



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, THURSDAY, JUNE 27, 2002

No. 88—Part II

House of Representatives

DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 2003

(Continued)

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT:

Page 34, line 2, after the dollar amount, insert "(reduced by \$30,000,000)(increased by \$30,000,000)".

Mr. SPRATT. Mr. Chairman, this amendment would take \$30 million out of the space-based kinetic intercept program, leaving \$14 or \$15 million for concept definition, which is the status of it anyway, and instead, shift that \$30 million to another program, a vitally important program as part of missile defense which has been debited by this bill, the airborne laser bill.

So it would not decrease by any means the total amount appropriated by this bill for ballistic missile defense. It would simply reallocate within those accounts \$30 million, shifting it, as I said, from the space-based boost phase interceptor over to the airborne laser system to make up for 50 percent of a cut which the committee has made in that particular program.

Mr. Chairman, some 15 years ago when the SDI program, Strategic Defense Initiative, was first begun, it was to be a layered defense. There were to be ground-based layers and space-based layers.

One of the space-based layers was a space-based intercept system. It would have been a satellite which would have housed many different smaller satellites, each of which would have housed many different interceptors, each of which could be fired at missiles as they were launched, or even in the midcourse, as they came towards the United States.

The problem with this system, in addition to the fact of being an enormous system, was that in a fixed orbit in

space a target this large with that many interceptors on it was a very valuable target and a very vulnerable target; and any country able to fire at us an ICBM that really put us at risk would also be able to build what is called a DANASAT, a direct ascent ASAT, to take out that defensive system.

So to avoid the inherent vulnerability of having predeployed satellites in space, the idea of Brilliant Pebbles was conceived. This system, the SBI system, was abandoned and Brilliant Pebbles was taken up.

The idea of Brilliant Pebbles was to make this target not so valuable and not so vulnerable by making each satellite a single interceptor. Each would have been self-sufficient and able to sense what was coming on and able to propel itself towards that oncoming missile and take it out.

Members can imagine how daunting this technology is. Because the technology was so daunting and the cost of lift and other things was so enormously expensive, the Brilliant Pebbles program was abandoned, as well.

We have spent substantial sums of money, therefore, on space-based interceptors and boost phase interceptors in space. We have abandoned both. We should learn from our mistakes. We should learn from our mistakes and concentrate on what has worked and put our assets where they are likely to pay off in the near term. That is exactly what we are trying to do today.

I am not opposed to boost-phase intercept. In fact, what I am trying to do is shift some money from a system not likely to work any time soon into a system that shows the promise of being an effective space-based or boost-phase interceptor, the ABL, the airborne laser.

Why do I do this? One reason for doing it is that if we look at what the Missile Defense Agency, the BMD agency is doing today, we will see they have

a full plate, a fuller plate than they have had since SDI began. They are developing a ground-based midcourse interceptor; they are developing two or three variations on a ship-based midcourse interceptor and a ship-based boost-phase interceptor; they are developing theater systems like the PAC-3, the THAAD, the MEADs. They are developing laser systems, airborne laser systems, and space-based laser systems.

They need to winnow down some of these systems and focus on what works and try to bring those things that are most feasible to fruition, as opposed to going off in pursuit of a million different ideas. So that is what we would try to do here, refine the focus of the program on a system that is likely to work, taking out of a system that has been proven not to work in at least two iterations over the last 15 years.

Let me say that this system right now, this so-called space-based boost-phase intercept system, is relatively, relative to the defense budget, a small system. It is \$23 million, or \$23.8 million is the funding level for this year. The President requested \$54.4 million. We would leave in the budget \$14 million for this program; but as I said, we would shift the program.

Now, it does not seem like it is really crowding anything out at that level of funding. What we have to do is look at what the MDA, the Missile Defense Agency, has provided us in a backup and justification charts for the cost growth they expect in this particular program, the boost-phase intercept program. They expect the cost to go up to \$510 million.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. SPRATT) has expired.

(By unanimous consent, Mr. SPRATT was allowed to proceed for 2 additional minutes.)

Mr. SPRATT. Mr. Chairman, this program will go from today's modest

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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level to \$510 million in just 10 years. When it gets to that level, it is going to crowd out and preclude something else.

The ABL, on the other hand, the airborne laser, needs money to buy, number one, a second airframe, a Boeing 747; and, number two, and even more critically, it needs some money to buy long lead time items that will make this airframe a suitable platform for a laser that will weigh 200,000 to 250,000 pounds and has to have absolute stability if it is going to work and be functional at all.

What we would put back in this budget, we would take the money out of one program and put it back in the ABL so we could buy those critical long lead items. If we do not buy those critical items, if we let the \$30 million deletion stand in this budget, we are going to find that this program is going to be stretched out and out and out, and it is not going to be ready to be tested to determine whether or not the power system, the laser system, will have the power necessary to be an effective system by the year 2005 or 2007.

Mr. Chairman, this is a very constructive amendment, and it does not take a dime out of the overall program. It will enhance the prospects for boost-phase intercept. It will ensure that the money we are spending on ballistic missile defense is being spent more effectively and is being spent towards accomplishing the purposes that we have set out for the program.

I urge support for this amendment.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I was going to rise to try and strike this item on a point of order, but the gentleman from South Carolina is such a quality gentleman, he had done the homework on this amendment in a fashion so that it is not subject to a point of order.

But in the meantime, let me say that the thrust of his amendment, really an intent, has essentially the same purpose as the amendment that I did object to, regard space-based missile defense. He does speak to the question of putting funding back into airborne laser.

I might mention to the gentleman that this bill increases funding for that program, increases it enough so that the Department will have a decision to make whether they want to put the money into a more robust program or to go to the second aircraft. So I think we have really met that challenge within the work of the bill.

On the other hand, the question relative to space-based kinetic energy I think is a matter that was fully discussed in the authorizing committee and on that bill as it moved through the House.

The CHAIRMAN. Does any other Member wish to be heard on the amendment?

Mr. DICKS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I believe the gentleman has made a very important case here. The Airborne Laser program is one I have followed closely. I think it is on the verge of being tested, and I just want to commend the gentleman from South Carolina (Mr. SPRATT), who I think is the most knowledgeable person in the Congress on these issues, for the good work that he has done over the years in following these issues.

We do not want to do anything to slow down this first test on the airborne laser so we can find out that it will work. In fact, last year I urged the committee to put money in so we would not let the test be delayed. So I urge the committee to adopt the Spratt amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SPRATT) will be postponed.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, one of the areas that I am most deeply concerned about in the course of our dealing with the Department of Defense deals with the consequences of military activity over the course of the last 2 centuries. Unfortunately, we have left a legacy of unexploded ordnance, toxic waste that is involved from border to border, from coast to coast. It is in every State and virtually every congressional district.

