

Chambliss	Grassley	Murray
Clinton	Gregg	Nelson (FL)
Cochran	Hagel	Nelson (NE)
Coleman	Harkin	Nickles
Collins	Hatch	Pryor
Conrad	Hollings	Reed
Cornyn	Hutchison	Reid
Corzine	Inhofe	Roberts
Craig	Inouye	Rockefeller
Crapo	Johnson	Santorum
Daschle	Kennedy	Sarbanes
Dayton	Kohl	Schumer
DeWine	Kyl	Sessions
Dodd	Landrieu	Shelby
Dole	Lautenberg	Smith
Domenici	Leahy	Snowe
Dorgan	Levin	Specter
Durbin	Lieberman	Stabenow
Ensign	Lincoln	Stevens
Enzi	Lott	Sununu
Feingold	Lugar	Talent
Feinstein	McCain	Thomas
Fitzgerald	McConnell	Voinovich
Frist	Mikulski	Warner
Graham (FL)	Miller	Wyden
Graham (SC)	Murkowski	

NAYS—3

Akaka Byrd Jeffords

NOT VOTING—2

Edwards Kerry

The conference report was agreed to. Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPROPRIATIONS ACT, 2004— CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2559, which the clerk will report.

The bill clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, having met have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of November 4, 2003.)

The PRESIDING OFFICER. There are now 4 minutes, equally divided.

Mrs. HUTCHISON. Madam President, I am pleased to present the fiscal year 2004 military construction appropriations conference report for the Senate's consideration. This bill provides \$9.316 billion for military construction, family housing, and base realignment and closure activities for the Department of Defense for fiscal year 2004.

The negotiations over this conference report were uncharacteristically long and difficult for a military construction bill. This difficulty stemmed from two sources. First, and quite simply, there is less money this year for military construction. The administra-

tion's request was \$1.6 billion below the amount appropriated last year. Even with an allocation slightly above the President's request, this conference agreement provides \$1.4 billion less than last year.

Compounding this difficulty were two very different points of view about military construction on the part of the Senate and House this year. The administration is in the midst of the most sweeping restructuring of our overseas basing structure since the end of World War II. This restructuring will involve the closure of hundreds of installations, the construction or expansion of perhaps dozens more, the return of significant numbers of U.S. troops to the continental United States, and major changes to the way our Nation stations and deploys its armed forces. This plan is still very much a work in progress. In testimony and briefings by Defense Department officials and military commanders this year—at this time—the scope, timing, and cost are not yet determined.

In the face of this uncertainty, the Senate was unwilling to commit prematurely to all of the new construction proposed for U.S. facilities in Europe and Korea, and instead chose to shore up badly needed investment in U.S. military facilities in the United States.

The House chose a different approach, voicing many of the same concerns as the Senate but agreeing nevertheless to fund most of the overseas construction. To pay for that construction the House made significant cuts to the President's priorities for domestic military construction spending, including nearly \$50 million from already underfunded programs for the National Guard. These different priorities set the stage for the difficult conference we have just concluded.

Fortunately, I believe we have crafted a conference agreement that accommodates the most pressing authorities of both chambers and the administration within the funding we were allocated. The Senate agreed to reinstate a number of projects in Europe for which our commander there, General Jones, made personal appeals. After hearing from General LaPorte, we also provided funding for two additional barracks projects in Korea on the condition that a facilities master plan and cost-sharing arrangements with the Korean government are completed before construction on these projects begins. Funding for domestic projects was decreased somewhat but we were successful in reinstating \$108 million in cuts made by the House to the President's budget request, including over \$42 million for sorely needed Guard projects. The conferees also agreed to create a commission that will study the structure of our overseas bases in light of changing political and military circumstances and provide Congress an independent assessment of our future basing requirements overseas.

In short, the conference agreement represents what conference agreements

usually do—a respectable compromise among competing priorities.

I would like to express my deepest appreciation to the ranking member on the military construction appropriations subcommittee, Senator DIANNE FEINSTEIN of California. We have worked extraordinarily closely throughout this process—and through two supplemental appropriations bills passed this year—and I have appreciated her counsel as we have faced these difficult issues. Her staff, Christina Evans and B.G. Wright, worked hand in hand with my staff, Dennis Ward and his assistant, Sean Knowles. I don't think a better cross-party working relationship exists in the Senate. This truly has been bipartisan effort. They have worked together to make the very best military construction bill that could possibly be made.

