

Mr. KUCINICH. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I do not intend to object, but I just want to make sure that the amendment of the gentleman from Texas (Ms. JACKSON-LEE) is in there. We have talked about that; No. 12.

Mr. ISTOOK. If the gentleman from Ohio will continue to yield.

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

Mr. ISTOOK. Mr. Speaker, I am told it is. I am not sure of the number. Oh, No. 12. It is in there, yes.

Mr. HOYER. I thank the gentleman.

Mr. KUCINICH. Reclaiming my time under my reservation of objection, could the gentleman again give the title of amendment No. 18 at this point, then.

Mr. ISTOOK. If the gentleman will once again yield, No. 18 is included in the request and is debatable for 5 minutes.

Mr. KUCINICH. And which one is that?

Mr. ISTOOK. I understand that that is the amendment that the gentleman from Ohio has filed.

Mr. KUCINICH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The Clerk read as follows:

Amendment Offered by Mr. HEFLEY:
Page 103, after line 10, insert the following new section:

SEC. . The amount otherwise provided by this Act under the heading "Allowances and Office Staff for Former Presidents" is hereby reduced by \$339,000.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

COST OF WAR AGAINST TERRORISM AUTHORIZATION ACT OF 2002

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4547) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003.

The Clerk read as follows:

H.R. 4547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Cost of War Against Terrorism Authorization Act of 2002".

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amounts authorized for the War on Terrorism.

Sec. 3. Additional authorizations

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations to Transfer Accounts

Sec. 101. War on Terrorism Operations Fund.

Sec. 102. War on Terrorism Equipment Replacement and Enhancement Fund.

Sec. 103. General provisions applicable to transfers.

Subtitle B—Authorizations to Specified Accounts

Sec. 111. Army procurement.

Sec. 112. Navy and Marine Corps procurement.

Sec. 113. Air Force procurement.

Sec. 114. Defense-wide activities procurement.

Sec. 115. Research, development, test, and evaluation, defense-wide.

Sec. 116. Classified activities.

Sec. 117. Global Information Grid system.

Sec. 118. Operation and maintenance.

Sec. 119. Military personnel.

Subtitle C—Military Construction Authorizations

Sec. 131. Authorized military construction and land acquisition projects.

TITLE II—WARTIME PAY AND ALLOWANCE INCREASES

Sec. 201. Increase in rate for family separation allowance.

Sec. 202. Increase in rates for various hazardous duty incentive pays.

Sec. 203. Increase in rate for diving duty special pay.

Sec. 204. Increase in rate for imminent danger pay.

Sec. 205. Increase in rate for career enlisted flyer incentive pay.

Sec. 206. Increase in amount of death gratuity.

Sec. 207. Effective date.

TITLE III—ADDITIONAL PROVISIONS

Sec. 301. Establishment of at least one Weapons of Mass Destruction Civil Support Team in each State.

Sec. 302. Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Sec. 303. Sense of Congress on assistance to first responders.

SEC. 2. AMOUNTS AUTHORIZED FOR THE WAR ON TERRORISM.

The amounts authorized to be appropriated in this Act, totalling \$10,000,000,000, are authorized for the conduct of operations in continuation of the war on terrorism in accordance with the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) and, to the extent appropriations are made pursuant to such authorizations, shall only be expended in a manner consistent with the purposes stated in section 2(a) thereof.

SEC. 3. ADDITIONAL AUTHORIZATIONS

The amounts authorized to be appropriated by this Act are in addition to amounts authorized to be appropriated for military functions of the Department of Defense for fiscal year 2003 in the National Defense Authorization Act for Fiscal Year 2003 or any other Act.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations to Transfer Accounts

SEC. 101. WAR ON TERRORISM OPERATIONS FUND.

(a) *AUTHORIZATION OF APPROPRIATIONS*.—There is hereby authorized to be appropriated to

the Department of Defense for fiscal year 2003 the amount of \$3,544,682,000, to be available only for operations in accordance with the purposes stated in section 2 for Operation Noble Eagle and Operation Enduring Freedom. Funds authorized in the preceding sentence may only be used as provided in subsection (b).

(b) *TRANSFER AUTHORITY*.—Subject to section 103, the Secretary of Defense may, in the Secretary's discretion, transfer amounts authorized in subsection (a) to any fiscal year 2003 military personnel or operation and maintenance account of the Department of Defense for the purposes stated in that subsection.

SEC. 102. WAR ON TERRORISM EQUIPMENT RE- PLACEMENT AND ENHANCEMENT FUND.

(a) *AUTHORIZATION OF APPROPRIATIONS*.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2003 the amount of \$1,000,000,000, to be available only in accordance with the purposes stated in section 2 and to be used only as provided in subsection (b).

(b) *TRANSFER AUTHORITY*.—Subject to section 103, the Secretary of Defense may, in the Secretary's discretion, transfer amounts authorized in subsection (a) to any fiscal year 2003 procurement or research, development, test, and evaluation account of the Department of Defense for the purpose of—

(1) emergency replacement of equipment and munitions lost or expended in operations conducted as part of Operation Noble Eagle or Operation Enduring Freedom; or

(2) enhancement of critical military capabilities necessary to carry out operations pursuant to Public Law 107-40.

SEC. 103. GENERAL PROVISIONS APPLICABLE TO TRANSFERS.

(a) *IN GENERAL*.—Amounts transferred pursuant to section 101(b) or 102(b) shall be merged with, and available for the same purposes and the same time period as, the account to which transferred.

(b) *CONGRESSIONAL NOTICE-AND-WAIT REQUIREMENT*.—A transfer may not be made under section 101(b) or 102(b) until the Secretary of Defense has submitted a notice in writing to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of the proposed transfer and a period of 15 days has elapsed after the date such notice is received. Any such notice shall include specification of the amount of the proposed transfer, the account to which the transfer is to be made, and the purpose of the transfer.

(c) *TRANSFER AUTHORITY CUMULATIVE*.—The transfer authority provided by this subtitle is in addition to any other transfer authority available to the Secretary of Defense under this Act or any other Act.

Subtitle B—Authorizations to Specified Accounts

SEC. 111. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement accounts of the Army in amounts as follows:

(1) For ammunition, \$94,000,000.

(2) For other procurement, \$10,700,000.

SEC. 112. NAVY AND MARINE CORPS PROCURE- MENT.

(a) *NAVY*.—Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft, \$106,000,000.

(2) For weapons, including missiles and torpedoes, \$633,000,000.

(b) *MARINE CORPS*.—Funds are hereby authorized to be appropriated for fiscal year 2003 for the procurement account for the Marine Corps in the amount of \$25,200,000.

(c) *NAVY AND MARINE CORPS AMMUNITION*.—Funds are hereby authorized to be appropriated for fiscal year 2003 for the procurement account

for ammunition for the Navy and the Marine Corps in the amount of \$120,600,000.

SEC. 113. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2003 for procurement accounts for the Air Force in amounts as follows:

- (1) For aircraft, \$214,550,000.
- (2) For ammunition, \$157,900,000.
- (3) For other procurement, \$10,800,000.

SEC. 114. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the procurement account for Defense-wide procurement in the amount of \$620,414,000.

SEC. 115. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the research, development, test, and evaluation account for Defense-wide activities in the amount of \$390,100,000.

SEC. 116. CLASSIFIED ACTIVITIES.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal

year 2003 for unspecified intelligence and classified activities in the amount of \$1,980,674,000, of which—

- (1) \$1,618,874,000 is authorized to be appropriated to procurement accounts;
- (2) \$301,600,000 is authorized to be appropriated to operation and maintenance accounts; and
- (3) \$60,200,000 is authorized to be appropriated to research, development, test, and evaluation accounts.

(3) \$60,200,000 is authorized to be appropriated to research, development, test, and evaluation accounts.

SEC. 117. GLOBAL INFORMATION GRID SYSTEM.

None of the funds authorized to be appropriated by this Act for the Department of Defense system known as the Global Information Grid may be obligated until the Secretary of Defense submits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives the Secretary's certification that the end-to-end system is secure and protected from unauthorized access to the information transmitted through the system.

SEC. 118. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the use of the

Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$14,270,000.
- (2) For the Navy, \$5,252,500.
- (3) For the Marine Corps, \$11,396,000.
- (4) For the Air Force, \$517,285,000.

SEC. 119. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2003 a total of \$503,100,000.

Subtitle C—Military Construction Authorizations

SEC. 131. AUTHORIZED MILITARY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) PROJECTS AUTHORIZED.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b), the Secretary of the military department concerned may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:

Projects Authorized		
Military Department	Installation or location	Amount
Department of the Army	Qatar	\$8,600,000
Department of the Navy	Naval Station, Guantanamo Bay, Cuba	\$4,280,000
	Naval Station, Rota, Spain	\$18,700,000
Department of the Air Force	Bolling Air Force Base, District of Columbia	\$3,500,000
Total		\$35,080,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2003 for the military construction projects authorized by subsection (a) in the total amount of \$35,080,000.

TITLE II—WARTIME PAY AND ALLOWANCE INCREASES

SEC. 201. INCREASE IN RATE FOR FAMILY SEPARATION ALLOWANCE.

Section 427(a)(1) of title 37, United States Code, is amended by striking “\$100” and inserting “\$125”.

SEC. 202. INCREASE IN RATES FOR VARIOUS HAZARDOUS DUTY INCENTIVE PAYS.

(a) FLIGHT PAY FOR CREW MEMBERS.—Subsection (b) of section 301 of title 37, United States Code, is amended by striking the table and inserting the following new table:

Pay grade:	Monthly Rate
O-10	\$200
O-9	\$200
O-8	\$200
O-7	\$200
O-6	\$300
O-5	\$300
O-4	\$275
O-3	\$225
O-2	\$200
O-1	\$200
W-5	\$300
W-4	\$300
W-3	\$225
W-2	\$200
W-1	\$200
E-9	\$290
E-8	\$290
E-7	\$290
E-6	\$265
E-5	\$240
E-4	\$215
E-3	\$200
E-2	\$200
E-1	\$200”.

(b) INCENTIVE PAY FOR PARACHUTE JUMPING WITHOUT STATIC LINE.—Subsection (c)(1) of such section is amended by striking “\$225” and inserting “\$275”.

