Mr. YOUNG of Alaska and Mrs. WILSON of New Mexico changed their vote from “yea” to “nay.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated at:

Mrs. NORTHUP. Mr. Speaker, earlier today on rollcall vote No. 370, I intended to vote “nay.” I would like the RECORD to reflect that I was opposed to the DeLauro motion to instruct conferences. I inadvertently cast a vote in favor of the motion and reiterate my opposition to this effort.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472.

Mr. BUYER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

APPPOINTMENT OF CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

Mr. SKELTON, Mr. Speaker, reserving the right to object, I yield to the gentleman from California for yielding me this time.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON), the ranking member in the committee.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me this time.

While there are many reasons to support this motion, let me say that one key reason for supporting it is that the provisions contained in section 3111 of the House bill are largely the same legislation adopted by this body in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 which, of course, was last year’s defense bill.

The House adopted that legislation after considerable and very careful deliberations and on a bipartisan basis led by the gentleman from South Carolina. We authorized research but retained the prohibition on development activities that could lead to the production of a destabilizing and unnecessary low-yield nuclear weapon. We also described permissible activities necessary to address the safety and reliability of those issues.

Mr. Speaker, being a student of history, the war in Iraq and Desert Storm some 32 years ago now have taught us that stealth technology, standoff capability, and the ability and precision munitions are the key to future warfare. New conventional technologies have changed the way we fight and, if anything, will
allow us to become less reliant on low-yield tactical nuclear weapons.

The House position on low-yield nuclear weapons makes sense. I urge my colleagues to support the motion to instruct conferences.

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

Mr. Speaker, this provision which is in the House-passed bill is a provision that was agreed to by the vice-chairman of the committee, the gentleman from South Carolina (Mr. WELDON), and the gentleman from South Carolina (Mr. SPRATT) last year. It was restated this year. It is the House position going into conference. For that reason, we are certainly not going to urge anybody to vote against it.

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

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES), the ranking member on the Subcommittee on Strategic Forces.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the motion to instruct committees offered by my friend and colleague, the gentleman from South Carolina.

Early in the year, the administration proposed a complete repeal of a law that has been on the books for over a decade, the Spratt-Furse ban on research and development of new nuclear weapons with yields below five kilotons. The Spratt-Furse ban is not a complete ban. It bans just R&D of new low-yield nuclear weapons. It permits R&D on new weapons with yields above five kilotons. It permits R&D of modifications to existing nuclear weapons regardless of their yield.

It also permits our national laboratories to conduct R&D on low-yield nuclear weapons for the purposes of counterproliferation, that is, how to detect a low-yield nuclear terrorist device and devise ways in which to disable them.

The Spratt-Furse ban also permits R&D of low-yield nuclear weapons if it is necessary to help keep our nuclear arsenal safe and reliable.

When asked, Department of Energy officials admitted that there is no military requirement for a new low-yield nuclear weapon, and they had no plans to develop one anytime soon.

They simply wanted to repeal the Spratt-Furse ban because they maintain that it somehow has a chilling effect on the freedom of their scientists to look at any nuclear weapon option regardless of whether or not there is a military need.

During the markup of the defense authorization, the gentleman from South Carolina (Mr. SPRATT) offered an amendment that was adopted by the full committee that says, and I think this is a very sound compromise. The Spratt amendment permits research on new low-yield nuclear weapons, but draws the line on moving past research and into development. In short, the Spratt amendment makes sure that the Congress will be a co-equal partner with the executive branch if there is any decision to move past research and actually start developing new low-yield nuclear weapons. I think that the Spratt amendment makes good sense and protects Congress's right to fully participate on any future decision to start up development of new low-yield weapons. I urge all of my colleagues to support this motion to instruct.

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

Let me take just a minute to explain the state of play and why it is important that the House provisions prevail over the Senate provision. The Senate defense authorization bill repeals these provisions in their entirety, but then backfills the gap with language that requires specific authorization of Congress to move from development into production of low-yield nuclear weapons. This amounts, really, to restating what the law already is, that to do something this significant with respect to a new product money has to be authorized and appropriated.

The House bill is similar in consequence but better, in my opinion, because it makes it absolutely clear that any movement beyond just research will require Congress to change by law the nuclear weapons policy of the United States. In contrast, the Senate bill and the Senate appropriations bill both addressed these specific concerns raised by the administration and the weapons labs and the Department of Defense to permit more flexibility in basic research, but our version contains a stronger guarantee that the Congress is going to be a partner in any decision to go beyond the scope.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I would like to offer my strong support for the motion to instruct which sends an important message that it is the will of the House to maintain the ban on development of low-yield nuclear weapons, and I commend the chairman of the full committee for his initiative to work with us on this.

Nuclear weapons will remain a crucial part of America's arsenal for the foreseeable future. They provide a hedge against potentially hostile nuclear powers and underpin security commitments to our allies. Today, however, the United States is addressing the threat of weapons of mass destruction from North Korea, India, Pakistan, and a growing list of countries.

As we have seen in Afghanistan and in the Middle East, we must assume when the United States leads with a purpose, the rest of the world will follow. And just as the world follows our lead on tackling common enemies, it also acts when we take provocative and destabilizing action. I believe strongly that until our war fighters have a military requirement for a new nuclear weapon or have exhausted conventional alternatives, Congress should maintain its role in the development of such weapons.

Preserving the development of new nuclear weapons would not affect the RNEP study with focuses on existing warheads. It would not prevent any of the ideas that are currently being explored regarding missile systems. In addition to having no military requirement for them, new nuclear weapons are not the answer to threats being used to justify them. Nuclear weapons of any yield have a limited penetration ability and will never surgically destroy hardened targets. They offer no guarantee of destroying chemical and biological agents without releasing them into the atmosphere. Detonated in a confined area, an atomic nuclear bomb would kill tens of thousands of civilians and hinder friendly troops.

Preserving the ban on new clear weapons is a small step that would also help restore the belief that the United States intends to fight the proliferation of weapons of mass destruction. I hope my colleagues would support this motion to recommit.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a nuclear physicist who understands what is at stake here better than possibly anybody in the House.

Mr. HOLT. Mr. Speaker, I thank my friend from South Carolina for yielding me this time.

The direction in which the administration has been leading our Nation on nuclear weapons is becoming increasingly dangerous. That is why I wrote to President Bush in April, a letter signed by 33 of my colleagues here, to underscore our concern that our Nation's leaders not adopt a mindset of viewing nuclear weapons as just an extension of the continuum of conventional military options available to the United States. It is important that we maintain the nuclear distinction.

I rise to support this motion because it gives us the opportunity to invoke at least one cautionary restraint on this dangerous path. Both the House and Senate versions of this bill eliminate the Spratt-Furse ban that has been in place since 1993. Again, the language, especially, would allow Pandora's box to be opened to allow, in effect, unfettered research into low-yield nuclear weapons. As a scientist, I can talk about the studies that some of my scientific colleagues have expressed about why some of the newly conceived weapons like the bunker buster would not work as proposed, why they would be dirty, why they would be unwieldy; but I choose instead to focus for just a moment on the more important strategic and tactical questions.

We should be stepping away from using tactical nuclear weapons, not
moving in that direction. U.S. battlefield commanders have said over and over again that they have long recognized the folly of battlefield nukes. The weapons and especially these newly conceived weapons would put our troops at risk and not be useful in the usual military campaigns. And very important, this work would be sending the wrong message to our allies and to potential adversaries around the world. They would view the adoption of this bad, particularly the bad Senate language, and they would view the fact that the United States is bent upon developing and procuring a new generation of nuclear weapons. As we go to war around the world in part to stop the proliferation of nuclear weapons, we should not be sending the signal that we are bent on developing and procuring a new generation of nuclear weapons.

So the Spratt motion is a very constructive step that provides, I think, an important safeguard that actually will help to make our country and our world more secure.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for his comments, and I rise to make one correction. The language in the bill does have language which we would like to retain. The gist of this motion is let us stand by the House language and reject the Senate language.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of the motion to instruct and I rise to thank the gentleman from California (Mr. HUNTER), the distinguished chairman of my former committee, for his acceptance of this motion.

Certainly this motion reflects a bipartisan compromise that has been worked out in this Congress, but in the past Congress, and when that happens we should seize the moment. It does allow expanded research, but it stops short of allowing the development or the fabrication of new nuclear weapons. That is an essential step for this Congress to take, partly to make sure that we do not send the wrong signal to the rest of the world and partly to make sure that the institutional prerogatives of this House are protected. Any decisions of that magnitude are faced at any time.

There is, of course, an important strategic deterrent role for nuclear weapons, but 10 years ago or more we stepped back from the brink with Russia. We stepped back from maintaining or developing tactical nuclear weapons. We do not need to go down that path again because if we do, we risk losing our standing in the international community. Our arguments about nonproliferation will seem hollow.

We are today continually concerned about weapons of mass destruction held by adversaries or held by other countries where we believe there is some risk to our security in the world. We do not advance those arguments about weapons of mass destruction if we start to develop new nuclear weapons that can only be used in a tactical context, they are called. The nuclear Earth penetrator is one. We really need to make sure that we are exercising the kind of responsible leadership in this area that the world expects of us and that will redound to the benefit of our own national security.

Mr. SPRATT. I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the Cold War is over and the good news, to my friends, is we won and the Soviet Union lost. We do not need a new arms race with ourselves. We do not now need to send a signal to countries around the world who harbor desires to obtain nuclear weapons that we believe that it is still worth our while to invest in a new generation of nuclear weapons which are more usable in battleground situations. We must avoid being viewed as the drunk preening temperance from a bar stool. If we want to convince others to embrace our view that nuclear weapons programs, that they are wise in pursuing that course.

So the resolution that we are considering right now is one which is saying concerning any nuclear weapons, especially nuclear weapons and especially those in Europe, and all clear weapons from our overseas bases, particularly those in Europe, and all land-based tactical nuclear weapons from surface ships, submarines, and naval aircraft. We decided to forgo the development of the follow-on to Lance, a battlefield tactical nuclear missile, and we sent a signal to the world by all of these designs that we were serious about minimizing the role and possible uses of nuclear weapons early in a conflict and especially for tactical or theater purposes. We said that our arsenal in the future in effect would be a strategic arsenal, a strategic deterrent, and we would not use nuclear weapons for tactical and theater purposes anymore, such as the Davy Crockett, to take out tanks or nuclear artillery, rounds, and sea-based mines and things of that kind. This move away from tactical nuclear weapons prompted the Soviet Union to move in the same direction; and Gorbechev shortly announced the elimination of their warheads, their land-based tactical nuclear missiles, mines, and artillery shells. Mr. Speaker, he announced that he was removing warheads from surface-to-air missiles and removing sea-based tactical nukes on naval aircraft.

Taken together, these steps marked a major step away from tactical nuclear weapons and a step toward global security. The initiative by the first Bush administration helped us persuade Kazakhstan, Ukraine, and Belarus to forswear nuclear weapons after the breakup of the Soviet Union. It also made it easier for the United States and our European allies to convince much of the rest of the world to extend indefinitely the nuclear proliferation treaty, or NPT, Now, the NPT is not the final, definitive answer to our proliferation concerns, but the world would be a lot riskier place without it. It definitely makes it harder for nations or terrorist groups to obtain nuclear materials and nuclear know-how, and it establishes the majority of the world’s community to question and inspect the activities of States that are a signatory to this treaty.

I think a return by the United States back to the days of tactical nuclear weapons, especially nukes weapons designed to be more usable by virtue of low yields, would send a troubling signal, a signal that nuclear weapons just maybe are useful for tactical purposes, battlefield purposes, strategic purposes, were small, just an extension of conventional weaponry for the same tactical purposes. It would indicate that we see tactical utility in these weapons, and it would reverse the
Mr. HUNTER. Mr. Speaker, I just want to thank the gentleman for his participation as a great member of the committee. I did have and do have my reservations about his position, but it was an agreement between the gentleman from Pennsylvania and the gentleman from Florida and it is the position of the House. We are now going into conference with the other body, and I think it is appropriate to carry the House position forward.

Mr. HUNTER. Mr. Speaker, I yield the gentleman for his thoughtful words.

Mr. SPRATT. Mr. Speaker, reclaiming my time, I have gratitude for the gentleman's agreeing to the amendment. As long as it passes by voice vote, I will not ask for a record vote on final passage.

Mr. MARKEY. Mr. Speaker, I rise in strong support of the motion. The Administration and the Republicans in Congress have made clear their intent to explore new, low-yield nuclear weapons. Before we head down that path, we need to remember two things:

1. The Cold War is over and I have good news for my friends on the other side of the aisle. We won! The Russians are no longer our adversaries. Remember, President Bush has been in the field of Russia, he has pulled them by the ears and found him to be a man he could deal with! Let's stop fighting the last war. The Russians are no longer a threat and I see no reason why we should allow the development of mini-nukes because somebody in Russia may have talked about the possibility of developing new weapons. The only reason I probably only talking about doing that because they hear all of this talk about new nuclear weapons being developed by the U.S. What does this mean? It means that the only reason to develop mini-nukes is to start a new arms race. But that begs the question: with whom would we have this arms race? No nation in the world has a conventional military that can compare with ours. The only country that has a nuclear arsenal that compares to ours is Russia, and we're paying them to dismantle their nuclear weapons. Where's the beef behind that threat?

2. These so-called mini-nukes are still nuclear weapons. They may be smaller, but they will still kill tens of thousands of people, will still produce radioactive fallout and contaminate the countryside, and will still carry the stigma of being nuclear weapons. We already have big nuclear weapons, and medium-sized nuclear weapons, and small nuclear weapons. In fact, some of our nuclear weapons are "dial-a-yield", meaning we can select the yield of the weapon—and some of them can be less than a kiloton. A kiloton is less than a kiloton which, by the scale of nuclear weapons, is pretty miniscule. We used to have a weapon with a yield of less than a kiloton that weighted only 163 pounds—we called that the SADM or Special Atomic Demolition Munition. Is that what we want? To kick out the nuclear-seeking IIIs and replace them with our own nuclear SADM?

I would urge my colleagues to remember these two things: that to develop mini-nukes would be to start an arms race with ourselves, and that a mini-nuke is still a nuclear weapon, with all the associated consequences. All this simply cannot preach nuclear temperance from a bar stool. We cannot tell Iran, North Korea and other countries not to develop nuclear weapons while simultaneously developing our own weapons.

I urge you to support this Motion to Instruct. Let's not turn back the clock and start a new "mini" arms race.

Mr. SPRATT. Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). Without objection, the previous question is ordered on the motion. There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

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 conference:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. Hunter, Weldon of Pennsylvania, Heffley, Saxton, McHugh, Goss, Biette, Bartlett of Maryland, McKeon, Thorsberry, Hostetler, Jones of North Carolina, Ryun of Kansas, Gibbons, Hayes, Mrs. Wilson of New Mexico, Messrs. Calvert, Skelton, Spratt, Ortiz, Evans, Taylor of Mississippi, Meehan, Reyes, Snyder, Turner of Texas, Ms. Loretta Sanchez of California, and Ms. Cooper.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. Goss, Mr. Hoekstra, and Ms. Harman.

From the Committee on Agriculture, for consideration of sections 1057 and 2822 of the House bill, and modifications committed to conference: Messrs. Goodlatte, Lucas of Oklahoma, and Stenholm.

From the Committee on Education and the Workforce, for consideration of sections 544, 553, 563, 567, 907, 1046, 1501, 1502, and 1504 through 1506 of the House bill, and sections 233, 351, 365, 368, 701, 1034, and 1036 of the Senate amendment, and modifications committed to conference: Messrs. Castle, Kline and George Miller of California.

From the Committee on Energy and Commerce, for consideration of sections 601, 3113, 3201, and 3517 of the House bill, and sections 601, 701, 852, 3151, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. Tauzin, Barton of Texas, and Dingell.

From the Committee on Financial Services, for consideration of sections 814 and 907 of the House bill, and modifications committed to conference: Mr. Oxley, Mr. King of New York, and Mrs. Maloney.

From the Committee on Government Reform, for consideration of sections 315, 323, 551, 805, 822, 824, 828, 829, 1031,
Section 1. Short title.
This Act may be cited as the “Project Bioshield Act of 2003.”

Sec. 2. Biomedical countermeasure research and development authorities.
(a) In general.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

“SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING BIO-MEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

“(a) In general.—

“(1) AUTHORITY.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

“(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term ‘qualified countermeasure’ means a priority countermeasure (as defined in section 319F(h)) that affects national security.

“(3) INTERAGENCY COOPERATION.—

“(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

“(B) LIMITATION.—An agreement or undertaking under this paragraph shall not operate to preclude the Secretary from taking any further action under this Act.

“(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant or cooperative agreement entered into under the authority provided in this section, the Secretary may require the grantee to provide facilities that are necessary to respond to pressing research and development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 252a(b)) and its implementing regulations.

“(A) APPLICABILITY.—Notwithstanding subparagraph (A), if the contractor records of a contract required in subsection (B) by the Secretary is a contract entered into after May 21, 2004, the contractor records shall be available to the Secretary for review and analysis as required by this section for any purposes authorized by this Act.

“(B) INCREASED MICROPURCHASE THRESHOLD.—

“(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to procurement of property or services.

“(B) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurement under this section.

“(C) AUTHORITY TO EXPEDITE PEER REVIEW.—

“(1) IN GENERAL.—The Secretary may require peer review of the results of activities conducted under this section.

“(2) PROCEDURES.—The Secretary shall establish procedures for the peer review of activities conducted under this section.