I thank Senator FEINSTEIN for her engagement and willingness to work together for our military.

I am pleased to present the fiscal year 2004 Military Construction appropriations conference report and recommend its adoption by the Senate.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the chairman of the committee with whom I have had the pleasure of working now for a number of years. I want to say this: She has done a fine job. There was a very difficult conference situation. The House and the Senate bills were very different. In the first place, we received \$1 billion less in allotment to work from; that is, 14 percent less. In the second place, the House bill went in one direction and our bill went in another. It is really thanks to the chairman for her very shrewd bargaining with the House that we have a bill and that we have a bill as good as this bill is.

This is a difficult time. We try to do the most we can with barracks and schools and centers for our troops both in this country and abroad.

I want to say to those Members who had adds and had to have those adds cut that I am very sorry. We had to reconcile the two bills, and that was very difficult.

But Senator HUTCHISON did a super job. I thank her very much.

At a time when American troops are continuing to fight the enemy in Iraq and Afghanistan, it is imperative that Congress do its part and provide the funds necessary to support the infrastructure requirements of our service members and their families.

I wish we could do more. The 2004 military construction conference report provides \$9.3 billion for a myriad of mission-critical and quality-of-life construction projects in the United States and overseas, including barracks, schools, hospitals, and family housing units. That is the good news. The bad news is that this conference report is more than \$1 billion below the amount Congress appropriated for military construction last year. And yet, as

old infrastructure continues to deteriorate and new missions require new facilities, the military's infrastructure requirements are growing, not declining.

In the process of completing this bill, the Senate conferees had to balance a number of meritorious projects against available funds and military priorities, and we had to make some tough cuts. Because of the scarcity of resources made available by the administration for military construction, and the differing philosophies between the House and Senate military construction subcommittees, this has been an especially difficult year. However, the House and Senate conferees were able to bridge most of their differences and provide the best package possible under the circumstances, and I commend Senator HUTCHISON for her perseverance in achieving that goal.

There are many good items in this legislation. The conference report provides more than \$5 billion for military construction, including \$730 million for the Guard and Reserve components, nearly double what the President had requested. The bill includes \$1.2 billion for barracks, \$176 million for hospitals and medical facilities, and \$3.8 billion for family housing construction and maintenance.

The legislation also establishes an Overseas Basing Commission to assess the adequacy of U.S. military installations overseas and to review the Defense Department's planned restructuring of the deployment of U.S. forces overseas. This could not be a more timely initiative, given the Defense Department's plans to make sweeping changes in the U.S. military footprint in Europe and Korea.

Overseas basing issues were among the most difficult that the conference had to deal with this year. In the middle of the budget cycle, the Defense Department announced a sweeping restructuring of U.S. installations in Europe and Korea. I support the Defense Department's review of our overseas installation requirements—it is probably long overdue—but there are many, many elements to a restructuring of the magnitude envisioned by the Secretary of Defense, and it is not something that should be rushed. Senator HUTCHISON and I have discussed this issue at length, and I believe we both have strong reservations about committing billions of U.S. taxpayer dollars to a new overseas basing structure that is a radical departure from the existing footprint without first seeing a comprehensive plan for the redeployment of U.S. troops, and the impact it will have on installations here at home.

Given the current precarious state of America's diplomatic relations with a number of our traditional allies, I also think the administration should redouble its efforts to work with governments in Europe and Korea to gain their support—both political and financial—for such a massive reshuffling of

U.S. bases before embarking on this effort.

Even with those reservations, this conference report includes \$354 million for projects at enduring installations in Europe, \$169 million for the NATO Security Investment Program, which provides the U.S. share of funding for NATO construction projects, and \$89 million for U.S. military projects in Korea.

As I said before, I wish we had more resources to devote to infrastructure requirements for our military. The need is real, and I hope that the administration will request more money for military construction next year, so that we do not have to continue to juggle priorities and postpone funding urgently needed facilities.

Again, I thank Senator HUTCHISON for her leadership on this subcommittee, and I also thank the subcommittee staff, including Christina Evans and B.G. Wright of the minority staff, Dennis Ward and Sean Knowles of the majority staff, and Chris Thompson of my staff.

I urge my colleagues to support this measure, and I yield the floor.

Mr. NICKLES. Mr. President, the conference report to accompany H.R. 2559, the 2004 Military Construction appropriations bill, provides \$9.4 billion in discretionary budget authority and \$10.3 billion in discretionary outlays in fiscal year 2004 for Military Construction and Family Housing appropriations. The \$10.3 billion in outlays includes outlays from previously enacted legislation.