(c) OTHER HAZARDOUS DUTIES.—Subsection (c)(1) of such section is amended by striking “\$150” and inserting “\$200”.

(d) REMOVAL OF AIR WEAPONS CONTROLLER CREW MEMBERS FROM LIST OF HAZARDOUS DUTIES.—Such section is further amended—

- (1) in subsection (a)—
 - (A) by striking paragraph (12);
 - (B) in paragraph (11), by striking “; or” and inserting a period; and
 - (C) in paragraph (10), by inserting “or” after the semicolon; and
- (2) in subsection (c), as amended by subsections (b) and (c) of this section—
 - (A) by striking “(1)”;
 - (B) by striking paragraph (2).

SEC. 203. INCREASE IN RATE FOR DIVING DUTY SPECIAL PAY.

Section 304(b) of title 37, United States Code, is amended—

- (1) by striking “\$240” and inserting “\$290”; and
- (2) by striking “\$340” and inserting “\$390”.

SEC. 204. INCREASE IN RATE FOR IMMINENT DANGER PAY.

Section 310(a) of title 37, United States Code, is amended by striking “\$150” and inserting “\$250”.

SEC. 205. INCREASE IN RATE FOR CAREER ENLISTED FLYER INCENTIVE PAY.

The table in section 320(d) of title 37, United States Code, is amended to read as follows:

Years of aviation service	Monthly rate
4 or less	\$200
Over 4	\$275
Over 8	\$400
Over 14	\$450”.

SEC. 206. INCREASE IN AMOUNT OF DEATH GRATUITY.

Section 1478(a) of title 10, United States Code, is amended by striking “\$6,000” and inserting “\$12,000”.

SEC. 207. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect on the later of the following:

- (1) The first day of the first month beginning on or after the date of the enactment of this Act.
- (2) October 1, 2002.

(b) DEATH GRATUITY.—The amendment made by section 206 shall apply with respect to a per-

son covered by section 1475 or 1476 of title 10, United States Code, whose date of death occurs on or after the later of the following:

- (1) The date of the enactment of this Act.
- (2) October 1, 2002.

TITLE III—ADDITIONAL PROVISIONS

SEC. 301. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM IN EACH STATE.

(a) FINDINGS.—Congress makes the following findings:

(1) Weapons of Mass Destruction Civil Support Teams are strategic assets, stationed at the operational level, as an immediate response capability to assist local responders in the event of an emergency within the United States involving use or potential use of weapons of mass destruction.

(2) Since September 11 2001, Civil Support Teams have responded to more than 200 requests for support from civil authorities for actual or potential weapons of mass destruction incidents and have supported various national events, including the World Series, the Super Bowl, and the 2002 Winter Olympics.

(3) To enhance homeland security as the Nation fights the war against terrorism, each State and territory must have a Weapons of Mass Destruction Civil Support Team to respond to potential weapons of mass destruction incidents.

(4) In section 1026 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 as passed the House of Representatives on May 10, 2002 (H.R. 4546 of the 107th Congress), the House of Representatives has already taken action to that end by expressing the sense of Congress that the Secretary of Defense should establish 23 additional Weapons of Mass Destruction Civil Support Teams in order to provide at least one such team in each State and territory.

(5) According to a September 2001 report of the Comptroller General entitled “Combating Terrorism”, the Department of Defense plans that there eventually should be a Weapons of Mass Destruction Civil Support Teams in each State, territory, and the District of Columbia.

(b) REQUIREMENT.—From funds authorized to be appropriated in section 101, the Secretary of

Defense shall ensure that there is established at least one Weapons of Mass Destruction Civil Support Team in each State.

(c) **DEFINITIONS.**—For purposes of this section:

(1) The term “Weapons of Mass Destruction Civil Support Team” means a team of members of the reserve components of the armed forces that is established under section 12310(c) of title 10, United States Code, in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction.

(2) The term “State” includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(d) **DEADLINE FOR IMPLEMENTATION.**—The Secretary of Defense shall ensure that subsection (b) is fully implemented not later than September 30, 2003.

SEC. 302. AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) **AUTHORITY.**—A joint task force of the Department of Defense that provides support to law enforcement agencies conducting counter-drug activities may also provide, consistent with all applicable laws and regulations, support to law enforcement agencies conducting counter-terrorism activities.

(b) **CONDITIONS.**—Any support provided under subsection (a) may only be provided in the geographic area of responsibility of the joint task force.

(c) **FUNDS.**—Funds are hereby authorized to be appropriated for fiscal year 2003 in the amount of \$5,000,000 to provide support for counter-terrorism activities in accordance with subsections (a) and (b).

SEC. 303. SENSE OF CONGRESS ON ASSISTANCE TO FIRST RESPONDERS.

It is the sense of Congress that the Secretary of Defense should, to the extent the Secretary determines appropriate, use funds provided in this Act to assist, train, and equip local fire and police departments that would be a first responder to a domestic terrorist incident that may come about in connection with the continued fight to prosecute the war on terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

Mr. KUCINICH. Mr. Speaker, I rise to claim time in opposition.

The SPEAKER pro tempore. Is the gentleman from Missouri (Mr. SKELTON) opposed to the motion?

Mr. SKELTON. No, Mr. Speaker.

The SPEAKER pro tempore. Under the clause 1(c) of rule XV, the Chair recognizes the gentleman from Ohio (Mr. KUCINICH) to control the time in opposition to the motion. Each side will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration, H.R. 4547.

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

There was no objection.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that half the time in support of the bill, that is the time

that I have of 20 minutes, that half of that be designated to the gentleman from Missouri (Mr. SKELTON) for purposes of control.

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

There was no objection.

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

Mr. Speaker, on July 18, the House Committee on Armed Services reported out the bill presently before the House, H.R. 4547, on a near unanimous vote of 50 to 1. To understand what this bill does, allow me to first provide a bit of background.

The President's budget request for fiscal year 2003 contained an unprecedented request for the Congress to establish a \$10 billion war contingency fund that would allow the Department of Defense maximum flexibility in expanding these funds to prosecute the war on terrorism. In response, the House adopted a budget resolution in March that set aside \$10 billion of the defense budget in a special reserve fund for this purpose.

The operative language of the budget resolution establishing the procedure by which the House would be able to consider authorizing or appropriating the \$10 billion fund requires that only legislation that provides new budget authority for operations of the Department of Defense to prosecute the war on terrorism will qualify to use this fund.

On July 3, the President submitted to Congress a request to amend his budget to provide a bit more detail on how DOD proposes to expend these funds but would still essentially remain one large \$10 billion contingency fund. When the committee and the House acted on the defense authorization bill earlier this year, we recognized that this approach would require that we split the defense authorization bill into two pieces. One would involve the requested defense program minus the \$10 billion, and the other would be the \$10 billion which would follow at some later point.

In passing the base defense bill, we also took preliminary action on the \$10 billion bill by authorizing about \$3.5 billion worth of programs that we judged to be more appropriately considered as part of the so-called “cost of war” fund. Since then, the Senate has passed its version of the defense authorization bill and chose to include the \$10 billion, unlike the House. So at this point, we are disconnected with the Senate over the \$10 billion as we prepare to go to conference.

All this background brings us to today. The objectives of this bill are twofold: First, to preserve the prerogative of the Congress and the authorizing process by considering and issuing our recommendation on this remaining piece of the defense budget; and, second, to move this bill through the process so that we can go to conference with the Senate with both sides

having acted on the totality of the defense budget for fiscal year 2003.

H.R. 4547, as amended by the Committee on Armed Services, represents a compromise of sorts. It authorizes specific activities where we have received specific detail on how the Pentagon intends to execute war-related activities and it grants the administration flexibility for these accounts that traditionally are nearly impossible to define in such a situation.

This bill accomplishes a number of objectives: First, it preserves the action already taken by the committee by fulfilling our commitment to authorize the \$3.5 billion worth of war-related items we deferred earlier in May. Second, it would keep intact all major elements of the budget request and authorize those amounts for which the administration has identified a specific purpose. Third, it provides the Department of Defense significant flexibility by creating two transfer accounts that the Secretary can use to move money around and to meet the needs of the war as they emerge.

□ 2330

Finally, it fully and specifically complies with the terms of the budget resolution by ensuring that all activities funded by this bill are directly for the prosecution of the war on terrorism. I would repeat that to my colleagues, that all the dollars that are expended in this bill must be compliant with the resolution that this House passed on September 14, 2001.

Mr. Speaker, we are moving this bill through the House tonight on an expedited schedule for a good reason. The President has asked the Congress to send him first those bills that he needs to ensure that we continue to prevail in our war against terrorism.

The House has done everything possible to comply with this important request, and tonight's expedited consideration of this war funding bill is a continuation of this commitment to properly support our men and women who are on the front lines of this challenge.

In closing, I thank committee members on both sides of the aisle who worked so cooperatively to move this process forward with the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON), the ranking member.

Mr. Speaker, this bill was developed on a bipartisan basis with the mutual objective of striking a balance between congressional prerogatives and the need to provide the department with some flexibility in financing this unprecedented global war on terrorism. The bill represents a very reasonable approach that accomplishes all these goals. I urge Members to give it their very strong support.

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

Mr. KUCINICH. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. SYNDER).

Mr. SNYDER. Mr. Speaker, let me just say I am a member of the Committee on Armed Services and the committee considered this bill last week and I voted for it coming out of committee, but this is a very, very poor process.

Members got the Blackberry a week or two after September 11, and we get notice when bills are going to be considered. I believe it was 8:47 this evening I got a message that said that we were going to finish with the Cuban amendments on Treasury-Postal appropriations and go home.

At 9:12 another message comes over it and says through this expedited process, we are going to consider a \$10 billion bill, and we are going to give 20 minutes on each side. The Chamber is empty. Do not kid anyone, Members are not sitting in their offices watching the debate tonight. This is a time of war, a time when our country expects us to be paying attention to these kinds of bills, and we are not expediting the process, we are expediting the denial of democracy.

I wanted to do an amendment on this bill. This process means there are no amendments. I had help with my amendment by the gentleman from Nebraska (Mr. BEREUTER), a well-respected Republican subcommittee chairman, and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, were joining me on an amendment that we were going to go to the Committee on Rules to try to put on this bill.

