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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Rev. Kim Swithinbank of The Falls Church, Falls Church, VA.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God and Heavenly Father, You alone rule the nations of the world. In Your perfect timing and wisdom, You raise up leaders and You bring them down. You entrust power and authority into their hands, and one day You will call them to account for their stewardship of these gifts. In light of this, we are conscious of the awesome responsibility that You have entrusted to our Nation at this time in the history of Your world.

Therefore, we pray for all who lead and hold high office in this land, especially for the Members of this Senate, that You would give them Your "Spirit of wisdom and understanding, of counsel and might, of knowledge and the fear of the Lord," that their deliberations and decisions would be godly, righteous and pure.

As the eyes of many are on this Nation, may its leaders govern in such a manner that results in peace with justice, and that provides a model for a watching world. We ask these prayers in the mighty name of Jesus, the King of Kings, and Lord of Lords. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

THE GUEST CHAPLAIN

Mr. WARNER. Mr. President, first, I wish to say how pleased I am to recognize our guest Chaplain for the day, who is now preaching the gospel in the Commonwealth of Virginia, and with roots to Great Britain, a nation which has been our ally for over 200 years after we settled a mild difference in 1776. But I must say that his message was most appropriate for the day. The magnificent way in which he delivered that message, I felt as if it reverberated through the rafters because of the resonance of that powerful voice. We welcome him.

SCHEDULE

Mr. WARNER. Mr. President, last evening, owing to the great help of many persons, not the least of whom is

the distinguished Democratic whip who is here on the floor with me this morning, the bill of the Armed Services Committee made remarkable progress. Through the night, the staff on both sides prepared another significant collection of amendments which will soon be brought to the Senate for clearance.

When the Senate resumes consideration of the bill today, the Murray amendment will be laid aside, and Senator DASCHLE, or his designee, will be recognized to call up amendment No. 791 regarding the Department of the Air Force.

For the information of all Senators, amendments are expected throughout the day, and therefore rollcall votes will occur as designated by the leadership. It is the managers' hope—and, indeed, I may say from the Chaplain's prayer—that this bill will be concluded, hopefully, by midday today.

I know of several amendments on both sides which I believe we can work our way through. Some of them require the attention of the Senate, of course, with a rollcall vote.

With that, I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant Democratic leader is recognized.

Mr. REID. Mr. President, as we spoke last night as we were leaving, it seemed to me the only hurdle left was what we were going to do about the amendment offered by the distinguished Senator from Washington. She has offered this amendment 7 years in a row. We have had a straight up-or-down vote on this amendment 7 years in a row. It seems to me that would be the way to handle this matter, which, of course, is controversial, as are many other amendments on this very bill. Once we get through that—if, in fact, we do get through it, and it could hold

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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up the bill for an indefinite period of time—we have very few matters left on this side.

I have not been able to determine from the managers if they have been able to clear the Landrieu amendment. We were concerned about the Biden amendment and the Dodd amendment.

I think that is about all we have other than the Boxer amendment, which is going to be debated sometime today.

She has agreed to take a short time on that.

The end is in sight. But knowing the Senate as I do, the simple fact that the end is in sight doesn't mean that we will ever get there.

I hope we can resolve the Boxer matter and the Murray matter rapidly. Having done that, I think we will proceed through this bill quite quickly.

Mr. WARNER. Mr. President, if I might ask the distinguished leader and ranking member, we are prepared to accept the offer made last night with regard to time on the Boxer amendment.

Mr. REID. We would still be willing to do that. The Senator from California has indicated, if the Chair will allow me to speak to the Senator from Virginia, that she is agreeable to take an hour evenly divided on her amendment.

Mr. WARNER. Mr. President, we are prepared to accept that.

Mr. REID. Mr. President, the Senator from Washington waited for hours last night during the parliamentary wrangle that we had. I think we are willing to enter into that time agreement. I think we first have to dispose of the Murray amendment before we agree to that. Under the order, we have to work on the Daschle amendment. As soon as we complete that, I think we should dispose of the Murray amendment before we go to the Boxer amendment.

Mr. WARNER. Mr. President, will the Senator enter into an agreement with the chairman for a one-hour time agreement on the Boxer amendment which does not preclude an amendment in the second degree?

Mr. REID. Not at this time, we would not. I think we need to dispose of the Murray amendment one way or the other. Once we do, I think we can work something out on the Boxer amendment.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1050, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1050) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military con-

struction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Murray Amendment No. 691, to restore a previous policy regarding restrictions on use of Department of Defense medical facilities.

The ACTING PRESIDENT pro tempore. Under the previous order, the pending amendment is set aside.

The Senator from Nevada.

AMENDMENT NO. 791

Mr. REID. Mr. President, I call up amendment number 791.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DASCHLE and Mr. JOHNSON, proposes an amendment No. 791.

Mr. REID. Mr. 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 set aside an amount for reconstituting the B-1B bomber aircraft fleet of the Air Force)

On page 21, after line 20, insert the following:

SEC. 132. B-1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), \$20,300,000 shall be available to reconstitute the fleet of B-1B bomber aircraft through modifications of 23 B-1B bomber aircraft otherwise scheduled to be retired in fiscal year 2003 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

(2) The Secretary of the Air Force shall submit to the congressional defense committees a report that specifies the amounts necessary to be included in the future-years defense program to reconstitute the B-1B bomber aircraft fleet of the Air Force.

(b) ADJUSTMENT.—(1) The total amount authorized to be appropriated under section 103(1) is hereby increased by \$20,300,000.

(2) The total amount authorized to be appropriated under section 104 is hereby reduced by \$20,300,000, with the amount of the reduction to be allocated to SOF operational enhancements.

Mr. WARNER. Mr. President, if I could have the attention of the distinguished leader and ranking member, my understanding is that amendment requires a further amendment, and then it is in an acceptable form. Am I not correct?

Mr. LEVIN. If I could ask the Senator to yield, it is my understanding that the amendment has been agreed to but the paperwork has not yet been completed to accomplish the agreement.

Mr. REID. If the Chair would allow me, Senator DASCHLE agreed to the modification of the amendment. That could be handled either later today or in the managers' package.

Mr. WARNER. Mr. President, I thank the distinguished leader. Perhaps in the course of the debate this morning we can reach that agreement quickly.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. FITZGERALD assumed the Chair.)

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I first express to colleagues in the Senate our appreciation for their patience. We have achieved remarkable results, in my judgment, under the guidance of the distinguished Democratic whip and the Republican whip on this side, helping the two managers.

Mr. President, my colleague Senator LEVIN and I wish to turn to a package of some 30 agreed-upon amendments. At the conclusion of that, we will entertain a unanimous consent request which should pretty well keep us in motion here.

AMENDMENT NO. 804

Mr. WARNER. Mr. President, I offer an amendment on behalf of Senator SMITH which will authorize land exchange at the Naval and Marine Corps Reserve Center in Portland, OR.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH, proposes an amendment numbered 804.

The amendment is as follows:

(Purpose: To authorize a land exchange, Naval and Marine Corps Reserve Center, Portland, Oregon)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2825. LAND EXCHANGE, NAVAL AND MARINE CORPS RESERVE CENTER, PORTLAND OREGON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the United Parcel Service, Inc. (in this section referred to as "UPS"), any or all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 14 acres in Portland, Oregon, and comprising the Naval and Marine Corps Reserve Center for the purpose of facilitating the expansion of the UPS main distribution complex in Portland.

(b) PROPERTY RECEIVED IN EXCHANGE.—(1) As consideration for the conveyance under subsection (a), UPS shall—

(A) convey to the United States a parcel of real property determined to be suitable by the Secretary; and

(B) design, construct, and convey such replacement facilities on the property conveyed under subparagraph (A) as the Secretary considers appropriate.

(2) The value of the real property and replacement facilities received by the Secretary under this subsection shall be at least equal to the fair market value of the real property conveyed under subsection (a), as determined by the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require UPS to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey