Safety Act, which will prevent school personnel from requiring a child to obtain a prescription for a medication in order to remain in the classroom.

I would first like to thank my colleague from Georgia, Representative MAX BURNS, for his leadership in introducing this legislation to address this significant issue. I would also like to thank LYNN WOOLSEY for her help to improve this legislation. I am please to support this bipartisan legislation and am thankful for their efforts.

We have heard from numerous parents and grandparents that have been coerced or pressured by school districts into placing their child on medication in order for the child to attend school or receive services. I recognize the difficulty that children with attention or behavior problems bring to school, but no one should react by automatically assuming that the child should be on drugs. And certainly an individual without a medical license should not presume to understand the severity of a problem and simply assume that the child would be better off with drugs.

I'm sure that in these situations school personnel think they are doing the child, and the parents, a favor. But they are not. Instead they create new problems, unintended problems, and add to the culture where a pill should magically solve all of the child's problems. Worse, the quick fix of a pill fails to account for the potentially harmful effects of these drugs when not properly administered.

The diagnosis of a disability or emotional or behavioral problem requires the careful examination and discussion with a licensed medical practitioner. This bill protects that dialogue and ensures that parents are not forced to decide between their own preferences and a school official who is acting inappropriately.

I think it is also important to point out that we have provided strong safeguards to protect appropriate communication between the parent and the teacher. Teachers will still be able to share their observations with parents about the child's behavior in the classroom and the school. Teachers and parents will still be able to discuss the child's academic performance. This bill does not stifle appropriate communication.

This bill has the clear and simple goal of preventing school officials from requiring children to be medicated with a controlled substance in order to attend school. This is a goal we can and should all support.

H.R. 1170 is an important bill that will provide security and comfort to both teachers and parents to ensure that our children are protected. I urge my colleagues to support this bill.

Mr. BURTON of Indiana. Mr. Speaker, I rise to express my support for the ''Child Medication Safety Act of 2003 (H.R. 1170),'' which would prohibit the required administration of psychotropic medications in order for children to attend school.

Like many Members, I believe that our children are our future. We need to do our best to protect and improve the health and well-being of our Nation's children, including protecting them from medications that can potentially harm them.

While I was the Chairman of the Full Committee on Government Reform, I held a hearing on September 26, 2002, to examine allegations that too many children are being medicated for Attention Deficit Disorder (ADD) and Attention Deficit/Hyperactivity Disorder (ADHD) at increasingly younger ages, and to discuss the health implications of these drugs.

Our investigation found that disorders, such as ADD and ADHD, are diagnosed by a checklist of behaviors, not medical science. According to the National Institutes of Health, the behaviors, or ''symptoms'' used to diagnose these disorders are inattention, hyperactivity, and impulsivity. Based on these descriptions, almost every child in the United States would be considered afflicted, and under current law, be required to take psychotropic medication to attend school.

Ritalin is perhaps the most prescribed psychotropic drug used to control children with behavioral problems. It is estimated that four to six million children are taking this drug daily in the United States, a 500 percent increase since 1990.

Ritalin is classified as a Schedule II stimulant. This means that it has met three criteria: (1) it has a high potential for abuse; (2) it has a currently accepted medical use in the treatment; and (3) it is shown that abuse may lead to severe psychological or physical dependence. According to research published in the Journal of the American Medical Association, Ritalin was shown to be a more potent transport inhibitor than cocaine. In addition, the chronic use of Ritalin can lead to: aggression, agitation, disruption of food intake, weight loss, and even death.

Schools should not be able to force parents to administer these psychotropic drugs to their children—not only are these disorders diagnosed without physiological testing, but they can also lead these children to further drug-use and dependence, or even the worst of all scenarios . . . death.

Mr. Speaker, H.R. 1170 would protect our children from being required by schools to become subject to psychotropic medications that can lead to detrimental health effects as well as drug addiction based on unscientific diagnoses. I urge continued support from my colleagues on this important legislation.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and pass the bill, H.R. 1170, 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. BURNS. 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.

PROVIDING FOR CONSIDERATION OF H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 245 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 245

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and those made in order by a subsequent order of the House. Each amendment printed in the report of the Committee on Rules may be offered only in the order printed in the report (except as specified in section 2 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment), and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. After disposition of the amendments printed in the report, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except by a subsequent order of the House.

SEC. 2. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 3. During consideration of the bill under this resolution or by a subsequent order of the House—

(1) after a motion that the Committee rise has been rejected on a legislative day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the chairman of the Committee on Armed Services or the Majority Leader or a designee; and

(2) after a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman may not entertain another such motion.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman

from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, the Committee on Rules met and granted a structured rule for H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. The rule provides for 2 hours of general debate, equally divided between the chairman and ranking minority member of the Committee on Armed Services. It waives all points of order against consideration of the bill.

Finally, it allows that the chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

This is a fair rule, it is the traditional structured rule for defense authorization, and it provides for a debate on a number of pertinent issues, including nuclear policy, border security, and an assessment of NATO headquarters in Brussels, Belgium.

H.R. 1588 is a good bill. It firmly shows our commitment to restoring the strength of our Nation's military. The Committee on Armed Services has recommended $400.5 billion be authorized for the Department of Defense and the national security programs of the Department of Energy in fiscal year 2004.

I commend President Bush, Secretary of Defense Rumsfeld, and our military leaders for taking the fight to those who would do us harm. We stand committed to provide the resources to ensure our continued success.

The Iraqi conflict and our continuing war on terrorism have brought a renewed and proper focus on national defense. We owe much to our men and women in uniform. Their success in Iraq and Afghanistan is a testament to their bravery, training and equipment, and their commitment to defend our freedom.

With U.S. military personnel risking their lives on the front lines of the war on terrorism, H.R. 1588 is more than just a signal to our soldiers, sailors, airmen, and Marines that this Nation recognizes their sacrifices. It is the means by which we make our commitment to providing them a decent quality of life by providing an across-the-board 4.1 percent pay increase for military personnel, so as to sustain the commitment and professionalism of America's all-volunteer Armed Forces, and the families that support them.

Even before Operation Iraqi Freedom, the global war on terrorism and the commitment to homeland security, the Armed Forces had insufficient manpower for existing wartime and peacetime requirements. A lesson learned is that with the likelihood of the open-ended, long-term manpower requirements of stabilizing Iraq and the continuing war on terrorism, it is now crucial to begin addressing existing shortfalls.

I commend my colleagues, the gentleman from California (Chairman HUNTER), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for crafting this legislation that will strengthen America's military.

Today, our forces must be able to respond quickly to rapidly changing threats. As such, nothing could be more important to our military than its current state of readiness. The pace of current operations has placed huge demands on personnel and equipment already suffering from a decade of underfunding. This legislation reduces non-warfighting spending and puts the money where it is of best use, training for our service members, maintenance of equipment, and support for the cost of operations.

I am pleased that H.R. 1588 authorizes $35.2 million for 39 Knight family systems to the Army National Guard. The Knight system is a high mobility multipurpose wheeled vehicle-mounted system which incorporates a Bradley fire support vehicle mission equipment package of a laser rangefinder, thermal sight, hand-held computer and global positioning systems. It is used to locate targets for laser-guided munitions.