Unexploded ordnance, UXO, as we talk about it, is left over from military training exercises at some 2,000 formerly used defense sites and closed bases in every State; and in fact, we really do not have an inventory of actually how many millions of acres; it may be 10 million, it may be 50 million.

□ 1230

These sites include bombing ranges, testing facilities that were once located in underpopulated areas. However, we find that, today, distance is no longer a protective factor; and sites are now often bordered by housing developments or schools or contained within parks and other public lands.

Recently, there was a gentleman rototilling in his yard in a subdivision in Arlington, Texas.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we think this amendment is a very important area. We will take a look at it and see if we cannot add money to this field. There is no question in mind that the gentleman has hit an area that a lot of Members are interested in. We will take care of the problem.

Mr. BLUMENAUER. Reclaiming my time, I appreciate the gentleman's comments and interest; and I guess I do not need to get up and thump the tub any further. But I would be interested if the chairman of the committee has any observations about the work that we may be able to do to deal with the research and development and the cleanup of unexploded ordnance.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman bringing up this important subject. I could not respond any better than my colleagues from Pennsylvania did, and we look forward to working with the gentleman.

Mr. BLUMENAUER. Mr. Chairman, I deeply appreciate the gentleman's interest and activities; and, too, I look forward to working with the gentleman.

I would note that there appears to be a growing awareness on the part of Members across the country. I will save my stump speech, but I would just mention that there is one site we had a hearing on yesterday that is still, the campus of the American University, that 84 years after World War II we are still cleaning up chemical weapons.

I think there is lot we can do. I appreciate the assurance and look forward to working with the gentleman.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to rise to commend the chairman, the gentleman from California (Mr. LEWIS), and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for their excellent work on this bill. I look forward to working with them on the training of our National Guard. I know that the Guard is about to deploy in Pennsylvania. General Centracchio in my home State of Rhode Island has been very active in making sure our Guard is prepared and trained.

We are relying on the Guard more than ever, and they are part of our total force, especially in this war on terrorism. I think they need to get the needed training and equipment that they need to do their job successfully.

I know this bill goes a long way to doing that. I look forward to working with the gentleman from Pennsylvania (Mr. MURTHA) to ensure that they continue to get the best training available.

I rise today to commend Chairman LEWIS and Congressman MURTHA for their work on this legislation. Their task hasn't been an enviable one, given the limited budget allocations that they were forced to work with.

In the end, they made it work. Looking at the bill that they produced, everyone can see that Chairman LEWIS and Congressman MURTHA are dedicated to our military and the security of our Nation at home and abroad. The safety and security of our Nation and the training and readiness of our military came first—just as it should.

I'd also like to associate myself with the comments of Mr. MURTHA made when the Appropriations Committee was discussing this legislation.

He expressed his belief in the importance of ensuring that our soldiers receive the best training in the world to fight in our war on terrorism. He reminded us that the National Guard and the Reserves are a vital component in winning this war. He mentioned that the Pennsylvania Guard is about to deploy to Bosnia to initiate operations. In Rhode Island, General Centraccio is leading the Rhode Island Guard on a similar course. These Guard personnel are dedicated men and women, average American citizens, who are putting their lives on the line for their country.

As Mr. MURTHA mentioned, we owe it to them to ensure that they have the absolute best training and equipment available to do their job right in areas like marksmanship which I know is important to both Mr. MURTHA and Mr. LEWIS.

I deeply appreciate the opportunity to work with the Committee on these and other issues. I look forward to continuing the good work we have begun to ensure that our men and women in uniform have access to the best training available.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

At the end of the bill (before the short title), insert the following new section:

SEC. . Of the total amount appropriated pursuant to this Act for any component of the Department of Defense that the Director of the Office of Management and Budget has identified (as of the date of the enactment of this Act) under subsection (c) of section 3515 of title 31, United States Code, as being required to have audited financial statements meeting the requirements of subsection (b) of that section, not more than 99 percent may be obligated until the Inspector General of the Department of Defense submits an audit of that component pursuant to section 3521(e) of title 31, United States Code.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I want the gentleman to know I am inclined to accept his amendment if we do not have to spend a lot of time discussing it, since we have discussed the matter already.

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman and certainly would yield to his higher wisdom.

Mr. LEWIS of California. Mr. Chairman, with that, we will accept the amendment if we can move forward.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

In the item relating to "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", after the dollar amount, insert the following: "(reduced by \$121,800,000)".

Mr. TIERNEY. Mr. Chairman, this particular matter, an amendment, goes to reducing the budget by \$121.8 million that is now earmarked for the construction of five silos at Fort Greely. This does not deal with research but rather the construction.

You will remember that earlier in our remarks we talked about the fact that the Department of Operational Testing and Evaluation had come before committees in this Congress to indicate that the national missile defense system, particularly this mid-range system, is nowhere near a point where it had been tested adequately to sufficiently give anybody confidence in its reliability; and, in fact, the experts and director of that department had indicated we should not move forward with construction until we adequately test it.

The fact of matter is that is why Congress passed the act setting up the Office of Operational Testing and Evaluation, because we had in the past allowed services to go forward and build weapons systems that were not adequately tested, resulting in enormous losses of money and great losses of time in trying to build the defense of this country. So the fact of the matter here is we concentrate on the premature construction and not the research of this.

You will remember that when Mr. Coyle, who was the former director of that agency, came before Congress and testified that the testing regime was inadequate, the answer we got from the Department of Defense was to pull it in and say they will now do an entirely different system of testing. This one would lump all the research and development and construction together, and it would be more difficult to separate one out from the other. They would also do what they call the capabilities-based system, as opposed to a system where we set out goals and tried to meet those goals as we went forward and we could measure and identify the progress in developing a system and whether or not it was working.

When asked about the real capabilities of these Fort Greely interceptors, General Ronald Kadish, the head of the Missile Defense Agency, seems to be of two minds. On one hand, he calls it a limited capability, a residual protection, not perfect by any means, but then he testified before the Committee on Armed Services in February and said he had high confidence that this would be capable to be put in place by 2004.

The fact of the matter is that that is not the case, and because it is not the case we should not be spending money to construct something that has not been adequately tested.

Now the problem that we have here is that usually we would have a Test and Evaluation Master Plan, or what we call a TEMP, by which we could judge where this is going, but the administration has not given us one. We would devise specific tests and goals and time

lines. That was originally due in June. It has yet to be completed. It has now been pushed off to the fall, maybe later.

Normally, as an alternative, Congress would have certain minimum requirements established by military planners in so-called operational requirements documents, but the administration has canceled those as of January.

Pentagon officials have also failed to deliver many other technical documents, including the program implementation plan. So, essentially, they are leaving us all out there without any guide or direction as to whether or not we can measure the progress on this. They are ignoring the technology. They are rushing ahead on construction without any thoughtful testing regimen and forcing us to get a situation where we will have to retroactively correct mistakes and errors, costing billions of dollars and a great deal of time.

