September 10, 2003

CONGRESSIONAL RECORD — HOUSE

answered “present” 1, not voting 11, as follows:

PAYNE (T. Petrie)  Saco
Payne (T.)  Sanchez, Linda
Peterson (MN)  Sanchez, Loretta
Peterson (PA)  Sandlin
Pigott  Saxton
Pitombo  Schrock
Pomeroy  Scotts
Portman  Sessions
Putnam  Shadegg
Quaid  Shaw
Rahall  Shays
Ramstad  Sherman
Regula  Sherwood
Rehberg  Shimkus
Royce  Shuster
Ryan (OH)  Stupak
Ryan (WI)  Sullivan
Ryan (KS)  Sweeney
Ryans  Tanner

NAYS—30

Berman  Jackson (IL)
Boyars  Kucinich
Davis (CA)  Lee
Defazio  Lofgren
Delaunay  Markey
Ehso  Matsu
Fenig  Millender
Flake  McDonald
Harman  Nader
Honda  Paul

ANSWERED “PRESENT”—1
Ruppersberger

NOT VOTING—11
Aderholt  Hoeckstra
Davis (IL)  Janklow
Emerson  Lipinski
Gephardt  Pence

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. LA TOURETTE. Mr. Speaker, on a gracifying endorsement of my oratorical skills, the Chairman of the full committee has asked that I ask unanimous consent that in the engrossment of the bill, H.R. 2622, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.
service men and women making tremendous sacrifices fighting the global war on terrorism, service men and women, who are in all parts of the globe from South America to Europe to Asia to the Middle East, to virtually every sector of the globe. Women are saying the same thing. They leave their family for 6 months or 12 months and when they are put into a hostile situation, a country ought to thank them as a serviceman or woman and we ought to thank their family not just with our words, but with our deeds, putting them here in the House, and this is why we gave in effect a $225 increase to those service men and women under the threat of hostile action, serving also away from their families.

Now $225 a month may not mean a lot to some Americans, but to our hardworking, dedicated, patriotic service men and women, it is oftentimes the difference between paying their bills that month or not while their loved ones are split because of service to country.

What the House version of this bill would do is not provide certainty to these service men and women serving in Nations such as Liberia today, serving in Kosovo and Bosnia, that their income each month will not be cut. The Senate version actually would provide certainty and say to them we respect what they are doing, we must not, we should not and I feel very confidently that we will not allow these troops to suffer a loss of income and the history of how we have implemented these increases to the supplemental pay is the imminent danger pay and to the family separation pay is well-known, and what we do need to take action in the bill referred to in the gentleman’s motion to instruct that there is no diminution of those pays and to that support.

Having said that, there is a difference of approach. There is a difference as to how we focus this. The reality is, and I am stating this just for the record, Mr. Speaker, rather than to express any opposition to my friend’s motion, is that under the Senate’s proposal, we are not just dealing, for example, on family separation pay, with those who are in places like Bosnia and Kosovo, Afghanistan, the Philippines, Korea, Iraq. In fact, under the Senate’s approach, if someone from my State of New York were deployed to one of the training centers for 30 days or more, they, too, would receive the separation pay, and it is the Department’s position, given the difference in the cost of how the approach that they would prefer and the way that they would prefer to have the benefits, especially as American forces have reversed its position and now supports these increases to the supplement, but which will terminate on September 30 of this year.

The Department of Defense essentially expressed concern about the cost to continue these special pays and allowances. However, recent public statements by officials within the Department indicate that the administration has reversed its position and now supports continuation of these important benefits, especially as American forces continue to face hostilities around the world, particularly in Iraq and Afghanistan.

Our troops put their lives on the line every day. They do this for our country, particularly in Iraq, where guerrilla warfare has become a daily occurrence. As of this morning, 179 servicemen have given their lives in combat. Another 1,186 have been wounded in action. Additionally, another 110 have been killed, and 313 wounded in nonhostile action while deployed to that region. It would be fundamentally wrong, wrong to reduce imminent danger and hostile fire pay for these brave men and women.
Military families back home have recently been informed that longer deployments for our men and women in uniform will become the standard for the foreseeable future. The increase in family separation allowance authorized in the House bill is the least we can do to recognize the sacrifices of these servicemembers as well as their families. Almost all families face increased household costs while their servicemember is deployed. Mailing letters, packages for morale, making long-distance calls are just a few examples of the additional expenses that families incur while they were separated from a military member. Increasing imminent danger and increasing the hostile fire pay as well as the family separation allowance permanently is the right and honorable thing to do.

Mr. Speaker, I strongly urge my colleagues to join me in support of this motion of the gentleman from Texas (Mr. SPRATT) to instruct the House conference.

Mr. MCHUGH. Mr. Speaker, yield my self such time as I may consume. There are no Members in this House in whom I hold higher regard on issues of concern of military men and women and their families than the gentleman who just spoke, the distinguished ranking member. Certainly nothing he said here this evening would in any way change my attitude and my perspective.

But I do think, again for the record, and in urging my colleagues still to vote for this motion, that another concern that the administration and the Department have expressed, and that I think at least merits our thoughts as we go forward, is that the Senate bill, as it is currently constructed and construed, actually treats two soldiers, to use one example, who are doing the exact same job, perhaps on the exact same battlefield, be it in Sherkat in the mountains of Afghanistan, or be it on the streets of al Falusha, very, very differently. In the Senate bill, one member of that patrol would receive $75 added pay, the other would receive $250, and they are both exposed to the same danger. They are both exposed to the potential of the same fate.

So I think we have got to remember that there are legitimate differences of opinion here. However, the objective that we all have and we all, I think, need to pursue is that of paying and compensating these brave men and women to the highest extent possible.

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

Mr. EDWARDS. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the distinguished senior member of the House Committee on Armed Services.

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

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time. I greatly respect the chairman of the Subcommittee on Military Personnel, and I am grateful to see he has decided that he should support this resolution. I think it is timely, I think it is in order, and while the gentleman says that the pay level is fair and adequate, I would argue that even with the increases, for the burdens these soldiers, sailors, airmen and Marines bear, in hostile circumstances, this pay increment is really minimal.

Last year, the Iraq supplemental, providing $79 billion for the war in Iraq and more for Afghanistan in the war against terror, $63 billion was allocated to Iraq. And, naturally, we said with soldiers about to go in harm’s way, surely we would increase the minimal amount that is being paid to them right now, which was $100. That is all, $100 a month for family separation pay, and $150 for imminent danger pay. We increased those to $250 for family, and $300 for Mariner pay and $225 for imminent danger pay, but only for 1 year. Unless we act in the defense authorization bill to make this permanent law, as provided in the Senate authorization bill, then this will expire on September 30. And that would be a terrible calamity.

Nevertheless, the Pentagon this summer issued a reclaimer to the committee in conference indicating that they thought the other two increments were too costly to sustain and recommended that they either be dropped or reduced. They met with a firestorm of protest, including a published statement from me and the ranking member here this evening would in any way change my attitude and my perspective.

But I do think, again for the record, and in urging my colleagues still to vote for this motion, that another concern that the administration and the Department have expressed, and that I think at least merits our thoughts as we go forward, is that the Senate bill, as it is currently constructed and construed, actually treats two soldiers, to use one example, who are doing the exact same job, perhaps on the exact same battlefield, be it in Sherkat in the mountains of Afghanistan, or be it on the streets of al Falusha, very, very differently. In the Senate bill, one member of that patrol would receive $75 added pay, the other would receive $250, and they are both exposed to the same danger. They are both exposed to the potential of the same fate.

So I think we have got to remember that there are legitimate differences of opinion here. However, the objective that we all have and we all, I think, need to pursue is that of paying and compensating these brave men and women to the highest extent possible.

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

Mr. EDWARDS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington State (Mr. LARSEN), who is a distinguished member of the House Committee on Armed Services.

Mr. LARSEN of Washington. Mr. Speaker, I want to thank the gentleman from Texas (Mr. SPRATT) for bringing this motion to instruct to the floor today.

Today, I met with Corporal Jeremiah Olsen, a soldier from Coupeville, Washington, which is in my district. Corporal Olsen will be awarded the Silver Star medal by the President for his heroic actions during Operation Iraqi Freedom.

Corporate Olsen and his fellow servicemembers have fought bravely, and we have represented this country honorably in Operation Iraqi Freedom, Operation Enduring Freedom, and around the world on our behalf. They deserve our respect and our thanks. For this reason, I think it is important that we pass an extension of the pay increment that we authorized earlier this year.

In April, Congress provided a temporary increase in imminent danger pay and the family separation allowance that will expire at the end of this month. In addition, we authorized a monthly increase for family separation allowance that helps military families pay rent, pay for child care, or
pay for other expenses while their loved ones are away. As a member of the Committee on Armed Services and as a representative of thousands of service men and women, it is my view that we need to do everything we can for our armed forces and their families.

The Senate-passed defense authorization bill provides an increase for all of our troops in imminent danger, increases the family separation allowance provisions, and makes these increases permanent. The House bill, in my opinion, does not go far enough. The motion to instruct conferees to accept the Senate provision is an important step forward toward providing our troops the compensations they deserve, and it provides it to all of our Armed Forces.

In my view, our women and men in the military are not paid enough as it is. Now that we are asking them to risk their lives away from their families and asking their families to bear the burden while they are away, we should not cut their pay off. Corporate Olsen and all the other service men and women deserve more than that.

So I urge my colleagues to pass this motion to instruct conferees and make it clear that this Congress supports our women and men in the Armed Forces and thanks them for their service.

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

Mr. EDWARDS. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), who represents the very important installation at Fort Bragg and has done so ably.

Mr. ETHERIDGE. Mr. Speaker, I rise this evening in strong support of the Edwards motion to instruct conferees on the fiscal year 2004 Defense Authorization.

Specifically, I support the Senate provision on making the increase in imminent danger pay and family separation allowance permanent for all of our armed service members and their families. I completely agree with the increases for those in imminent danger no matter where they are serving. Let me tell you why.

In April, Congress passed the Emergency Wartime Supplemental Appropriations bill to fund military operations in Iraq, Afghanistan and elsewhere. I voted for that bill because I strongly support our men and women in the armed services. This bill provided temporary increases in imminent danger pay and family separation allowances, but they are due to expire on September 30, less than 3 weeks from now.

Specifically, the bill we passed in April temporarily increased the imminent danger/hostile fire pay from $150 to $225 per month. It also temporarily increased the family separation allowance, which helps military families pay rent, child care and other expenses while the soldier is away from $100 to $250 per month.

I represent one of the largest military bases in this country, and when the call comes from the White House, it is the 9/11 post in this country. Both the House and Senate have passed defense authorization bills that deal with these expiring provisions, but the Senate-passed bill is superior to the House version in two key ways. First, the Senate provision makes permanent the increase in imminent danger and hostile fire pay and the family separation allowance. The Senate bill also provides increases for all of our armed services in imminent danger, whereas the House bill only covers those serving in Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. That provision leaves our soldiers in dangerous places, and leaves them out, young men and women serving in Liberia, Kosovo and elsewhere.

When our soldiers are getting shot at for the sole reason they are wearing our Nation's uniform, it is indefensible to shortchange those serving in areas that may not be the political focus of this Congress or the administration.

As a congressman who represents Fort Bragg, Pope Air Force Base and the Special Operations soldiers who are called on daily to serve around the world, and many of the guard and reserve units who are now on duty, I strongly support the permanent increase in imminent danger and hostile fire pay and family allowances for our soldiers and their families. Our military personnel and their families right now are under enormous strain. They are stretched very thin. Our service members are being subjected to longer deployments and more frequent deployments than ever before.

Just 2 days ago it was announced that the deployment of reservists and National Guard in the combat theater have been extended from 6 months to 1 year. About half of the active duty Army is currently deployed abroad, up from 20 percent just 2 years ago.

Let me say I supported Operation Iraqi Freedom. I voted to authorize the President to conduct the operation and rid the world of Saddam Hussein, but now our servicemen are paying the price. We have now lost more soldiers lives since the President announced the end of the combat operation than suffered in combat. Our soldiers are serving in the war zone and the rest of our service members are paying for themselves on this vital issue. They are counting on their elected representatives in Congress to stand up for them. I intend to do so, and I urge my colleagues to join me in voting for the Edwards motion.

Mr. Speaker, I rise in strong support of the Edwards motion to instruct conferees on the FY 2004 Department of Defense Authorization Act. Specifically, I support the Senate provisions on making the increase in imminent danger pay and family separation allowance permanent for all of our active duty service members and their families and applying the increase to all those in imminent danger, no matter where they are serving.

In April, Congress passed the Emergency Wartime Supplemental Appropriations bill to fund military operations in Iraq, Afghanistan and elsewhere. I voted for that bill because I strongly support our men and women in the armed services. This bill provided temporary increases in imminent danger pay and family separation allowances, but they are due to expire on September 30, less than 3 weeks from now.

Specifically, the bill we passed in April temporarily increased the imminent danger/hostile fire pay from $150 to $225 per month. It also temporarily increased the family separation allowance, which helps military families pay rent, child care and other expenses while soldiers are away, from $100 to $250 per month.

Both the House and Senate have passed defense authorization bills that deal with these expiring provisions, but the Senate-passed bill is superior to the House version in two key ways. First, the Senate provision makes permanent the increase in imminent danger and hostile fire pay and the family separation allowance. The Senate bill also provides increases for all of our armed services in imminent danger, whereas the House bill only covers those serving in Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. That provision leaves our soldiers in dangerous places, and leaves them out, young men and women serving in Liberia, Kosovo and elsewhere.

When our soldiers are getting shot at for the sole reason that they are wearing our Nation's uniform, it is indefensible to shortchange soldiers serving in areas that may not be the political focus of the administration or the Congress.

As the Congressman for Fort Bragg, Pope Air Force Base and many guard and reserve units, I strongly support the permanent increase in imminent danger pay and family separation allowance. The Senate bill also provides increases for all of our armed forces in imminent danger, whereas the House bill only covers those serving in Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. That provision leaves our soldiers in dangerous places, such as Liberia, Kosovo and elsewhere.

When our soldiers are getting shot at for the sole reason that they are wearing our Nation's uniform, it is indefensible to shortchange soldiers serving in areas that may not be the political focus of the administration or the Congress.

Let me say I support Operation Iraqi Freedom, and I voted to authorize the President to conduct the operation and rid the world of Saddam Hussein. I am tremendously proud of our men and women in uniform who have demonstrated the American way of dealing with tyrants who terrorize their own region and threaten the peace and stability of the larger world. Saddam Hussein got what he deserved. But now our service members are paying the price. We have now lost more soldiers' lives since the President announced the end of the combat operation than suffered in combat. Our soldiers are serving in the war zone and the rest of our service members are paying for themselves on this vital issue. They are counting on their elected representatives in Congress to stand up for them. I intend to do so, and I urge my colleagues to join me in voting for the Edwards motion.

Mr. EDWARDS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, first of all, I want to thank my special friend and the gentleman from New York (Mr. MCHUGH),
the fellow co-chair of the House Army Caucus. The gentleman has been a real leader on military issues here in Congress. I want to thank the gentleman for asking his fellow Republican colleagues not to oppose this motion to instruct because as late as 2 hours ago, I heard that the House Republican leadership was actually going to oppose our effort to make it absolutely certain and clear we are not going to reduce family separation pay or imminent danger pay for servicemen and women serving in areas of the globe that is at a dangerous place to be right now would the Department of Defense, that I think most Members would agree, as a whole, potentially have their pay cut under the Administration and the Department is making the argument that is, given the circumstances, too great a discrepancy and that under some of the constructs and legal definitions of what constitutes a family that if you are, for example, a single parent, noncustodial parent, nevertheless you have certain responsibilities and out of fairness, you do not get family separation pay.

If you have a single soldier who is a substantial supporter of his elderly parents or his elderly parents, that does not meet the IRS definition technically of 50 percent support, you do not get family separation pay. So this is not just in my opinion, Mr. Speaker, and I am pointing out a position the Department is making the argument to try to evade and avoid responsibility and equity in treating their soldiers, sailors, airmen, marines, and Coast Guardsmen differently or unfairly, but rather recognizing that definitions may not be as perfect as they should be.

They want to make some changes in other pays that go equally to both categories of families as well as single to make sure that they all receive more. We can disagree with that. The House bill did not develop, did not embody that position, but I do not think it is accurate or entirely fair, and I am not suggesting that the gentleman from Texas (Mr. Edwards) did this, I do not think that their thoughts are really on the ground, but I do not think it is the case. For the purposes of the House, for the purposes of the defense authorization bill, I think the gentleman from Texas (Mr. Edwards) makes some excellent points, and obviously those who spoke in support of him underscore those points. As the chairman of the subcommittee with the most direct responsibility, I do not disagree with position, but I do not think it is the case. I do think it is important to have the administration and the Department's position on the record here, and the gentleman gave an explanation of the reason and the construct behind the differentials were for a man on patrol, I do not think anybody would receive $75 in pay to Crete or whatever, and the person next to him would receive $250, and it is by definition of the family, but the Department is making the argument that is, given the circumstances, too great a discrepancy and that under some of the constructs and legal definitions of what constitutes a family that if you are, for example, a single parent, noncustodial parent, nevertheless you have certain responsibilities and out of fairness, you do not get family separation pay.

In closing, I would urge my colleagues, as I have before, to join in support of the gentleman's motion.

Mr. Speaker, I yield back the balance of my time.
N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

ADJOURNMENT

Mr. GUTKNECHT. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, September 11, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS,

ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

4148. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees for Endorsing Export Certificates for Ruminants [Docket No. 02-040-2] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4149. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Witchweed; Regulated Areas [Docket No. 02-042-2] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4150. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Mexican Fruit Fly: Removal of Regulated Area [Docket No. 02-121-3] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4151. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Exotic Newcastle Disease; Removal of Areas From Quarantine [Docket No. 02-117-9] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4152. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Introductions of Plants Genetically Engineered to Produce Industrial Compounds [Docket No. 03-038-1] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4153. A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department’s final rule—Swine Marker Marketing Contracts; Contract Library [PSA-2000-01-b] (RIN: 0580-AA71) received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


4156. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department’s final rule—TRICARE Program; Waiver of Certain TRICARE deductibles; Clarification of TRICARE Prime Enrollment Period; Enrollment in TRICARE Prime Remote for Active Duty Family Members (RIN: 0702-AA72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4157. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department’s final rule—TRICARE; Changes Included in the National Priorities List for Fiscal Year 2003 (NDAA-03) (RIN: 0702-AA85) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4158. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department’s final rule—TRICARE; Elimination of Nonavailibility Statement and Referral Authorization Requirements and Elimination of Special Medical Provider Access (RIN: 0702-AA79) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4159. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department’s final rule—DoD Credit by Brokers and Credit Unions [Docket No. 03-19] (RIN: 1557-AC10); Board of Governors of the Federal Reserve System, transmitting the Department’s final rule—Financial Services (RIN: 0720-AA53) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.


4161. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department’s final rule—Value Engineering (AL 2003-04) (RIN: 0702-AA75) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4162. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Oklahoma Incorporation by Reference of Approved State Hazardous Waste Management Program (FRL-7479-3) received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4163. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and promulgation of Air Quality Implementation Plans; West Virginia; redesignation of the Follansbee PM10 Nonattainment Area to attainment and approval of the Associated Maintenance Plan (WV063-001; FR-17549-1) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


4166. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 636(b)(3)(i); to the Committee on Financial Services.

4167. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina (NC-112; FRL-7549-6) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4168. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and promulgation of Air Quality Implementation Plans; West Virginia; redesignation of the Follansbee PM10 Nonattainment Area to attainment and approval of the Associated Maintenance Plan (WV063-001; FR-17549-1) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.