As the Department of Defense increases the use of precision-guided munitions in combat, this money will help North Carolina's 30th Heavy Separate Brigade Armor use the Knight system to locate targets in support of these munitions.

H.R. 1588 makes the preparation and modernization of our National Guard a top priority.

I also want to commend my colleague, the gentleman from North Carolina (Mr. HAYES), for his work on strengthening the ''Buy American'' provisions included in this bill. His language will ensure that all of the components of DOD uniforms come from American companies. The language specifically works to more adequately cover domestic textile and leather industries.

However, there is one amendment the Committee on Rules made in order that I strongly oppose personally, the Sanchez amendment. It would allow abortions on our military bases overseas. Military treatment centers, which are dedicated to nurturing and healing, should not be forced to facilitate the taking of the most innocent human life, the child in the womb.

For the past 6 years, the House has voted to keep abortion-on-demand out of military facilities, and I urge my colleagues to stay on this course and vote against this amendment.

That said, this is a fair rule. So let us pass the rule and pass the underlying defense authorization bill. At the end of the day, we will be making our homeland safer, supporting our sons and daughters serving in the military, and preparing for war, thereby ensuring victory. At this crucial time in our history, this bill is most important.

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

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

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

Mr. FROST. Mr. Speaker, when it comes to supporting America's troops, there is no partisan divide in this Congress. Democrats and Republicans join together in saluting the soldiers, sailors, airmen, and Marines who serve America. More importantly, we work to provide them with the resources they need to do their jobs that we have asked them to do. So every year, Democrats and Republicans work very hard to put together a defense authorization bill that is as bipartisan as it is robust.

There is much to be proud of in this bill. Its core is a bipartisan product that provides more for national defense than the President requested and more than this Republican Congress approved in its budget. As always, the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services, deserves a lot of credit. He remains an unwavering advocate for the men and women in uniform who put their lives on the line every day to defend the United States.

As a longstanding supporter of the U.S. military, I am especially pleased by the success of Democrats' efforts to include substantial quality-of-life improvements for America's men and women in uniform and their families.

Specifically, this bill includes a 4.1 percent increase in basic pay for all members of the Armed Forces, plus targeted increases for midgrade and senior noncommissioned officers and select warrant officers to enhance retention. It also builds on our efforts to support the National Guard and the Reserves, who bear more and more of the burden of defending America at home and abroad.

□ 1200

For instance, it ensures is that when they serve in areas where those on active duty get hazardous duty pay, they will also.

Mr. Speaker, I want to particularly thank the Committee on Armed Services for including in this bill my legislation to make life easier for the National Guard and Reserves, both active duty and retirees, and their families by allowing them unlimited access to commissaries. They and their families are making great sacrifices for this Nation, and they deserve our support.

Additionally, this bill continues to invest in the wide range of weapons that ensure America's military superiority throughout the world. It includes $4.4 billion for the F–35 Joint Strike Fighter, the next generation multi-role fighter of the future for the Air Force, the Navy and Marines. It includes $4.3

billion for the F–22 Raptor aircraft, the high-technology air dominance fighter for the Air Force. It also includes over $1.6 billion for the V–22 Osprey aircraft.

Mr. Speaker, all of these important, pro-defense provisions have strong bipartisan support. They reflect the longstanding commitment of Democrats and Republicans to work together to ensure that the U.S. military has the resources it needs.

Unfortunately, several provisions of this bill are neither bipartisan nor necessary to maintain the strength of the U.S. military. Indeed, some are nothing more than extremist, right-wing ideology piggy-backed on an otherwise bipartisan bill.

For instance, does anyone really believe that national security requires that we gut environmental protections? Of course not.

But rolling back America's environmental protections is practically the Holy Grail of the Republican party. So Republicans stuck into this bill provisions that attack the Endangered Species Act and Marine Mammal Protection Act.

Similarly, Republicans are trying to use this bill to weaken the workplace protections of the patriotic men and women employed by the Pentagon. They even defeated a Democratic attempt to preserve the current rules prohibiting patronage at the Pentagon.

Mr. Speaker, these anti-environmental riders and attacks on the men and women who work at the Pentagon are not about supporting the military. There are about supporting the Republican party idealogy, and they have no business in a bipartisan bill to provide for the men and women of the United States Armed Forces.

So Democrats have filed amendments with the Committee on Rules to free this bipartisan bill of these partisan riders. Unfortunately, Mr. Speaker, the House Republican leadership has chosen to make ideology of such paramount importance that they have shut out two of the most important Democratic amendments.

First, the Republican ideologues have denied the House the opportunity to even consider the amendment offered by the ranking members of the Committee on Resources and the Committee on Energy and Commerce. The Rahall-Dingell amendment is a common-sense and reasonable alternative to the anti-environmental language reported by the Committee on Resources and incorporated in the Committee on Armed Services bill relating to the Endangered Species Act and the Marine Mammal Protection Act. This rule instead makes in order an amendment offered by the chairman of the Committee on Armed Services. It claims to fix the most egregious provisions in the Committee on Resources bill.

The fact that the Republican leadership has chosen to shut out Democrats in this manner gives many Members on this side of the aisle more than ample reason to oppose this rule.

Now the chairman of the Committee on Rules said last night that it was still possible for additional amendments to be considered for inclusion in the second rule on this bill to be considered by the committee later today. But I doubt any Members will be holding their breath.

The fact is, the Republican leadership would have done well to give this House the opportunity to have a vote on the Rahall-Dingell substitute, rather than risking losing this rule by shutting out so many reasonable Democrats who support the bill.

Additionally, the House Republican leadership has chosen to tell the second ranking Democrat on the Committee on Armed Services, the gentleman from South Carolina (Mr. SPRATT), a Member who has extensive expertise in the issue of nuclear threat reduction, that his amendment is just too hot to handle. The Spratt amendment sought to restore the President's requests for Cooperative Threat Reduction programs. That is the President's request that he sought to restore. Yet the Republican leadership has refused to make this amendment in order, in spite of the fact that President Bush asked for this money.

Again, the chairman of the Committee on Rules told me last night that it might be possible to consider including the Spratt amendment in the second rule, but, again, Members will not be holding their breath.

Such arrogance practically begs pro-defense Members on this side of the aisle to oppose this rule, and it ought to give plenty of reason to oppose this rule to Republican Members who value fair play and institutional integrity or President Bush's national security priorities.

Mr. Speaker, serious Members on both sides of the aisle have filed many other substantive amendments. But after seeing so many significant amendments blocked in this first rule, what do they have to look forward to in the second rule? Will they be shut out again just as their colleagues have today?

I, for instance, have submitted three important amendments that address defense issues I have pursued for some time: helping immigrant soldiers earn U.S. citizenship, providing tuition refunds to reservists called to active duty, and tax fairness for civilian Defense Department employees serving in combat zones.

Mr. Speaker, I have repeatedly urged the Republican leadership to honor the long-standing tradition of allowing full consideration of substantive amendments like these on the defense authorization bill. That cooperative approach is fundamental to our efforts to keep partisan politics from polluting the Armed Forces bill and, in fact, has been followed in previous Congresses, both when the Democrats were in charge and even when the Republicans have been in charge. But this first rule has abandoned that cooperation.

For that reason, I urge Members to vote no on this rule so the Committee on Rules can go back upstairs and start this process over. Maybe on the second try the Republican leaders will allow us to get it right.