This process denies the right of any Member to bring an amendment on a \$10 billion bill. I think it is a very, very poor way to do a process at any time, particularly at 11:30 at night when Members have gone home.

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

Mr. Speaker, the bill being considered this evening will complete the House's consideration of the second piece of fiscal year 2003 National Defense Authorization Act. The bill passed the Committee on Armed Services with broad bipartisan support. Passing this bill will allow the House to quickly proceed to conference with the Senate on both pieces of the authorization bill, thereby providing our men and women in uniform with all the tools they need to fight the global war and to protect the American people.

The bill as passed by the Committee on Armed Services reflects a balanced approach to authorizing the \$10 billion war reserve fund requested by the administration. The amendment carries forward the specific authorizations made by the committee when it first considered the bill earlier this year. It includes the wartime pay and allowances increases from that earlier consideration, and includes two new, operationally oriented transfer funds that should enable the Department of Defense to meet operational expenses associated with prosecuting the war against terrorism.

Although the committee's approach may not provide the Department of Defense with complete discretion and use of the \$10 billion, I believe it provides sufficient flexibility for the department.

I also want to indicate my support for the premise of this bill that the funds we authorize today are tied to the resolution passed by Congress on September 14, 2001, that authorizes the use of force against those who attacked our great Nation on September 11. The effort here today is to provide the administration funding for activities that are directly related to prosecuting the war against terrorism.

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

Mr. SKELTON. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, so do I understand that this in no way authorizes the expenditure of monies for any attack on the nation of Iraq?

Mr. SKELTON. Mr. Speaker, by its verbiage, this is limited to the resolution that passed Congress on September 14, 2001.

Mr. DOGGETT. Which is a very narrow resolution tying it to the events of September 11?

Mr. SKELTON. Absolutely.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman.

Mr. SKELTON. Mr. Speaker, the funds authorized and the increases to pay and allowances included in this bill are critical to the Department of Defense's ability to continue to fight the war.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Speaker, I congratulate both the ranking member, the gentleman from Missouri (Mr. SKELTON), and the chairman, the gentleman from California (Mr. HUNTER), for bringing this legislation before us. I rise in support of the legislation. I particularly appreciate the language that the committee has included in section 2 pertaining to the scope of the authorization in the bill. Section 2 states that the \$10 billion authorized in this legislation "are authorized for the conduct of operations in continuation of the war on terrorism in accordance with the Authorization for Use of Military Force (Public Law 107-40; 50 USC 1541 note) and, to the extent appropriations are made pursuant to such authorizations, shall only be expended in a manner consistent with the purposes in section 2(a) thereof."

Section 2(a) of the Use of Force resolution authorizes the President "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by

such nations, organizations or persons."

Therefore, it is clear that the committee intends that funds authorized in this bill are only to be used for military operations against entities responsible for the September 11 attacks, or entities that harbor those responsible.

Likewise, I believe funds in this bill cannot be used to expand the war on terrorism to other nations absent clear and compelling evidence that a nation was responsible for the September 11 attacks or is actively and willingly harboring those responsible unless subsequently authorized for such a purpose by Congress.

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

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

I want to congratulate the gentleman from Maine (Mr. ALLEN) and the committee for focusing in on that point because certainly it was not the intent of that committee to have that used for anything other than what is in the resolution of September 14 which, Mr. Speaker, I voted for.

I want to say that while I know that is the intention of the committee, I would be very concerned about people in the administration who may interpret it to say, as it reads, that the President is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attacks.

It is no secret when we look at the events of the last few weeks, we see headlines such as:

"Bush to Formalize a Defense Policy of Hitting First," New York Times, June 17.

"U.S. Plans Massive Invasion of Iraq," UPI, July 10.

"U.S. Capable of Quick Iraq Strike," Associated Press, July 10.

"We could have a situation where on Monday it first looks like there will be a war, on Friday troops are in Kuwait, and by the next Thursday they are in Baghdad," John Pike, Defense Analyst, Associated Press, July 10.

"U.S. Says Iraq Would Target Troops," Associated Press, July 13.

"According to officials who spoke to UPI, three dates are being discussed as possible times to launch the attack. The first would be before the November elections," UPI, July 10.

"U.S. Worries Iraq's Chemical and Biological Weapons Would Target Invading American Troops, Israel," Associated Press, July 13.

One of the things that concerns me, Mr. Speaker, is notwithstanding the assumption which the honorable gentlemen have here about how this money is going to be spent, I have here the House markup with the actual breakdown of the amount of moneys that are going to be used per category

in the cost of the war. I think it is more than interesting that we see for a war supposedly in Afghanistan an amount of almost a half a billion dollars is going to be used for chemical and biological defense. An amount of nearly \$600 million would be used for conversion of Tomahawk missiles. An amount of \$3.5 billion would be used for an operations fund. An amount of over a half a billion dollars would be used for combat air patrols. I think that is interesting because when you take that in the context of a New York Times report of a preliminary Pentagon planning document in an article written by Eric Schmitt, it suggests, according to the Times, that the military brass is considering a large scale air and ground assault involving as many as 250,000 American troops. Indeed, that has been the reportage that we have seen. This report goes on to say in an editorial that such a Pentagon plan for an invasion of Iraq would be backed by hundreds of warplanes. It goes on to say that Saddam Hussein may not be as easily deterred from using his hidden stocks of anthrax, botulinum, toxin and VX nerve gas.

So when you put this document together with the report of the preliminary Pentagon planning document, I think this is one of those cases where one plus one equals an invasion of Iraq, notwithstanding the September 14 language or the fine work of our committee. I want to express that as a concern because there is some symmetry here on the issue of congressional oversight. Members of our Committee on Armed Forces fought very hard to assure there would be congressional oversight. Yet we have a fund of about \$10 billion which is largely going to be beyond congressional control. The administration has repeatedly been trying to escape congressional oversight. That, Mr. Speaker, has really been the tenor of the debate we have had over the homeland security bill itself. I spent 15 hours in our government oversight committee. Much of the discussion had to do with the authority of Congress to have oversight over budgetary items and to have oversight over other areas which involve Congress' constitutional responsibility.

I rise here because when I look at this report that is from the Congressional Research Service, we see an increase from the original May 1 markup to the July 18 markup of almost a total of \$6 billion. I think that the facts that we are here late at night, it is a quarter to midnight, and most Members of Congress are on their way home or are already asleep, we really need to have the kind of full-fledged debate about this, because when you see the administration moving in a direction towards war with Iraq and certainly not being able to finance that war unless they brought a resolution specifically to do that before this Congress, the fact that this amount of money is available ought to be of concern to all Members of Congress, because notwithstanding

the fine work of our committee, we have had people connected to the administration as well as our own Members of Congress state openly that this resolution of September 14 already gives the President the authority he needs to do what he may want to do and has said he wants to do in Iraq. I know what the bill says and I congratulate our fine members for doing that work, its due diligence, but I feel that this is an appropriate time to kind of stop the music and focus on this, because all around this country, people are expecting this Congress to step up to its responsibilities under article I, section 8 of the Constitution with respect to Congress' war-making authority. I voted for the resolution on September 14. But it was my intention in voting for that to see a focused response and now we hear our good chairman and ranking member speak in terms of a global war against terrorism but yet on one hand if it is a global war against terrorism, then it would appear that the administration would then be authorized to go beyond Afghanistan. Yet if it is only Afghanistan, then we ought to be very certain in our interpretation that that is exactly what it is going to be. But as I stand here at a quarter to 12 on this evening, I can say that based on information that we have had from the New York Times and information that we have from our breakdown from the Congressional Research Service, I have real concern that the administration could take this money and will take this money and use it to prosecute a war against Iraq.

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

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume. Let me reiterate, according to the language of this bill, that it is limited to the verbiage attached to the September 14 resolution. Let me also add it is my considered opinion, Mr. Speaker, that should there be contemplated action against the country of Iraq by the United States of America that this Congress has the duty to pass upon such authorization as we have done so in the past.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding me this time.

Mr. Speaker, I rise in strong support of this bill, in part because I believe it strikes a proper balance between the flexibility needed in the executive branch and the due prerogatives of those of us in the Congress on this very important issue of the future prosecution of the war against terrorism.

This bill leaves intact the law that exists as of today with respect to the future prosecution of the global war against terrorism. That law contemplates three circumstances. The first would be an emergency urgent cir-

cumstance where the President, consistent with his constitutional authority, could act to defend the country. This bill in no way limits, nor should it limit, that prerogative.

The second circumstance that the present law contemplates is a circumstance where there is clear and compelling evidence of a connection between any other state or organization and the events of September 11 in fostering, harboring, planning, aiding and abetting the actions of September 11. Under those circumstances, under the law, the President is already authorized to take steps to defend the country and this bill leaves that intact.

The third circumstance contemplated by the law would be a circumstance that is not emergency, where there is not a demonstration of a clear and compelling link between the actions of another state and the activities of September 11, and it is contemplated that under those circumstances the President, consistent with the Constitution, would be required to come to the House and to the Senate and seek authority to further prosecute activities in defense of the country.

□ 2350

That is the law, and that is the balance that is struck, and this bill leaves that balance intact. For that and for many other reasons, I would urge both Republican and Democratic Members to vote in favor of this very necessary funding to continue to prosecute our very successful efforts in this field.

Mr. KUCINICH. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, we approach the midnight hour here in Washington, in our Nation's Capital. This bill was first noticed for consideration by the House less than 3 hours ago. One hour ago copies of the bill were not available for Members to review, and, in the time since then, there are fewer Members present here tonight than there are members of the National Security Committee.

Any bill that authorizes the expenditure of \$10 billion of taxpayer money for any purpose, no matter how worthy or important to the Nation, deserves better consideration than this. It is outrageous to be taking up such a matter under these conditions.

Seldom has a day in recent weeks gone by without some administration official or commentator suggesting that the salvation for our Nation's security lies in expanding use of nuclear weapons, or that our Nation should alter its traditions by launching a surprise attack, or just a simple but dangerous cry, "on to Baghdad."

Each of these alternatives would do more to undermine the security of American families than to assure that security. We need a full and complete debate about such a major change in

our national defense policy. No administration official has been able to connect a regime in Iraq, that all of us despise, to the terrorism of September 11. If they could, they surely would have done so by now.

