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## Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer.

Let us pray.

O God, who rides the wings of the wind, You are powerful yet patient. You show Your mercy to those who trust You. The clouds are only dust beneath Your feet and Your voice can be heard in life's storms.

Help America to hear You speaking in the storms that challenge our land. Make us a nation true to our best beliefs. Lead Your Senators today, along fresh paths of understanding. May they receive insights that will solve the problems that impede our national progress. Heal our world.

O God, our King, You have won victories everywhere on this Earth. We look to You today to direct and keep us. Lead us this week in an awareness of being Your children as You teach us to do Your will.

We pray this in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the Defense authorization bill. There are seven pending amendments at this

time, with two of those being second-degree amendments.

As I stated Friday, I expect rollcall votes at 5:30 today on some of the pending amendments, or others that may be offered over the course of the afternoon.

At this time no votes have been set, but I will be consulting with the chairman and ranking member as to which amendments will be ready for rollcall votes this evening. We expect at least a couple of votes today on Defense amendments. As always, we will alert Members as those are set.

This is now the fourth week of consideration of this bill. The Senate began consideration of the Defense authorization on May 17. Since that time, we have had a number of challenges with respect to the schedule, but I think we have had adequate time to debate and consider this very important bill.

I vitiated the scheduled cloture vote last week, given a good-faith effort to complete this bill. Now is the time to work to bring this bill to an end.

Following tonight's votes, I hope we can stack additional votes for Tuesday morning, with a further agreement as to what remains. We will be prepared to stay late tomorrow if necessary in order to finish this bill. I expect Members to be prepared for that event.

Last, I have two scheduling reminders for Senators. The official photograph will be taken tomorrow at 2:15. Senators should be seated promptly at their desks at 2:15 for that photograph.

Second, there is a possibility of a Members only briefing on Iraq for Wednesday at 3 p.m. Once again, we will alert all Senators when this is all confirmed.

### RECOGNITION OF THE ASSISTANT MINORITY LEADER

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

### DEFENSE AUTHORIZATION

Mr. REID. If the distinguished majority leader will allow me to offer a few comments, it is my understanding that the distinguished chairman of the committee and Senator LAUTENBERG worked out side-by-side votes on his amendment and your second-degree amendment.

Mr. WARNER. I did not hear the Senator.

Mr. REID. I said it is my understanding for this afternoon we could have a vote on the Lautenberg amendment and also the amendment you offered in the second degree.

The PRESIDENT pro tempore. Senators should put their remarks through the Chair.

Mr. FRIST. I ask the chairman to comment on the schedule.

Mr. WARNER. Mr. President, I talked to Senator LAUTENBERG this morning. He made that request to me. I say this with all due respect. I second-degree that amendment. The second degree, of course, would be in order for the first vote.

I just wonder. I am perfectly prepared to say yes, but if we begin to sequentially vote every second degree and underlying, we are going to be here for some period of time. Could some evaluation be made by the distinguished Senator from Nevada, after the vote on the second degree, as to whether in fact it merits the time of the Senate to go forward with the second vote?

Mr. REID. Mr. President, I think the distinguished chairman, as usual, makes a lot of sense. If, in fact, the second-degree amendment is agreed to overwhelmingly, of course it would not make a lot of sense to vote on that first amendment. I am sure we can work something out on that. I wanted the majority leader to know that we at least have one vote, perhaps two votes, lined up tonight at 5:30 or whenever the majority leader decides.

We have a number of other issues pending. Senator DURBIN has offered an

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



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amendment. It is my understanding Senators HATCH and HARKIN wish to second-degree that amendment. Senator DURBIN is, of course, waiting around to see what that second degree would do.

Senator DAYTON has an amendment. He is willing to offer that. It is a "Buy American." He would agree to a short time period, but the Senator from Arizona said he wanted to be here when that amendment was offered so Senator DAYTON is somewhat hesitant. I am going to talk to Senator DAYTON and tell him he should get his vote out of the way today. If Senator MCCAIN does choose to offer a second degree, we would be that much further ahead.

Senator BINGAMAN has a number of amendments but it appears maybe they can be worked out. Senator BINGAMAN thinks so. Senator BYRD is going to make a decision tonight as to whether he is going to offer his amendment. Senator CORZINE is indisposed today and is unable to offer his two amendments, but they should be on short time agreements. Senator KENNEDY has said he would be ready to offer his first thing in the morning.

So we are moving along. We don't have too much left to do. But there are a few things that will take a little bit of time.

Mr. WARNER. Mr. President, if I could reply, first, I think the distinguished Senator from Nevada has been extremely helpful and is continuing to be that way. Let me point out that we are prepared to take up each and every one of those amendments that he just mentioned right now. In the case of Senator MCCAIN, it could be that I could present on his behalf the second degree, we could engage in part of that debate on DAYTON, and upon the arrival of Senator MCCAIN, I am sure he could move right in and conclude the debate.

Mr. REID. Senator DAYTON is here. He would be willing to do that.

Mr. WARNER. That is one option.

I am not certain as to the time of the arrival of the Senator from Utah, Mr. HATCH. But there again I don't have the knowledge. It is a matter unrelated to the Defense bill. As you know, it relates to dietary supplements. I understand my committee chairman, Senator GREGG, has some views on it. I expect we could begin to engage in some debate on that prior to the arrival of Senator HATCH.

Mr. FRIST. Mr. President, let me interject. The Senator from Utah will be here early afternoon, sometime right after 2:30.

Mr. WARNER. So we could get started on that.

Mr. FRIST. Mr. President, I will allow Senators to finish. I think from the discussion we all just witnessed, we are working very hard with certain limitations with people who are here and the way they want to express themselves.

From a leadership standpoint, because this is the last week before the recess and we have other important

legislation, I want to encourage the managers to do exactly what they are doing, and the leadership on both sides of the aisle, to bring this bill to closure tomorrow night. If it means working very hard today and tonight and starting early tomorrow with votes continuing late tomorrow night, I ask them to give every consideration to that so we can move on to very important business before our recess.

Mr. WARNER. Fine. Mr. President, if I heard the distinguished leader properly, the word was "closure" tomorrow night, not "cloture"? I want to make sure of that.

Mr. FRIST. That is correct, Mr. President. We want to proceed in good faith as we have been doing.

Mr. WARNER. As we have been doing.

Mr. FRIST. I vitiated the last cloture vote because I recognize the good faith both sides are working in, but we need to bring the bill to completion tomorrow night if it is at all humanly possible.

Mr. WARNER. I thank my leader.

With respect to the first issue raised by the distinguished Senator from Nevada about the Lautenberg measure, I did not mean in any sense to be negative about his approach. Frankly, it is a bipartisan issue, in my judgment. There will be Senators on both sides who will perhaps look at this amendment, which I believe is an important one in terms of the very critical subject before us today—that is, how this Nation best respects those who lose their lives in the combat operations in far lands today, primarily Afghanistan and Iraq. It is a serious amendment. There will be, I think, some support on both sides for my proposition and perhaps as well for the position of my distinguished friend from New Jersey, Senator LAUTENBERG.

But I wish to raise the subject of sequential votes in the case of second degrees. Each one should be looked at individually rather than just establishing an ironclad policy that we will proceed to have sequential votes every time there are second-degree amendments.

#### RESERVATION OF LEADER TIME

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities for the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Brownback amendment No. 3235, to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

Burns amendment No. 3457 (to amendment No. 3235), to provide for additional factors in indecency penalties issued by the Federal Communications Commission.

Durbin amendment No. 3225, to require certain dietary supplement manufacturers to report certain serious adverse events.

Lautenberg amendment No. 3291, to require a protocol on media coverage of the return to the United States of the remains of members of the Armed Forces who are killed overseas.

Warner amendment No. 3458 (to amendment No. 3291), to propose a substitute expressing the sense of Congress on media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas.

Reed amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-Based Midcourse Defense Program pending the submission of a report on operational test and evaluation.

Mr. REID. Mr. President, the reason we have considered these side by side on a number of occasions is the person offering the amendment initially wants a vote on his amendment. The second degree usually wipes out that amendment, which causes that person to reoffer the amendment, which they have a right to do. It has been discovered in the past that we are much better off considering them side by side right off the bat rather than doing the parliamentary skirmishing. Of course, as I said to the distinguished Chair, if there is an overwhelming vote on the second degree, a lot of times the Senator who offers the first degree doesn't want to do that. That is what we will have to see.

Mr. WARNER. Mr. President, I concur in the observation of our distinguished colleague. All I am saying is we should look at each one individually rather than establishing a policy at this point—certainly with regard to this bill because, as the distinguished majority leader said, the Senate has devoted extensive time to this piece of legislation. It is very important. I am optimistic that we can meet the schedule for completion tomorrow night. I hope that optimism is shared on the other side.

At this time, the bill is open to amendment. The managers await the arrival of the first Senator.

Mr. REID. Mr. President, the first Senator we have indicated to speak on an amendment will be here at 2 o'clock. Senator DAYTON will be here on the Buy America amendment. Senator LEVIN has a missile defense amendment with which the distinguished Chair is familiar. He will be here also to offer that amendment shortly. We probably won't have too many other amendments offered today, but we will see. We have placed calls, as you know. We have lined up for today Senators LEVIN, DAYTON, BYRD, and BINGAMAN. But we now understand that Senator BINGAMAN may not want to offer his amendment, Senator BYRD