay in my home district are home to sea otters, sea lions, and harbor seals and serve as a migratory route for majestic humpback and blue whales. These animals are important economic resources because people visit my district to see them. Likewise, people travel to see the orcas in the waters of Puget Sound, Washington, the whales in the Gulf of Maine, and the manatees along the coast of Florida.

Current MMPA language aims to protect these animals from being harassed, from being injured, and from being killed. But H.R. 1588 drastically weakens this protection and would allow an increasing number of harmful interactions such as: oil and gas exploration and high intensity sonar testing. Such increased harassment and harm to marine mammals. The great majority of efforts by wildlife agencies and left unmonitored and unmitigated.

Struggling sea otters are currently dying at record levels in the State of California. They are listed both under ESA and MMPA. Our fishing industry often needs the protection what’s left of their population; without them they will go extinct in California.

Consideration of fundamental changes to these laws should be taken up during re-authorization of ESA and MMPA. This would allow the time for hearings and discussion, and not under the guise of national security.

Mr. KLECKZA. Mr. Chairman, I do not currently at war with another nation and the Cold War has been over for more than a decade. But the threats that pose a threat in our military with the 21st century with the next largest defense budgets combined. Our military spending is greater than the total defense budgets, added together, of Russia, China, Japan, the United Kingdom, France, Germany, Saudi Arabia, Italy, Japan, and Brazil. Taiwan, Israel, Spain, Australia, Canada, Netherlands, Turkey, Mexico, Kuwait, and the Ukraine.

Nonetheless, before today’s bill, H.R. 1588, FY04 Defense Authorization, which would authorize an increase of $7.6 billion for a total defense budget of $400.5 billion, the highest in this country’s history.

This legislation authorizes $3.5 billion for the F-22 Raptor, an air superiority fighter designed to fight the enemy. The F-22 has seen continual cost overruns and encountered technical problems, and now represents the most costly jet fighter ever built. However, the other fighters that the F-22 is designed to replace continue to perform admirably and the only way the F-22 would be able to ever come close to parity with our existing fighters are our allies in NATO, as well as Russia. Given this program’s troubled history, it is likely to balloon in cost even more, and is hardly a bargain for our military and taxpayers.

Likewise, the missile defense program also receives a huge boost in this measure, increasing by 17 percent over last year to a total of $9.1 billion. Despite massive spending since the 1980s on this program, a working system has yet to be produced. Furthermore, we live in an age in which those wishing to do us harm would be more likely to use a nuclear device into our country through a port where worked over customs inspectors rarely examine the bulk of arriving cargo. Firing a ballistic missile at the United States is suicide, and by potential enemies know it.

The defense authorization measure would also unnecessarily circumvent important environmental laws like the Endangered Species Act. The Department of Defense (DOD) has control over 25 million acres of land that provide habitats for over 300 endangered and threatened species, and portions of this land have been designated for special protection in recognition of the endangered wildlife present. Under the ESA, the DoD works with environmental agencies to provide protection for these species that live within the boundaries of military installations.

The bill before us allows DoD to avoid its obligations under the ESA by filing alternative resources management plans. Concerns have already been raised that such plans may be inadequate to protect endangered species, and as a result are currently the subject of court challenges.

The bill’s sponsors claim that this new provision is necessary to ensure that training is not affected. However, a General Accounting Office (GAO) report last year found no evidence to support the contention that critical habitat designations conflict with military training or other activities. And even if such conflicts were to arise, the Pentagon is already able to obtain national security exemptions from the ESA critical habitat conservation measures. No Secretary of Defense has ever requested such an exemption in the 30 years the law has been in effect. The ESA provision has no place being included in this defense legislation.

Lastly, this bill allows DoD to scrap the civil service procedures currently in place to safeguard the rights of 700,000 of its civilian employees. The legislation would allow managers, including Administration political appointees, to change the existing pay scale, the appeals process for employees that disagree with decisions related to their employment, and the right to join a union in some cases.

The Department of Defense wants these provisions in order to institute more flexible, performance-based pay and personnel policies, last month the GAO’s Comptroller General warned that “moving too quickly or prematurely at DoD or elsewhere can significantly raise the risk of doing it wrong . . . .” The GAO testified that such changes would first require having a “credible . . . validated performance management system in place with adequate safeguards, including reasonable transparency and appropriate accountability mechanisms to ensure fairness and prevent politicization and abuse.”

GAO said the DoD does not have these safeguards, transparency, or accountability in place. We should not rush to rubber stamp an Administration plan that could lead to favoritism, appointment of political appointees, discrimination in hiring, promotion, or other conditions of employment due to an employee’s political opinions or affiliation.

The defense of our nation is a critical issue to which every Member is committed, and I certainly support increasing military pay, providing quality health care for those who serve and their families, and funding necessary modernization priorities.

But this bill contains unnecessary weakening of environmental laws and elimination of worker civil service protections while providing an increase to a military budget besides which already far outpaces all other allies and potential enemies. It would make move to devote increased resources to homeland security to prevent future terrorist attacks than spend more money on weapons systems that are deemed to fight Cold War adversaries that no longer exist.

Therefore, I must regretfully cast my vote against this legislation.

Mr. TOWNS. Mr. Chairman, I rise in opposition to the rule for H.R. 1588, the National Defense Authorization Act.
for 100 years. The recent quick and decisive action by our armed services in Iraq demonstrated that the current civil service system has not harmed our military’s effectiveness. I strongly believe that our DOD civilian employees deserve all of the same protections that working men and women enjoy. As Mr. Walker said that although DOD may get an “A” for fighting and winning armed conflicts, it receives a “D” for its management practices. Previously, the Comptroller General described the financial management problems at DOD as “pervasive, complex, long-standing, and deeply rooted in virtually all business operations throughout the department.” This does not sound like an agency that is ready for wholesale changes to its personnel system. The GAO has also noted repeatedly that agency-wide, the entire government does not have the systems in place to implement meaningful performance-based pay that this bill would enact as well.

Although civil service reform may warrant consideration, all of the nonpartisan, credible information indicates that this bill goes way too far and that the DOD is not ready to effectively make these changes.

This rule did not allow our side to offer an amendment that would help address the shortcoming in the civil service section of the bill. So I urge the defeat of this unfair and poorly crafted rule.

Ms. CHAKOWSKY. Mr. Chairman, I rise today in opposition to H.R. 1588. This bill allows the Department of Defense to severely alter the current civil service system, to tamper over environmental laws, and to develop more nuclear weapons while providing more money to the DOD, despite the fact that it still cannot pass an audit. It strips away the fundamental rights from almost 700,000 civilian employees at the Department of Defense (DOD). These rights include collective bargaining, due process and appeal rights, and the congresional right to oversight. The bill also exempts the Department of Defense from public health and environmental laws, dramatically weakening protections for marine mammals and endangered species and undermining the role of states that administer pollution control laws. Finally, this bill promotes unnecessary irresponsible funding for the development of more nuclear weapons such as the infamous “bunker buster”, and authorizes over $9 billion for ballistic missile defense programs—all programs that will not work.

I also want to mention my support of the Sanchez amendment, which simply gives American women overseas the same legal abortion rights they would receive if they were home. The current ban on abortions at overseas U.S. military facilities denies women who have volunteered to serve this country a right they would ordinarily have if they were not overseas. This sends the wrong message to women who believe in the freedoms for which this country stands and want to serve this country to preserve those freedoms.

H.R. 1588 was authorized over $400 billion to the Department of Defense, $20.6 billion more than the President’s budget request for FY2004. U.S. taxpayers will pay $15.7 billion for nuclear weapons in FY2004. For that same amount of money, we could have provided health care to 2,803,167 more people, including 132,473 in my home state of Illinois.

I support efforts to provide our military with the necessary funding needed to defend our country and to increase the salaries of our working men and women but I am not willing to compromise the environment, workers’ rights, and domestic priorities, such as education and health care, to achieve this goal. I urge my colleagues to vote against this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to begin by saying that I opposed the war in Iraq. I support the brave men and women who sacrificed their lives and safety to fight in Operation Iraqi Freedom, but I feel that war should always be the last option.

While I opposed the war in Iraq, at the same time I recognize that it is important to ensure our national security. It is important for us to strike a balance: protect our national security but not rush to engage in war.

Our ongoing fight against terrorism makes it more difficult to balance. The world has watched in horror as suicide bombings orchestrated by terrorist groups have ravaged countries overseas. There have been nine suicide bombing attacks in Saudi Arabia in the last few weeks. Twenty-five innocent victims lost their lives including eight U.S. citizens. There have been bombing attacks in Morocco that killed 28 people. The Al-Qaeda terrorist network is suspected in many of the bombings. The FBI has announced that the bombings abroad may be a prelude to attacks on American soil. As a result the Department of Homeland Security has been elevated the terrorist threat level to “High.”

The fight against terrorism and the labor to protect our national security is multifaceted. Part of protecting our national security is protecting those who secure our nation. The individuals include America’s many veterans and also the troops returning to the United States from Operation Iraqi Freedom. It is critical that H.R. 1588, have sufficient fund allocations for programs for our veterans and troops from Iraqi freedom, as well as other valuable programs.

I have proposed an amendment to H.R. 1588 to direct the Secretary of the Department of Defense to study the feasibility of using small, minority, and women-owned businesses in the efforts to rebuild Iraq. During the course of cooperative discussions with the leadership of the House of Representatives’ Armed Services Committee, it was agreed that the language of my amendment would better serve the needs of the small, minority, and women-owned business community if there were revisions.

My revised amendment would read, “The Secretary of Defense shall ensure that outreach procedures are in place to provide information to small businesses, minority-owned businesses, and women-owned businesses with respect to the Department of Defense’s requirements and contract opportunities for the rebuilding of Iraq.”

Both the Majority and Minority Party leadership agreed to work in conference to include the revised language in the final passage of this bill. This is a better foundation of the language of the amendment and it protects small, minority, and women-owned businesses from unnecessary delay. In fact, the Leadership of the Armed Services Committee agreed to work “robustly” in conference, and with me to ensure that this amendment language is in the final version of H.R. 1588, and also to ensure that small, minority, and women-owned businesses participate fully in rebuilding Iraq.

The adoption of my amendment coupled with another military authorization and Defense Appropriations Act of the Armed Services Committee will give us the power to insist that the Department of Defense use small, minority, and women-owned businesses in the efforts to rebuild Iraq. This valuable program must be followed-up, and followed through. It is critical that we examine and incorporate amendments to H.R. 1588 that I support the bill.

The sections of H.R. 1588 that I am concerned with deal with funding the production of weapons. Under H.R. 1588, the Army is appropriated $1,594,622,000 for missiles, the Navy and Marine Corps are appropriated $2,529,621,000 for missiles and torpedoes, and the Air Force is appropriated $4,348,039,000 for missiles.

I am absolutely opposed to missile defense arms in our arsenal. Missiles are inherently dangerous and are an outdated weapon in our armed services arsenal. Take for example the missile known as the cluster bomb. Cluster bombs are designed to hit their target and disperse sub-munitions, also called “bomblets” in surface-delivered weapons and “bomblets” in air-delivered weapons, over a large area, thereby increasing the radius of destructive effect over a target. Typically cluster bombs are used by U.S. forces on troop concentrations, airfields, and air defense units. The use of any human rights organizations have called to an end to the use of cluster bombs. For example, Human Rights Watch has called for a global moratorium on use of cluster bombs because they have been shown to cause unacceptable civilian casualties both during and after conflict. Cluster bombs have wide dispersal pattern and cannot be targeted precisely, making them especially dangerous when used near civilian areas. Cluster bombs are usually used in very large numbers and have a high initial failure rate which results in numerous explosive “duds” that pose the same post-conflict problem as antipersonnel landmines. Equally important, the duds pose a threat to American troops canvassing the area of attack.

Expenditures of hundreds of millions of dollars on missile programs that are dangerous to civilian populations and to American troops is a poor use of Department of Defense Funds. In light of the housing, unemployment, education, and health care crisis America is presently faced with, I cannot condone expending such exorbitant sums of money on missiles.

Furthermore, H.R. 1588 is completely lacking in peace-keeping provisions. The Department of Defense is as responsible for promoting peace around the world, as those waging war around the world. This Chamber should demand the Department of Defense allocate more funds toward the peace-keeping mission.

The need for peace and the threat and concern about terrorism show that it is of critical importance that we fully support and fund the operations and programs of the Department of Defense. The Department of Defense Authorization bill that we are considering today is a comprehensive authorization that covers many Department of Defense programs that benefit military personnel.

The most important element of our Armed Forces is the personnel. H.R. 1588 contains
numerous valuable provisions that benefit the brave men and women who serve in our armed forces. H.R. 1588 retains health professionals to fulfill active-duty service commitments, increases the flexibility for voluntary retirement for military officers, and simplifies the annual participation requirements for the Ready Reserve.

H.R. 1588 also makes valuable changes to the Education and Training Programs of the Department of Defense. The bill creates a masters of operational studies degree for the Marine Corps University, expands education assistance for cadets and midshipmen, increase in allocation of scholarships under the Army Reserve ROTC scholarship program, and inclusion of accrued interest may be repaid under Selected Reserve critical specialties education loan repayment program.

H.R. 1588 also improves the benefit program by adding more classes of individuals to participate in the Federal long-term care insurance program. Increases assistance to local educational agencies that benefit dependents of military personnel or cadets and midshipmen. Other provisions of H.R. 1588, improve the DoD Health care provisions by making improvement to the chiropractic, medical, and dental programs.

I support the provisions of H.R. 1588 that are beneficial to the brave men and women of our Armed Forces. However, I oppose the provisions of H.R. 1588 that fund missiles, and I am disappointed that the bill does not contain more peace keeping measures. Therefore, Mr. Chairman, I support H.R. 1588 with some reservations.

Mr. HOLT. Mr. Chairman, Democrats and Republicans in recent years have recognized the rapidly-changing security challenges that confront our Nation and come together to address them. That is why much of this bill is non-controversial. In particular, we are united since the terrorist attacks of September 11, 2001 in supporting the increased investments needed to strengthen our common defense and to effectively prosecute the war against terrorism.

Let me begin by stating that there is no higher test for this bill, in my estimation, than how it treats the brave men and women who risk their lives every day to defend our freedom. By that standard, I am pleased by the provisions that continue our shared commitment to boost the income for all of our military personnel with a 4.1 percent average increase in base pay. It also extends several special pay provisions and bonuses for active duty personnel through December 31, 2004, including the enlistment and re-enlistment bonus. Furthermore, it calls for reducing the average amount paid for the co-pay of medical members from 7.5 percent to 3.5 percent in FY 2004 and eliminates the out-of-pocket expense completely by FY 2005.

But on balance, I am opposing this bill on final passage because I fundamentally disagree with key aspects of its policy presumptions and prescriptions. It will make America less safe.

First and most importantly, the growing reliance upon nuclear weapons that this bill encourages makes our Nation and the world less safe, not more so. Accordingly, I strongly disagree with the funding in this bill to continue work on high-yield, burrowing nuclear “bunker-busters” that target underground military facilities or arsenals. I am equally opposed to the language in this bill that lifts the ban on research leading to low yield “mini-nuclear weapons” of 5 kilotons or less.

Last month, I sent a letter to President Bush that was co-signed by 34 of my colleagues to convey our grave concern that he is weakening long-standing U.S. policy governing the use of nuclear as opposed to conventional weapons. That action coupled with the examples I’ve cited and other provisions in this bill further undermine the U.S. non-proliferation efforts of Republican and Democratic Presidents alike. There is a national fear that Bush Administration’s policies are fueling a new nuclear arms race.

Second, I am opposed to the blanket exemptions from our Nation’s environmental protection laws for the Pentagon in this bill. There is no convincing evidence that environmental laws like the Clean Air Act and the Endangered Species Act hinder our military’s capacity to defend our Nation.

But you don’t have to take my word for it. The out-going EPA Administrator, Christine Whitman testified to the Congress that she does not “believe that there is a training mission anywhere in the country that is being held up or not taking place because of environmental protection.” Furthermore, the U.S. General Accounting Office (GAO) has reported to the Senate that the Pentagon has failed to produce any evidence that environmental laws have significantly affected our military readiness.

I do not think the Pentagon or any other federal agency should be above the law. Moreover, it follows: case-by-case environmental exemptions for the Pentagon, when they are determined to be in the national interest.

Finally, this bill also contains provisions that will be very harmful to hundreds of thousands of dedicated civilian men and women who make our Defense Department work.

Last year saw the largest government reorganization in more than three decades with the creation of the U.S. Department of Homeland Security, affecting 170,000 federal employees. Following extensive debate, Secretary Ridge was granted authority to establish a more flexible agency that attempted to protect basic worker rights.

But this bill will give Defense Secretary Rumsfeld broad authority to rollback worker protections for hundreds of thousands of Pentagon employees. There will be nothing to prevent agency managers from abusing their authority for political advancement or engaging in discriminatory practices. Allowing managers the ability to waive such protections under the guise of national security and the need for greater flexibility is wrong. It will not make us safer.

At the same time that the Pentagon seeks to do away with its current personnel system in this bill, Secretary Rumsfeld has not offered a serious alternative to replace it. Instead, he has simply requested a blank check to undo, in whole or in part, many of the civil service laws and protections that have been in place for nearly a century to safeguard against the return of an unfair patronage system.

I want to be very clear. I support a strong national defense. I support modernizing our military. I support giving our troops the resources and training they need to keep our nation secure. But I cannot support a bill that contains provisions that will take our military backwards, rather than forwards. I cannot support a bill that will ignite a global nuclear arms race, even as we go to war to stop the spread of nuclear weapons abroad! I cannot support a bill that takes away the rights of thousands of dedicated Pentagon employees. Finally, I cannot support a bill that disingenuously claims that stripping away important environmental protections will somehow bolster our national security.

Mr. KILPATRICK. Mr. Chairman, I rise in opposition to the bill, H.R. 1588, which was a straightforward Defense Authorization bill, it would have my support, but the provisions contained in this legislation go far beyond the scope of the Pentagon and the great men and women who grace our uniformed services.

This bill has become a Trojan Horse. The Defense bill is being used as a legislative vehicle by which the President, the Secretary of Defense and a complaint majority in this chamber can rewrite the rules that conserve order, our and wildlife resources.

But for reasons that are beyond me, the Secretary of Defense wants broader exemptions than are found in current law. For example, the bill weakens “critical habitat” designation requirements to such an extent that they are only done on a discretionary basis. These changes to our national environmental laws are being railroaded without consideration of a full debate and without an opportunity to consider a more sensible alternative. The majority, in its rush to pass bad legislation, has denied the opportunity for Members to consider an alternative environmental provision authored by my fellow colleague from Michigan, Mr. DINGELL, and the distinguished gentleman from West Virginia, Mr. MARWICK. The majority has denied us a right to discuss this important issue and the right to offer amendments.

Mr. Chairman, given the tilted playing field on which H.R. 1588 is being considered, I regret that I must vote against final passage.

Before closing, I want to pay a salute to the men and women of our armed forces and thank them for a job well done and for the sacrifices they are making to protect our Nation. As I recall the swiftness with which they answered the call, I am convinced that the implication of some that our present environmental laws and regulations impede our military readiness. I am convinced that our military is well prepared, and am equally convinced that they can maintain a high standard of readiness under existing environmental laws.

The CHAIRMAN pro tempore. There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.
The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. L. H. HODD) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Military Personnel of the Whole House and Delegate from the State of the Union, reported that that Committee, having had under consideration 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 through fiscal year 2004, and for other purposes, pursuant to House Resolution 247, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.  

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.  

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMEND OFFERED BY MR. COOPER.

Mr. COOPER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. COOPER. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. COOPER moves to recommit the bill H.R. 1588 to the Committee on Armed Services with instructions to report the same back to the House with the following amendments—

In section 9002 of title 5, United States Code (as proposed to be added by section 1111 of the bill), after subsection (b) (page 353, after line 12) insert the following new subsection:

"(c) EMPLOYEE BILL OF RIGHTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Department of Defense should have flexibilities 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.

(2) CIVIL SERVICE PROTECTIONS.—

(A) The right of an employee to receive a veterans preference in hiring and a reduction in force, as in effect on the date of the enactment of this subsection, shall not be abridged.

(B) An employee shall have the right to be free from favoritism, nepotism, 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 impasse 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 workweek schedule, and 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 shall have a right to—

(i) reasonable advance notice stating specific reasons for the proposed action, unless there is reasonable cause to believe that such employee has committed a crime or immediate action is necessary in the interests of national security;

(ii) reasonable time to answer orally or in writing; and

(iii) representation by an attorney or other representative.

(G) An employee shall have a right to appeal actions involving alleged discrimination to the Equal Employment Opportunity Commission.

(H) An employee shall have a right to back pay and attorney fees if the employee is the prevailing party in an appeal of a removal or suspension.

Page 359, line 5, insert "and" after "Secretary;"

Page 359, line 11, strike ";" and insert a period.

Page 359, strike lines 9 through 12.

Mr. COOPER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COOPER) is recognized for 5 minutes in support of his motion to recommit.

Mr. COOPER. Mr. Speaker, this is the amendment that was passed in Washington. This is the amendment that Republican leadership does not want us to vote on. Why? They are afraid Members will like it. They are afraid Members will vote for it. If they are believing their own speeches, they should vote for this motion to recommit, because it will not kill this bill. It will not even delay this bill a microsecond.

All it will do is safeguard the rights of DOD employees.

This is the only chance Members will have in this long debate to help these employees. The next time Members visit a military base, the next time a DOD employee or family member appears at this gathering, they are going to ask Members what they did or did not do to help them. They are going to ask us why the Senate helped them and you did not. Because the other body is treating these people in a much fairer manner.

You do not want to tell these 750,000 patriotic families that you do not have the inclination to consider preserving their existing rights. So now is your chance, your only chance to help these people, 65 of whom died on September 11 when the terrorists attacked

May 22, 2003

H4610

CONGRESSIONAL RECORD—HOUSE
Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. Hoyer).

Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore (Mr. LaHood). The gentleman from California (Mr. Hunter) has 3 minutes remaining.

Mr. HUNTER. Mr. Speaker, the gentleman is absolutely right when he says that we need to understand that if our military is going to get through to appoint a sergeant, Sergeant, you go to it. The sergeant salutes, he goes and does it. This is too tough to get through to appoint a commercial jet liner. But the Department of Defense has not voted, in many cases, against what this Congress has given them over the last many years in the pay and benefits of their employees what they are worth.

The legislation at 9902 specifies that employees to be able to collectively bargain through labor organizations of their choosing. And section 9902, the gentleman from New York (Mr. Davis), the McHugh amendment took the gentleman from Virginia (Mr. Tom Davis), the chairman of the Committee on Government Reform, the opening remarks through labor organizations of their choosing.

Mr. Chair and Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. Hoyer).

Mr. TOM DAVIS of Virginia, Mr. Speaker, the gentleman from Virginia (Mr. Tom Davis) and the chair of the Committee on Government Reform.

Mr. Speaker, over a hundred years ago Republicans and Democrats came together to prevent and preclude and to eliminate a politicized patronage system that was sucking down the quality of public service. What the amendment says is that we will not return to that kind of a system. I agree with the gentleman. If your bill does not do that, this motion to recommit does not harm it. If there is a chance that it does, it precludes it and protects it against a politicized civil service system. Vote for this motion to recommit.

Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore (Mr. LaHood). The gentleman from California (Mr. Hunter) has 3 minutes remaining.

Mr. HUNTER. Mr. Speaker, the gentleman from New York (Mr. Pate) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. Speaker, this amendment was offered and rejected in the Committee on Government Reform.

The gentleman is right, it was 100 years ago; and today we are in an information age when terrorists move information at the speed of an e-mail, money at the speed of a wire transfer, and people at the speed of a commercial jet liner. But the Department of Defense is still bogged down in bureaucratic processes in an industrial age that goes back 100 years.

Now, we preserve the rights the gentleman talked about, and he alluded to the fact I am holding up the bill and ask you to read these. This section 9902 has 10 pages of fundamental employee protections. We include Chapters 33 and 35 of title V, which cover veterans protections. We include Chapters 33 and 35 of title V, which cover veterans protections. We include Chapters 33 and 35 of title V, which cover veterans protections.

Those great men and women in uniform did their job. This bill is our job. Please vote down the motion to recommit, and let us pass this bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit. There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The motion was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. COOPER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 204, noes 224, not voting 6, as follows:

[Roll No. 220]

A YE S—204

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Ackerman  Gonzalez  Milken
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Allen (AL)  Green (FL)  Miller (MO)
Allen (AL)  Green (VA)  Milliken
Alexander  Gutierrez  Molloy
Alvarez  Harman  Moore
Baca  Harman (FL)  Moran (VA)
Baldwin  Hastings (FL)  Murtha
Baucus  Hinshaw  Nadler
Beaumier  Hinchula  Napolitano
Berkley  Hoeffel  Neal (MA)
Berns  Holden  Oberstar
Berry  Holt  Obey
Bishop (GA)  Honda  Oliver
Bishop (NY)  Housey (OR)  Ott
Blumenauer  Issa  Owens
Boswell  Inslee  Pallone
Boucher  Israel  Pascrell
Boyd  Jackson (IL)  Pastor
Brady (PA)  Jackson (TX)  Payne
Brown (OH)  Jackson (TN)  Pelosi
Brown, Corrine  Jefferson  Peterson (MN)
Capps  John  Pomeroy
Capuano  Johnson (J., B.)  Price (NC)
Cardin  Kl宜nee  Rahall
Cardoza  Kanjorski  Rangel
Carson (IN)  Kaptur  Reyes
Carson (OK)  Kennedy (RI)  Rodriguez
Case  Kilpatrick  Ross
Cass  Clay  Roemer
Clyburn  Kildee  Rohrabacher
Conyers  Kucinich  Ruppersgerber
Costello  Lampton Ryan (OH)
Cramer  Lasko  Sabo
Crowley  Larson (CT)  Sanchez, Linda
Cummings  Larsen (WA)  Sanchez, Loretta
Davis (AL)  Larsen (CT)  Sanders
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DeLara  Majette  Sherman
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Dingell (MI)  Martinez  Snyder
Dooley (CA)  Matheson  Solis
Doyle  McDermott  Solis
Edwards  McCaskill (MO)  Solis
Emmanuel  McCarthy (NY)  Solomon
Engel  McCollum  Solomon
Engel  Mcenough  Stenholm
Ethridge  McGovern  Tanner
Evans  McNulty  Taylor (MS)
Fallatt  Meehan  Thompson (CA)
Fincher  Meeks (FL)  Thompson (MS)
Ford  Meeks (NY)  Tierney
Frank (MA)  Menendez  Towns
The result of the vote was announced as above recorded. The SPEAKER pro tempore. The question is on the passage of the bill.

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

The vote was taken by electronic device, and there were—ayes 361, noes 68, not voting 5, as follows: [Roll No. 223]

**AYES—361**

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**NOES—68**

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**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore (Mr. LaHood) (during the vote). Two minutes remain to vote. **1923**

So the motion to recommit was rejected.

Mr. Hall changed his vote from "aye" to "no."