I am pleased that no one here tonight speaking in support of this bill claims that this bill is anything more than what I would term an attempt to put some limits, however modest they may be, on what otherwise would have been a \$10 billion slush fund that the administration requested. If the administration wishes to make the case that it should invade Iraq, or any other country, for that matter, not connected to the events directly of September 11, it needs to come to this Congress and come to this country and make its case, not at midnight, but in the full light of day.

Mr. KUCINICH. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was on the floor to pay tribute to a fallen hero in our community, Judge Carl Walker, but I realize that the time will not allow us to do that tribute this evening.

I want to acknowledge the concern that I have, but expressing as well the support I have for the ranking member's explanation about the limitation on this allocation. I think it would be important to enunciate the fears of the American people and the responsibility of the United States Congress as relates to the oversight over the determination of a country going to war.

I would hope as this legislation moves through the House that we make it very clear that there can be no precipitous attack on Iraq without the oversight, the Constitutional oversight, of the United States Congress.

There are three branches of government, the executive, the Congress and as well the judiciary. A venture or advance, if you will, into Iraq, without any participation by this Congress I believe would be an illegal act and would cause devastation in our relations with our allies around the world.

This is not the direction to take, and I would hope this funding does not point us in that direction.

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

Mr. Speaker, I thank the gentleman from California and thank the gentleman from Ohio for their thoughtful presentation this evening. I think this is a very important bill that we should pass. It received very thorough discussion in the Committee on Armed Services and passed by a nearly unanimous vote out of that committee.

Mr. Speaker, I urge the House to pass this bill.

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

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

Mr. Speaker, let us suppose for a moment that these funds that were we are appropriating tonight are only for Af-

ghanistan, that the half a billion dollars listed in this report for combat air patrols would in fact be used in Afghanistan.

I would like to call to the attention of this House recent news accounts that indicate that hundreds and hundreds of innocent civilians of Afghanistan have been killed accidentally in bombings by U.S. warplanes. I say that in an appeal to the administration to stop the bombing, because we have no quarrel with the Afghan people. The Taliban are overthrown, al Qaeda has fled, bin Laden has vanished, and yet, with this document, we see that the bombs will continue to drop indiscriminately.

Is there any American who has not been shaken at the mere thought of the horrors of U.S. warplanes bombing a wedding celebration in the village of Bal Khel killing dozens of innocent civilians? Whatever moral authority our Nation had at the beginning of the conflict is being lost in such bombings.

These types of acts do not represent America. Democracy does not wed terror. These acts must not be cloaked in the irresponsible and inhuman euphemism of collateral damage.

I appeal to the administration to stop the bombing, let an international police force continue in Afghanistan, and let the humble people of Afghanistan be spared the friendly fire from the skies. Enough of bombing the villages to save the villages. Stop the bombing, I appeal to the administration.

Mr. Speaker, I took this floor this evening so that questions which need to be asked in this House are in fact asked at a time when an administration is widely publicized to be preparing for a preemptive strike in Iraq. The administration sought and received an amount of money that is a virtual blank check to spend \$10 billion any way they see fit.

□ 2400

Now, this idea, of course, has met resistance from members of the committee, and I will acknowledge that, ever since it was proposed. Legislators have said that they did not want to give the administration a blank check. But everyone who has looked at this knows that the administration request has been vague and, yet, with the breakdown that we have here, money for combat air patrols, money for chemical and biological defense, money for the conversion of Tomahawk missiles, in truth, this does not sound much like Afghanistan; it begins to sound like Iraq.

When we take that in the context of the New York Times' discovery of the Pentagon preliminary planning document which talks about a large-scale invasion, my concern, Mr. Speaker, is that notwithstanding the fine work of the men and women of our committee, that it is quite possible this administration will go in that direction. Indeed, the gentleman from New Jersey

identified three specific areas where a President could proceed, and his comments were, frankly, quite in line with the assessments of other Members of Congress, not precluding the possibility of the use of these funds for something other than Afghanistan, notwithstanding the fine work of our committee.

I think it is noteworthy, at a time when an administration is essentially abandoning multilateralists and articulating a first-strike approach in Afghanistan, I think it is noteworthy that this Congress has yet to have the kind of full debate that Members of both Houses of Congress are beginning to call for. I think it is important that when we see this cavalcade of headlines talking about massive invasions, a quarter of a million troops, policies of hitting first, anticipating that Iraq would target our troops; well, if there is an anticipation of that, then we are talking about an invasion and, above all that, doing this before the November elections.

In previous legislation tonight, this House took action on a conference report on Defense and Homeland Security Supplemental Appropriations in providing an additional \$14.5 billion in funding related to the U.S. military. Now, I think that the people of this country have a right to know if the administration is, in fact, planning to go into Iraq, and this Congress has a right to know and a right to participate fully in a full-fledged debate. As a matter of fact, even though myself and our esteemed ranking member may have a difference of opinion on that, whether or not we should do it, I think we agree that certainly Congress has a role.

Essentially, I would say to the chairman that is what I am here to affirm, that Congress does have a role to play. Of course, I am opposed to any such invasion for reasons I do not need to get into right now. But even more important is that this Congress affirms its position with respect to its power to send men and women from our country into combat against Iraq or any other country.

So I want to thank the distinguished chairman and ranking member for their diligence on this bill, but I also want to express my reservations, serious reservations about the symmetry between the contents of this bill and the planning document which The New York Times covered in full detail.

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

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

I want to address just one point from my friend from Ohio, and that is that the combat air patrols that are listed in the bill and in the report are listed as Operation Noble Eagle, which is combat air patrols over the United States, over American cities, which have been ongoing, and I believe there are some \$500-plus-million in the bill for that.

I would further say that this bill came up in two pieces, which is extremely unusual for our system. One reason it came up in two pieces was because we were undertaking continuing military operations and, because of that, the chairman of the full committee, the gentleman from Arizona (Mr. STUMP), at whose direction I am acting today, worked with the gentleman from Missouri (Mr. SKELTON), and we put together a bipartisan bill that did give some direction to where some of this money went.

Let me just describe for the Members where some of the money went. Some of it went to what is known as combat pay enhancements. That includes increasing family separation allowance, increasing flight pay for crew members, increasing the death gratuity given to survivors, increasing career enlistment flying incentive, increasing diving pay, increasing hazardous duty pay.

We also put in a number of required items that, in fact, the administration had requested that had been early on in the base bill. They include the chemical and biological antiterrorism program for homeland defense, \$480 million; command and control, computers and intelligence, KC-135 tanker aircraft, linguists, military construction, war pay, and the list goes on.

So we did leave some flexibility with the administration and we did give some direction. I would simply say that it was because of the hard work of the gentleman from Arizona (Mr. STUMP) and the hard work of the gentleman from Missouri (Mr. SKELTON) and all of the members on our committee, and I think we have heard from several of our very thoughtful Members today on the Democrat side who participated very fully, such as the gentleman from Maine (Mr. ALLEN), I think, and the gentleman from New Jersey (Mr. ANDREWS) gave a very full evaluation of what this did.

Once again, the key point that they reiterated was that this money can only go to the military programs that are allowed under the September 14 resolution, and, once again, I want to read that resolution, because this is a base resolution that these dollars are expended under.

The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons in order to prevent any future acts of international terrorism against the United States by such nations or organizations or persons.

So this money is expended only in a manner, and can be expended only in a manner, consistent with that resolution of September 14. I might add, it is simply the last piece of the President's defense budget.

Now, on the other side, the Senate passed the full \$393 billion authorized or requested by the President. So they go to conference with a full budget, so

to speak, and until tonight, we only go to conference with 383; that is, the budget less the \$10 billion piece.

So it was important for us to act quickly. We just got the details on this plan several weeks ago, we marked it up in the Committee on Armed Services in a bipartisan way, and it was important to get this second piece in place to be able to go to conference and do an effective job.

So I want to thank all of the Members that participated in the debate.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4547, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KUCINICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 0010

COMMUNICATION FROM THE HON. KAREN L. THURMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. TERRY) laid before the House the following communication from the Honorable KAREN L. THURMAN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the United States District Court for the District of Columbia.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KAREN L. THURMAN,
Member of Congress.

COMMUNICATION FROM LEGISLATIVE CORRESPONDENT FOR THE HON. MIKE FERGUSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Rogan Kelly, Legislative Correspondent for the Hon. MIKE FERGUSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules

of the House, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROGAN KELLY,
Legislative Correspondent.

OMISSION FROM THE CONGRESSIONAL RECORD OF JULY 22, 2002 AT PAGE H5027

A portion of the following concurrent resolution was inadvertently omitted from the RECORD:

HONORING CORINNE "LINDY" CLAIBORNE BOGGS ON OCCASION OF 25TH ANNIVERSARY OF FOUNDING OF CONGRESSIONAL WOMEN'S CAUCUS

Mr. LINDER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 439) honoring Corinne "Lindy" Claiborne Boggs on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus.

The Clerk read as follows:

Honoring Corinne "Lindy" Claiborne Boggs on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus.

Whereas in 1977, Lindy Boggs helped found the Congressional Women's Caucus and served as longtime Caucus Secretary;

Whereas the Congressional Women's Caucus is committed to improving the lives of women and families through legislation and leadership roles;

Whereas the continued success of the Congressional Women's Caucus is due to the bipartisan spirit that Lindy Boggs established;

Whereas Lindy Boggs represented the 2nd district of Louisiana from March 20, 1973, to January 3, 1991;

Whereas Lindy Boggs was the first woman elected to the United States House of Representatives from Louisiana and was the first woman to chair a national political convention, leading the convention of 1976 that nominated former United States President Jimmy Carter;

Whereas Lindy Boggs served on the Committee on Appropriations, was instrumental in creating the Select Committee on Children, Youth, and Families, and chaired the Crisis Intervention Task Force; and

Whereas Lindy Boggs served as United States Ambassador to the Holy See from December 16, 1997, to March 1, 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That the Congress honors Corinne "Lindy" Claiborne Boggs for her extraordinary service to the people of Louisiana and the United States, recognizes that her role in founding the Congressional Women's Caucus has improved the lives of families throughout the United States, and commends her bipartisan spirit as an example to all elected officials.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for after 10:00 p.m. today on account of personal reasons.