So we had a hearing and a briefing. We called in Mr. Coyle, and we called in people of the Union of Concerned Scientists, experts on this matter, for specific questioning about whether or not these programs and aspects of it, separate components of it, were really going to be operational and capable by 2004. We learned that that will not be the case.

We first asked about the X-Band Radar System. The Pentagon thought this system is essential to any ground-based system. We were told that it will not be in place by 2004.

Then we asked about the space-based infrared satellite system, the so-called SBIRS. We were told that those would not be in place near operational and capable by 2004. In fact, we are looking a decade or more out on that.

We then talked about whether or not we would have a Cobra Dane Radar as a substitute for the X-Band Radar, even though it would not come anywhere remotely close to doing all of the things that the X-Band Radar was called upon doing; and we were told at best that would be extremely limited and would not serve the purposes of testing or having it be operational at that point in time.

We talked about whether or not flight tests would be conducted with significant information being provided by the interceptor before the launch, because essentially that is what we have been doing. We have been telling the interceptor ahead of time where the target is. You can bet no enemy is going to do that.

By 2004, Mr. Coyle and the Union of Concerned Scientists told us that we would not have had a single test conducted without advanced information on trajectory for the incoming missile given to the interceptor. Nor would we have an opportunity to have any tests done without first telling the interceptor where the launch location was. So it is noes all the way down the line to there.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. TIERNEY) has expired.

(By unanimous consent, Mr. TIERNEY was allowed to proceed for 2 additional minutes.)

Mr. TIERNEY. Mr. Chairman, we then asked whether or not the flight intercept tests by 2004 would be able to tell us whether or not countermeasures would be effectively taken into account in the test; and we were told that, no, that would not be done.

We then asked whether or not it was important to test the system for different kinds of weather, and we were told it was, but those types of tests would not be done by 2004.

We asked whether or not there would be a simple target sweep or a complex target sweep and whether or not there would be tests done on complex target sweeps, and we were told that that would not be done.

We talked about the fact that, so far, any target has had a beacon on it so that the enemy setting it up would have to have a red light telling it where it was to be hit, and they said there would be no test without the beacon being on target ahead of time.

So right on down the line we have had a system of boosters that have been plagued with problems, and we were told that any booster productivity by 2004 would be extremely unlikely. More likely that is a decade out. So we are using a booster system that will not even be the final one when this becomes operational.

Mr. Chairman, the bottom line on all of there is there is no way we should start building this, no way we should start building it until it is fully tested. We cannot under any conditions, by the former operations and technical person at the Pentagon, have this in place and operational and capable by 2004.

Why are we spending taxpayers' hard-earned money when we have so many other needs in defense? Primary among those are homeland security issues, pay for our troops, housing for our troops, right on down the line. Instead, just because someone treats this program like religion, we are out here allowing them to get away with starting to build something that we have not tested. We are throwing good money after bad.

The worst part of it is, Mr. Chairman, that now the Pentagon tells us, because they were found out about how bad their testing regime is, now they will classify everything so nobody will get the information.

You can bet every time they have a test they will tell you it is a success. What they will not tell you is that they are testing it knowing where the launch point was, knowing what the trajectory was, knowing there is a beacon on the target, knowing there are no countermeasures, knowing everyone will know the answer before it starts, and that does not serve the American taxpayer well in the defense of this country.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes, but the gentleman is a member of the authorizing committee and he knows full well this has to do with authorizing policy. The fact is, we have begun spending money and we have already provided a considerable amount of money to build those silos in Alaska, that are designed to do the testing he says we are not interested in doing.

The reality is that this amendment takes the heart out of our ability to even consider ground-based missile defense, which is pretty fundamental when we consider possibilities for protecting our country in the future.

Because of that, I very, very strongly object to this amendment. I would do so even if I did not object to the fact that the gentleman did not discuss it with us before we came to the floor.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from Massachusetts (Mr. TIERNEY) for the work he has done on this and ask the gentleman if he would answer a question.

In looking at this presentation here, am I to understand that what the people in charge of this program have done is that they have basically failed to prove in any way that this system can work?

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, that is absolutely accurate, and when they failed to do that they then tried to change the nature in which they proceed with the system to make it harder to measure, and now they are trying to classify it.

If I could add one word and make note of what the chairman said, this is strictly a matter of money in this case. It identifies only construction issues and not research issues and in no other way impedes the Department of Defense moving forward research on this. In fact, the very point is, let us research and know what it is we are building before we start throwing bad money after good.

Mr. KUCINICH. Reclaiming my time, I appreciate what the gentleman says. Let us just conduct our own simulation here.

Here is an incoming missile. Is there going to be a beacon on an incoming missile?

□ 1245

Mr. TIERNEY. Mr. Chairman, the way they have structured it so far, there will not be any tests before 2004 where the beacon will not be present.

Mr. KUCINICH. So there is an incoming missile for this test that has a beacon on it?

Mr. TIERNEY. Mr. Chairman, it or some of the target suite will have a missile beacon on it.

Mr. KUCINICH. Have they had tests where they had a beacon on it and they failed that test?

Mr. TIERNEY. It is possible, though some of the earlier tests had that scenario.

Mr. KUCINICH. Mr. Chairman, so they had earlier tests when even when they put a sign on it that said hit me, they were still unsuccessful?

Mr. TIERNEY. That is right.

Mr. KUCINICH. Mr. Chairman, so from my colleague's recitation here, what my colleague is saying basically and what has been testified to is that the tests have been basically tricked up to make it appear that this system works?

Mr. TIERNEY. I am saying that the testimony was from the Pentagon's own person, the person who was in charge of doing operational testing and evaluation, Mr. Coyle. It was his job on behalf of the Pentagon, as directed by this Congress, to evaluate whether or not the testing regime was adequate, and it was not. It was basically found that all of these things would not be ready by 2004 and that the whole testing program fell short of giving us any reasonable amount of confidence that the system would be reliable.

Mr. KUCINICH. Mr. Chairman, reclaiming my time, let us just go over this now. My colleague is saying that in these tests they are giving advance information, this missile coming in, they have advance information on what the trajectory is going to be and what the speed is going to be and what time it is going to be launched and where it is going to be launched from and what the countermeasures might be; and even though they have advance information, they still cannot make this work?

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, they have a history of having failures. They have had some successes, but none of the successes without those additional components.

Mr. KUCINICH. Reclaiming my time, where they have had success, they have been given advance information. Now in a real life scenario are they likely to have advance information on trajectory and speed and launch time? Is that likely?

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, no, it is not likely; and Mr. Coyle made that point, that they do not have the realistic testing scenarios in place and planned for execution before 2004. That is what they should be doing. They should be having realistic scenarios in place and done and completed and be evaluated before we get to the point of building. We have a very bad history in this country, prior to the legislation we passed to set up Mr. Coyle's Department, of having built things before they were adequately tested.

Mr. KUCINICH. So basically we have a system here where they are testing technology, but they are not accepting the results?

Mr. TIERNEY. Mr. Chairman, we have a system here where they are testing, and they have not tested adequately to get to the point to where they should be constructing.

Mr. KUCINICH. If we were to adopt the gentleman's amendment, how would this effect a beneficial purpose for the American taxpayers?

Mr. TIERNEY. Mr. Chairman, if the gentleman would yield, it would at least stop them from starting to build something that they have not adequately tested. They could continue to research. They could continue to move in the direction of trying to find a way to make a system like this work; but we would not be spending money on building something only to run the extreme risk of having to change it later on at a higher cost and much delay in the program, and that money could then be used more fruitfully on some of the higher priorities of our defense, including homeland security.

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman for his work on this, and I am supporting his amendment.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what I really appreciate about this country is that we can have an open forum and allow two lawyers to talk about rocket science. What the gentleman just brought up here is 12 parameters on a rocket test. I would like to talk just a little bit about speaking on only 12 parameters on a rocket test. The facts of the matter is that there will probably be close to 12,000 parameters addressed in the series of tests that we are going to be doing out of Fort Greely, Alaska. I think before I go on, I want to talk a little bit about why we are going to have these tests.

There is a need to have protection from incoming intercontinental ballistic missiles. Today we know that Russia has those capabilities as do some of the former Soviet countries that were part of the former Soviet Union, USSR. We know China has that capability. India is working on that capability. North Korea is working on that capability and has launched a three-stage rocket. Fortunately, the third stage did not fire, but it is just a matter of time.

Iran, Iraq is also pursuing this technology; but we are not doing it for today. Listening to the previous discussion, it sounded like we were expecting something to be ready either by this December or we should not do it at all. This is a very complex system, but this is a complex system that has had successful tests; and even the gentleman admitted, yes, there have been some successes.

The success was that we fired a rocket off out of the Pacific, a second inter-

cepting rocket was launched from a land-based location, and in essence, a bullet hit a bullet thousands of miles from the location from where either of these rockets were launched, thousands of miles, a bullet hitting a bullet, tremendous success, wonderful success.

I do not think we can get two lawyers, one on each end of the Capitol, have them shoot at each other, ever get a hit on a bullet; but these scientists were able to do this at thousands of miles, a tremendous technical achievement.

We are expecting it to happen immediately, or we should do not it at all? Well, it is going to take time to continue this technology so that we can be successful in protecting, not ourselves necessarily, but our posterity, our children. North Korea does not have an intercontinental ballistic missile yet, but they will have. Countries that are rogue nations, with rogue leaders will have that capability in the future. We do have a constitutional requirement to provide for the common defense of our citizens. We cannot do it without a system like this. It does not happen overnight. We have to work on it overtime. We have to invest time; we have to invest money. We have to expect some failures. But it is an incredible technology.

For us to shut the water off on this is very shortsighted. It ignores the future. It ignores the safety of our citizens, my children, our children. We cannot turn our backs on this. It is a reality. It is an achievable technology. It is a necessity, and for us to stop this is very shortsighted and I think, hopefully, improbable. I think that is the general feeling here in the House is that we should provide for the common defense of our children, and that is a viable means of doing that.

One of the other things I wanted to say about the location is that Fort Greely, Alaska, is probably the best location to run this battery of tests, to measure these parameters. The location has been studied. Construction has already started. It is very important that we continue with this program; and I think that the Pentagon, the administration, the rocket scientists have a very good plan. It is a well-thought-out plan. It measures every facet. It starts with a design concept. It develops documents as to what test requirements are going to be required, what the statement of work, the total environment of this test activity, every little stress point on these rockets that is going to be measured. It is going to be able to hit a bullet with a bullet, thousands of miles over the Pacific or over areas remote from our country; and that is something that we need to think about as a priority for our children, because the reality is, it is going to occur.

My colleagues cannot convince me that Mu'ammar Qadhafi or Saddam Hussein or some future despot is not going to want to use that leverage on America. How do we protect ourselves

from that? We have to have a system, an umbrella around our citizens, around our children. So, Mr. Chairman, I ask that this amendment be opposed and that we continue on with the business of the day.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

I, first of all, want to congratulate the chairman of the subcommittee as well as the ranking member for constructing a very good bill. There is no question that this is a very good piece of legislative work. Nevertheless, I rise here this afternoon to support this amendment because I think it makes a very constructive improvement to the legislation that we are currently considering.

A week ago today, the Bush administration unilaterally withdrew the United States of America from the antiballistic missile treaty which had been in effect since 1972. This is a treaty which has stood the American people and the people of the world in good stead for 30 years. It has had the effect of reducing tensions, reducing the likelihood of a nuclear attack by any country; and it is a treaty that I think ought to continue to be in existence, but the administration withdrew us from that treaty so that they could begin the construction of these facilities in Alaska and elsewhere.

In doing so, the allegation is, and we have just heard an exposition of that from the gentleman from Kansas just a moment ago, that all of this is designed to improve our security; but in fact, I think what we are seeing is the opposite is happening. As a result of our withdrawal from the ABM treaty, the Russian military is already talking and pressuring the leadership in Russia to put their missiles on higher alert. They are already discussing multiple, independently targeted reentry vehicles, in other words, MIRVing the system, putting more warheads on their missiles. In other words, the effect of the withdrawal from the treaty has already begun to increase tensions on both sides and putting the Russian nuclear missile system on a higher position of alert.

What this amendment does is prevent the expenditure of \$181-plus million for the construction of these silos. It is a very thoughtful and very prudent initiative, and it is one that we ought to follow. We ought to follow it because the expenditure of that money is premature; and if we do expend it and this construction goes forward, it is going to increase tensions additionally even further.

We have also heard it expressed very, very clearly that the physics of this system has not been proved, not in any sense. The success that we heard about just a moment ago is a false success. It is a success that has demonstrated over and over again that in spite of the fact that we know where the launch is coming from, what time the launch is occurring, the trajectory of that launch,

where the missile will be at a precise moment in time, in spite of that, the tests have failed over and over and over again. There has been some minimal success, but the preponderance has been failure.

Such that, as we heard from the gentleman from Massachusetts (Mr. TIERNEY) a moment ago, Phillip Coyle, who is the former Pentagon chief investigator, said earlier this year in February that some aspects of this tall order are virtually impossible; and the overwhelming evidence from the scientific community agrees with that. Scientists over and over and over again studying the physics tell us that we have not tested this system enough to demonstrate that it is going to work; the physics of it are impossible.

So what we are offered here today is an opportunity to improve this bill, reduce the expenditures by \$181 million, and instead of increasing tensions and reducing national security, to improve national security by the adoption of this amendment.