The bill is \$112 million in budget authority and \$38 million in outlays above the Subcommittee's 302(b) allocation. These totals result from the \$112 million in non-emergency funds enacted in P.L. 108-106, the 2004 Iraq supplemental, that count against the bill's 302(b) allocation. The bill provides \$193 million more in budget authority and \$15 million more in outlays than the President's budget request. The bill provides \$1.3 billion in budget authority less and \$226 million in outlays more than the 2003 enacted level.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS, 2004.—SPENDING TOTALS—CONFERENCE REPORT
[Fiscal Year 2004, \$ millions]

Category	General purpose	Mandatory	Total
Conference report: ¹			
Budget authority	9,428	0	9,428
Outlays	10,285	0	10,285
Senate 302(b) allocation:			
Budget authority	9,316	0	9,316
Outlays	10,247	0	10,247
2003 level:			
Budget authority	10,751	0	10,751
Outlays	10,059	0	10,059
President's request:			
Budget authority	9,235	0	9,235
Outlays	10,270	0	10,270
House-passed bill: ¹			
Budget authority	9,308	0	9,308

H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS, 2004.—SPENDING TOTALS—CONFERENCE REPORT—Continued

[Fiscal Year 2004, \$ millions]			
Category	General purpose	Mandatory	Total
Outlays	10,320	0	10,320
Senate-passed bill: ¹			
Budget authority	9,308	0	9,308
Outlays	10,311	0	10,311
CONFERENCE REPORT COMPARED TO			
Senate 302(b) allocation:			
Budget authority	112	0	112
Outlays	38	0	38
2003 level:			
Budget authority	-1,323	0	-1,323
Outlays	226	0	226
President's request:			
Budget authority	193	0	193
Outlays	15	0	15
House-passed bill:			
Budget authority	120	0	120
Outlays	-35	0	-35
Senate-passed bill:			
Budget authority	120	0	120
Outlays	-26	0	-26

¹Includes \$112 million in BA and \$38 million in outlays of non-emergency spending (provided by the Emergency Supplemental for Iraq and Afghanistan, PL 108-106) that the President did not request and the Congress did not designate as a contingent emergency as is required by section 502(c) of H. Con. Res. 95, the 2004 Budget Resolution.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mrs. HUTCHISON. Madam President, I call the question and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 448 Leg.]

YEAS—98

Akaka	Daschle	Landriau
Alexander	Dayton	Lautenberg
Allard	DeWine	Leahy
Allen	Dodd	Levin
Baucus	Dole	Lieberman
Bayh	Domenici	Lincoln
Bennett	Dorgan	Lott
Biden	Durbin	Lugar
Bingaman	Ensign	McCain
Bond	Enzi	McConnell
Boxer	Feingold	Mikulski
Breaux	Feinstein	Miller
Brownback	Fitzgerald	Murkowski
Bunning	Frist	Murray
Burns	Graham (FL)	Nelson (FL)
Byrd	Graham (SC)	Nelson (NE)
Campbell	Grassley	Nickles
Cantwell	Gregg	Pryor
Carper	Hagel	Reed
Chafee	Harkin	Reid
Chambliss	Hatch	Roberts
Clinton	Hollings	Rockefeller
Cochran	Hutchison	Santorum
Coleman	Inhofe	Sarbanes
Collins	Inouye	Schumer
Conrad	Jeffords	Sessions
Cornyn	Johnson	Shelby
Corzine	Kennedy	Smith
Craig	Kohl	Snowe
Crapo	Kyl	Specter

Stabenow
Stevens
Sununu

Talent
Thomas
Voinovich

Warner
Wyden

NOT VOTING—2

Edwards

Kerry

The conference report was agreed to. Mr. BOND. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004—Continued

Mr. BOND. Madam President, is the pending business now the VA-HUD appropriations bill?

The PRESIDING OFFICER. Yes.

Mr. BOND. Madam President, there are about 45 seconds worth of things that we need to clear up, pending amendments. Then I intend to turn to the distinguished minority whip for the offering of an amendment, on which we will have a very short time limit.

I see my colleague, Senator MIKULSKI, is in the Chamber.

AMENDMENT NO. 2156

Madam President, I believe we have had a full debate on the Bond amendment. I call up the Bond amendment and ask for its adoption.

The PRESIDING OFFICER. There are two Bond amendments pending.

Mr. BOND. This is the Bond amendment on small engines.

The PRESIDING OFFICER. Amendment No. 2156 is now pending.

Mr. BOND. Madam President, I ask for its adoption.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 2156) was agreed to.

Mr. BOND. Madam President, I ask unanimous consent to add, as cosponsors, Senators MCCONNELL, TALENT, and CHAMBLISS.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2158

Mr. BOND. Next, Madam President, I call up the Craig amendment on pesticides.

The PRESIDING OFFICER. Amendment No. 2158 is now pending.

Is there further debate?

Mr. BOND. Madam President, I think we have had a full debate on that amendment. I know of no other debate.

The PRESIDING OFFICER. If not, without objection, the amendment is agreed to.

The amendment (No. 2158) was agreed to.

Mr. HARKIN. Madam President, I am pleased to have joined Mr. CRAIG in offering this amendment to add the Pes-

ticide Maintenance Fees Reauthorization Act of 2003 to the VA-HUD appropriations bill.

The authority for the Environmental Protection Agency to collect these maintenance fees for the reregistration of pesticides expired 2 years ago. Since that time, authority has been extended through riders on the VA-HUD appropriations bill. This amendment would provide a long-term authorization that has been agreed to by the Senate and House Agriculture Committees and a broad array of stakeholders, including environmental and agricultural groups.

This proposal ensures that EPA continues to collect fees from the industry of an estimated \$20 million per year. This will cover the costs of reevaluating chemicals first registered prior to 1984, including the cost of 200 EPA employees engaged in this important work. The EPA has no alternative but to collect these fees or sharply reduce their commitment to oversight of these chemicals. A slowdown in consideration of these applications is neither in the interest of the environment, nor of the farmers or chemical manufacturers.

This is a bill that has broad support, and it is important to get this done this year, so that it is in place for next year's budget. Adoption of this amendment will ensure that EPA has resources to evaluate and approve safer, more effective chemicals, and that older pesticides are reviewed for safety in accordance with the Food Quality Protection Act of 1996. I urge my colleagues to support this amendment.

AMENDMENT NO. 2167

Mr. BOND. Madam President, I am going to send a very brief amendment to the desk that removes the emergency designation. The committee has reallocated funds to us so that our bill now comes within the allocation offered by our committee.

Madam President, the amendment was with us in the cloakroom. I apologize to my colleague in the chair. Here it is. This is it.

Madam President, I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2167.

The amendment is as follows:

(Purpose: To remove the emergency designation on VA Medical Care)

Beginning on page 9, line 20, strike "": *Provided, That*" and all that follows through "Congress" on line 5, page 10.

Mr. BOND. Madam President, it simply strikes the emergency clause. I think there is no debate on that. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate?

The Senator from Maryland.

Ms. MIKULSKI. Madam President, I thank Senator BOND and Senator STE-

VENS for working very closely with us to ensure that promises made to veterans are promises kept. This \$1.3 billion is a dire need. I am ready to give my consent to this amendment, and the veterans of America will be happy because of it.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 2167) was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Madam President, I thank my colleagues.

Madam President, I also ask unanimous consent to add Senator MILLER of Georgia as a cosponsor to amendment No. 2156.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have spoken to the two managers of the bill. The distinguished Senator from New Jersey, Mr. LAUTENBERG, has agreed to allow the Senators from New York and Wyoming to go forward. Senators CLINTON and ENZI have an amendment to offer. They have agreed to 20 minutes equally divided, followed by a vote on or in relation to that amendment, with no second-degree amendments in order. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 2152

Mrs. CLINTON. Madam President, I thank the minority whip and the chairman and ranking member of the subcommittee for an opportunity to discuss this very important amendment.

I call up amendment No. 2152.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. ENZI, Ms. CANTWELL, Mr. GRASSLEY, Mrs. MURRAY, Mr. SMITH, Mr. SCHUMER, Mr. WYDEN, Mr. HARKIN, Ms. STABENOW, Mr. KERRY, Mr. DODD, and Mr. LIEBERMAN, proposes an amendment numbered 2152.

Mrs. CLINTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit the use of funds for the Capital Asset Realignment for Enhanced Services (CARES) initiative of the Department of Veterans Affairs for purposes of enhanced services while limiting the use of funds for the initiative for purposes of the closure or reduction of services pending a modification of the initiative to take into account long-term care, domiciliary care, and mental health services and other matters)

At the end of title I, add the following: