

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004**

The Committee resumed its sitting. The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). It is now in order to consider amendment No. 9 printed in House Report 108-122.

AMENDMENT NO. 9 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HASTINGS of Florida:

Page 260, strike lines 23 and 24.

Page 262, strike lines 7 through 12.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment that preserves congressional oversight authority over Department of Defense actions. U.S. Code, Title 10, directs the Department of Defense to prepare a variety of reports annually, quarterly, and monthly. The Secretary has argued, and with some currency, that the task of preparing these reports is too time-consuming and manpower intensive. The Secretary now seeks to have the requirement to submit reports deleted.

Mr. Chairman, I am all for efficiency in government, but let us be careful not to give away the House and the Senate. Mr. Chairman, included in the list of reports the Secretary of Defense seeks to delete from Title 10 are some that are critical for the House and Senate. We cannot abrogate our constitutional duty of checks and balances over the largest department of the Executive Branch simply because it takes time to prepare a report.

My amendment retains three reporting requirements that I believe are extremely important to this body's oversight authority.

The first directs the Secretary of Defense to inform the House Permanent Select Committee on Intelligence and the Senate Intelligence Committee on any actions taken consistent with activities outlined in the National Security Act. I can assure the Members, as a member of the Permanent Select Committee on Intelligence, this information is of the utmost importance to us.

The second is an annual report from the Secretary of Defense to the House Committee on Armed Services and the Senate Armed Services Committee as well as the House Committee on International Relations and the Senate Foreign Relations Committee. This report lists all humanitarian assistance activities of the Department, including the cost of those activities.

The third report retained by my amendment requires the heads of each DOD department or agency to provide an annual report to the House Committee on Armed Services and the Senate Armed Services Committee on the management of the civilian workforce under their jurisdiction.

With the sweeping changes envisioned for the DOD civilian workforce, who can argue that these reports are no longer important?

I appreciate the Secretary's concerns. As a matter of fact, several of us met with Secretary Rumsfeld as he returned to the Department of Defense, and one of the questions that was put to him was what changes did he see this second time around. Very candidly and forthrightly he said the thing that struck him most is the number of reports that are required to be brought out by the Department of Defense.

I have included in this amendment timely and relevant reports to Congress and excluded from it original versions that would have required more.

We are about to write a very large check for the Department of Defense and rightly so, but at the end of the day let us make sure we know what we are paying for. I would like to thank the gentleman from California (Chairman HUNTER) for his interest in my amendment, and especially I am grateful to him and his staff and the ranking member, and I believe that we have reached an acceptable compromise.

Mr. Chairman, I reserve the balance my time.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent for the time in opposition, although I am not opposed to the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

There was no objection.

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

I want to thank the gentleman for bringing this amendment and thank him for working with the committee, and we have no objection to the amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman and the ranking member.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. DREIER

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on amendment No. 6.

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 217, not voting 10, as follows:

[Roll No. 219]

AYES—207

Ackerman	Goss	Moore
Allen	Granger	Moran (VA)
Baca	Greenwood	Myrick
Baird	Grijalva	Nadler
Baldwin	Gutierrez	Napolitano
Ballance	Gutknecht	Neal (MA)
Becerra	Harman	Northup
Bereuter	Harris	Nunes
Berkley	Hart	Oberstar
Biggert	Hastings (FL)	Olver
Bishop (NY)	Hastings (WA)	Osborne
Blumenauer	Hensarling	Ose
Blunt	Hergert	Otter
Boehrlert	Hill	Pallone
Boehner	Hinojosa	Pastor
Bono	Hoekstra	Paul
Boswell	Holt	Pelosi
Boucher	Honda	Peterson (MN)
Brady (TX)	Hooley (OR)	Petri
Brown (SC)	Houghton	Pitts
Burr	Hoyer	Portman
Camp	Hulshof	Price (NC)
Cannon	Inlee	Pryce (OH)
Cantor	Israel	Putnam
Capps	Issa	Quinn
Capuano	Jackson (IL)	Radanovich
Cardin	Jefferson	Rahall
Cardoza	John	Ramstad
Case	Johnson (CT)	Rangel
Castle	Johnson, E. B.	Reynolds
Chocola	Jones (OH)	Royal-Allard
Clay	Kelly	Rush
Conyers	Kennedy (MN)	Sanchez, Linda
Cooper	Kennedy (RI)	T.
Cox	Kilpatrick	Sanchez, Loretta
Crane	Kind	Schakowsky
Crowley	Kirk	Schiff
Cubin	Knollenberg	Scott (VA)
Cummings	Kolbe	Serrano
Cunningham	Kucinich	Sessions
Davis (AL)	LaHood	Shays
Davis (CA)	Lampson	Shimkus
Davis (FL)	Larsen (WA)	Smith (TX)
Davis (IL)	Latham	Smith (WA)
Davis, Tom	LaTourette	Snyder
DeGette	Leach	Solis
DeLahunt	Lee	Sullivan
DeLauro	Lewis (GA)	Tauscher
DeLay	Linder	Thomas
Diaz-Balart, L.	Lofgren	Thompson (CA)
Dingell	Lowe	Thompson (MS)
Doggett	Lucas (KY)	Thornberry
Dooley (CA)	Majette	Tierney
Dreier	Maloney	Toomey
Dunn	Manzullo	Towns
Ehlers	Markey	Udall (CO)
Emanuel	Matheson	Udall (NM)
Engel	Matsui	Upton
Eshoo	McCarthy (NY)	Van Hollen
Etheridge	McCollum	Velazquez
Farr	McCrery	Walden (OR)
Flake	McDermott	Walsh
Fletcher	McGovern	Waters
Foley	Meeks (NY)	Watson
Fossella	Menendez	Watt
Frank (MA)	Mica	Weiner
Frost	Michaud	Weller
Gallely	Millender-	Wexler
Gonzalez	McDonald	Wilson (NM)
Goodlatte	Miller (NC)	

NOES—217

Abercrombie	Bartlett (MD)	Bishop (UT)
Aderholt	Barton (TX)	Blackburn
Akin	Bass	Bonner
Alexander	Beauprez	Boozman
Andrews	Bell	Boyd
Bachus	Berman	Bradley (NH)
Baker	Berry	Brady (PA)
Ballenger	Bilirakis	Brown (OH)
Barrett (SC)	Bishop (GA)	Brown, Corrine

Burgess	Jackson-Lee	Reyes
Burns	(TX)	Rodriguez
Burton (IN)	Janklow	Rogers (AL)
Buyer	Jenkins	Rogers (KY)
Calvert	Johnson (IL)	Rogers (MI)
Capito	Johnson, Sam	Rohrabacher
Carson (IN)	Jones (NC)	Ros-Lehtinen
Carson (OK)	Kanjorski	Ross
Carter	Kaptur	Rothman
Chabot	Keller	Royce
Clyburn	Kildee	Ruppersberger
Coble	King (IA)	Ryan (OH)
Cole	King (NY)	Ryan (WI)
Collins	Kingston	Ryun (KS)
Costello	Klecza	Sabo
Cramer	Kline	Sanders
Crenshaw	Lantos	Sandlin
Culberson	Larson (CT)	Saxton
Davis (TN)	Levin	Schrock
Davis, Jo Ann	Lewis (CA)	Scott (GA)
Deal (GA)	Lewis (KY)	Sensenbrenner
DeFazio	Lipinski	Shadegg
DeMint	LoBiondo	Shaw
Deutsch	Lucas (OK)	Sherman
Diaz-Balart, M.	Lynch	Sherwood
Dicks	Marshall	Shuster
Doyle	McCarthy (MO)	Simmons
Duncan	McCotter	Simpson
Edwards	McHugh	Skelton
English	McInnis	Slaughter
Evans	McIntyre	Smith (MI)
Everett	McKeon	Smith (NJ)
Fattah	McNulty	Souder
Feehey	Meehan	Spratt
Ferguson	Meek (FL)	Stark
Filner	Miller (FL)	Stearns
Forbes	Miller (MI)	Stenholm
Ford	Miller, Gary	Strickland
Franks (AZ)	Miller, George	Stupak
Frelinghuysen	Mollohan	Sweeney
Garrett (NJ)	Moran (KS)	Tancred
Gerlach	Murphy	Tanner
Gibbons	Murtha	Tauzin
Gilchrest	Musgrave	Taylor (MS)
Gillmor	Nethercutt	Taylor (NC)
Gingrey	Ney	Terry
Goode	Norwood	Tiahrt
Graves	Nussle	Tiberi
Green (TX)	Obey	Turner (OH)
Green (WI)	Ortiz	Turner (TX)
Hall	Owens	Visclosky
Hayes	Pascrell	Vitter
Hayworth	Payne	Wamp
Hefley	Pearce	Waxman
Hinchey	Pence	Weldon (FL)
Hobson	Peterson (PA)	Weldon (PA)
Hoeffel	Pickering	Wicker
Holden	Platts	Wilson (SC)
Hostettler	Pombo	Wolf
Hunter	Pomeroy	Woolsey
Hyde	Porter	Wu
Isakson	Regula	Wynn
Istook	Rehberg	Young (AK)
	Renzi	Young (FL)

NOT VOTING—10

Bonilla	Doolittle	Langevin
Brown-Waite,	Emerson	Oxley
Ginny	Gephardt	Whitfield
Combest	Gordon	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1848

Messrs. NETHERCUTT, MORAN of Kansas, CARSON of Oklahoma, PENCE, Mr. RYUN of Kansas, MEEK of Florida, BURTON of Indiana, RUPPERSBERGER, Ms. BROWN of Florida, Messrs. WYNN, TIAHRT, LARSON of Connecticut, and WILSON of South Carolina, Ms. ROS-LEHTINEN, and Mr. SHADEGG changed their vote from "aye" to "no."

Messrs. KIND, TOOMEY, THOMPSON of California, WATT, WALDEN of Oregon, PALLONE, LAMPSON, MARKEY, NADLER, RAHALL, CROWLEY

and Ms. HARRIS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LANGEVIN. Mr. Chairman, on rollcall No. 219, my vote was not recorded, but had it been recorded I would have voted "no."

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Chairman, I was absent from the House floor during rollcall vote 208 through rollcall vote 219. Had I been present, I would have voted "aye" on rollcall votes numbered 208, 209, 210, 211, 212, 213, 214, 217, 218, and 219. I would have voted "nay" on rollcall votes 215 and 216.

Mr. BOEHLERT. Mr. Speaker, I submit the following letter for the RECORD.

COMMITTEE ON SCIENCE,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 15, 2003.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Armed Services Committee has requested that the Committee on Science waive its right to a referral on several sections of H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. It is also my understanding that the Parliamentarian's office has confirmed that the Science Committee has jurisdiction over several provisions in H.R. 1588.

To expedite the consideration of this bill by the House, the Committee is willing to waive its right to a referral, provided that the Science Committee's right to participate as conferees on those provisions within its jurisdiction is also protected. I would also appreciate if this exchange of letters could be included in the record of debate on H.R. 1588 during floor consideration.

Thank you for your consideration in this matter.

Sincerely,

SHERWOOD BOEHLERT,  
Chairman.

Mr. BLUMENAUER. Mr. Chairman, providing national defense is one of the federal government's most significant functions, and today it is more important than ever. Our military superiority, as demonstrated during the war in Iraq, is unmatched. In terms of numbers, the United States spends more on defense than the next 25 nations combined.

Yet this \$400 billion authorization, the largest defense allocation in history, does not sufficiently address long term threats to our national security. In fact, it takes us in the wrong direction by exempting the Pentagon from its future environmental responsibilities and not providing adequate resources to clean up the legacy of past defense-related pollution.

With such an enormous authorization of resources, we must make sure that the money is being spent wisely. Unfortunately, we have not eliminated unnecessary, wasteful programs that do little to enhance the security of the United States. Despite agreement on the need for deep and lasting changes to military strategy, doctrine, and force structure, the Pentagon's focus so far has been on acquiring new capabilities rather than on re-evaluating current questionable priorities and programs. While the Pentagon identified only \$24.3 billion to fund "transformation goals," roughly one third of that amount is also budgeted for

missile defense, a Reagan era program that continues to suffer from technological difficulties and cost overruns. This is misdirected funding taking away from other defense commitments and ignores the fact that we are more at risk from terrorist with trucks, suitcases and motorboats than missiles.

We are not meeting our commitments to "hometown security." More of this money should be directed to our struggling communities to address the real security threats they are facing, as demonstrated by the current code orange security status.

We are not meeting our commitments to our veterans. Our spending priorities should include funding concurrent receipts, which enable retirees who were injured in the line of duty to receive both their deserved retirement pay and disability payments. The number one issue I hear about from military retirees in my district is veterans' health care funding, which has vast unmet needs.

We are not meeting our environmental commitments. We should not lay the burden on our communities of cleaning up the Department of Defense's toxic legacy. In particular, we should fund remedies to the problem of unexploded ordnance. There are some 2,000 former military properties in every state and nearly every congressional district where these hidden dangers lurk. This is a prime example of the need for the federal government to be a better partner and clean up after itself.

In addition to the unwise and wasteful expenditures in this bill, it also authorizes unnecessary and destructive waivers of important environmental protections essential to the health of Americans and the health of our land and water. The bill would weaken one of the key provisions of the Endangered Species Act involving critical habitat protection. It would also weaken the definition of "harassment" in the Marine Mammal Protection Act. Unfortunately these laws apply to all ocean users, not just the Department of Defense. If we exempt the largest landowner in the country from environmental regulations, how can we expect anyone else to follow our laws?

Instead of addressing real threats to readiness, the Bush administration and Republican leadership are taking on an easier target: endangered species. Using national defense as cover, the Republicans propose to make changes to environmental laws in ways that have nothing to do with defense readiness, suggesting that was not their goal in the first place. The provision in this bill are too broad to protect the environment, yet too narrow to deal with the wide range of problems that hinder military readiness, like encroachment and sprawl.

This is the same sprawl and unplanned growth that threatens our farms and forestlands, pollutes our air and water, and congests our roadways.

There is much that we could do to strengthen and better protect America with the enormous resources authorized in this bill. There are too many items authorized that threaten Americans' health and safety or waste tax dollars with no tangible benefit. We must do better in shaping our Nation's defense policy and honoring our existing commitments to veterans, the environment, and our community.

Ms. BALDWIN. Mr. Chairman, I rise today to oppose the FY 04 Defense Authorization bill.

Since September 11, 2001, our nation has faced the threat of international terrorism.