I support the amendment, and I hope that the House will do so as well.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

I had not intended to speak on this amendment, but heard the gentleman before me when I just came back from the energy conference to my office. I believe there is a credible nuclear threat against the United States of America. There is a possibility that a rogue nation or terrorist group will deliver a nuclear device to the United States of America, but it will not be on the tip of a missile.

This misbegotten technology, if it ever worked, would not defend against a depressed launched trajectory missile from a submarine, against stealth missiles, against bombers, against all those other threats. But not even those are the real threats, and that is not the real failing of this. It will not defend against the container, one of the 500 million that come to the United States every year. That is the most likely vehicle for a nuclear bomb in the United States of America. A simple bomb attached to a GPS device gets to a certain point in the United States and it blows up.

□ 1300

And guess what? While we are spending \$100 billion or more of our hard-earned tax dollars to try and take this totally failed and continually failing system, one that has to be notified in advance, has to have a GPS device tracking the incoming missile, one that cannot take on any sort of devices that would cloak or hide the missile or in any way make it more difficult to hit, they are going to be attacking us in another way.

It is a real shame. The one thing we have that really works are our satellites and our detection capability. The second that one of those rogue nations launches a missile against the

United States, we will know it, and in 20 minutes that nation would no longer exist.

They are not going to launch missiles against the United States. They might buy a junk freighter, they might sneak it into a container, or they might put it in a van and drive it across the border from Mexico or Canada. There is a whole bunch of ways they might deliver a nuclear weapon to the United States. And while we are wasting money on this program to enrich the defense contractors with failing technology, they will be making their plans.

It is just extraordinary to me after 9-11, when they commandeered our civilian aircraft and used them as weapons of mass destruction, that we are still obsessed with trying to build technology to fight a threat that does not exist.

Yes, the North Koreans. The North Koreans once launched a missile that, if it had worked, might have reached the United States; and someday they might have two or three of them. Well, the leader of North Korea might be nuts, but he is not nuts enough that he wants to turn his country into nuclear glass.

Our assurance of deterrence, mutually assured destruction, in this case, is not mutually assured. They might hit some tiny corner of the United States, which would be very tragic, and I doubt very much they will even try to do that, but we would totally devastate them. That is not the way they will deliver these threats.

There are credible threats. Let us invest some of this money in a technology to screen the 500 million containers coming into the United States, to screen the Mexican semis that are about to start streaming across the border to all points in the United States with no inspection.

How do my colleagues think they are going to deliver it? They are not going to try to build a missile and then shoot it at us and let us detect it. They will put it in a truck, they will put it in a container, maybe a suitcase or maybe a van. And while we are wasting all this money for technology that probably will not work anyway, they are going to be planning a credible attack.

Mr. DOGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the aftermath of September 11, there is even more interest than usual in rushing legislation through the House. Certainly all of us respect the time, effort, and expertise of this subcommittee in trying to develop the best bill. There is not a Member of this House that does not want to provide every dollar that is essential to securing the future of America and of every American family. But I believe it is appropriate, as is happening here on the floor of the House today, that we at least devote as much time to this expenditure of \$354 billion of taxpayer money as we normally allot to a bill naming a post office.

I commend the gentleman from Massachusetts for his courage in advancing these amendments, because the most recent sequel of the Administration's *Star Wars* plans is considerably similar to the most recent sequel of the *Star Wars* movie. It depends in the main on gimmicks and special effects.

One of our colleagues has told us today about the success of one of a number of tests that was done with a bullet hitting a bullet. If my colleagues believe that our adversaries will choose a clear night, will announce the launch time to us, will ensure there is good weather along the full route of the missile, and, in addition, they will place a homing beacon in the missile they are firing at American cities, then, perhaps, with those disclaimers, this is a system worth considering, with one major exception. Because even under those circumstances, even under the best-case scenario, I have yet to hear a single official or a single advocate who has any knowledge about this system who is willing to say that it will be 100 percent successful.

Indeed, most people who have explored this realize that the whole Fort Greely plan is based on the premise: "Build it and it will work". And when it works, it will not work 100 percent of the time.

Well, consider with me again the tremendous horror that we all feel as we reflect on September 11, the damage, the destruction, that gouge in the earth that one can see at Ground Zero in New York City; and think for a moment how much worse it would have been if it had been a nuclear device and how many more tens of thousands of families would have suffered, as so many have already suffered from September 11.

Are we to accept as a security system for American families a system that can permit just one New York City or one Chicago or one Austin, Texas that was 85 or 95 percent effective in stopping most of the missiles from coming in? I suggest that is like going out in the rain with an umbrella full of holes. It is better to consider whether there is not a better way to stay dry than to use that kind of leaky umbrella.

It builds a sense of false security. It encourages adventurism. It encourages a foreign policy that promises the American people 100 percent security when, in fact, experts agree we are going to expose some Americans to a nuclear catastrophe to an extent that we have never seen in the history of the world. It would make a Hiroshima or a Nagasaki look like a small disaster in comparison.

I would suggest that, there is not an expert around that does not think if we build at Fort Greely and begin this kind of effort that we will not have more missiles designed to be targeted to the United States by our potential adversaries.

If the Chinese build more missiles, and there has been a suggestion that they would as a result of this kind of

construction at Fort Greely, what impact might that have on the Indians who are a little closer than San Francisco to China? If the Indians begin building more missiles because the Chinese are building more missiles, what impact might that have on the Pakistanis right across the border? And if the Pakistanis build more missiles, what impact might that have on the Iranians, with whom they have had some competition in Afghanistan? And if the Iranians build more missiles, what impact might that have on Israel? And if Israel builds more, what impact might that have on Egypt?

What we are looking at in Fort Greely is the beginning of a system that will lead to destabilization and to an arms race, the ultimate effect of which will be jeopardizing the security of American families.

It is because we share a commitment as deep as the advocates for this bill in the desire to defend our country that we speak out today against Star Wars and in favor of the amendment of the gentleman from Massachusetts, because we believe the true security of our Nation rests on stopping the false security of this phony Star Wars system.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to support the bill and to oppose this amendment and particularly to thank the chairman, the gentleman from California (Mr. LEWIS), and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for their work with me, as well as the gentleman from Minnesota (Mr. SABO), on finding a proper replacement for the Crusader.

I want to thank the gentlemen and staff for all their work in protecting those technologies and the brain trust that goes with those jobs.

Mr. Chairman, I rise today in strong support of the Fiscal Year 2003 Defense Appropriations bill. I thank Chairman LEWIS and Congressman MURTHA, the ranking member, as well as their staff, for their work.

We are still a nation at war, and our first and foremost priority at this time must be to the men and women we have called upon to fight. Rightfully, this is the first of the regular FY03 Appropriations bills that this body will consider, and that it should be the first of the FY03 appropriations bills to be sent to the President's desk for his signature.

Since the tragic events of September 11, we have asked a great deal of our military. And Congress has acted to provide them with additional funds to purchase ammunition and equipment, to pay them better wages, and to make sure their families have a decent place to live, access to health care, while their loved ones are fighting for our freedom in Afghanistan, the Balkans, South Korea, the Middle East and around the globe.

But while it is important that we continue to meet the immediate needs of our armed

forces, we must begin to look ahead at their future needs, and focus on what investments are truly worthy.

When it comes to war, we want overwhelming superiority in every way. We want our soldiers, sailors, airmen and marines, along with their guard and reserve components, to have the most advanced, most revolutionary, most lethal systems possible.

I am pleased that this bill contains \$57.7 billion for research and development on the next generation of fighter jets, ammunition rounds, communications equipment, unmanned aerial vehicles and other critical weapons. This is \$4 billion over the President's request and \$8 billion over last year's level.

However, this bill does not contain funding for one critical R&D project—the Crusader Self-propelled Howitzer, which Secretary of Defense Donald Rumsfeld proposed terminating. This system would have brought revolutionary technologies to the battlefield and provided a true “leap ahead” from the currently fielded Paladin.

While this bill on the floor today meets the administration's objective of terminating the Crusader program, this committee has recognized the need for ground-based indirect fire support capabilities, and it supports a large leap ahead toward developing the Army's next generation of these systems. I want to take this opportunity to thank Chairman LEWIS and Mr. MURTHA and his staff for working closely with me and Mr. SABO to shape the direction of the Army's replacement for the Crusader. They have put in long hours, and I believe they have crafted a compromise which keeps the Crusader's “brain trust” intact while moving ahead with the development of a lighter, more mobile, more lethal system.

Air superiority alone cannot win all our nation's future wars. We must maintain robust ground warfare capabilities, including a range of direct and indirect fire support systems. Our soldiers on the ground need direct and indirect fire support systems that can hit their targets, day or night, rain or shine.

One system that will fill that need to provide ground-based fire support is the Lightweight 155mm Towed Howitzer, which the committee has fully funded. This joint Marine Corps and Army program will provide a means for our soldiers to fire the Excalibur precision munition round. The importance of getting this system in the hands of our soldiers and Marines, sooner rather than later, is more critical given the cancellation of Crusader.

Further, to address future indirect fire support needs, the Committee has provided \$368.5 million to begin development of a future Army objective force vehicle. These funds include \$195.5 million for the maturation and transfer of indirect fire support capabilities from the Crusader, as was requested in the President's recent FY03 Budget Amendment. Additionally, the Committee provided \$173 million for the integration of revolutionary cannon technologies onto a new, lighter platform.

As a result of the language so carefully crafted by the chairman and his staff this will allow us to harness the “brain trust” behind the development of Crusader's revolutionary technologies—the liquid-cooled cannon, automated loading mechanism, crew compartment and software—and imbued them in a lighter, more mobile, more lethal replacement system. Many of the scientists and engineers responsible for developing these revolutionary Cru-

sader technologies work for the Program Manager for Crusader at Picatinny Arsenal in my district.

I am confident that Picatinny's “brain trust” is up to the challenge of developing a system that possesses the capabilities and advances that Crusader would bring to the battlefield in a package that is half the weight, and can become part of the Army's arsenal within the next six years.

Also contained in this bill is funding for a broad range of projects at Picatinny in areas as diverse as homeland defense, smart munitions, nanotechnology and environmental remediation, which I support because they provide our soldiers in the field with the tools they need to win.

I urge my colleagues to stand in support of the men and women who are fighting on behalf of our nation, and to vote for this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) will be postponed.

AMENDMENT OFFERED BY MR. COLLINS

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds provided in this Act may be used to relocate the headquarters of the United States Army, South, from Fort Buchanan, Puerto Rico, to a location in the continental United States.

Mr. COLLINS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS. Mr. Chairman, I rise to offer this amendment to the defense appropriations bill as a technical correction to a situation dealing with the Army South Headquarters. I have discussed this with Chairman LEWIS, Chairman HOBSON, and Chairman YOUNG; and I do believe that the Chair also discussed it with the ranking member.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we have no problem with the amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we have no objection to the amendment.

Mr. COLLINS. Mr. Chairman, I thank the chairman and the ranking member for their support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. COLLINS).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The first amendment offered by the gentleman from Massachusetts (Mr. TIERNEY), the amendment offered by the gentleman from South Carolina (Mr. SPRATT), and the second amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. TIERNEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was refused.

The CHAIRMAN. The noes prevailed by voice vote, so the amendment is rejected.

AMENDMENT OFFERED BY MR. SPRATT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SPRATT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was refused.

The CHAIRMAN. The ayes prevailed by voice vote, so the amendment is agreed to.

AMENDMENT OFFERED BY MR. TIERNEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 314, not voting 8, as follows:

[Roll No. 269]

AYES—112

Abercrombie	Hoefel	Oberstar
Ackerman	Holt	Obey
Baird	Honda	Olver
Baldwin	Hooley	Owens
Barrett	Inslee	Paul
Becerra	Jackson (IL)	Payne
Berkley	Jackson-Lee	Pelosi
Blumenauer	(TX)	Price (NC)
Bonior	Jefferson	Rahall
Brown (FL)	Jones (OH)	Rangel
Brown (OH)	Kind (WI)	Rivers
Capps	Klecza	Roybal-Allard
Cardin	Kucinich	Rush
Carson (IN)	LaFalce	Sanders
Clay	Larsen (WA)	Sawyer
Clayton	Leach	Schakowsky
Clyburn	Lee	Serrano
Conyers	Levin	Sherman
Coyne	Lewis (GA)	Smith (WA)
Crowley	Lofgren	Solis
Davis (IL)	Lowey	Stark
DeFazio	Luther	Strickland
DeGette	Lynch	Stupak
Delahunt	Maloney (NY)	Thompson (CA)
Doggett	Markey	Tierney
Duncan	McCarthy (MO)	Towns
Ehlers	McCollum	Udall (CO)
Engel	McDermott	Udall (NM)
Eshoo	McGovern	Velazquez
Evans	McKinney	Waters
Farr	McNulty	Watson (CA)
Fattah	Meehan	Watt (NC)
Filner	Meek (FL)	Waxman
Frank	Meeks (NY)	Weiner
Gephardt	Miller, George	Woolsey
Hastings (FL)	Morella	Wu
Hilliard	Nadler	Wynn
Hinchev	Neal	

NOES—314

Aderholt	Cramer	Greenwood
Akin	Crane	Grucci
Andrews	Crenshaw	Gutierrez
Armey	Cubin	Gutknecht
Baca	Culberson	Hall (OH)
Bachus	Cummings	Hall (TX)
Baker	Cunningham	Hansen
Baldacci	Davis (CA)	Harman
Ballenger	Davis (FL)	Hart
Barcia	Davis, Jo Ann	Hastings (WA)
Barr	Davis, Tom	Hayes
Bartlett	Deal	Hayworth
Barton	DeLauro	Hefley
Bass	DeLay	Herger
Bentsen	DeMint	Hill
Bereuter	Deutsch	Hilleary
Berman	Diaz-Balart	Hinojosa
Berry	Dicks	Hobson
Biggert	Dingell	Hoekstra
Bilirakis	Dooley	Holden
Bishop	Doolittle	Horn
Blagojevich	Doyle	Hostettler
Blunt	Dreier	Houghton
Boehlert	Dunn	Hoyer
Bonilla	Edwards	Hulshof
Bono	Ehrlich	Hunter
Boozman	Emerson	Hyde
Borski	English	Isakson
Boswell	Etheridge	Israel
Boucher	Everett	Issa
Boyd	Ferguson	Istook
Brady (PA)	Flake	Jenkins
Brady (TX)	Fletcher	John
Brown (SC)	Foley	Johnson (CT)
Bryant	Forbes	Johnson (IL)
Burton	Ford	Johnson, E. B.
Buyer	Fossella	Johnson, Sam
Callahan	Frelinghuysen	Jones (NC)
Calvert	Frost	Kanjorski
Camp	Gallegly	Kaptur
Cannon	Ganske	Keller
Cantor	Gekas	Kelly
Capito	Gibbons	Kennedy (MN)
Capuano	Gilchrest	Kennedy (RI)
Carson (OK)	Gillmor	Kerns
Castle	Gilman	Kildee
Chabot	Gonzalez	Kilpatrick
Chambliss	Goode	King (NY)
Clement	Goodlatte	Kingston
Coble	Gordon	Kirk
Collins	Goss	Knollenberg
Combest	Graham	Kolbe
Condit	Granger	LaHood
Cooksey	Graves	Lampson
Costello	Green (TX)	Langevin
Cox	Green (WI)	Lantos

Larson (CT)	Peterson (PA)	Skelton
Latham	Petri	Slaughter
LaTourette	Phelps	Smith (MI)
Lewis (CA)	Pickering	Smith (NJ)
Lewis (KY)	Pitts	Smith (TX)
Linder	Platts	Snyder
Lipinski	Pombo	Souder
LoBiondo	Pomeroy	Spratt
Lucas (KY)	Portman	Stearns
Lucas (OK)	Pryce (OH)	Stenholm
Maloney (CT)	Putnam	Stump
Manzullo	Quinn	Sullivan
Mascara	Radanovich	Sununu
Matheson	Ramstad	Sweeney
Matsui	Regula	Tancredo
McCrery	Rehberg	Tanner
McHugh	Reyes	Tauscher
McInnis	Reynolds	Tauzin
McIntyre	Riley	Taylor (MS)
McKeon	Rodriguez	Taylor (NC)
Menendez	Roemer	Terry
Mica	Rogers (KY)	Thomas
Millender-	Rogers (MI)	Thompson (MS)
McDonald	Rohrabacher	Thornberry
Miller, Dan	Ros-Lehtinen	Thune
Miller, Gary	Ross	Thurman
Miller, Jeff	Rothman	Tiahrt
Mink	Royce	Tiberi
Mollohan	Ryan (WI)	Toomey
Moore	Ryun (KS)	Turner
Moran (KS)	Sanchez	Upton
Moran (VA)	Sandlin	Visclosky
Murtha	Saxton	Vitter
Myrick	Schaffer	Walden
Napolitano	Schiff	Walsh
Nethercutt	Schrock	Wamp
Ney	Scott	Watkins (OK)
Norwood	Sensenbrenner	Watts (OK)
Nussle	Sessions	Weldon (FL)
Ortiz	Shadegg	Weldon (PA)
Osborne	Shaw	Weller
Ose	Shays	Wexler
Otter	Sherwood	Whitfield
Oxley	Shimkus	Wicker
Pallone	Shows	Wilson (NM)
Pascarell	Shuster	Wilson (SC)
Pastor	Simmons	Wolf
Pence	Simpson	Young (AK)
Peterson (MN)	Skeen	Young (FL)

NOT VOTING—8

Allen	McCarthy (NY)	Sabo
Boehner	Northup	Traficant
Burr	Roukema	

□ 1336

Mrs. TAUSCHER and Messrs. OTTER, GEKAS, LANGEVIN, CANTOR, PICKERING, KENNEDY of Rhode Island, HINOJOSA and TOM DAVIS of Virginia changed their vote from “aye” to “no.”

Messrs. INSLEE, WYNN and SAWYER changed their vote from “no” to “aye.”

So the amendment was rejected. The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the “Department of Defense Appropriations Act, 2003”.

The CHAIRMAN. There being no further amendments to the bill, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, pursuant to House Resolution 461, he reported the bill back to the House with sundry amendments 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? If not, the Chair will put them en gros.

The amendments were 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.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this vote will be followed by two 5-minute votes on motions to suspend the rules on the following measures:

House Concurrent Resolution 424;

H.R. 3034.

The vote was taken by electronic device, and there were—yeas 413, nays 18, not voting 3, as follows:

[Roll No. 270]

YEAS—413

Abercrombie	Clay	Gallegly
Ackerman	Clayton	Ganske
Aderholt	Clement	Gekas
Akin	Clyburn	Gephardt
Allen	Coble	Gibbons
Andrews	Collins	Gilchrest
Armey	Combest	Gillmor
Baca	Condit	Gilman
Bachus	Cooksey	Gonzalez
Baird	Costello	Goode
Baker	Cox	Goodlatte
Baldacci	Coyne	Gordon
Ballenger	Cramer	Goss
Barcia	Crane	Graham
Barr	Crenshaw	Granger
Barrett	Crowley	Graves
Bartlett	Cubin	Green (TX)
Barton	Culberson	Green (WI)
Bass	Cummings	Greenwood
Becerra	Cunningham	Grucci
Bentsen	Davis (CA)	Gutierrez
Bereuter	Davis (FL)	Gutknecht
Berkley	Davis (IL)	Hall (OH)
Berman	Davis, Jo Ann	Hall (TX)
Berry	Davis, Tom	Hansen
Biggert	Deal	Harman
Bilirakis	DeGette	Hart
Bishop	Delahunt	Hastings (FL)
Blagojevich	DeLauro	Hastings (WA)
Blumenauer	DeLay	Hayes
Blunt	DeMint	Hayworth
Boehlert	Deutscher	Hefley
Boehner	Diaz-Balart	Herger
Bonilla	Dicks	Hill
Bonior	Dingell	Hilleary
Bono	Doggett	Hilliard
Boozman	Dooley	Hinchee
Borski	Doolittle	Hinojosa
Boswell	Doyle	Hobson
Boucher	Dreier	Hoeffel
Boyd	Duncan	Hoekstra
Brady (PA)	Dunn	Holden
Brady (TX)	Edwards	Holt
Brown (FL)	Ehlers	Honda
Brown (SC)	Ehrlich	Hooley
Bryant	Emerson	Horn
Burr	Engel	Hostettler
Burton	English	Houghton
Buyer	Eshoo	Hoyer
Callahan	Etheridge	Hulshof
Calvert	Evans	Hunter
Camp	Everett	Hyde
Cannon	Farr	Inslee
Cantor	Fattah	Isakson
Capito	Ferguson	Israel
Capps	Flake	Issa
Capuano	Fletcher	Istook
Cardin	Foley	Jackson-Lee
Carson (IN)	Forbes	(TX)
Carson (OK)	Ford	Jefferson
Castle	Fossella	Jenkins
Chabot	Frelinghuysen	John
Chambliss	Frost	Johnson (CT)

Johnson (IL)	Morella	Sherman
Johnson, E. B.	Murtha	Sherwood
Johnson, Sam	Myrick	Shimkus
Jones (NC)	Nadler	Shows
Jones (OH)	Napolitano	Shuster
Kanjorski	Neal	Simmons
Kaptur	Nethercutt	Simpson
Keller	Ney	Skeen
Kelly	Norwood	Skelton
Kennedy (MN)	Nussle	Slaughter
Kennedy (RI)	Oberstar	Smith (MI)
Kerns	Obey	Smith (NJ)
Kildee	Olver	Smith (TX)
Kilpatrick	Ortiz	Smith (WA)
Kind (WI)	Osborne	Snyder
King (NY)	Ose	Solis
Kingston	Otter	Souder
Kirk	Owens	Spratt
Klecza	Oxley	Stearns
Knollenberg	Pallone	Stenholm
Kolbe	Pascarella	Strickland
LaFalce	Pastor	Stump
LaHood	Pelosi	Stupak
Lampson	Pence	Sullivan
Langevin	Peterson (MN)	Sununu
Lantos	Peterson (PA)	Sweeney
Larsen (WA)	Petri	Tancredo
Larson (CT)	Phelps	Tanner
Latham	Pickering	Tauscher
LaTourette	Pitts	Tauzin
Leach	Platts	Taylor (MS)
Levin	Pombo	Taylor (NC)
Lewis (CA)	Pomeroy	Terry
Lewis (GA)	Portman	Thomas
Lewis (KY)	Price (NC)	Thompson (CA)
Linder	Pryce (OH)	Thompson (MS)
Lipinski	Putnam	Thornberry
LoBiondo	Quinn	Thune
Lofgren	Radanovich	Thurman
Lowey	Rahall	Tiahrt
Lucas (KY)	Ramstad	Tiberi
Lucas (OK)	Rangel	Tierney
Luther	Regula	Toomey
Lynch	Rehberg	Towns
Maloney (CT)	Reyes	Turner
Maloney (NY)	Reynolds	Udall (CO)
Manzullo	Riley	Udall (NM)
Markey	Rivers	Upton
Mascara	Rodriguez	Velazquez
Matheson	Roemer	Visclosky
Matsui	Rogers (KY)	Vitter
McCarthy (MO)	Rogers (MI)	Walden
McCarthy (NY)	Rohrabacher	Walsh
McCollum	Ros-Lehtinen	Wamp
McCrery	Ross	Waters
McGovern	Rothman	Watkins (OK)
McHugh	Roybal-Allard	Watson (CA)
McInnis	Royce	Watt (NC)
McIntyre	Rush	Watts (OK)
McKeon	Ryan (WI)	Waxman
McNulty	Ryun (KS)	Weiner
Meehan	Sabo	Weldon (FL)
Meek (FL)	Sanchez	Weldon (PA)
Meeks (NY)	Sandlin	Weller
Menendez	Sawyer	Wexler
Mica	Saxton	Whitfield
Millender	Schaffer	Wicker
McDonald	Schiff	Wilson (NM)
Miller, Dan	Schrock	Wolf
Miller, Gary	Scott	Wu
Miller, Jeff	Sensenbrenner	Wynn
Mink	Serrano	Young (AK)
Mollohan	Sessions	Young (FL)
Moore	Shadegg	
Moran (KS)	Shaw	
Moran (VA)	Shays	

NAYS—18

Baldwin	Jackson (IL)	Paul
Brown (OH)	Kucinich	Payne
Conyers	Lee	Sanders
DeFazio	McDermott	Schakowsky
Filner	McKinney	Stark
Frank	Miller, George	Woolsey

NOT VOTING—3

Northup	Roukema	Trafigant
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□ 1359

Messrs. BROWN of Ohio, JACKSON of Illinois, and PAYNE and Ms. BALDWIN changed their vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will now resume proceedings on motions to suspend the rules on which the Chair postponed further proceedings in the following order:

House Concurrent Resolution 424, by the yeas and nays.

H.R. 3034, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote in this series.

COMMENDING CONTRIBUTIONS OF ROOFING PROFESSIONALS INVOLVED IN REBUILDING OF PEN-TAGON

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 424.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and agree to concurrent resolution, H. Con. Res. 424, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 6, as follows:

[Roll No. 271]

YEAS—428

Abercrombie	Brown (FL)	Davis (IL)
Ackerman	Brown (SC)	Davis, Jo Ann
Aderholt	Bryant	Davis, Tom
Akin	Burr	Deal
Allen	Burton	DeFazio
Andrews	Buyer	DeGette
Armey	Callahan	Delahunt
Baca	Calvert	DeLauro
Bachus	Camp	DeLay
Baird	Cannon	DeMint
Baker	Cantor	Deutsch
Baldacci	Capito	Diaz-Balart
Baldwin	Capps	Dicks
Ballenger	Capuano	Dingell
Barcia	Cardin	Doggett
Barr	Carson (IN)	Dooley
Barrett	Carson (OK)	Doolittle
Bartlett	Castle	Doyle
Barton	Chabot	Dreier
Bass	Chambliss	Duncan
Becerra	Clay	Dunn
Bereuter	Clayton	Edwards
Berkley	Clement	Ehlers
Berman	Clyburn	Ehrlich
Berry	Coble	Emerson
Biggert	Collins	Engel
Bilirakis	Combest	English
Bishop	Condit	Eshoo
Blagojevich	Conyers	Etheridge
Blumenauer	Cooksey	Evans
Blunt	Costello	Everett
Boehlert	Cox	Farr
Boehner	Coyne	Fattah
Bonilla	Cramer	Ferguson
Bonior	Crane	Filner
Bono	Crenshaw	Flake
Boozman	Crowley	Fletcher
Borski	Cubin	Foley
Boswell	Culberson	Forbes
Boucher	Cummings	Ford
Boyd	Cunningham	Fossella
Brady (PA)	Davis (CA)	Frank
Brady (TX)	Davis (FL)	Frelinghuysen