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

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Let me say to all my colleagues, this is a great defense bill that is coming to the floor, and I hope everybody supports it. It does a lot of things for America's troops. They have just finished this extraordinary operation where they pushed up through Iraq in very dangerous circumstances, engaged in many conflicts at very close ranges and secured their objective and carried out their mission with extraordinary talent and capable and courage.

Now it is our turn. It is our turn to support the troops. It is our turn to provide the readiness capability. It is our turn to provide for modernization of old platforms, and it is our turn to not only fix what we need to win now but to look beyond the horizon and fix and create and produce what we are going to need tomorrow, and this bill does this.

It provides for many of the very important enablers. And I call enablers things like tankers, tanker aircraft, that allow us to maintain that aircraft bridge between the United States or a base that we have overseas and a potential point of conflict where we can keep aircraft going back and forth, whether those aircraft are cargo aircraft to supply the troops or strike aircraft that are putting rounds on target. And because of that we have got provisions in this bill to provide for tankers. We have a tanker fund that allows us to go forward on either a buy or a lease. We have got that provision in.

We have got provisions in for more of our airlift with C–17 aircraft, these great aircraft that are providing the centerpiece of our airlift today along with our older C–5s and our in-theater C–130s.

We worked on other so-called enablers. We have ramped up this stock of precision-guided munitions we need, those munitions that allow you to go in and hit one strut on a bridge and knock it down, instead of having to carpet bomb the entire bridge with hundreds of bombs. We have a so-called deep strike package that allows us to spend $100 million on a new system to replace these bomber aircraft that we are using today. And the newest B–52 was made in July of 1962, so it is more than 40 years old. We have 21 B–1s, and we now have a small batch of 21 B–2 aircraft, our stealth aircraft. We now have a very small fleet of B–1 aircraft, because we had pulled 23 B–1 aircraft out of the fleet because we could not

afford the spare parts to keep all of those aircraft running. We put those 23 aircraft back in the fleets, or as many of them that can be retrieved, and we provide for the spare parts and the sustainability to keep that part of our important deep strike fleet going.

We provide for the 4.1 pay increase. That is the average pay increase, and we do target parts of that to various aspects of the service where we need critical skills.

We do a good job with respect to housing for our troops, for our families. Today you do not just bring a troop, a uniformed person into the services. You bring a family into the services, and you have to provide for those families. We do that in this bill.

This bill has many good things; and our great subcommittee chairman and subcommittee ranking members and my colleague, the gentleman from Missouri (Mr. SKELTON), my great partner who himself is home to the B–2 fleet in America, have done I think an excellent job on putting a great package together.

I want to speak to one aspect of this package that has been talked about a little this morning because people have said, are you killing the environment? Are you hurting the environment? Are you revamping the environment? The answer is no.

What we are doing is providing for freedom to train for our troops. What we have heard over the last many years now is that our bases around the country where these great troops that you saw in Iraq have an opportunity to train, whether they are hitting a beachhead or firing on a range or going through some type of amphibious warfare, those troops need to have places to train and those training grounds are becoming more and more constricted and more and more off-limits to our troops because of application, and I think wrongful application, of our environmental laws.

Let me show you a case in point.

This is a picture of the Marine base at Camp Pendleton in California. There is some 17 miles of beach here, and this is the beach on which the United States Marine Corps practices Iwo Jima. That is where they practice going ashore under heavy fire, where they know they will take substantial casualty for us, for freedom. And guess what we have done with our environmental laws? We have closed them out where they cannot practice.

This is a 17-mile beach. This is a base that is in excess of 100,000 acres. And I want to show my colleagues the various overlays, how the environmental applications have crept in and closed down more and more of this critical training base, and then I want to relate it to bases across this Nation.

Let us turn over to that first overlay. This is your 100,000-acre base. Here is the first overlay where training is now locked out. It is called the estuarine sanctuary. So training is locked out at Camp Pendleton. No Marines can go inside that estuarine sanctuary.

Now we have another restriction. These are the gnatcatcher restrictions. We found a small bird that is considered to be endangered; and because of that these huge areas and, remember, this is a 100,000-plus acre base, these huge areas are now restricted.

Now we have another restriction at Camp Pendleton. Let us turn the third page over. This is the rare plants restriction. It looks to me approximately another 10, 20,000 acres are now restricted from training activity.

Let us turn the next page. These are the riparian areas and the vernal pools which are now also restrictions.

So my point is, the United States Marines came in and talked to the Committee on Armed Services and they said, we used to try to work around these restrictions when we had just a couple of them. Now we can no longer work around them. And, incidentally, there is a lawsuit pending right now and there is an injunction in place for the Marines being able to practice amphibious operations on the vast majority of this beach that we put in place to allow them to practice Iwo Jima for the United States of America. So we have to do something.

So what did we do? Did we do something radical? No, we did not do anything radical. We simply said we want to balance conservation requirements and training requirements.

So what we are going to do is put together a process. It is called an inramp, which is a fancy term for saying if the Fish and Wildlife Department of the United States makes an agreement with the U.S. Marine Corps or the U.S. Navy or the U.S. Army or the U.S. Air Force and they also make an agreement with State Fish and Wildlife in the State, so if it is California, New Jersey, New York or whatever, everybody gets together and you take an area and you make a decision that allows you to balance these two important priorities, conservation and training, and you say, for example, we will allow the rifle range to be here. We will allow the gnatcatcher environment to be here. And maybe if the gnatcatchers migrate in the fall and they leave this area, we will let you have training in this area until they come back. It allows you to make a flexibility adjustment that takes care of both priorities, both conservation of endangered species and training.

Once Fish and Wildlife and State Fish and Game and the military makes this agreement, you cannot come on in after the agreement is made and place another critical habitat over the top of it and paralyze the training operation. That is what we do.

I think it is a very reasonable thing. This was passed first out of Resources with a bipartisan vote, and we passed it in the Committee on Armed Services. And the final vote on the Committee on Armed Services, I might add, when all the smoke cleared and all the dust settled and we had our final vote, I want to thank my ranking member from Missouri for his great leadership here, we had a vote of 58 to 2 in favor of this bill.

□ 1215

So this bill has really good stuff in it for the United States of America, and it balances some very important competing interests the American people have. I do not think any American, if you stopped them on the street and you went over this diagram of how training has been cut back further and further and further, at places like Camp Pendleton, where those Marines that went up the An Nasiriya Corridor trained, I do not think any American would disagree with the idea that you get together Fish and Wildlife and the Marine Corps, you make an arrangement, you set some land aside for the birds, set some land aside for the Marines, and let them both go through their operations.

So I want to thank the gentlewoman for letting me get up and explain this important aspect of the defense bill; and let me urge all Members, Republican and Democrat, to vote for this bill.

The SPEAKER pro tempore (Mr. SIMPSON). Does the gentleman from Massachusetts (Mr. MCGOVERN) seek to control the time of the gentleman from Texas (Mr. FROST)?

Mr. MCGOVERN. Yes, I do.

The SPEAKER pro tempore. Without objection the gentleman is recognized.

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER), our minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. Once again, once again, this Republican majority shows no compunction about turning even the most bipartisan legislation into a vehicle of divisive and unnecessary partisanship.

The defense authorization traditionally unites Members on both sides of the aisle. I have always voted for it. The American people expect that. Our brave men and women in the service deserve no less. However, today the majority has purposefully loaded up this bill with extraneous and controversial provisions and forced the rule to deny our side of the aisle a fair opportunity to be heard.

Now, the gentleman from California (Mr. HUNTER), the distinguished chairman of the committee, who is now speaking to the Committee on Rules chairman, just spent 10 minutes explaining how reasonable the provisions of the bill are. But they do not have the courage of that representation to allow us to debate fully on the floor and present an alternative.

My, my, my, how confident they must be of the reasonableness of their position. Again, the majority is trying to insulate sweeping policy changes from serious scrutiny by invoking the words ''national security,'' and casting anyone who raises questions as, at

best, an impediment to national security and, at worst, unpatriotic. The further down that road we go, the less democratic we will become.

Make no mistake, this bill contains many, many important provisions. It provides good pay, housing and training for our men and women in uniform, and funds important modernization priorities that will ensure that we have the most technologically advanced military in the world. I support that. Not only that, I have supported it for 23 years in this House.

However, the addition of controversial measures that will gut the civil service system and harm the environment only subvert the democratic process and demean this House. This bill would exempt the Defense Department from compliance with the Endangered Species Act and the Marine Mammal Protection Act, even though both laws currently allow case-by-case exemptions. And here is the crucial point: the Pentagon has never before sought the exemptions that the majority would bestow today.

Fairness. Fairness. The American people expect fairness, and it dictates that the majority make the Rahall-Dingell amendment in order. It was not. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Michigan (Mr. DINGELL), who is the dean of the House, the senior Member in this House of Representatives, yet the Committee on Rules refused to allow him to offer an amendment. That is unconscionable. Furthermore, the process by which the civil service reform measures have been rushed to this floor is nothing short of appalling. This proposal was conceived by a handful of the President's advisers.

Without doubt, there are some problems in the Federal personnel system, reforms that I would support, but our military's stunning success in Iraq shows there is not a crisis. Mr. Speaker, we ought to consider this thoughtfully, and we ought to allow amendments to be offered on this floor which would provide for full debate. We are not doing that.

Vote against this rule. Vote against the previous question.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I really am somewhat perplexed to hear all of the criticism of our attempts to be bipartisan on this legislation. Someone's been shut out in this process? Let me explain this rule to our colleagues, Mr. Speaker.

It is a rule which makes in order 2 hours of general debate, and it makes in order nine amendments for consideration that had been submitted to the Committee on Rules by the deadline we stated. But let me tell my colleagues what happened last night in the Committee on Rules. In our quest to try to have as many proposals as possible considered, what happened? It is the first time that I can remember, in this number, that this has taken place.

Three proposals were offered by our Democratic colleagues to actually knock out consideration of amendments that are made in order under this rule; meaning that while we were trying to provide an option of debate and then an up-or-down vote so we could in a bipartisan way address these issues, the Democrats were trying to shut out Members from having the opportunity to offer amendments. Now, I do not want to say it is unprecedented, but I do not recall it happening on three occasions as it did last night.

This should be, Mr. Speaker, a totally noncontroversial rule, because it is the same process that we have gone through. What we have done, Mr. Speaker, is we have said that we want to go with the two-rule procedure, which the Democrats did regularly and which we Republicans have done regularly in consideration of this massive Department of Defense authorization bill.

The great chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), was here and he has talked about the fact that this is a $400 billion measure. As was said so well by my friend, the minority whip, the gentleman from Maryland (Mr. HOYER), I agree with the fact that on an issue as important as our national security we should proceed in a bipartisan way, and we want to do that.

Now, we know that one of the issues of concern, and that has gotten a great deal of attention, is the environmental question. That was raised by the gentleman from California (Mr. HUNTER) when he made his presentation from the well. And I want to say that we have been sensitive to that. I happen to believe that the provision that is made in order under what will be tantamount to a manager's amendment offered by the gentleman from California (Mr. HUNTER) does in fact move towards addressing some of the concerns that have been raised by the members of the minority.

I will acknowledge that there are some who would like to do more. But we happen to believe that the step that is taken by addressing the issues that were raised by our colleague, the gentleman from Colorado (Mr. HEFLEY), will in fact be able to be effectively addressed.

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

Mr. DREIER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman, because I think this is an important procedural issue. And I have a quote of yours in my pocket, but I am not going to take it out.

Mr. DREIER. I think I may have heard it before.

Mr. HOYER. I am not going to regurgitate it, in terms of fairness.

But what my colleague is saying is that the dean of the House comes to your committee and wants to offer an amendment, and your committee responds, no, Dean, you have served here 40-plus years, but we know better than you do.

Mr. DREIER. Reclaiming my time, Mr. Speaker, the Committee on Rules has not said that. The Committee on Rules acted on one of two rules last night when we passed out this rule granting 2 hours of general debate and allowing for the consideration of nine amendments, which we hope to proceed with in just a few minutes.

We will be meeting sometime mid-afternoon for consideration of a second rule which will allow for consideration of other amendments when we proceed with this tomorrow. So I think that it is really incorrect for anyone to conclude that all of the action on the Department of Defense authorization rule has in fact been completed. It has not been completed.

But I want to say that the issue of the environment is one that is very important to me as a Californian. It is one that is very important, I believe, to a broad cross-section of the membership of this House, Democrats and Republicans. We also know that there have been requests made by this administration to deal with the situation that was outlined so well by the chairman of the Committee on Armed Services, where in fact we may be jeopardizing the lives of our men and women in uniform if we do not take some action.

So I understand this is going to be debated. This will be discussed. There is no doubt about the fact that this will be a topic of discussion when the amendment of the gentleman from California (Mr. HUNTER) comes up, and this will be a topic of discussion as we consider this rule as it is right now, as well as the second rule which we plan to report out tomorrow.

Let me just say that this should be a noncontroversial rule, and I do not want to foreclose the opportunity to consider any proposals that were submitted to the Committee on Rules. We will, in fact, have an opportunity to do that this afternoon, and then tomorrow we will debate a second rule that will allow for further consideration.

Mr. HOYER. Mr. Speaker, will the gentleman again yield?

Mr. DREIER. Well, Mr. Speaker, I would be happy to yield further, but I do not know how we stand time-wise. We are using up our time here.

Mr. MCGOVERN. It looks like you have plenty of time.

Mr. DREIER. Excuse me. I think it is wonderful for the gentleman from Massachusetts to come to that conclusion, but let me just suggest we do this. I will yield back my time now to my friend, and I am happy to stand here and field questions from the minority on their time.

Mr. MCGOVERN. I just have a question that requires a one-word answer.

The SPEAKER pro tempore. The gentleman from California has yielded back his time. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. DREIER. Mr. Speaker, the gentleman does not wish to yield to me?

Mr. MCGOVERN. Unfortunately, we have a lot of people who are outraged by this unfair rule.

Mr. DREIER. We have a lot of people who wish to speak on this issue as well.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri (Mr. SKELTON), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me this time and for giving me the opportunity to rise in strong, but reluctant, opposition to this rule.

By and large this is a good bill. It puts forward the opportunity for the United States military to continue research and development, procurement, training, attracting the bright young men and women who serve, and to continue to educate them along the way to think strategically, operationally, and tactically. Yet I find that this particular rule is shutting out some amendments that I thoroughly believe should be made in order. I hope that the Committee on Rules, on the second look, in the second rule that it will adopt, will hear our recommendations from the committee hearing yesterday and take us quite seriously.

Let me further state, though, that it is a pleasure working with the chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER). And I thank him for his hard work, for his dedication, for his strong feeling for the military, and for his sincerity. I think that we should let it be known that he is a strong advocate for our national security.

This is a big bill, Mr. Speaker. It authorizes almost $400 billion for the Department of Defense and energy. This bill is over 600 pages long. The Congress has a constitutional duty, as you know, to raise and defend the military in law. I had highlighted three major issues when I testified before the Committee on Rules. The first are the changes in the civil service system. That has not been ruled upon yet. Revising our environmental laws. That has been addressed in a manager's amendment here, as I understand it. And our nuclear weapons policy has not been fully faced in this first rule.

On the face, amendments made in order by this first rule seem uncontroversial. However, I do take issue with amendment No. 73. This is a mere 10-minute alleged technical amendment that literally corrects spelling errors. But tacked on to that is the amendment that changes the Endangered Species Act and the Marine Mammal Protection Act. Regardless how Members might feel about the substance, it is not only unacceptable; but, quite honestly, it is outrageous.

□ 1230

This is not the full debate that this House deserves on major policy changes. It is not right to cram changes to our environmental laws into technical amendments. It is not right to not make in order a major Democrat amendment on the environmental provisions, the Dingell-Rahall amendment, and not give us the full time and full debate. Ten minutes, that is all we are given.

I certainly hope, Mr. Speaker, that in the second look, the second rule, that the Committee on Rules must come forward with it, it will allow us to more fully debate and fully discuss all the issues that I have put forward to them in my testimony yesterday.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES), my neighbor and a member of the Committee on Armed Services.

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

Mr. HAYES. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, today I rise in support of the rule that will allow for consideration of H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004.

The legislation we have crafted in the Committee on Armed Services is targeted at two of the most critical areas crucial to maintaining a healthy and robust military quality of life and readiness. For the soldiers and airmen in my district at Fort Bragg and Pope Air Force Base respectively, the ability to adequately care for their families and train for the mission for which they are called are the two issues second to none.

I believe this legislation makes significant progress in these areas and will enable our men and women in uniform to continue prosecuting the war on terrorism. A recent trip to Iraq served to strongly reinforce my existing pride in our Nation's war fighters. These brave men and women served with honor and distinction as they liberated a nation. Troops from the Eighth Congressional District of North Carolina have been at the very tip of the spear that ended the dark reign of Saddam Hussein and continue to lead the way in post-conflict resolution in Iraq and Afghanistan. These men and women deserve our support for this rule and the underlying bill.

This legislation takes care of our most vital asset, our people. It provides every service member with an average 4.1 percent pay raise. It also boosts military special pay and extends enlisted and reenlistment bonuses. It funds programs to improve living and working facilities on military installations.

The bill under consideration indicates we have come a long way since the procurement moratorium of the mid-1990s and are seeing the results of a restoration of national security funding in our victories in Iraq and Afghanistan.

I believe we must continue to provide adequate funding for our Nation's military. President Kennedy spent 9 percent of our gross domestic product on national defense. President Ronald Reagan 6 percent. The legislation today spends only 3.4 but is inching upwards; and with the security threats we face today, I believe we must continue moving upward with our defense allocations.

I would like to highlight two issues the National Defense Authorization Act addresses which are of particular concern to me. The first is domestic violence.

Last year, in the wake of several murders involving soldiers stationed at Fort Bragg, I requested the Committee on Armed Services to conduct a series of fact-finding meetings at Fort Bragg and in the Fayetteville community to examine the problem of domestic violence in the military. Working close with the community and the Defense Task Force on Domestic Violence, we have made progress in implementing their recommendations.

The bill before us provides a provision that allows chaplains to work more closely with military families and gives them the maximum flexibility to work with all family members to prevent potentially tragic situations. It also provides funding for travel and transportation for military dependents who are relocating for reasons of personal safety. It provides traditional compensation for victims and additional measures for implementation of the task force recommendations.

I commend the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), the gentleman from New York (Mr. MCHUGH), and the subcommittee for their leadership and attention to this matter and look forward to continuing their work to put an end to domestic violence.

The National Defense Authorization Act addresses another critical issue, that of fortifying the defense industrial base, ensuring that the DOD purchases products that are made in America. My two top priorities are national and economic security. There is seldom, if ever, a reason that these two goals should be considered mutually exclusive.

I have vowed to always work to protect and promote the U.S. manufacturing industry, and this is a perfect opportunity to do so. Strengthening the ''Buy American'' provisions is the right thing to do for our workers and soldiers. Protecting national security is important; economic security is important as well.

Mr. Speaker, we debated this bill for 25 hours, and we had a good debate. It is time to support this rule in the underlying rule that supports our men and women in uniform.

Mr. Speaker, today I rise in support of the rule that will allow for consideration of H.R. 1588, the National Defense Authorization Bill for Fiscal Year 2004. The legislation that we have crafted in the Armed Services Committee is targeted at two of the most critical areas crucial to maintaining a healthy and robust military—quality of life and readiness. For the soldiers and airmen in my district at Fort Bragg and Pope Air Force Base respectively, the ability to adequately care for their families and train for the mission for which they are called are the two issues that are second to none. I believe this legislation makes significant progress in these areas and will enable our men and women in uniform to continue prosecuting the war on terrorism. My recent trip to Iraq served to strongly reinforce my pride in our Nation's war fighters. These brave men and women served with honor and distinction as they liberated a nation. Troops from the 8th District of North Carolina have been at the very tip of the spear that ended the dark reign of Saddam Hussein and continue to lead the way in post conflict resolution in Iraq and Afghanistan. These men and women deserve our support for this rule and the underlying bill.

This legislation first and foremost takes care of our most vital asset of our military, our people. It provides every service member with an average 4.1 percent pay raise. It also boosts military special pay and extends enlisted and reenlistment bonuses. Furthermore, it funds programs to improve living and working facilities on military installations.

The bill under consideration today also indicates that we have come a long way since the procurement moratorium of the mid-1990s, and we are seeing results of the restoration of national security funding in our victories in Iraq and Afghanistan. I believe that we must continue to provide adaqaate funding for our Nation's military. President John F. Kennedy spent 9 percent of American's gross domestic product on defense. President Reagan spent six. The legislation in front of us today spends 3.4 percent and is inching upward. With the national security threats we face today, I believe we must continue moving upward in defense spending.

I would also like to take this opportunity to highlight two issues the National Defense Authorization Act for FY04 addresses that are of particular concern to me. The first is domestic violence. Last year, in the wake of several murders involving soldiers stationed at Fort Bragg, I requested that the Armed Services Committee conduct a series of fact-finding meetings at Fort Bragg and in the Fayetteville community to examine the problem of domestic violence in the military. Working closely with folks in the community and the Defense Task Force on Domestic Violence, we have made progress in implementing their recommendations. The bill before us today contains a provision that allows chaplains to work more closely with military families and gives them the maximum flexibility to work with all family members to prevent potentially tragic situations. It also provides funding for travel and transportation for military dependents who are relocating for reasons of personal safety. It provides transitional compensation for victims and additional measures for implementation of the Task Force recommendations. I commend Chairmen HUNTER and MCHUGH and the staff of the Total Force Subcommittee for their leadership and attention to this matter and look forward to continuing to work with them to end domestic violence.

The National Defense Authorization Act for 2004 also addresses another critical issue, that of fortifying the defense industrial base, ensuring that the Department of Defense purchases products that are made in America. My top two priorities are national security and economic security. There is seldom, if ever, a reason that these two goals should be considered mutually exclusive. I have vowed to always work to protect and promote the U.S. manufacturing industry and this is a perfect opportunity to do so. Strengthening the ''Buy American'' provisions is the right thing to do for our workers and our soldiers. Protecting our national security is important but it's just as important to protect our economic security here at home. I have worked hard with Chairman HUNTER to mandate more accountability on the specialty metals used in all of the components used in DoD projects, ensure that all of the parts of DoD uniforms come from domestic sources, and require the Secretary of Defense to notify Congress in writing of the factors that would ever lead to a decision to waive the domestic sourcing requirement. I am hopeful that our colleagues in the other body will recognize the need to protect U.S. jobs and work with us through the conference process.

Mr. Speaker, it is a gross injustice and misfortune that it took the tragedy on September 11th, 2001 to focus the public eye on the need for a more robust defense budget. But I feel that the legislation in front of us today will help our troops accomplish their mission and the Rule that provides for its consideration is fair and effective. We are establishing a clear and strong course to rebuild our Nation's defenses. I urge my colleagues to send a message loud and clear to our soldiers, sailors, airmen and marines—that we will strongly support you and give you the resources necessary to perform the mission at hand. I urge my colleagues to vote in favor of the rule and in favor of H.R. 1588, the National Defense Authorization Bill for Fiscal Year 2004.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of our House, who it appears was shut out of the process by the Committee on Rules last night.

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

Mr. DINGELL. Mr. Speaker, this is a bad rule. It should be defeated. My Republican colleagues have done the same thing that they usually do. They have gagged the minority. They have denied us a right to discuss important questions, and they refuse to give us the right to offer amendments.

The chairman of the Committee on Rules appears in the well of the House and tells us what a wonderful job they have done at being fair. If they were fair, they should have had the courage and decency on that side of the aisle to let us offer the amendments that should be offered to allow matters to be properly discussed.

This is the language of the Endangered Species Act. There is no need for them to take away the right of the government to properly protect our national symbol, the bald eagle, and other endangered species. There is no reason for the other side to afford the authorities that the leadership in the Department of Defense have sought. Indeed, the members of the agency itself, the fighting soldiers have not asked for and do not want it.

It is interesting to note that they not only amend the environmental laws, but they have amended many more, and they again foreclose the opportunity for amendments.

Now the chairman of the Committee on Rules comes down and says we are going to have more opportunities. We are going to be considering it again. Well, if we have to consider it again, why did they not offer us a fair rule in the first place? Why do they have to do it this way? They have basically a sound bill, but they have sought to change all manner of environmental laws, and they will put more on the floor if they are permitted to do so.

Indeed, one of the remarkable things that my Republican colleagues have sought to do is to change the Civil Service laws and to repeal, amongst other things, the laws against nepotism. Perhaps there is a little Cheney or a little Bush in the woods somewhere that needs a job, or perhaps a little Wolfowitz. There might even be a relative of the membership on that side of the aisle who happens to need employment.

We should address these issues properly. This is the People's House. We are supposed to discuss great national issues. We are supposed to, under the traditions and the practices of this body, to have the ability to discuss matters which the public thinks are important. Certainly the protection of conservation values, certainly the protection of Civil Service laws, certainly the protection of the values that all of us think are important enough to be discussed in this body and not strangled by the Committee on Rules when the chairman comes down and says, oh, we have been fair.

Well, if the gentleman from California has been fair, why in the name of common sense does he not have the goodness to allow us to have an opportunity simply to offer the amendment? Is it because my Republican colleagues are scared to death and afraid to permit an honest discussion, to have an honest application of the rules of the House with regard to the offering of amendments? Why are they so afraid on the other side of the aisle to have the truth brought forth and to offer a fair procedure?

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this rule because it makes a needed change. By including the Hefley amendment in the manager's amendment, we make a change narrowing the application of this DOD authorization bill on the environment just to DOD events alone. I think that is what the committee wanted to do originally. It is what the chairman of the Subcommittee on Readiness and the ranking member of the Subcommittee on Readiness support.

For those of us who are very strong supporters of the environment, we wanted this change made at the full committee, but because of jurisdictional reasons it was not made. By the manager's amendment including this, I think a change that the Committee on Armed Services wanted to have happen has happened. Now we are making the necessary modifications to the Endangered Species Act and the Marine Mammal Protection Act, as narrowly applied, to support the Department of Defense but not with broad application. To make this early in the process in the manager's amendment is the right decision by the Committee on Rules, and I urge adoption of the rule and commend the committee for making that decision.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I certainly associate myself with the comments the distinguished dean of the House, the gentleman from Michigan (Mr. DINGELL). Therefore, I also rise against this rule.

As many Members know, the underlying bill contains broad exemptions from the Endangered Species Act and the Marine Mammal Protection Act which go far beyond what the military requested. For those of who found that the DOD has provided little in the way of justification for its own proposals, these broad exemptions were extremely troublesome.

In fact, under the guise of maintaining national security and military readiness, H.R. 1588 would weaken the ESA to allow critical habitat designations which are necessary for the recovery of imperiled species to be done on a discretionary basis and to do so in all instances, not just as it may apply to the military. In fact, when it came to marine mammals, any nonmilitary, nongovernmental activity also would be covered by the weakened standards of this bill.

Let me be clear, H.R. 1588 goes far beyond what even the military requested. As far as what DOD requested for itself, we have had two recent GAO reports which found that the Pentagon has failed miserably to provide any compelling examples to verify their allegation that the ESA and the MMPA are undermining the training and readiness of our fighting forces. In Iraq, we watched on live television the overwhelming strength and bravery of our Armed Forces. We salute them for a job well done. There is no doubt they were well-prepared for battle, and they did it under existing law.

Further, we know that existing law already provides exemptions to all laws when national security is at stake. Yet the military has not even availed themselves of those exemptions in current law.

However, the gentleman from Michigan (Mr. DINGELL) and myself are reasonable people. We are strong supporters of our military. We on this side of the aisle, just as strongly as anybody in this Chamber, support our troops. We are proud of the great sacrifice our fighting men and women have made to protect our Nation.

As such, we submitted to the Committee on Rules an amendment which would have, first, limited the proposed revisions to the ESA and the MMPA contained in this legislation strictly to military activities. Second, we would have ensured that those revisions, while providing the military with some compliance flexibility, would not have diminished the letter and intent of the ESA and the MMPA.

This reasonable amendment was not made in order. Instead, buried within the text of what was supposed to be a technical manager's amendment by the chairman of the Committee on Armed Services, we find a sleight-of-hand trick is being played.

Yes, the Hunter amendment revises the broad ESA and MMPA exemptions contained in H.R. 1588. It limits these changes to the military, but it does not do so in the prudent, protective manner that was part and parcel of the Rahall-Dingell amendment.

Mr. Speaker, I suggest to my colleagues that we not be lulled into believing that the Hunter amendment would have accomplished what the Rahall-Dingell amendment would have. On process and substance, the Hunter amendment should be rejected. Therefore, I urge a no vote on the previous question; and if that fails, I urge a no vote on the rule.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN) for the purpose of a colloquy.

Mr. TAUZIN. Mr. Speaker, I rise to enter into a colloquy with the chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER).

It is my understanding that the bill before the House contains three sections that are largely based upon H.R. 2122, the Project BioShield Act which the Committee on Energy and Commerce ordered reported just last week; is that correct?

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

Mr. TAUZIN. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, the gentleman's understanding is correct.

Mr. TAUZIN. The Committee on Energy and Commerce worked in a bipartisan fashion at the request of the President to report a strong BioShield bill. We expect the bill to be on the floor very shortly. However, just this week I learned similar DOD provisions have been incorporated in the bill that may not be wholly consistent with our efforts in this area.

□ 1245

We accomplished many of the gentleman's objectives in our bill. Because my committee will not have a chance to work its will on the gentleman's BioShield provisions, may I have his assurance that he will work with me as the bill heads to conference to ensure that any provisions agreed to there are properly drafted and not inconsistent with the President's proposed program?

Mr. HUNTER. Let me just say to my good colleague and the chairman of the Committee on Energy and Commerce and a guy who has a great dedication to the Armed Forces, we appreciate all his support and all of the hard work that his committee has done in this area. He has my assurance that we will work with him as this bill walks down through the process.

Mr. TAUZIN. I thank the chairman and look forward to working with him and the administration in ensuring that we properly implement the BioShield program and congratulate him and the committee for, again, a great effort in this bill to help secure our country and protect her.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, there were 99 amendments filed to the defense authorization bill. Nine were made in order: six for Republicans, three for Democrats. Among those not made in order was an amendment that I offered along with the gentleman from California (Mr. SCHIFF) which would simply have restored this bill so that the President's request for cooperative threat reduction, our efforts better known as Nunn-Lugar to get rid of Russian nuclear materials, chemical weapons and biological weapons, could be fully funded and fully expressed, freed of some encumbrances entered into the bill in the committee mark and allowed to go forward basically and only as the President has requested.

That is all we sought to do. But this is critically important because it addresses a particular facility in Russia called Schuch'ye which has maybe 75 percent of the deadliest chemical weapons, sarin and VX and other nerve agents, contained in Russia. We are right now at the threshold of beginning a project that would destroy those weapons, and this bill as now written without my amendment would hamstring and hinder the undertaking of that project.

Mr. Speaker, I have served in the Congress for 21 years, and all these years I have served on the House Armed Services Committee. I am the second ranking Democrat on the committee. I do not suggest that time served or rank necessarily entitles a Member to be heard on the floor, but when a Member has a serious and substantive provision, there should surely be some deference, some comity. We have always extended it in the past. In the 20 years I have served there, it has been done. I think it has been understood in the past if we are to have good policy, we have to have good debate on the House floor. And when you stiff-arm good proposals, worthy ideas, when you shut us out, you do not just diminish me, the individual Member who would offer the amendment, you diminish the House of Representatives. That is exactly what you are doing here.

My amendment is not as important as Nunn-Lugar, as the other amendments which have been addressed here, but it is important. We should have a right to be heard on this amendment, and we are diminishing the House. Every Member who respects this institution and has any sense of comity and fair play should vote against the previous question and against this rule.

Mr. MCGOVERN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is a very important bill that we are debating here today. Every Member of this body deserves to be heard. In the Committee on Rules yesterday, I urged that we have a free and open debate and that at a minimum on important issues like the environmental rollbacks and our worker protections and rights and our nuclear weapons that we have an opportunity to deliberate and offer amendments. Instead, the Republican leadership appears to be shutting the door on an open debate and it appears has denied outright amendments from distinguished Members like the gentleman from South Carolina (Mr. SPRATT), the gentleman from Michigan (Mr. DINGELL) and the gentleman from West Virginia (Mr. RAHALL).

The majority has an opportunity to try to repair some of the damage, and they can start with the Cooper/Van Hollen amendment. There are almost 700,000 civilian employees at the Department of Defense who serve this country proudly and patriotically. But with the stroke of a pen this bill will strip them of their most basic rights and protections.

This is a dangerous door that we are opening. We are clearing the way to allowing political and personal favoritism to enter our civilian workforce, which is precisely what our Civil Service system is designed to prevent. This is wrong.

I am sick and tired of those on the other side of the aisle messing around with the lives of American workers. The Republican leadership's arrogance and insensitivity to working Americans is astonishing. The Cooper/Van Hollen amendment would fix these offensive provisions and would reinstate the most basic worker rights and protections. We do not want our civil servants to look like some corrupt Third World dictatorship.

Chairman DREIER last night declared that he would prefer that the Democrats offer a different amendment. Well, that is not how this process is supposed to work. If Chairman DREIER believes so strongly in a different amendment, then he should go and offer it. But the gentleman from Tennessee (Mr. COOPER) and the gentleman from Maryland (Mr. VAN HOLLEN) followed the procedures set by the Committee on Rules. They have a good amendment, and it deserves a vote up or down.

We are sick and tired of being shut out of this debate in this House. The minority has rights, and we expect the Republican leadership to honor them. The Committee on Rules could do the right thing when it meets later today by making the Cooper/Van Hollen amendment in order for tomorrow's debate.

This is not a trivial matter. This is an amendment on one of the most significant provisions in the defense bill. Anyone who wants to vote against it can vote against it, but it deserves genuine debate. We deserve to have our voices heard, and we deserve a vote on this amendment.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, this rule is not in the finest traditions of this House. As it applies to Washington State, we have three icons in Washington State: the United States Navy, orca whales in the Puget Sound, and the Columbia River. All of them can live in perfect cohabitation if we come up with a rule that respects the values of all three. This rule does not allow this House to do that, because it seriously weakens the protections of the orca whales in the waters of the State of Washington. That is wrong. It is unnecessary. The bill that we will be considering without allowing an amendment proposed by Democrats would seriously strip the protection of orca whales in a way that is not necessary. We have proposed a way to protect both the strong U.S. Navy and a strong orca whale population.

In the Columbia River system, we are now allowing potential leachate from radioactive materials being buried in unlined trenches, and the majority has denied us an amendment to solve that problem to keep radioactive waste out of the Columbia River system.

The State of Washington says we ought to have a strong Navy, a strong orca whale and a strong Columbia River; and this rule does not allow any of those to take place.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this budget is 13 percent higher than Cold War levels, with money for a missile defense system which does not work, money for previously prohibited research on low-yield nukes and $626 million for a space-based laser. From Star Wars to fear wars, this administration led this Nation into a war based on a pretext that Iraq was an imminent threat, which it was not. The Secretary of State presented pictures to the world he said was proof. Today, despite having total control in Iraq, none of the very serious claims made to this Congress, this Nation and the world have been substantiated.

Where are the weapons of mass destruction? Indeed, what was the basis for the war? We spent $400 billion for defense. Will we spend a minute to defend truth? The truth is that this administration led America into a war with such great urgency and still is refusing to account to the American people for the false and misleading statements which brought America into war. The American people gave up their health care, education and veterans benefits for this war. And for what? Answer the questions, Mr. President.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

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

This is a strong and good bill on which there are points of serious disagreement. One of those points of disagreement is the extent to which environmental protection laws should be rolled back in the case of military operations. Many of us on our side and some on the other believe they should not be rolled back as much. There are those on the majority side who believe that this is the right way to go. What we are asking for is a chance to debate that question and take a vote.

In this bill, there is a serious disagreement about the rollback of the civil protective rights of civilian workers in the Department of Defense. We believe it goes far too far. Many on the other side believe it is the right thing to do. All we are asking for is the right to debate that question and take a vote.

It is the supreme and bitter irony that the world's greatest fighting force that defends democracy around the world with great skill and in whom we take great pride, that the bill that funds that fighting force is not being pursued under basic democratic principles. Our military force defends democracy around the world, but we do not have democracy on the floor of the House of Representatives.

Vote ''no'' on this rule.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will call for a vote on the previous question, and I am going to urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order the Rahall/Dingell amendment that was offered in the Committee on Rules last night and defeated on a straight party line vote.

Mr. Speaker, I am absolutely amazed that today the Republican leadership is throwing away the long-standing tradition of bipartisan cooperation in shaping our national defense policies. It is a very sad day indeed when something as important as defending our Nation takes a back seat to partisan politics. In fact, it is more than a sad day. It is shameful, and it is wrong.

This bill is supposed to be about protecting our Nation and providing the very best policies and tools to help our brave servicemen and women defend this great land. Instead, it is a vehicle for fulfilling ideological agendas, agendas that have no place in this critical debate.

I urge every Member of this House to vote ''no'' on the previous question. This vote is a matter of fair play. Whether or not a Member supports the Rahall/Dingell substitute, Members of this body should support the right of other Members to be heard. There is no rational reason why any Member of this body should be denied the right to register his or her opinion on the alternative position advocated by the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Michigan (Mr. DINGELL) and many, many, many Members of this body.

I want to point out that a ''no'' vote will not stop the House taking up the Department of Defense authorization. However, voting ''yes'' is a vote to shut out alternative points of view, a point of view that happens to represent the views of millions of Americans. I stand firmly in my belief that ensuring a strong national defense is one of the most important duties I have as a Member of Congress. But I also stand firmly in my belief that the United States House of Representatives is supposed to be a representative body. It is not supposed to be an institution where the minority rights get shut out. Join with me to bring back some democracy in this institution by allowing the House to debate and vote on the Rahall/Dingell substitute.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question. Again, vote ''no'' on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 245—RULE ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

AMENDMENT TO H. RES. 245 OFFERED BY ____

At the end of the resolution, add the following:

''SEC. 4. Notwithstanding any other provision of this resolution, the amendment specified in section 5 shall be in order as though printed after the amendment numbered 1 in the report of the Committee on Rules if offered by Representative Rahall of West Virginia or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent. Section 2 shall not apply to the amendment numbered 1 or the amendment specified in section 5.

SEC. 5. The amendment referred to in section 4 is as follows:

Strike section 317 (page 59, line 16, through page 60, line 24) and insert the following new section:

SEC. 317. MILITARY READINESS AND CONSERVATION OF PROTECTED SPECIES.

(a) LIMITATION ON DESIGNATION OF CRITICAL HABITAT.—Section 4(a)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting ''(A)'' after ''(3)''; and

(3) by adding at the end the following:

''(B)(i) The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that—

''(I) the management activities identified in the plan, for the term of the plan, are likely to provide conservation benefits for the species within the lands or areas covered by the plan;

''(II) the plan provides assurances that adequate funding will be provided for the management activities identified in the plan for the term of the plan; and

''(III) the biological goals and objectives, monitoring provisions, and reporting requirements provide reasonable certainty that the implementation of the plan will be effective to achieve the identified conservation benefits.

''(ii) Nothing in this paragraph affects the requirement to consult under section 7(a)(2) with respect to an agency action (as that term is defined in that section).

''(iii) Nothing in this paragraph affects the obligation of the Department of Defense to comply with section 9, including the prohibition preventing extinction and taking of endangered species and threatened species.''.

(c) CONSIDERATION OF EFFECTS OF DESIGNATION OF CRITICAL HABITAT.—Section 4(b)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(2)) is amended by inserting ''the impact on national security,'' after ''the economic impact,''.

Strike section 318 (page 61, line 1, through page 64, line 7) and insert the following new section:

SEC. 318. MILITARY READINESS AND MARINE MAMMAL PROTECTION.

(a) DEFINITION OF HARASSMENT FOR MILITARY READINESS ACTIVITIES.—Section 3(18) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(18)) is amended by adding at the end the following new subparagraph:

''(D) In the case of a military readiness activity, the term 'harassment' means—

''(i) any act that has the potential to injure a marine mammal or marine mammal stock in the wild; or

''(ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing meaningful disruption of biologically significant activities, including, but not limited to, migration, breeding, care of young, predator avoidance or defense, and feeding.''.

(b) EXEMPTION OF ACTIONS DURING WAR OR DECLARED NATIONAL EMERGENCY.—Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by inserting after subsection (e) the following:

''(f) EXEMPTION OF ACTIONS DURING WAR OR DECLARED NATIONAL EMERGENCY.—(1) The President, during time of war or a declared national emergency, may exempt any action undertaken by the Department of Defense and its components from compliance with any requirement of this Act if the Secretary of Defense determines that such an exemption is necessary for reasons of national security.

''(2) An exemption granted under this subsection shall be effective for a period of not more than two years. Additional exemptions for periods not to exceed two years each may be granted for the same action upon the Secretary of Defense making a new determination that the exemption is necessary for reasons of national security. However, exemptions granted under this subsection shall terminate not more than 180 days after the end of the war or declared national emergency.

''(3) The President shall submit to the Congress, during the period of the war or national emergency, an annual report on all exemptions granted under this subsection, together with the reasons for granting such exemptions.''.

Strike section 319 (page 64, line 8, through page 65, line 15).

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

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to rule XX, this 15-minute vote on ordering the previous question on House Resolution 245 will be followed by 5-minute votes on adopting the resolution, if ordered, and on questions previously postponed with respect to H.R. 1170 and H.R. 1911.

The vote was taken by electronic device, and there were—yeas 225, nays 203, not voting 6, as follows:

[Roll No. 201]

YEAS—225

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Becerra
Cox
Gephardt
Levin
Sherwood
Simmons

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). The Chair would inform Members that they have 2 minutes remaining.

□ 1317

Messrs. JEFFERSON, ALEXANDER and POMEROY changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 200, not voting 10, as follows:

[Roll No. 202]

AYES—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel

Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Becerra
Combest
Conyers
Gephardt
Hefley
Levin
Peterson (PA)
Sherwood
Simmons
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 1324

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHILD MEDICATION SAFETY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1170, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and pass the bill, H.R. 1170, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 8, as follows:

[Roll No. 203]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Davis (CA)

NOT VOTING—8

Becerra
Gephardt
Levin
McInnis
Peterson (PA)
Simmons
Smith (NJ)
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). The Chair wishes to inform Members they have less than 2 minutes remaining on this vote.

□ 1331

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.''.

A motion to reconsider was laid on the table.

ENHANCING COOPERATION AND SHARING OF RESOURCES BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1911.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1911, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows: