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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Lord, God, we lift our hearts to You. You are the one who is, and was, and always will be. You have taken Your great power and have begun to reign. Teach us to trust in Your love and in Your promises. Make Your grace abound toward us so that we will have sufficiency in all things.

Give knowledge and understanding to our Senators as they work for Your glory. Free them from entanglements that dishonor You. Fill them with gratitude for this opportunity to invest their lives in something that will outlive them. Give them each day an awareness of Your presence, and may they work for Your honor.

Teach us all to trust You, even when the road is difficult to find in life's darkness.

We pray this in Your living name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will immediately resume consideration of the Defense authorization bill. Although I announced no rollcall

votes will occur today, we expect a number of Senators to come to the floor of the Senate to offer their amendments throughout the day. It is our expectation that some of those amendments can be fully debated today and Monday, and then we will schedule votes for Monday night.

Last night I stated that we will have our next series of rollcall votes on Monday and those votes to start around 5:30 p.m. We will have a busy day and evening on Monday and throughout Tuesday as we complete the Defense authorization bill. I continue to remind my colleagues we will be scheduling votes on the available judicial nominations each day next week.

Next week is the final week prior to the scheduled Fourth of July recess. It is expected it will be a very busy week. I advise my colleagues in advance to keep their schedules flexible in anticipation of busy floor sessions with votes each day throughout the week.

Also, as a reminder, we will be taking the official photograph of the Senate this Tuesday at 2:15. Members should be seated at their desks promptly at 2:15 to avoid missing this photograph.

I do want to thank all for their attention, and I particularly thank Senators WARNER and LEVIN for being here today managing the bill and for their continuing efforts at finishing this bill. They have been here each evening and early each morning. I appreciate their continued hard work on the bill.

MEETING IRAQI PRESIDENT SHEIK GHAZI AL-YAWR

Mr. FRIST. Mr. President, I want to make a brief statement in leader time on a visit I had last week with the new President of the Iraqi interim government, Sheik Ghazi al-Yawr. The distinguished minority leader, the distinguished President pro tempore, and Senators LEAHY, WARNER, LUGAR, REID, and LEVIN all participated in what was a fascinating luncheon discussion.

Our meeting was a timely one. I traveled about 12 days ago to Baghdad and had the opportunity to spend time with other leaders in Baghdad. To be able to host the President here and have a discussion about his perspective was very useful, very productive.

Two weeks ago, I was in Baghdad with Senators ENSIGN and BENNETT, and while we were there we had the opportunity to meet with the new Iraqi Prime Minister, Dr. Ayad al-Alawi. I mentioned our discussions with him on the Senate floor yesterday morning.

Our meeting this week also came on the heels of the unanimous passage on Tuesday a week ago of the U.N. Security Council resolution that governs the transfer of sovereignty to the Iraqi people as we move from occupiers to a mission presence in Iraq.

President al-Yawr at our meeting last week laid out his vision of a free Iraq. He reminded us that the Iraqi people want a free society that is governed by a rule of law. A rule of law has become a real goal of his as he looks over the next 6 months in terms of the operation of this interim government. The Iraqi people want to do what you would expect, and that is to be able to raise their children in peace and to be able to live their lives in peace. That element of security coupled with preparing for these elections 6 months from now are his dual objectives.

The President did point out and underscored the importance of the date that will occur now in 2 weeks, and that is June 30, which is the formal transfer of sovereignty. He stressed the importance of maintaining a coalition presence posthandover in order to preserve security while the new Iraqi police forces are being built and rebuilt, and the Iraqi Armed Forces are being equipped, appropriately armed, and trained. He rejected those who commit acts of terror against the Iraqi people. No Iraqi wants to return to the days when a single individual ruled that country with fear.

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



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He pledged that Iraq would serve as an example of peace and of freedom—for Iraq, yes, but even more, or equally important, I should say, as an example for the entire region.

The Iraqi people look forward to holding democratic elections and to governing themselves, he told us. But he was quick to say the Iraqi people must have that security in order to rebuild their lives.

It was interesting. When we asked him about the coalition and how broad a coalition, what he said is what the Iraqi people need is not just a broad coalition, but he needs—the Iraqi people need—an effective coalition. It is that effectiveness that ultimately is most important to him as the new President of that country. He needs people who can get the job done for him.

The President was quick to express his thanks on behalf of the Iraqi people and asked us to extend that thanks, that appreciation of the sacrifices Americans have made so the Iraqi people could live in a free country, that they would have that opportunity to live freely and to pursue democracy. He made it clear the full pursuit of democracy will take time. The first step is the election 6 months from now. It may be a series of elections before full-blown democracy, as we generally conceive of democracy, will take hold.

In these difficult times, the President of Iraq stated Iraq would need the full support of the United States of America, both politically, financially, and militarily, as they go through this transition and over the coming months.

He recognized that without a secure and stable environment the U.S. coalition provided, a democratic Iraq simply would not succeed.

President al-Yawr recognized the huge task confronting the new Iraqi government, but he was determined. He expressed that determination in every sentence, in every thought he shared with us. He stated he was encouraged by the widespread support of the Iraqi people for the new interim government.

He clearly draws his strength from the aspirations to transform Iraq into a thriving democracy. President al-Yawr made clear that what is called TAL, transitional administrative law, the law of the land during this interim period, would govern their actions in the coming months, and the rights of all would be protected under this transitional administrative law. His immediate focus is to build those professional security forces to establish an independent judiciary that can uphold that rule of law.

As Iraqis rebuild their capacity to maintain security and govern themselves, the President said the world would see an Iraqi face on the war against terrorism in Iraq. Having met the Prime Minister in Baghdad a week and a half ago, and now the President of Iraq here in the Nation's Capital, the impact of having that Iraqi face, telling the Iraqi story, having it not told

just by Americans or by an occupying force, will make a huge difference on the world stage. It is for the Iraqi people, it is by the Iraqi people, and it is up to the Iraqi people at this point.

No nation wants to rely on another for its security. The President of Iraq expressed that. The Iraqi people want to stand on their own strength. But they need help through this transition period. He also made it clear that to rely upon a coalition while they are rebuilding their police and their army is not a surrender of their sovereignty in any way. Indeed, it is in Iraq's vital national security interests to accept the coalition's help, he stated.

Having now met with Iraq's two most senior leaders over the last 12 days, I am confident these two leaders and this new government is a strong one. They have the vision, they have the fortitude, they clearly have the courage, but they also have the resolve to lead the Iraqi people on this path toward freedom and democracy.

Indeed, Iraq's new leaders have the confidence of our friends in the region. Senator DASCHLE, Senator MCCONNELL, Senator BIDEN, and I all met with King Abdullah of Jordan this week in the Capitol. His Majesty expressed his confidence in and support of the new Iraqi government, as well. That is, again, a perspective from a very important, very significant leader in that part of the world.

It is important to praise President Bush and his team for their vision, for their resolve, and their efforts to get the United Nations and the international community behind this government. That has been a successful endeavor.

We are all concerned about the recent terrorist activity in Iraq. As I have mentioned in the Senate in the last couple of days, an increase in terrorist activity is anticipated. It is expected by the Iraqi leaders and by our civilian and military leaders because the terrorist groups—whether it is the Zarqawi network, whether it is the former regime loyalists, or whether it is the insurgents—will increase activity to derail this transition of sovereignty to the new government. They are not going to be successful. Yet we will see that increased terrorist activity. Indeed, we see the increased activity when we open the news each morning.

The terrorists want to disrupt this handoff. They are simply not going to be successful. They do not want to see the Iraqi people breathe that fresh air of freedom. They will not be successful. Indeed, we will win.

I yield the floor.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

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

The legislative clerk read as follows:

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

Pending:

Bond modified amendment No. 3384, to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness compensation Program and to provide for the disposal of certain excess Department of Defense stocks for funds for that purpose.

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

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

Mr. REID. Mr. President, on behalf of the two managers, I am reporting today that we will have two amendments by the Senator from Illinois that will be offered, two amendments by the Senator from New Jersey will be offered, an amendment by the Senator from Rhode Island will be offered, and I will offer an amendment. That is the schedule for today's session.

Of course, as the majority indicated, there will not be any votes. If the managers require votes, and these are not accepted, these votes will be stacked for Monday night in addition to amendments offered Monday that were announced at an earlier time.

The PRESIDENT pro tempore. The Senator from Illinois.

AMENDMENT NO. 3196

Mr. DURBIN. I call up amendment No. 3196.

The PRESIDENT pro tempore. The pending amendment will be set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. MIKULSKI, Ms. LANDRIEU, Mrs. MURRAY, Mr. DAYTON, Mr. CORZINE, and Mr. BIDEN, proposes an amendment numbered 3196.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred)

At the appropriate place, insert the following:

SEC. ____ . NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.

(a) **SHORT TITLE.**—This section may be cited as the “Reservists Pay Security Act of 2004”.

(b) **IN GENERAL.**—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

“§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(c) **CLERICAL AMENDMENT.**—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

(2) **CONDITIONAL RETROACTIVE APPLICATION.**—

(A) **IN GENERAL.**—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after October 11, 2002 through the date of enactment of this Act, subject to the availability of appropriations.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$100,000,000 for purposes of subparagraph (A).

Mr. DURBIN. This amendment is being offered by myself, Senators MIKULSKI, LANDRIEU, SARBANES, CORZINE, MURRAY, DAYTON, and BIDEN. This is an amendment that will be a familiar amendment to many Members of the Senate. It is an amendment I offered before on an appropriations bill and was adopted with an overwhelming vote in the Senate. Unfortunately, it was stripped out of the bill in conference.

This amendment to the Defense authorization bill addresses the financial burden facing many of the men and women who serve in the military Reserve and National Guard and are forced to take unpaid leave from their Federal jobs when called to active duty. I offered this amendment to the fiscal year 2004 supplemental. It passed by a margin of 96 to 3 before it was removed in conference. The vote recognized the reality that since the end of the cold war, employment of our Reserve forces has shifted profoundly, from being primarily an expansion force to augment active forces during a major war to the situation today, where the Department of Defense admits that no significant operation can be undertaken by the United States of America without Guard and Reserve components.

Think of how often we, as individuals, both elected and unelected, have come forward to congratulate employers who stand behind their employees when activated. We salute them. We say it is a great show of citizenship

that when an employee of a company is activated in a Guard or Reserve capacity that the company makes up the difference in their paycheck; continues their health insurance; of course, promises them a job when they return. We salute all these great employers.

This amendment addresses an employer that has turned out to be a deadbeat when it comes to Guard and Reserve. That employer happens to be the Federal Government. Yes, that is right, the United States Federal Government is an employer which does not offer Guard and Reserve activated employees the same benefits being offered by State governments, local governments, and private companies.

One might ask, How many Federal employees are in the Guard and Reserve? Today, there are about 1.2 million members in the National Guard and Reserve. Of that number, 10 percent, 120,000, are Federal employees. More than 43,000 Federal employees have been activated since 9/11. That is more than one-third of those Federal employees who are members of the Guard and Reserve have actually been activated.

Currently, more than 15,000 Federal employees remain activated with Guard and Reserve. They are dedicated. They are loyal. They are serving their country. They have chosen not only to work for our Federal Government but also to volunteer for the Guard and Reserve. But they do it at a price.

While these individuals receive pay for the time they are on active duty, the salary gap many times between military pay and their Government pay and allowances can be considerable.

A Department of Defense survey of 35,000 reservists, including Federal employees, found that 41 percent of all reservists suffer lost income during mobilization and deployment. Of the 41 percent reporting a loss, approximately 70 percent said their annual income was reduced by almost \$4,000. Approximately 7 percent, however, reported an annual loss ranging from \$37,000 to \$50,000.

So imagine this scenario: Someone works for the Department of Transportation of the United States of America. They have signed up for the Army Reserves. They have a job that pays \$60,000 a year, being a Federal employee. Now they have been activated and they are being paid \$30,000 a year. What about that salary gap?

A lot of State governments and local governments and private companies say: We will make up the difference. We will stand with you. You are serving your country. You are risking your life. We will stand by you—but not the Federal Government. Many companies, State and local governments—companies such as Ford, IBM, Verizon, Safeway; and the State of California, Los Angeles County, Austin, TX—recognize the burden and voluntarily pay the difference between Active-Duty military salary and civilian salary for reservists. Typically, these employers

cover their reservists anywhere from 90 days on, with possible extensions of up to 18 months.

In my State of Illinois, Boeing Aerospace, State Farm Insurance, Sears, Roebuck & Company, the State of Illinois, the city of Chicago, and many other Illinois companies and local governments and institutions, cover the pay differential for Reserve and Guard members. The State of Alaska has passed legislation, which Governor Murkowski signed into law, that allows the government to make up the difference in pay and continue some or all health benefits for State employees called to active duty in the Reserves and National Guard. The authority would be discretionary, triggered by an order of the Governor. The bill's effective date is retroactive to September 11, 2001.

In addition to Illinois and Alaska, similar legislation has been enacted in at least 21 other States, including the Commonwealth of Virginia. I know the Senator, who is chairman of this committee, is particularly proud that his State stands behind State employees who have been activated for the Guard and Reserves and makes up the difference in salary.

But what an embarrassment it is for us to stand on the floor of the Senate and say the Federal Government does not do the same thing. That is right: The Government of the United States does not offer the same benefits offered by Illinois, Alaska, Virginia, and many other States across the Nation. These States have gone above and beyond the requirements of law in many circumstances. They stand behind these people. In fact, when you look at the private sector, hundreds of companies provide full salary differential for at least 90 days when the Guard and Reserves are activated.

The Federal Government is the Nation's largest employer. We, in Washington, are the first to stand up and salute our troops, as we should. But instead of just saluting, why don't we give these troops a helping hand? For goodness' sake, these Federal employees—activated time and time again, causing great hardship to their family—deserve the same consideration as those employees of State and local governments and private companies.

My amendment will help alleviate some of the financial burdens faced by these Federal employees who have been mobilized. Federal employees, without hesitation, take time off their jobs, away from their families, to serve our Nation.

On October 11, 2002, I voted against the resolution to give the President authority to go forward with this war. That decision was a tough one. The decision was made by this Congress to go forward anyway.

What has happened since? We have found a war that we hoped would be short in duration has become much longer. We now have some 135,000 to 140,000 troops in the field in Iraq. We

hope they will come home soon, but there is no end in sight. Many of my activated Guard and Reserve units have been extended. They are over there for extended periods of time, causing great hardship, really assaulting the morale of many of these units. Yet they continue to serve, and they continue to risk their lives. Some have been mobilized for more than a year. Many have had their tours involuntarily extended. Some are subject to stop-loss orders.

Given the increased commitment of Reserve components—the longer tours, particularly in Iraq and Afghanistan—and concerns over recruiting and retention, this legislation is timely and a vote of support for each and every Federal employee who is also a citizen soldier. We have to provide our reservist employees with financial support so they can leave their civilian lives to serve our country without the added burden of worry about whether their loved ones back home can make a monthly mortgage payment or provide new shoes for the kids. They are doing so much for us, we can do no less for them.

Let me also say, this is an authorization, and it is an authorization with a retroactive date back to October 11, 2002, when the Senate initially enacted my reservist pay security bill. The amendment provides for the authorization of \$100 million to cover retroactive payments from October 11, 2002, through the date of enactment. Of course, this \$100 million is subject to appropriation.

Prospectively, the funds come from discretionary funds for each agency, so that as Federal employees in each agency are activated into Guard and Reserve units, serving and risking their lives overseas, the agencies will understand they are going to stand by these employees while these employees are standing by our country.

I believe this is a reasonable amendment. I think it is one that the Senate has embraced with an overwhelming bipartisan rollcall vote of 96 to 3. It belongs in this authorization bill so we can say to Federal employees: We respect you no less than all of the others who are serving in the Guard and Reserves. We believe you should be given a helping hand to keep your family together as you volunteer to serve this country.

Mr. President, at this point I would ask that this amendment be set aside and I be given an opportunity to call up another amendment which I have pending at the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I call up amendment No. 3225.

Mr. WARNER. Mr. President, I wonder if we could—

The PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, could we first discuss this amendment a minute?

Mr. DURBIN. Yes, I would be happy to discuss it. In fact, I did not know the Senator wanted to, but I am anxious to.

The PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, the concern I personally have had—and I think shared by some of our colleagues—is almost less from a fiscal standpoint and more from the fact that when you put a unit together and you bring into that, say, Regular Army unit a guardsman and reservist—the Senator well understands that young people exchange with each other their own pay and background and one thing and another—and suddenly, you have two sergeants, equally competent to operate that tank or artillery piece or Humvee, whatever the case may be, and one is getting this bump up in pay from, again, the Federal Government as opposed to the State and the other is not, it causes a friction. This is the main concern I have. I just wonder to what extent my colleague has thought through that issue.

Mr. DURBIN. Mr. President, I thank the chairman of the committee, and also for his leadership on this bill.

Retired MG Bob McIntosh of the Reserve Officers Association has testified on this same issue. He said he does not believe that people in the military sit around comparing pay stubs. But if they did, I am afraid the Senator's argument would lead us to conclude that we have to stop State and local governments from providing additional pay because that, too, is a differential being provided out of the largess and charity—charity is not the right word; it is really a payment that is made because of a sense of obligation to the family involved. But it is a payment that is made.

In my State of Illinois and your State of Virginia and in the State of Alaska, you have the decision that, when your State employee is activated, the State is going to send them the pay differential. So you will have two sergeants: one in Virginia who might be receiving this pay differential, and one from the Federal Government who does not.

So in my way of thinking, we should be encouraging all of these employers to stand by their people. We are more dependent on the Guard and Reserves now than ever in our history. We want to have good recruitment, good retention. I think if we have more employers standing behind those men and women, it is going to help us keep and attract the very best.

Mr. WARNER. Well, I see that argument very clearly. Of course, you know the Army proudly has this motto: "We are one," which means every soldier can do a variety of things, and whether you are a guard or reservist, you are respected now just as much as that career person.

Do you have that list of 22 States? I think we have it over here on our side. I would like to look at that.

Mr. DURBIN. I would be happy to show you.

Mr. WARNER. Do most of those States do both their National Guard as well as their Reserves or do they just do their Guard?

Mr. DURBIN. I say to the Senator, I am not certain as I stand here. I do not want to mislead him, so I will check into that. But I think they do cover the Guard, and I will find out specifically whether they cover the Reserves as well.

Mr. WARNER. Fine.

Mr. President, I am going to ask that a quorum call be put in while I have an opportunity to take some of the facts which the Senator delivered in his very comprehensive opening statement and check them out.

As I am doing that, would you prefer to go on to your other amendment?

Mr. DURBIN. Yes.

Mr. WARNER. Fine.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, the pending amendment is set aside so the Senator may offer another amendment.

AMENDMENT NO. 3225

Mr. DURBIN. Mr. President, I call up amendment No. 3225.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3225.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require certain dietary supplement manufacturers to report certain serious adverse events)

On page 147, after line 21, insert the following:

SEC. 717. REPORTING OF SERIOUS ADVERSE HEALTH EXPERIENCES.

(a) IN GENERAL.—The Secretary of Defense may not permit a dietary supplement containing a stimulant to be sold on a military installation unless the manufacturer of such dietary supplement submits any report of a serious adverse health experience associated with such dietary supplement to the Secretary of Health and Human Services, who shall make such reports available to the Surgeon Generals of the Armed Forces.

(b) EFFECT OF SECTION.—Notwithstanding section 201(ff)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)(2)) and paragraph (3) of subsection (c), this section does not apply to a dietary supplement containing caffeine that is intended to be consumed in liquid form.

(c) DEFINITIONS.—In this section—

(1) The term “dietary supplement” has the same meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(2) The term “serious adverse health experience” means an adverse event that is associated with the use of a dietary supplement in a human, without regard to whether the event is known to be causally related to the dietary supplement, that—

- (A) results in—
 - (i) death;
 - (ii) a life-threatening condition;
 - (iii) inpatient hospitalization or prolongation of hospitalization;

(iv) a persistent or significant disability or incapacity; or

(v) a congenital anomaly, birth defect, or other effect regarding pregnancy, including premature labor or low birth weight; or

(B) requires medical or surgical intervention to prevent 1 of the outcomes described in clauses (i) through (v) in subparagraph (A).

(3) The term “stimulant” means a dietary ingredient that has a stimulant effect on the cardiovascular system or the central nervous system of a human by any means, including—

- (A) speeding metabolism;
- (B) increasing heart rate;
- (C) constricting blood vessels; or
- (D) causing the body to release adrenaline.

Mr. DURBIN. Mr. President, I offer this amendment to the bill because of a serious health danger which exists in America and one that has been demonstrated clearly on military bases.

Military personnel are under unusual pressure to be physically fit. The conditions under which they work and train are often harsh and demanding, making physical strength and endurance essential. The pressure makes dietary supplements particularly attractive to members of our armed services, especially products marketed for weight loss and performance enhancement.

A 1999 study by the U.S. Army Research Institute for Environmental Medicine found that 85 percent of the more than 2,200 male soldiers surveyed reported using dietary supplements. A military study conducted by the Department of the Navy found that overall 73 percent of personnel reported a history of supplement use, with the numbers as high as 89 percent among marines. When broken down by supplement category, the survey by the Department of the Navy showed that 26 percent of marines took supplements containing stimulants.

Most dietary supplements are safe and provide health benefits to those who take them. This morning I took my vitamins. I don't know if it will make me live longer. I hope it will. I don't think it did me any harm. Millions of Americans take vitamins and minerals every morning believing it is good for them. They are probably right. Medical science proves that.

Within the category of dietary supplements, however, are not just vitamins and minerals but other combinations of chemicals, some naturally occurring, which are not as benign as the vitamins and minerals we take in the morning. There are some supplements, specifically those containing stimulants, which are often marketed for energy promotion, performance enhancement, and weight loss. We know they can cause harm.

Between 1997 and 2001, 30 Active-Duty personnel in America's Armed Forces died after taking dietary supplements containing ephedra. That was a supplement marketed across the United States with names such as Metabolife for weight loss and energy. Eventually that substance was banned by the Federal Government, by my State of Illi-

nois, and others. It had already been banned by the U.S. military, the nation of Canada, banned for use in athletics on the professional level, and by the NCAA, but it has been banned now by the FDA.

A list of adverse events related to dietary supplements released by the Navy includes health events such as death, rapid heart rate, shortness of breath, severe chest pain, and becoming increasingly delusional. These are members of the Armed Forces who are going to base exchanges and buying dietary supplements which are dangerous. They look at what is printed on the bottle. They think they are safe. They buy them with sometimes disastrous results.

Unfortunately, most of the time adverse events such as those I described are not even known to the Food and Drug Administration or to the public because the companies that make the products don't report these bad results. If you walk into a drugstore today, anyplace in America, and you go to the prescription counter with your prescription from the doctor and you get the pills, here is what you know about the pills you are holding. They have been clinically tested for safety so that you can be reasonably sure that if you ingest them you will not die, and that they are likely to achieve the result they are supposed to achieve.

Secondly, if something goes wrong with one of those pills, if you take it and get sick and notify the company, they are bound by law to notify the Food and Drug Administration. If something happens, the Food and Drug Administration says: We may have to remove this from the market to make sure it is still safe. That is the law that applies to prescription drugs.

Now go to the over-the-counter drugs where you don't need a prescription. Have they been tested? The component parts of virtually all over-the-counter drugs have gone through the same testing to make sure they are safe and effective.

Now move over to the section of the drugstore that has the vitamins, minerals, and dietary supplements. None of those rules apply. There has been no testing of that dietary supplement which says it is going to give you energy or help you lose weight, no testing whatsoever.

Let me take that back. The testing is taking place as you buy it. You are the test case, as the consumer. You are ingesting this compound to see what happens. But safety testing of the dietary supplement is not required. What happens if they are dangerous, like ephedra? What if they cause people to have a stroke, heart attack, high blood pressure, or death? Does the company that makes the dietary supplement have any obligation to notify the Government that the product is dangerous? Absolutely not, no requirement whatsoever. That adverse event reporting for prescription drugs does not apply to dietary supplements.

My amendment would require manufacturers of dietary supplements that sell supplements containing stimulants on military installations to turn over to the FDA serious adverse event reports relating to their products. These would include adverse events such as death, life-threatening condition, hospitalization, persistent disability or incapacity, or birth defects. We made a specific exemption in this amendment for supplement beverages containing caffeine, such as tea and sports drinks.

The Office of the Inspector General at the Department of Health and Human Services estimated in 2001 that less than 1 percent of all adverse events associated with dietary supplements are reported to the FDA. The Institute of Medicine issued a report last month recommending that adverse event reporting become mandatory for dietary supplement manufacturers.

They asserted that:

While spontaneous adverse event reports have recognized limitations, they have considerable strength as potential warning signals of problems requiring attention, making monitoring by the FDA worthwhile.

The Institute of Medicine recommended that Congress amend the 1994 supplement law, DSHEA, and require manufacturers of supplements to report to the FDA in a timely manner any serious adverse event associated with their products.

The men and women in uniform serving this country face enough danger in the field. They should not have to worry about the so-called health products being sold on military bases with the approval of the Federal Government that may, in fact, be dangerous to their health. This is the minimum we should require of companies selling dietary supplements on military bases, that they be forced to notify the FDA if the product they are selling to our soldiers, sailors, airmen, marines, and members of the Coast Guard are, in fact, dangerous and cause serious adverse health events such as death and stroke.

In closing, let me tell you what the dietary supplement industry is doing to lobby against this amendment. This is an outrage. This multibillion-dollar industry that sells dietary supplement products all across America without testing them to make sure they are safe and without reporting to the Federal Government when they become lethal and kill people opposes my amendment which would require that they notify the FDA when people face stroke and adverse events, death and serious health consequences.

This is what they are saying on their e-mail to their customers: The Durbin bill will hold dietary supplements to a higher level of scrutiny than prescription drugs, over-the-counter drugs, and food additives. They are wrong. Supplements face none of the up-front scrutiny that prescription drugs, over-the-counter drugs and food additives face, nor are they required to report adverse events as prescription drugs are.

The standard we are establishing is the same standard. They should live by the same standard. We lost 30 American soldiers to these dietary supplements, which were lethal. At this point in time, as a minimum, we should require these companies to report to the FDA, when their products are killing people. If they will not report, they should not be allowed to sell their product on military bases. The military banned ephedra when they found out it was killing our soldiers.

We should not test-market dietary supplements on our soldiers. That is what my amendment will do. I hope the Senate will adopt it and that we will show concern for the military and their families and protect them as we should protect every American consumer.

At this point, I ask unanimous consent that my amendment be set aside. I ask for the yeas and nays on my amendment.

Mr. WARNER. Mr. President, reserving the right to object, regarding the second amendment we are currently on, I would like to reserve the right to have an amendment in the second degree. I want to make that clear. We will lay this aside, and one of our colleagues, who is as active in this field as the Senator is, wishes to address a certain aspect of this amendment.

For the time being, this amendment will be laid aside until, hopefully, some time Monday when our colleague will have time.

Mr. REID. Senator DURBIN was only asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, regarding the first amendment, during the course of the colloquy with the Senator from New Jersey, if he would like to speak with me, I have some thoughts on that.

Mr. DURBIN. I thank the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 3291

Mr. LAUTENBERG. Mr. President, I call up amendment No. 3291.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 3291.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. LAUTENBERG. Mr. President, I rise to offer a fairly straightforward amendment to this bill. The amendment will change the flawed policy that currently prevents media access

to the arrival of deceased military personnel from overseas. I include access by the families as well.

On the eve of the Iraq invasion, the Department of Defense issued the following bizarre directive:

There will be no arrival ceremonies for, or media coverage of, deceased military personnel returning to or departing from Ramstein (Germany) Airbase or Dover (Delaware) base.

With this order, the administration effectively blocked images of flag-draped coffins from appearing in the media coverage of this war. It is very hard to understand that decision. I and my colleague from New Jersey, Senator CORZINE, went to Arlington Cemetery this week to honor the funeral and burial of one of four New Jersey guardsmen who were killed last week. I was struck by the ceremony. I have seen such ceremonies before, but in Arlington it has a special significance. Thousands of our comrades in arms from different wars are at rest there. But in the formal ceremony, it was particularly noteworthy that the flag was handled by the honor guard in such a way that every fold, every edge was perfectly handled by this obviously well-trained honor guard. When the final recipient among the guard was handed the flag, folded in triangular form, he took it, almost reverently, and carried it over to the mother of this young man who was killed. What a touching moment.

Even though there were no direct photographs, it is permanently etched in the minds of those who viewed this ceremony. The symbolism of the American flag covering the coffins of those killed doing their duty has been televised as never before, and journalists are embedded in tanks with combat units. But by the order of the Pentagon, the solemn homecoming of the dead—a time-honored tradition—was forbidden to be photographed or to appear on a television screen. Perhaps—just perhaps—the American people might believe that the reports on the deaths of our soldiers are somehow exaggerated, and this time-honored respect for giving one's life in battle for his country—an honor by having a flag draped over that coffin—was going to be ended. In seeing these coffins, the American public would make it impossible not to share the sorrow of the families who received them. You didn't have to know who was in that coffin, or the family, to know there was another American hero being returned to his country.

Seeing the returning coffins prompted a national sense of shared pain and sacrifice and despair. But during this war, the administration has chosen to fence itself in and ban cameras not only from the central military morgue at Dover Air Force Base but also make it difficult for the press to access the Walter Reed Army Medical Center here in Washington.

I visited Walter Reed this week with Senator CORZINE after we left Arlington Cemetery. We felt it was appropriate to visit with those who were wounded and being treated at Walter Reed from the same contingent, from the Guard company that was attacked so ferociously. We talked to the soldiers who were there with their families. When you see the pain and suffering of those people, you realize how brave and courageous they had been.

I talked to one man, who is now sightless, looking blankly into space. His wife was sitting there with him. He thanked us for visiting. He said he would never again see his 20-month-old daughter. But that would not prevent him from holding her in his arms. He was anxious to get back home to do that. He wanted to return to his fatherly status. He talked of his faith and loyalty to his country. That is a message that ought to go out across America. Why should the press be deprived from an orderly visit, prearranged, to talk to a young man like that, to see the incredible spirit that accompanied this man's faith.

As a result of the current policy at the Pentagon, the over 830 service men and women who died in Iraq passed through a politically imposed void hiding the truth. Even during the Afghanistan war, flag-draped coffins were filmed, and during the Kosovo conflict, President Bill Clinton was on the tarmac to receive U.S. dead.

In 1983, one of the most revered people in American history, President Reagan, personally and publicly received the bodies of 241 marines who were killed by terrorists in Beirut, Lebanon.

I believe the current Pentagon directive is an attempt to manipulate public opinion or make this war pass something that is called the "Dover test," as the Pentagon itself has coined it.

The Dover test dictates that the Pentagon should suppress images of coffins returning from overseas in order to prevent the American people from seeing the real sacrifices that are being made.

The current policy has nothing to do with the privacy of the deceased or their families, as the administration claims. Rather, this policy has everything to do with keeping the country from facing the realities of war, shielding Americans from the high price our young service people are paying.

My amendment is straightforward. It simply instructs the Department of Defense to work out a protocol so that the media can respectfully cover the return to the United States of these heroes who died serving their country.

The amendment specifically states that the new protocol must preserve the dignity of the occasion and protect the privacy of the families. I agree with that statement. The amendment requires the Pentagon to report to Congress on the new protocol within 60 days of enactment of this bill.

The American people deserve to know and see the truth about the cost

of the war in Iraq. My amendment will bring an end to this shroud of secrecy cloaking the hard, difficult truth about the war and the sacrifices of our soldiers.

Our soldiers are fighting for democracy, fighting for a free press in Iraq. Yet our Government is censoring the press here. It is not right and is out of line with American values.

My amendment is supported by leading media associations, including the American Society of Newspaper Editors, and in my view, we should embrace a free press in this country and not fear it. There are heroes who have made the ultimate sacrifice in this war for our country. Let's not censor the honor they earn when they return to our shores.

I urge my colleagues to support my amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I always enjoy debating my good friend from New Jersey. I have fond memories of a recent trip we took to the 60th anniversary of D-day when he told me some of his own personal experiences as a young soldier in the closing moments of World War II, serving with our forces in Germany. He is a modest man and does not talk about it much, but he is one of the few remaining veterans of World War II in the Senate.

I wonder if the Senator might go back to that reference in his statement about the Beirut bombing. Mr. President, would the Senator from New Jersey repeat that because it invoked a memory I have? Did he not talk about how President Reagan went down—I wonder if he will, once again, recite that very important chapter of history.

Mr. LAUTENBERG. Yes. I did say President Reagan made a point of welcoming the bodies back to this country, 241 of those marines who died in Beirut, and I pointed to the fact that this President, to whom we just said goodbye and who was revered by so many in this country, felt in his heart that it was something he should do. It is so contrary to what is happening now. It does not make sense to me.

Mr. WARNER. Mr. President, if my dear friend will indulge me my own recollection, when that tragic incident happened in Beirut, Senator Tower was the leader of the Republican side of our committee, and I was sort of one of the junior members. I remember he came into my office and said: We are leaving for Beirut in 2 hours. If you have time to pack a bag, pack it; otherwise, just bring a toothbrush.

We went over there and saw the tragedy that had befallen our marines. I will never forget it. When we came back on the plane, we talked a little bit, and President Reagan did receive the benefit of our trip. He was deeply moved by that incident.

I cannot recall exactly the days thereafter when we were working with bringing the remains home, but I let it be known to the President that maybe

this would be an opportunity to send a strong message of his deep bereavement for the losses and the resolve that he had to challenge those who brought this about and bring to accountability those who perpetrated that crime. We suggested he go down, and sure enough he did go.

I was privileged he asked if I would come down with him. It was a day I will never forget. It was a cold and rainy day. Because of the number of caskets, it was on the outside largely. I recall the schedule, as all Presidential schedules are detailed, and I had a little copy in my pocket.

He went down to speak to some of the families. It was just magnificent the way this President stood in that cold rain and spoke to them. He turned to me and he said: You know, we should stay and speak to every single family member. He did that. We found the time to go down very orderly and speak to every single family member.

The commanding officer of Camp Lejeune was MG Al Gray. Gray is an extraordinary man. He came up through the ranks in the Marine Corps to become a general. He knew the name—I don't recall he even used any notes—of everyone there, and he stood side by side with the President. I was just a few feet to one side going through and talked to the President. If a wife or a loved one wanted to hug the President, the President hugged them. It was remarkable. It was one of the most extraordinary moments in my long career of working with the men and women of the Armed Forces and a series of Presidents over the many years.

I am glad the Senator from New Jersey brought that up because that attack, in a sense, caught this Nation by surprise. We were ill-equipped. I don't know that the Senator from New Jersey would have any reason to remember this, but the guards around the barracks could not even have live ammo in their weapons to try and deter an attack. We were relying on host country security and the like. But that is an incident which I commend the Senator again for bringing up, but we could not, in my judgment, replicate that today because of the regrettable constancy of bringing back our beloved lost ones in the present conflicts, be they Afghanistan or Iraq.

AMENDMENT NO. 3458 TO AMENDMENT NO. 3291

Mr. WARNER. Mr. President, it is for that reason that I send to the desk a second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3458 to amendment No. 3291.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To propose a substitute expressing the sense of Congress on media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas)

Strike the matter proposed to be inserted, and insert the following:

SEC. 364. MEDIA COVERAGE OF THE RETURN TO THE UNITED STATES OF THE REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES FROM OVERSEAS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, since 1991, has relied on a policy of no media coverage of the transfers of the remains of members Ramstein Air Force Base, Germany, nor at Dover Air Force Base, Delaware, and the Port Mortuary Facility at Dover Air Force Base, nor at interim stops en route to the point of final destination in the transfer of the remains.

(2) The principal focus and purpose of the policy is to protect the wishes and the privacy of families of deceased members of the Armed Forces during their time of great loss and grief and to give families and friends of the dead the privilege to decide whether to allow media coverage at the member's duty or home station, at the interment site, or at or in connection with funeral and memorial services.

(3) In a 1991 legal challenge to the Department of Defense policy, as applied during Operation Desert Storm, the policy was upheld by the United States District Court for the District of Columbia, and on appeal, by the United States Court of Appeals for the District of Columbia in the case of *JB Pictures, Inc. v. Department of Defense and Donald B. Rice*, Secretary of the Air Force on the basis that denying the media the right to view the return of remains at Dover Air Force Base does not violate the first amendment guarantees of freedom of speech and of the press.

(4) The United States Court of Appeals for the District of Columbia in that case cited the following two key Government interests that are served by the Department of Defense policy:

(A) Reducing the hardship on the families and friends of the war dead, who may feel obligated to travel great distances to attend arrival ceremonies at Dover Air Force Base if such ceremonies were held.

(B) Protecting the privacy of families and friends of the dead, who may not want media coverage of the unloading of caskets at Dover Air Force Base.

(5) The Court also noted, in that case, that the bereaved may be upset at the public display of the caskets of their loved ones and that the policy gives the family the right to grant or deny access to the media at memorial or funeral services at the home base and that the policy is consistent in its concern for families.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense policy regarding no media coverage of the transfer of the remains of deceased members of the Armed Forces appropriately protects the privacy of the members' families and friends of and is consistent with United States constitutional guarantees of freedom of speech and freedom of the press.

Mr. WARNER. I share in many ways the objectives of my good friend and colleague from New Jersey. As I said, I respect his own service in the military where both he and I have been along with the loved ones of those who have given their lives in situations, and I am

sure both of us, in the course of our long public careers, have attended many funerals with those loved ones.

This substitute is carefully thought through and I hope the Senator will take a look at it. I would like to read it.

The Department of Defense, since 1991, has relied on a policy of no media coverage of the transfers of the remains of members to Ramstein Air Force Base, Germany, nor at Dover Air Force Base, Delaware, and the Port Mortuary Facility at Dover Air Force Base, nor at interim stops en route to the point of final destination in the transfer of the remains.

Now, that final point is basically where the families of the deceased are located. Continuing:

The principal focus and purpose of the policy is to protect the wishes and the privacy of families of deceased members of the Armed Forces during their time of great loss and grief and to give families and friends of the dead the privilege to decide whether to allow media coverage at the member's duty or home station—

That refers to the final destination of the transfer of the remains—

at the interment site, or at or in connection with funeral or memorial services.

Those could be elsewhere selected by the family.

In a 1991 legal challenge to the Department of Defense policy, as applied during Operation Desert Storm, the policy was upheld by the United States District Court for the District of Columbia, and on appeal, by the United States Court of Appeals for the District of Columbia in the case of *JB Pictures, Inc. v. Department of Defense and Donald B. Rice*, Secretary of the Air Force [86 Fed. 3rd 236, 1996] on the basis that denying the media the right to view the return of remains at Dover Air Force Base does not violate the first amendment guarantees of freedom of speech and of the press.

The United States Court of Appeals for the District of Columbia in that case cited the following two key Government interests that are served by the Department of Defense policy:

Reducing the hardship on the families and friends of the war dead, who may feel obligated to travel great distances to attend arrival ceremonies at Dover Air Force Base if such ceremonies were held.

Protecting the privacy of families and friends of the dead, who may not want media coverage of the unloading of caskets at Dover Air Force Base.

Especially when their loved one may be among them.

The Court also noted, in that case, that the bereaved may be upset at the public displays of the caskets of their loved ones and that the policy gives the family the right to grant or deny access to the media at memorial or funeral services at the home base and that the policy is consistent in its concern for families.

It is the sense of Congress that the Department of Defense policy regarding no media coverage of the transfer of the remains of deceased members of the Armed Forces appropriately protects the privacy of the members' families and friends and is consistent with United States constitutional guarantees of freedom of speech and freedom of the press—

As determined by the Federal courts. I would like the Senator's views on that approach.

Mr. LAUTENBERG. I thank my colleague and friend from Virginia. We have shared many experiences. One of them is reaching a particular age when memories go back a long, long time.

The recall that the Senator from Virginia just delivered to us about President Reagan's sensitivity and the part that my friend was able to play, viewing all of that and trying to expedite things, it is a wonderful recall as to what happened with a very sensitive President.

I traveled to Beirut—and that was my freshman year in 1983—and I was there between the killing of the 241 and the killing of 8 more that the Senator recalls a few weeks later. It was a disastrous scene and left an impression that one can never forget of these young people in their sleep taken from us. I never recall hearing one family saying too much exposure resulted from that. I did not hear anybody ever say to the public, my son, in an unidentified casket, should not be honored in a generic way with his comrades who also are fallen in pursuit of an American objective.

As the Senator was recalling his views and offering this amendment, I looked at some information we have, a New York Times/CBS poll from September 2003 that found 62 percent of Americans said the public should be allowed to see pictures of the military Honor Guard receiving the coffins of these soldiers killed in Iraq as they return to the United States. There were 27 percent who said no.

In response to our good friend's concerns about whether families might be inconvenienced if they are called to Dover, DE, or perhaps embarrassed somehow or another, they do not have to go. That is not what my amendment says. It says that media should not be prohibited from going there and taking a picture and saying here is a picture of unknown heroes.

We walked in Normandy together just a week ago, and I saw lots of crosses and Stars of David. I looked at some of the stones and saw a lot of them had a New Jersey home when they left, but I looked at one stone and it just gave me such a shock because it said on this stone, here lies a valued comrade known but to God.

The unknown soldier of a family who lost a brother, a son, a father will never know what happened to them, but they were respected in that piece of turf with their colleagues who had fallen.

I get very emotional when I think about the days that I enlisted in the Army. I was 18. My father was on his deathbed, 42 years old. My mother was about to become a 36-year-old widow, and what it meant to me to join with all of my other comrades to try to do something. The promise I had from the Army was they would give me until my father's death so I would know that I would be home with my mother.

I went, and although I did not serve in active combat, lots of people I know

died. We were attacked by German bombs constantly. Those days meant so much. Then there were the opportunities that were given to us: a college education, an opportunity to serve our country even more forthrightly.

So when I look at veterans and visit the hospital, I see a fellow who has one limb remaining, a prosthetic on his arm, prosthetics on his legs, learning to walk that way, I say, by God, what a price we paid. How dare we not honor them in the most obvious ways.

I hope I can have a talk with my friend and colleague from Virginia—not to cover this issue with anything but a determination to say if someone has died for their country and we take that flag and put it on that casket, they have received the honor of their country, every one of the 280 million citizens we have here. When that flag is placed there it says your country loves you and they are terribly saddened by what happened to you. I believe that practice should be made obvious to the public. It is not the display of the coffin I am looking for; it is a display of our honoring this individual. It is the way to do that.

I hope the good Senator's second-degree amendment can stand alone. Let this first amendment be considered. It is just to say we are not going to hide anything. The public is going to know that in that box lies a young man or a young woman who gave his or her life in pursuit of the country's interests.

Mr. WARNER. Mr. President, there are rare moments in the life of the Senate. I have enjoyed our colloquy. The Senator has raised one of the most important issues that will be considered on this bill. Despite all the billions and billions of dollars, some \$420 billion involved in this bill, this is a matter of principle of the greatest concern to every single Member. Therefore, I am going to ask that this amendment be laid aside so the Senator and I can resume this debate on Monday and let each one of our colleagues have the benefit of our thoughts and have the opportunity to do some careful study of the different proposals, the one you have submitted and the one I have submitted.

May I suggest, however, with regard to yours, there may be one technical thing you might wish to reflect on, and that is the use of the word "killed." You limit it to the people who have been killed overseas. There are some who lost their lives overseas other than in situations that would be characterized as "killed." I would broaden that definition, if I were you, to include those who for other reasons might have lost their lives but who deserve, no less, the recognition which my distinguished colleague from New Jersey wishes to accord them.

Mr. LAUTENBERG. Toward the end of my amendment I use the term "died." That is an appropriate correction. I would certainly accept that.

Mr. WARNER. Fine. I think you do refer to that. But to make it clear, you might wish to broaden it.

Mr. President, at this time—unless there is further debate from my distinguished colleague?

Mr. LAUTENBERG. I wonder if the Senator from Virginia would confirm at this point that we will vote on this amendment whether it carries the second degree or it does not?

Mr. WARNER. At this point in time I would like to leave it in the status it is in, assuring you that you have my personal assurance, because of my personal respect for you and the contents of this amendment and its importance, that it will be treated with eminent fairness. No procedural mechanisms will be utilized in any way to deprive the Senator of an opportunity for his debate to be heard and considered.

I thank my friend. I would only conclude: One of the great values in making a trip with a fellow Senator—no matter how long you have served with them and visited with them, there are some things about their life which are fascinating. I hope someday you tell the story about how you were in the Army over there, and both you and I were communicators, and at times in our careers we used to climb up the poles to get the wires that transmitted the signals and orders to those at the front. While you were on top of the pole, a Buzz Bomb—I wonder if even a few realize that weapon was employed by Hitler in the final months of the war, which is a very lethal and dangerous weapon. But that is for another day. The Chamber should hear that story.

Mr. LAUTENBERG. In those days the Germans would knock down the wires and I would put them up, they would knock them down, I would put them up, but somehow we survived.

Mr. WARNER. But to be on top of that pole and to get down in safety from the Buzz Bomb—that was a trip.

I yield the floor.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 3353

Mr. REED. I call up amendment No. 3353.

The PRESIDING OFFICER. Without objection the pending amendment is laid aside. The clerk will report.

Mr. REID. Mr. President, I am wondering if my friend from Rhode Island would yield? He would get the floor as soon as Senator DAYTON takes a minute to introduce a bill as in morning business. Will the Senator allow us to do that? We promised him some time yesterday.

Mr. REED. I have no objections. I understand Senator SESSIONS also—

Mr. REID. But you already have your amendment pending here. Has it been reported?

Mr. REED. It is being reported right now.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], proposes an amendment numbered 3353.

The amendment is as follows:

(Purpose: To limit the obligation and expenditure of funds for the Ground-based Midcourse Defense program pending the submission of a report on operational test and evaluation)

On page 33, after line 25, insert the following:

SEC. 224. LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR GROUND-BASED MIDCOURSE DEFENSE PROGRAM PENDING SUBMISSION OF OPERATIONAL TEST REPORT.

Of the amount authorized to be appropriated for fiscal year 2005 by section 201(4) for research, development, test, and evaluation, Defense-wide, and available for the Missile Defense Agency for Ground-based Midcourse interceptors, and long-lead items for such interceptors, \$550,500,000 may not be obligated or expended until the occurrence of each of the following:

(1) The Director of Operational Test and Evaluation has approved, in writing, the adequacy of the plans (including the projected level of funding) for operational test and evaluation to be conducted in connection with the Ground-based Midcourse Defense program in accordance with section 2399(b)(1) of title 10, United States Code.

(2) Initial operational test and evaluation of the program is completed in accordance with section 2399(a)(1) of such title.

(3) The Director of Operational Test and Evaluation has submitted to the Secretary of Defense and the congressional defense committees a report stating whether the test and evaluation performed were adequate and whether the results of the test and evaluation confirm that the Ground-based Midcourse Defense system is effective and suitable for combat, in accordance with section 2399(b)(3) of such title.

(4) The congressional defense committees have received the report under paragraph (3).

Mr. REID. I ask unanimous consent the Senator from Minnesota be recognized and be able to speak as in morning business for 5 minutes, and the Senator from Rhode Island then regain the floor to discuss his amendment.

Mr. WARNER. No objection, Mr. President.

Mr. REED. Thank you.

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

UNSHACKLE SENIORS ACT

Mr. DAYTON. I thank the Senator from Rhode Island for making that arrangement. I thank the Senator from Rhode Island for giving me that opportunity and also the distinguished chairman of the Armed Services Committee for allowing this as well.

I will be introducing my Unshackle Seniors Act, which will allow seniors and others who are on Medicare to purchase their Medicare discount cards as they choose and to cancel their participation with full refunds and other returns whenever the cards are changed in their coverage or their discounts.

As you know, last year Congress passed a prescription drug coverage plan that was far different from the Senate-passed version which I supported. I voted against the final conference report after voting for the Senate bill. I did so for several reasons, but one was the excessive delay until the actual program would begin, which necessitated these drug discount cards

being made available until the program begins in January of 2006, which is over 2 years after the bill's passage. Until then, seniors are going to be able to sign up for only one, just one drug discount card and only one for that entire year, even though the care plan providers can change the coverage and the amount of the discount they are choosing.

What kind of deal is that, where seniors are stuck with one card for the entire year, but the plan can be changed at the discretion of the provider, yet seniors can't change theirs accordingly? My bill would unshackle seniors from that restriction and would allow them to purchase as many drug discount cards as they choose and also grant them a full refund whenever the card providers change the coverage or the discount, thereby unshackling seniors from this ridiculous restriction that works to the benefit of providers rather than the patients.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 3353

Mr. REED. Mr. President, I understand my amendment has been reported and we are on the amendment now. Let me endeavor to explain the amendment and do it as quickly as possible.

The amendment I support today would provide a condition on the acquisition of interceptors 21 through 30 of the national missile defense. The condition would be that the operational testing would be completed—or initiated, at least—prior to the acquisition of these missiles.

In a sense, it embraces two issues. The first issue is the unwise acquisition of another 10 missiles beyond the 20 that already have been designed for this initial rudimentary deployment of the national missile defense system. That issue is one. The second issue, again, is the issue of making sure we have realistic operational testing.

Yesterday we engaged in a very vigorous debate. I believe the debate was productive. My legislation, as amended by that of Chairman WARNER, would require realistic testing. In fact, it set a date of October 1, 2005, to complete such testing. But I do believe it is important to once again look at this issue of testing, particularly in the context of the acquisition of these additional missile systems.

Initially, when the administration talked about the rudimentary deployment of a national missile defense system, they conceived of a system with 20 interceptors. Suddenly, this year, they have moved forward and added an additional 10 interceptors, interceptors 21 through 30. More than that, they requested an additional long lead time funding for interceptors 31 through 40.

That is an unwise use of very scarce resources at a time when we are trying to expand the size of the Army, when we are trying to do so many things that are putting huge pressure on the

bottom line of the Department of Defense. It is unwise. We are talking about an extremely premature acquisition of missiles before we have "proved out" the system.

I was struck yesterday when Senator ALLARD submitted a letter from Thomas Christie, Director of the Office of Director, Operational Test and Evaluation at the Pentagon. Dr. Christie said:

The Ground-based Midcourse Defense (GMD) element is currently at a maturity level that requires continued developmental testing with oversight assistance from operational test personnel. Conducting realistic operational testing in the near-term for the GMD element would be premature and not beneficial to the program.

We have the chief testing official in the Department of Defense saying this system is so immature that we cannot even do operational tests. Yet in this proposal, the administration is asking to go ahead and buy additional interceptors that have not yet been adequately proven and adequately tested. Once again, it is a misuse of very scarce resources.

I have no qualm today with acquiring the 20 interceptors initially planned for the system. But to go beyond that is a mistake in terms of using scarce resources for, basically, unproven interceptors.

It is useful to review the situation of this midcourse ground system and where we are in terms of the system. First, as I mentioned yesterday, one of the key elements is a DSP satellite system that will monitor the initial launch of a missile. That is from a cold war legacy system. It is reliable; it is limited. You simply identify the lift-off of the aggression missile.

The second part of the system is the Aegis ships which have been pressed into service. They were originally designed simply to track and to defend against cruise missiles and aircraft. Now they have been given this extra task of trying to monitor the target as it rises out of the North Korean peninsula headed toward—we hope never but at least hypothetically—the United States.

A third element is the Cobra Dane radar, another system of 1970 vintage, designed not for missile defense but for looking at Russian missiles and their missile rangers. It is not even capable, most people concede, of tracking effectively a missile bound for Hawaii. It has been upgraded but still it is not the X-band radar, the big powerful radar originally designed for the system.

Then there is the interceptors element which is the subject of this amendment. Originally, as I indicated, the plan was to have 20. Now the administration is talking about 40. The interceptors have not been tested together with the new "kill" vehicle. In fact, the new kill vehicle, the warhead that sits on top, has not even been flight tested. As a result, we are rushing into this deployment. In fact, the whole system has not been tested. So bits and pieces have been tested. It is

premature to go ahead now and ramp up production of these missiles.

If it turns out there is a systematic flaw in the missiles, and they have been acquired and deployed, if they have not been worked on in the silo, they will have to be removed from the silo and transported. It is very expensive.

I beg the obvious question. If we have not tested the system adequately, if we are planning for years now to have a 20-interceptor structure of our missiles, why are we rushing ahead now and buying additional missiles? My amendment says, at least before we get to this point of buying the additional missiles, we should be in the area of planning and carrying out realistic operational testing.

Yesterday, again, we had a very good debate. We were able to make some progress. But I point out again, the amendment proposed by Senator WARNER, and adopted to change my language, moves the responsibility from the Office of Director of Operational Test and Evaluation of the Pentagon to the Secretary of Defense. It takes away that objective independent voice, which is the traditional way in which we evaluate any weapon system, not just the missile defense system.

I hope by the time we get around to making these acquisitions, acquiring interceptors 21 through 30 and 21 through 40, that we would not have the specialized testing regime under the Secretary of Defense, and that we would be back in a situation where we are doing operational testing the way it was designed and carried out.

That is the essence of my amendment. It would not in any way inhibit the deployment of the system. It would not in any way try to shrink the number below 20, which has been the plan for years. It would not decrease funding for missile defense. If this operational testing regime was in place, then these 21 through 30 interceptors could be acquired. It is really designed to first highlight and underscore the fact that we are rushing ahead, not just in terms of deployment but in actually building out this system way beyond what has been proven by testing; and, second, also, to emphasize the need for a thorough testing not beyond, frankly, what was required in yesterday's amendment.

Although I think yesterday's amendment was a good step forward, operational realistic testing by October 1 of 2005 is a very laudable goal. I hope we can follow through and carry it out.

Ultimately, we want to get the whole system back into the situation of practically every other major defense program; that is, before deploying the system, build the system, go to production, and that you have actually done operational testing, supervised, conducted, monitored by Dr. Christie and his colleagues in the Defense Department Office of Director of Operational Testing and Evaluation.

One other point I make, in the discussion yesterday, there was some mention of how this system was going to protect us from threats around the world, including threats from Iran. This system is exclusively designed to protect from a missile launch from North Korea. It will provide no protection from a missile launch from any other point on the globe, as far as I can tell. It is not a comprehensive system defending the United States. It is a limited system focused on North Korea.

One can fairly ask, if North Korea is such a dangerous threat that requires this very hasty emergency deployment of a missile system, why are we withdrawing troops from North Korea, ground forces that could complement our diplomacy? We are we not taking aggressive diplomatic steps to try and disarm North Korea when they have made it clear they have nuclear material. They very well may have fashioned multiple nuclear weapons in the last year while we have been trying to negotiate but doing so unsuccessfully.

Again, this raises the whole question of how do you deal with these threats through this very expensive, very limited missile defense system or through other means complementing the development of the system. I argue, of course, that we have to be much more aggressive diplomatically with the North Korean situation; that we have to do it from a position of strength. That position is not enhanced when we take out troops.

I also suggest if we did that, we would have the time to develop this system properly, to declare it deployed—not now, but when we have had a test of the entire system, of all the elements, so that we know this system will work and it will work effectively.

An interesting final point I make is that in the discussion yesterday about operational testing, there was an example given about the Patriot system, which is the PAC-3 system. That is a complicated missile system, hit-to-kill technology, the same basic technology that will be employed in this national missile defense system.

We talk about this midcourse system. It did extremely well in all its developmental tests, and then it had operational tests. They had four consecutive operational test failures; that is the PAC-3.

Now, certainly we do not want a situation where the first operational test is the acquisition of an incoming missile from a hostile power, and we don't know if we are going to have the PAC-3 record of four failures in a row or we are going to do much better. I think that, essentially, is where we are today.

So my amendment, in summary, which will be disposed of next week, would condition the acquisition of interceptors 21 through 30—the new requirement that sprung up this year, after years of looking at 20—it would condition it on having operational test-

ing according to the standard procedures that are in place in the Department of Defense.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Alabama.

Mr. SESSIONS. Madam President, I rise in opposition to the Reed amendment, but I would note that Senator REED has certainly done a lot of work on this issue. Yesterday, Senator WARNER proposed a second-degree amendment that incorporated a number of the concerns the Senator had about missile defense. This amendment today would cover much of the same ground that was considered in the amendment offered by Senator REED yesterday. That amendment was adopted by the Senate and modified, as I noted, by Senator WARNER.

The amendment today uses the same approach to testing as the amendment yesterday, but it has the additional disadvantage of imposing a very significant cost to the Missile Defense Program and to our ability to defend the Nation from long-range missile attack. It would prohibit expenditure of fiscal year 2005 funds for ground-based interceptors until initial operational test and evaluation is completed. And that has a technical and important legal definition.

I remind my colleagues, the Warner second-degree amendment, adopted yesterday, requires the Secretary of Defense to establish criteria for realistic testing of ballistic missile defense systems and to conduct a test consistent with those criteria in 2005. The Senate approved this approach, rather than the Reed approach, which would require operational tests and evaluation of each configuration of the BMD system.

Indeed, the Senator's amendment today is much more demanding because unlike the one yesterday, it would restrict the ability to acquire additional missile defense interceptors until such testing is completed.

During the debate yesterday, we noted that the Department of Defense Director of Operational Test and Evaluation believes that operational test and evaluation for ground-based midcourse missile defense elements—the kind of testing the Senator is proposing—is premature and not helpful to that effort. We note the need for flexibility to incorporate developmental goals into missile defense testing so that the missile defense system can continue to evolve and improve over time. These developmental goals are precluded, by law, from operational test and evaluation.

We noted that the Warner amendment provides the flexibility to include developmental goals and avoids the cost delay involved in significant replanning of the test program. All these arguments are relative to the amendment before us today as well.

So I note again that the Warner amendment, adopted by the Senate yesterday, requires a test be conducted

in 2005, consistent with the Secretary's criteria for realistic testing. Yet the Reed amendment before us would prohibit the Department from using funds for additional interceptors in 2005, until the approach to testing rejected by the Senate yesterday is not only adopted but completed. So the Senate has spoken on this issue.

Further, the amendment we are considering, if adopted, would do serious harm to the Nation's ability to defend itself from long-range missile threats. While we have no defense today against long-range ballistic missile attack, we are on track to field a missile defense test bed that will provide an early, limited capability to defend against long-range missiles later this year.

Our goal is to have five missiles in place in September that have the capability of knocking down attacking missiles whether they come from any place on the globe, protecting the entire United States by placing them in this geographically perfect spot in Alaska that allows us to protect the whole country.

I think most people need to remember that. People made fun of this. They said it could not be done, a system like this would not work. But it is going to be deployed in September. What this amendment would do is stop the assembly of additional missiles that are now ongoing, block the assembly line that really needs to continue for at least a year, maybe two. I think that is the biggest problem we have with it.

The kind of testing and evaluation and development we are doing today, through a spiral development type concept, is to move forward, to get this system up. As Senator REED's chart showed, we have ships at sea. We have early radar warning systems. We have communications systems.

We have to have command systems as well as the missile and its technical capability to hit an incoming missile. The tests so far have proven that the existing capabilities of the guidance systems that we have enable an American antiballistic missile to knock down an incoming missile with remarkable certainty. It is a remarkable scientific achievement. Someone said recently, it is equivalent almost to putting a man on the Moon.

It has been done. We are there. We do not need to slow this down. But there is no doubt in my mind that as we go forward additional tests will be conducted, that additional scientific and technological advancements will be brought on line. We will continue to improve this system as we go forward with it.

We have had a lot of debate on national missile defense. I know people have different ideas about how it ought to be developed. We have put some real faith in General Kadish and his team at National Missile Defense. I think they have proven worthy of the faith we have put in them. We gave them flexibility. We did not try to micromanage what they were going to do. We challenged them to produce a system that

could be deployed this year. We gave them the ability to develop and move forward in a way they thought best. If they believed changes needed to be implemented differently from what they thought when they first started, we gave them flexibility to do that. They are coming forward in a great way.

I am proud of what General Kadish has accomplished and what Admiral Ellis has stated and his confidence in this system. I believe we have been very fortunate to have top-flight people in charge of this program. If not, we would not be nearly as far along as we are. I do not think we ought to constrict them with this amendment.

I respect the Senator's goals. I know he has studied it carefully. He believes this would help. But at this point I think it would do more harm than good, and I oppose the amendment.

Mr. REED. Madam President, will the Senator yield for a question?

Mr. SESSIONS. I am delighted to yield.

Mr. REED. I want to understand and make sure that I am accurate. In reference to the system being deployed this September in Alaska, my understanding, which I stated, is that it would only provide coverage for essentially the North Korean threat. And then I heard you say the system—it might be in the future—but the system would cover all threats. My sense is that this system that will be deployed would cover North Korea.

Mr. SESSIONS. I believe it would cover at least a good bit of the United States against a Middle Eastern threat, and it could be effective against other threats. But, obviously, the main threat at this point—the ultimate goal is to provide a system that can protect us from all threats.

Mr. REED. I understand, as the system is eventually designed to be. But, if you will indulge me, I also understand that other radars have to be put in place beyond Cobra Dane, beyond the Aegis systems that they have not yet put in place. There are other elements that have to be in place for a more comprehensive system.

The other point on which I raise a question is the simple fact reflected in Mr. Christie's letter. This isn't a question of logic as much as technology. He seems to be saying the system is so premature or has a lack of maturity such that you can't do operational testing. I must say, I find it difficult, then, to say we can't do operational testing but we are going to put it in operation. That is the situation we face in September. But that is more of a comment than a question.

I thank the Senator for his kindness.

Mr. SESSIONS. I know the Senator has studied this carefully, and I respect him for that. We have made a commitment to go forward and deploy. We have done a good deal of testing to date. We are going to need to test the whole system. The Senator is right. We may find that some difficulties exist that need to be dealt with. We may find

that some things work better than we thought. But until we get the system in the ground, I don't think we can do the kind of realistic testing that we need, testing the command center, the advanced radar, the communications systems, and all of that. I am committed to this spiral development system in which we don't straitjacket ourselves but continue to develop as we test. I think your amendment would limit the development and go back to the more traditional firm testing, step by step. I respect your view on it, but I think we should go the other way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3297, AS MODIFIED

Mr. REID. Madam President, I ask unanimous consent that the pending amendment be laid aside and that we now call up amendment No. 3297, as modified, which is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3297, as modified.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To repeal the phase-in of concurrent payment of retired pay and veterans' disability compensation for veterans with a service-connected disability rated as 100 percent)

At the end of subtitle D of title VI, add the following:

SEC. 642. REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS 100 PERCENT.

Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting after the first sentence the following new sentence: "During the period beginning on January 1, 2004, and ending on December 31, 2004, payment of retired pay to such a qualified retiree described in subsection (c)(1)(B) is subject to subsection (c)."; and

(B) in the last sentence, by inserting "(other than a qualified retiree covered by the preceding sentence)" after "such a qualified retiree"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "(other than a retiree described by subparagraph (B))" after "the retiree";

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(iii) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) For a month for which the retiree receives veterans' disability compensation for a disability rated as 100 percent, \$750.";

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following new paragraph (11):

"(11) INAPPLICABILITY TO VETERANS WITH DISABILITIES RATED AS 100 PERCENT AFTER CALENDAR YEAR 2004.—This subsection shall not apply to a qualified retiree described by paragraph (1)(B) after calendar year 2004."

Mr. REID. Mr. President, it seems that every year at this time I come to the floor to offer an amendment on behalf of America's disabled veterans. It is something that I have become accustomed to and something that the veterans expect of me.

The amendment I offer today, and have for many years, deals with concurrent receipt, a subject first brought to my attention many years ago by a disabled veteran. This is also called the veterans tax.

A disabled veteran told me in Nevada many years ago that he wasn't allowed to receive both his retirement pay and disability compensation at the same time. I thought he misunderstood what the law was all about. His retirement pay was being offset dollar for dollar by the amount of disability compensation he received. He said it was a restriction found in U.S. law. I assumed he was wrong because it seemed so unfair.

He was right. It was a law that had been in effect for more than 100 years. The law was on the books and hundreds of thousands of disabled veterans were having their retirement pay wiped out. No other disabled Federal retiree was being subjected to this tax; only those who retired from the U.S. military.

So with the help of my colleagues, especially Senators WARNER and LEVIN, and at a later time Senator MCCAIN, we have been chipping away at this unfair restriction for a number of years. With their help, we have made some progress, I think considerable progress.

At first, it was a tiny bit, and it became bigger and bigger, until last year we took a major step forward. We had been looking for full concurrent receipt, but last year we ended up with a compromise agreement that ends the restriction on current receipt for combat-disabled retirees and those retirees who have a service-connected disability rated at least 50 percent.

Had we had this law changed 20, 30, or 40 years ago, many more people would have been able to apply for it. Sadly, each day of every year more than 1,000 World War II veterans die. Even though we have almost 30,000 people still eligible for these benefits, many who should have received them are now gone. So our step last year was an important step forward, but it was far from perfect.

Many tens of thousands of disabled veterans are still not covered under last year's agreement, and even those who are covered have to wait a full 10 years before their offset in retirement pay is completely eliminated. That is a long time to wait, particularly for the severely disabled and especially for veterans of the Korean conflict and

World War II because the average age of those individuals is 83 for a World War II veteran and over 70 for a Korean war veteran.

My amendment that I offer today does a simple thing. It eliminates the 10-year phase-in period for the most severely disabled; that is, those who are rated 100-percent disabled. As I indicated, there are about 30,000 of those 100-percent disabled veterans. Their average age is 59 years old, which takes into consideration the conflicts in Vietnam, the Persian Gulf war, and many other battles we have fought over the years.

Most of these thousands of veterans are disabled from their military service, and they cannot work anymore. Rarely do we find someone 100-percent disabled who can work, but there are some. Typically, these cases include conditions that run the whole spectrum. Some are medical concerns. Some are as a result of actual injuries received. Remember, these are service-connected disabilities. There are some with chronic illnesses who have been diagnosed during active duty and the disease progression prevented a second career.

Madam President, 100 percent is the highest disability rating given by the Department of Veterans Affairs, and it is always associated with decreased life expectancy. So a 10-year phase-in for these veterans to receive full disability and retirement payment will not be realized by many of them. Many will simply not live long enough to reap the benefits of full concurrent receipt.

Let me give an example about the harsh financial impact caused by this long phase-in period. One disabled veteran from Nevada who served 24 years in the Air Force wrote to me recently. She is 100-percent disabled. Under last year's 10-year implementation scheme, she still forfeits \$1,571 of earned retired pay every month. Since retiring from the Air Force in 1991, she has forfeited \$275,000 of retired pay. If we keep the 10-year phase-in period as is, she will forfeit an additional \$80,000. For a person unable to work because of a service-connected disability, every dollar counts and this offset becomes punitive.

This amendment that is now before the Senate pays the most severely disabled now at a fraction of the cost of last year's concurrent receipt bill. We do not create a new benefit. We simply want to pay those most severely disabled now, instead of waiting until they are dead and, therefore, not able to receive it.

This is a compromise. I want every disabled American veteran not to have to give up any part of their pay. This is a compromise. We are not expanding the law in the sense that we are going to include people rated differently than 50 percent, but we are going to allow these people, the 100-percent disabled, to get their money now. I think they deserve this. I think it is so unfair we do not do it.

This is a matter that will be voted on. If the committee decides not to accept it, we will vote on this issue. I feel confident that it will be very difficult for people to return home and look at 100-percent disabled veteran in the face and say: We couldn't afford to pay you now. Wait a while.

I cannot ask for the yeas and nays, but I will at the appropriate time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 3196

Mr. REID. Madam President, I ask that my amendment be set aside and we return to amendment No. 3196.

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

Mr. REID. Madam President, there is no further debate on this amendment. I, therefore, ask that we vitiate the yeas and nays. The amendment has been reported. This is the Durbin amendment that has been debated this morning.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3196.

The amendment (No. 3196) was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 3353

Mr. ALLARD. I rise in strong opposition to Reed amendment No. 3353, which fences the funds for ground-based midcourse interceptors pending completion of initial operational test and evaluation.

In effect we have already had that debate, and I find it perplexing that here we are, having that same issue introduced again in the form of another Reed amendment on the floor of the Senate. I think we adequately addressed it yesterday when we had a Reed amendment at that particular time where he put in some requirements for operational testing, and we second-degreed that with the Warner amendment where we talked about modifying that in a way so that we maintain flexibility with the Secretary of the Department of Defense, yet had some accountability.

There was a policy set forward where we could move forward with the missile

defense issue and still show the accountability we needed. We had that vote and the Warner amendment was adopted as a second-degree amendment on the Reed amendment. We resolved that issue. But here again we are talking about the same issue.

I certainly don't quarrel with the need to conduct operational realistic testing. We recognized that yesterday. Everyone supports that, so much so that this body voted, as I said, strongly. They didn't just vote for it, they strongly voted in favor of the Warner amendment yesterday, which requires such a test to be conducted next year so we can get that behind us and move on. We address it in terms of realistic testing instead of operational testing, which would be much more restrictive.

But this amendment would cause serious harm to the effort to defend our Nation from missile attack. It is a delay in our moving forward. In fact, it would disrupt the production lines to a point where it may even put the total program in severe jeopardy. By fencing these funds, the amendment would prevent obligation or expenditure of fiscal year 2005 funds for the next ground-based midcourse missile interceptors until completion of initial operational test and evaluation.

I know some Senators have maintained this is not a cut to the program. To plan, conduct, and assess a formal operational test—just one test—would take the Missile Defense Agency and the Director of Operational Test and Evaluation a year or more.

The fact is, the fiscal year 2005 funds requested could not be executed in fiscal year 2005. That is the problem. In effect, this is a deep cut to a very important effort.

This reduction would cause serious disruption in the effort to acquire additional interceptors. The contractors making the interceptors would have to interrupt their efforts. Subcontractors would be lost. Key personnel would be lost. Valuable manufacturing experience and processes would also be lost.

Requalifying, then, these subcontractors and retraining workers and relearning the manufacturing process takes time and money. The projections are it would delay the program up to 2½ years and cost taxpayers more than \$250 million extra.

Ironically, the loss of expertise and experienced personnel, and the effort to retrain and requalify, inevitably involves increased technical risk, exactly the opposite result which I know Senator REED hopes to achieve.

Let me make several key points. First of all, the GMD effort is threat driven. North Korean ballistic missiles already pose a serious threat to the United States. The justification for the additional 10 interceptor missiles is to defend the country. It is clear for all those who want to look at the evidence. Delay will leave us critically short of assets to defend ourselves.

Second, the Commander of U.S. Strategic Command has expressed concern

with efforts to reduce the number of GMD interceptors. He supports the early exploitation of the operational capabilities inherent in the BMD test bed and believes the GMD element provides him with a useful military capability and enhances deterrence.

Third, the Director of Operational Test and Evaluation, the Department's chief tester, as I like to refer to him, wrote in a letter to me that operational testing for a GMD element is premature and would not be helpful to the program. I have introduced that letter into the RECORD in previous debates. This is in direct contradiction to the direction of this amendment.

The Director, Mr. Christie, has testified that he supports the BMD test program and how it is being conducted, that the testing of the ground-based midcourse element is appropriate, and that he provides operational assessments on a continuing basis.

Fourth, this amendment offers no real benefit to the GMD test program. It is characteristic of a spiral development program such as the ballistic missile defense development effort to incorporate both developmental goals and operational goals and testing. The GMD testing already incorporates operational goals in each of its tests and, as I noted, the Director of OT&E already provides operational assessments based on this testing.

I believe this amendment provides no benefit, absolutely no benefit to the GMD effort and, in fact, will do significant harm to our national defense.

I urge my colleagues to oppose this Reed amendment.

I yield the floor.

Mr. WARNER. Mr. President, I thank our colleague. That leaves the Reed amendment for further discussion on Monday. Am I correct on that?

Mr. ALLARD. That should do it, yes.

Mr. WARNER. Thank you.

Speaking with the distinguished Democratic whip, I believe we are closing in on the final matters on this bill. One end I am going to try to tie down, then it would be my intention, subject to leadership concurrence, to close out today's activities on the bill and go into a period for morning business; is that correct?

Mr. REID. Madam President, that is true. We already have people lined up for Monday for amendments. We have Senators DAYTON, BYRD, BINGAMAN, LEVIN, and we have a number of people on Tuesday. We are about to finish this piece of legislation.

Mr. WARNER. If I may say, Madam President, I feel we are mutually reaching the goal established by Senator REID and the majority leader and the distinguished Democratic leader. I think we are getting excellent cooperation from all Senators, and we will be able to conclude this matter.

Mr. REID. We have a couple of votes—maybe as many as three votes—on Monday, if necessary, but we will have to see what happens on Tuesday. There could even be more than that on

Tuesday. I have heard the possibility that we could have maybe six or seven amendments on Tuesday. If we are fortunate, we will be able to finish the bill sometime late that night.

Mr. WARNER. I again appreciate the Senator's assistance. We, frankly, have no more amendments on our side that I know of. Possibly one. I appreciate the cooperation which the other side has given to this matter.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3297

Mr. WARNER. Mr. President, I see the distinguished Democratic whip on the floor. He has a pending amendment. We are prepared to accept it on this side.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is amendment No. 3297.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 3297) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I add, in the many years I have worked with the distinguished leader from Nevada, this is an issue which he has singlehandedly, in so many instances, taken the role to care for veterans, particularly those who carry the wounds of war or the wounds that have been incurred in the course of their service to the country.

I say to the Senator, this is a further chapter in that long and distinguished history of your personal intervention on their behalf, and I commend you, sir.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator was off the floor when I gave my statement. Senator SESSIONS was covering the floor. But I was quite effusive in my praise of the chairman and the ranking member. These years we have worked on this issue have been tough years. There have been monetary concerns on what we have to do for the military.

Had it not been for the breaking of new ground by the chairman and ranking member—this law has been in effect for more than 100 years—even though I was the person who was advocating this, but for the understanding of the two people we hold out as being

our experts in the area of taking care of our military, it would not have been done.

I am so grateful for the help of Senator LEVIN and Senator WARNER. The veterans around the country know that. They know I was the guy out yelling and screaming. But they know the two individuals who made sure we got something done every year—the first year I introduced this, it was not a shutout. The first year we got a little bit. The second year we got more. We have continued to the point where we now are at 50 percent. Those people who are 100-percent disabled will start receiving their money the minute the President signs this most important bill.

I appreciate the comments of the gentleman from Virginia, because certainly he is that. But, also, I want to pat him on the back because he certainly deserves it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to the Senator, I appreciate your sentiments. Thank you very much. And further I sayeth not, except I want to add, we have had a good day on this bill. We have adopted several amendments. We have laid down others that will be completed on Monday and Tuesday. Again, I thank all colleagues for their cooperation, particularly the leadership.

Mr. BIDEN. Mr. President, in a few months, the administration will announce that a national missile defense has been fielded in Alaska. Nobody in this body will be fooled by that announcement. We know smoke and mirrors when we see them, and that is what the so-called "rudimentary" missile defense will be.

The Bush campaign will say that he kept his promise to defend America against an attack by intercontinental ballistic missiles, but they won't admit that it doesn't work. And they won't mention the price, both in dollars and in the diversion of high-level attention from the truly pressing threats to our national security.

For those reasons, it is absolutely vital that we approve the amendment offered by Senator REED of Rhode Island. No complex weapons system should be deployed with as little evidence as we have today that the system could ever succeed in wartime. It is astounding that the President's desire to field a system by this October takes precedence over the need to ensure that the system will work. The administration's pursuit of missile defense has been anything but smooth.

First, it put on hold the program inherited from President Clinton. Then it decided on a defense remarkably similar to that one, but with a requirement that a so-called "Alaska test bed" be made operational by October 2004. After a test failed in December 2002, the administration actually reduced the number of intercept tests to be conducted before deployment, in order not to delay the deployment date. It

has not conducted a single intercept test since then, let alone one using the intended booster, the actual kill vehicle, the planned radar, the space-based infrared satellite that would be vital to the success of this system, or anything approaching a realistic test geometry or target set.

Very little, if any, of this will be accomplished before the administration claims its schedule-driven success. General Kadish has already said that the next test might be delayed until the fall.

Mr. Thomas Christie, Director of the Pentagon's Office of Operational Test and Evaluation, wrote in his most recent annual report:

Delays in production and testing of the two booster designs have put tremendous pressure on the test schedule immediately prior to fielding. At this point, it is not clear what mission capability will be demonstrated prior to initial defensive operations.

In February, the General Accounting Office wrote:

No component of the system to be fielded by September 2004 has been flight-tested in its deployed configuration. Significant uncertainties surround the capability to be fielded by September.

Two months ago before the Senate Armed Services Committee, Mr. Christie agreed with Senator REED's statement that:

At this time, we cannot be sure that the actual system would work against a real North Korean missile threat.

The Union of Concerned Scientists has noted that, given the limited capabilities of the Cobra Dane radar in Alaska and the SPY-1 radar on a ship in the Pacific Ocean, this system would leave Hawaii essentially undefended. In fairness, there is a precedent for the administration's approach. It is a very old and famous precedent. You can find it in Chapter 1 of *Don Quixote* by Miguel de Cervantes.

Don Quixote checks out his old helmet, which he has been restoring:

In order to see if it was strong and fit to stand a cut, he drew his sword and gave it a couple of slashes, the first of which undid in an instant what had taken him a week to do. The ease with which he had knocked it to pieces disconcerted him somewhat, and to guard against that danger he set to work again, fixing bars of iron on the inside until he was satisfied with its strength . . .

So far, so good. This is what we do whenever an interceptor fails to hit its target in a flight test. My guess is that this is what the Missile Defense Agency did after the December 2002 test.

But note what Don Quixote does next:

. . . and then, not caring to try any more experiments with it, he passed it and adopted it as a helmet of the most perfect construction.

Does that sound familiar? The Missile Defense Agency did about the same thing: they decided to do fewer intercept tests, rather than more, and to defer nearly all of those tests until well after this missile defense "helmet" is fielded. So let's give the Pentagon

credit where credit is due: they are downright literary. I do wonder, though, whether they ever got beyond Chapter 1. If they had read Chapter 11 of *Don Quixote*, they would have discovered that his helmet was demolished in its first encounter with an enemy. That is why Don Quixote ended up putting a barber's washbowl on his head.

There is a clear lesson here, and it is a lesson that Cervantes understood fully 400 years ago. Testing is not a one-time exercise. After you make your corrections to the system, you have to test again, and the reason for testing is so as not to field a system that will fail.

The administration will say that it is employing "spiral development," under which weapons are deployed in an initial configuration that is then improved through regular upgrades. That concept assumes, however, that the initial configuration is at least workable. In missile defense, it is not clear that we have even made it to the barber's washbowl.

To declare that a system protects the American people when none of its real components has been tested realistically is really to deceive the American people. The decision to decrease near-term testing in order to maintain a deployment date weeks before the next election demonstrates neither realism nor wisdom.

The administration's fixation on missile defense has also blinded it to the opportunity costs of its pursuit of that goal. As Richard Clarke later reported, the administration was so focused on missile defense and the ABM Treaty in 2001 that it paid too little attention to the growing threat of al Qaeda terrorism.

It also put on hold, throughout 2001, our important nonproliferation programs in the former Soviet Union, which help to keep Russian weapons, materials, and technology out of the hands of rogue states or terrorists.

In the wake of September 11, when the administration was given a choice of spending \$1.3 billion on missile defense or on countering terrorism, it still opted to spend the funds on missile defense. The difficult situation in which we find ourselves today regarding North Korea may be yet another result of the administration's missile defense fixation.

The administration inherited a mixed, but hopeful, situation from President Clinton: North Korea's spent nuclear reactor fuel, except for enough to make one or two nuclear weapons, which had been illegally reprocessed in the 1980s, was being safely canned and stored under U.S. and IAEA observation. American access to a suspect underground site had created an inspection precedent that might be enlarged upon in other agreements. Negotiations were proceeding on a deal to end North Korea's long-range missile sales. And while North Korea was engaged in an illegal uranium enrichment pro-

gram, that was apparently still at an experimental stage.

But the administration refused to build on President Clinton's work. It delayed any engagement with North Korea throughout 2001, insulting South Korea's President and undercutting our own Secretary of State in the process.

There were persistent rumors that administration officials viewed missile defense, rather than negotiations, as the real answer to any North Korean threat. The North Korean threat was, in turn, a widely cited justification for pursuing a national missile defense and withdrawing from the ABM Treaty.

So here we are in 2004, and what do we have? The North Korean missile threat is still uncertain, since there have been no further flight tests of long-range North Korean missiles. But if North Korea ever does field an ICBM, there is a much better chance now that it will carry a nuclear weapon. Four years ago, we guessed that North Korea had one or two nuclear weapons; now we reportedly think they have at least eight, with perhaps more on the way.

Has this administration's policy made us safer? It doesn't look that way to me. What has happened, however, is that the stakes in missile defense have gotten higher. If faulty missile defense were to let a North Korean missile through with a high explosive warhead, or even a chemical weapons warhead, that would be one thing. But if a missile gets through with a nuclear weapon, then say goodbye to Honolulu or Seattle or San Diego.

That gets back to the matter of realistic testing. It is one thing to have "spiral development" of a new bomb, or even a new airplane. The loss of life in the "learning by doing" phase will be tragic, but limited.

It is quite another thing to tell the American people to put their trust in a "rudimentary" missile defense that could well permit the destruction of whole American cities. The Reed amendment won't stop missile defense. All it does is redress the balance, a little, between feckless deployment and desperately needed testing.

Whether we like our missile defense program or not, we should all vote in favor of testing it. If we need a missile defense, then we need one that does more than raise a "Mission Accomplished" banner in Alaska. It is time to stop acting like Don Quixote and start heeding the wisdom of Cervantes.

I urge my colleagues to vote for the Reed amendment.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the bill now be laid aside and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FATHER'S DAY

Mr. BYRD. Mr. President, as spring turns to summer, as the calendar rolls from Easter to Memorial Day to the Fourth of July, our workaday schedule is pleasantly interrupted by numerous holidays—days of remembrance, for the most part.

We honor the death and the rebirth of the Lord Jesus Christ, and we honor the fallen heroes of our Nation's wars. We honor our mothers and the flag of our Nation. Graduation ceremonies honoring matriculating students have been taking place every weekend around the country as high schools and colleges conclude their academic years. In West Virginia—how sweet the sound—we honor the anniversary of our statehood this month as well. This Sunday, June 20, 2004, the penultimate day of spring, the Nation honors fathers.

The word "father," how sweet that sounds. Jesus taught us to pray, "Our Father who art in Heaven." The Bible says, "Honor thy father and thy mother."

We can be sure that fathers will be honored this Sunday because it will be the mothers and the daughters who do the planning for this event—not the often inept party planners who call themselves men. Men can plan military campaigns and vacation travels, but somehow our skills frequently fall short at birthdays and holidays.

Fathers do offer other talents, however. Fathers are builders—builders of tree houses, builders of sand castles, of backyard patios, and model volcanoes for third grade science projects. Fathers are mechanics, for the family car as well as bicycles and, in this increasingly technology-laden day, computers, cell phones, and digital recorders and players of many purposes. Fathers are coaches for softball and junior soccer leagues, and fathers are chauffeurs for piano lessons and school dances. Fathers are workers, striving to keep their families fed and clothed and housed. Fathers are bankers, saving for college educations and making loans to start their youngsters off on a new career.

Fathers do traditional things, such as mow lawns, take out the trash, pay the bills, and change the tires. But fathers are also cooks, launderers, and diaper changers.

Fathers are part of the silent cheering section, rooting on their children with their solid presence at the back of recitals and grandstands, always pleased to mutter, "That's my kid," "That's my kid," "That's my kid," to other spectators.

Fathers may not always show the true depth of their emotions, but there can be no father who does not glow inwardly as his child's shining face seeks theirs, seeks the father's, asking the unspoken question: "Did I do well, Pa?" "Did I do well, Dad?" "Did I do well?" "And are you proud of me?" "Are you proud of me, Dad?" As fathers, men are honored and humbled by the seeking of their approval, silently savoring the precious father-child bond.

I was raised by just such a silent man. My uncle, Titus Dalton Byrd, worked hard all of his working life in the coal mines of southern West Virginia. He never had much. I have heard others say: Well, I am the first in my line to have a college education. Or I am the first in my line to have a high school education. I am the first in my line to even go to the second grade.

This was my dad. He was not my biological father, but he was my dad. He was the greatest man I have ever met, and I have met with shahs and kings and princes and princesses, Presidents, Senators, Governors. This was the greatest, the greatest of all.

As I say, he never had much. He did not have much of an education. He did not have vacations. He was a man of few words. He walked to work, carrying his lunch in a pail, and he was grateful to be able to walk home at the end of the day, having worked all day, having toiled in the bowels of the Earth, having earned his bread by the sweat of his brow. Yes, I can see him.

He took me in as an infant, less than 1 year old. He did all that he could for me. He gave me his name. He encouraged me in my school work. He never bought me a cowboy suit or a cap buster. He bought me watercolors with which to paint. He bought me my first violin. In these ways, he gave me gifts that have stayed with me throughout my life.

So when I wanted to seek a job working in the mines to be like him, the man I call my dad discouraged me—discouraged me. He took me back into the mountains, into the bowels, into the depths of the Earth on a mine motor so that I could hear the timbers cracking, so that I could see the water holes in which he and other coal miners plodded their way, often on their knees. Yes, he showed me where he worked. He said the mines were dangerous places to work, and they were in those days especially. He wanted better things for me, and he urged me to get an education, a formal education.

He had the heart of a father. He wanted life to be better for his boy than it was for him. He made whatever sacrifices he had to make in order to make his dream come true. He couldn't give me much, but he gave me the best example. He set the best example that he could each and every day of his life.

He could have complained. He could have been a complainer. He could have whined. But he did neither. He just got up day after day and set out to work,

and every day he came home tired. But he would save something sweet from his lunch for me. I used to watch him coming down the railroad tracks from a mile away, that tall man with black hair and red mustache. I saw him coming down the railroad tracks, and I would run to meet him. When I came near, he would stop, take the lid from the dinner pail and reach in and get a cake, a 5-cent cake. In those days, these were 5-cent cupcakes—5 cents. My mom had put into his lunch this cake every day. She knew what he would do with it. He took that cake to work, and then when I came near him, as he came walking on those cross-ties down the Virginian Railroad tracks, there in that coal mining camp in southern West Virginia, that tall man reached into the dinner pail and he pulled out that 5-cent cake, and he gave the cake to me.

From the morning when he arose to toil in the mines, he must have looked forward to the time in the afternoon when he would be giving that cake to me. He always gave the cake to me.

I wonder if I appreciated, as I should have, I wonder if I even understood all of his efforts, all of his sacrifices at the time of their commission. I am sure I did not, but age and fatherhood have given me greater insight into the life of this quiet man, this good dad, my dad.

Yes, I have walked with the greatest of the Earth, the leaders of the world. I sat down, as I said, with kings, princes, shahs, Governors and Presidents, but this was the greatest of them all. He was great because he was good.

This Nation is full of good fathers, fathers who work hard, fathers who come home tired, fathers who take care of their families. Most days they do not get much attention, these armies of good fathers. Headlines are not made by them. Unfortunately, headlines are made by bad fathers, not the good ones.

This Sunday, the good fathers will be fussed over, but they will enjoy every moment of attention. Some men will spend their Father's Day far away from home, serving in Iraq, Afghanistan, or in other dangerous places. Some men will work on Father's Day protecting the Nation at home in police and fire departments. For these men, Father's Day celebrations may be delayed but nonetheless sweeter for the wait.

I am the father of two daughters, mothers now themselves, even grandmothers. I am a great-grandfather, and I can attest that it is indeed great to be a great-grandfather.

As my sweet wife Erma and I celebrated our 67th wedding anniversary 3 weeks ago, I had the very special pleasure of sharing that occasion with most of my family and with friends. I could look around the long table past my wife's beautiful face and see small snatches of her and of myself in the voices, the gestures, the faces of three generations looking back at me. I am so proud of these.

"Yet, in my lineaments they trace, some features of my father's face." So

wrote the poet George Gordon Byron, Lord Byron, in his poem. It is at times like these that one can feel the tide of history flowing from the generations before me to the young faces just setting out on the long ride of life.

We strive to be remembered by our loved ones, as my dad strove to be remembered. To all the good fathers out there and in honor of my own dad, who is looking down today from heaven, I close with a few lines that I learned and recited when the days were young.

In those days, children routinely did such things as memorize poetry. And I say to the fine Senator who presides today over this body, it is one of a multitude of poems that were taught to children in order to teach them lessons, and this one is just a few lines titled, "The Little Chap That Follows Me," or in some instances, "A Little Fellow Follows Me." This was written by the Reverend Claude Wisdom White, Sr., and it reminds me of how my dad lived, a noble man whom I never heard once, in all of the years, use God's name in vain. I never heard him tell an off-colored joke. That was the man whom I remember this day. Thank God for a man like Titus Dalton Byrd.

A careful man I ought to be,
A little fellow follows me.
I dare not go astray,
For fear he'll go the self-same way.

I cannot once escape his eyes,
Whatever he see me do, he tries.
Like me, he says, he's going to be,
The little chap who follows me.
He thinks that I am good and fine,
Believes in every word of mine.
The base in me he must not see,
That little fellow who follows me.
I must remember as I go,
Thru summers' sun and winters' snow.
I am building for the years to be,
In the little chap who follows me.

WEST VIRGINIA DAY, 2004

Mr. BYRD. Mr. President, as I mentioned a moment ago, Sunday will be June 20, and it will be West Virginia Day. West Virginia Day.

On this day before West Virginia eve, there are so many things I would like to say about my great and proud and glorious State.

I would like to talk about her rolling hills, how each year scores of thousands of people come to West Virginia to camp in our State and in our parks, to hike the Appalachian Trail, to fish in our mountain streams, or simply to relax and enjoy our majestic mountain scenery. The only thing more beautiful than the Sun setting over the hills of West Virginia is the Sun rising over our beautiful green peaks.

I would like to brag a little. You know, Dizzy Dean said it is all right to brag if you have done it. I would like to brag a little about West Virginia's "firsts." The first patent for a soda fountain was granted to George Dulty, of Wheeling, in 1833. The first bare knuckle world heavyweight championship was held near Colliers on June 1, 1880—Colliers, WV. The first rural free

mail delivery was started in Charles Town, just a few miles from here, on October 6, 1896. The first female jockey to win a horse race was Barbara Jo Rubin, at the Charles Town Racetrack on February 22, 1969.

And, of course, I would like to boast, and I shall boast—why not? Why not? Why should I say I would like to boast? I am going to boast.

I want to boast about all of the biggest and the best of West Virginia. The world's largest axe factory was located—where? In Charleston; Charleston, WV. The world's largest clothespin factory was located in Richwood, in Nicholas County, WV.

The world's largest sycamore tree—where? Why, in Webster Springs, WV.

And the town of Weirton, right up there in that northern panhandle, is the only city in the United States that extends from one State to another, one State border to another, the only city in the United States that extends from one State border to the other.

And, of course, I will talk about the people of West Virginia, how they have endured disasters, exploitation, national scoffs—we are called hillbillies, you know. Hillbillies? How blessed the name, hillbillies. Count me in. How they have endured neglect but still they remain among the friendliest, the warmest, the most courageous, and most patriotic people in the United States.

West Virginians are good people who care about each other and care about you, even if you are a stranger. And it has been said that West Virginians "don't just loan someone a socket wrench, we help them fix their cars."

And then I want to talk about the West Virginia coal industry. I could point out how West Virginia coal helped to fuel the Industrial Revolution and for over a century heated American homes. Look about you.

You know the Great Fire in London occurred in 1666 and the great architect who drew the designs for the buildings that replaced those that were swept away with the fires, the great architect of that period was Christopher Wren. As my wife and I walked the halls of Saint Paul's Cathedral in London, we looked upon the floor and there on the floor, inscribed, were these words:

If you seek my monument, look about you.

That was Christopher Wren, who was the architect for perhaps more than 50 of those cathedrals and great buildings that grew up in the place that had been swept by the disastrous fire.

If you seek my monument, look about you.

I would point out how West Virginia coal helped to fuel the Industrial Revolution, as I say, and for a century heated American homes and fueled our warships and provided energy for our industries. Yes, these lights we have in the Chamber, where do you think that power is coming from? Not very far away. West Virginia coal made it possible.

But as the great and glorious day known as West Virginia Day ap-

proaches, I decided not to do all these things but to discuss another aspect: the West Virginia apple industry. I have to wonder how many people listening to me even realize that West Virginia has a significant apple industry, but it does. In fact, West Virginia ranks ninth in the Nation in apple production. Furthermore, West Virginia is the home of two important—now listen to this. When you go to the store, to the Giant food store tomorrow, with your husband or your wife or your brother or your sister, take a look at those apples as you go by. And just remember this, that two important and very popular and delicious, delectable, tasty apple varieties originated in West Virginia. In 1775, Thomas W. Grimes produced the first Grimes golden apple since Adam and Eve walked together as evening came and enjoyed the apple.

Thomas Grimes produced the first Grimes Golden apple in Wellsburg, WV. The Grimes Golden became a highly esteemed dessert apple.

In the early 1900s, Anderson Mullins discovered on his family property in Clay County, WV, a mysterious tree bearing the Golden Delicious apple.

Did you know that? I am looking at these bright faces that greet me with smiles every day—the wonderful young people who work for Senators and work for their Nation, who perform services for this Nation in this Senate, these wonderful young people—we call them pages. How wonderful they are.

I pause from time to time to talk to these pages and to tell them wholesome stories and talk a little about Nathan Hale, talk with them about this great institution, the Senate of the United States. I talk with them about the Great Compromise that was hammered out in Philadelphia on July 16, 1787.

Look how attentive these pages are. They are listening. They are listening. That smile, that radiant smile that I see on each page's face—Republican on the Republican side, and on the Democratic side—I will carry that smile with me all day, all day long, and it will warm my heart.

Great it is to believe the dream as we stand in youth by the starry stream, but greater still to live life through and find at the end that the dream is true.

As these young people go tomorrow perhaps to the Giant food or to the Safeway store or the corner grocery, they will look at the apples. When you do, remember that this Golden Delicious apple originated in Clay County, WV.

Clay County is where I attended a Democratic rally one night 50 years ago. Just before I got into my car, I put my fiddle—it is a violin, but some people call it a fiddle—on the trunk of my car. And I began talking with one of the others who was departing late or last from that rally. I forgot about leaving my fiddle on the trunk of my car. When I got into my car and turned the ignition on and backed it up, I heard something. I heard the sound

like something was being crunched under the rear wheels of my car. Lo and behold, it was my fiddle case and the fiddle that was in it. That happened in Clay County.

But I like to remember Clay County for that oval-shaped apple with a golden-yellow skin and the juicy, firm flesh and sweet flavor which won wide acclaim. Dr. John Harvey Kellogg, the founder of Kellogg's breakfast food company—have you tried Kellogg's Corn Flakes lately? I had them just this morning. He wrote that he considered "the Golden Delicious, the finest apple I have ever tasted." That is a quotation from Dr. John Harvey Kellogg.

Listen to that again. Here is what he said:

The Golden Delicious, the finest apple I have ever tasted.

Where does it start? Where was its beginning? Where was its genesis? West Virginia.

The world renowned horticulturist Luther Burbank agreed, as he stated:

I have no hesitancy in stating that it is the greatest apple in all the world.

How about that? The "greatest apple" in all the world. And it came from where? West Virginia.

Offsprings of the Golden Delicious have now been developed in every area of the United States and on every continent. It is recognized as West Virginia's most famous contribution to horticulture. In 1995, the West Virginia State Senate designated the Golden Delicious apple as the official State fruit.

The apple industry in West Virginia began in a story book fashion. Around the year 1800, a young man by the name of John Chapman traveled the northern regions of what would become the State of West Virginia where mountaineers are always free. John Chapman traveled the northern regions of what would become the State of West Virginia planting apple trees throughout the region.

Chapman was born in 1774, and he spent 50 years of his life planting tiny apple trees throughout the frontiers of the Eastern and Midwestern States. He was a simple man, John Chapman, whose clothes were said to have been made from sacks, and he wore a tin pot for a hat, which he used for cooking—cooking out of your hat. His dream was for a land with blossoming apple trees everywhere and no one was ever hungry.

On the frontier, apples were not only a source of nutritious food, they were also used for the making of cider, vinegar, and apple butter as well.

Have you been to the Apple Butter Festival? We have the Apple Butter Festival over in Berkeley Springs. Where is that? In West Virginia.

Mr. Chapman is known to us today as the legendary Johnny Appleseed.

Many people think of Johnny Appleseed as a fictional character, but he was a real person. I like to think of him, perhaps, as the "Father of the West Virginia Apple Industry."

As the apple nurseries that Johnny Appleseed planted in West Virginia developed, apple trees were distributed throughout the region, and apple production blossomed. It wasn't long until West Virginia apples were being loaded on flat boats and shipped down the Ohio and the Mississippi Rivers to as far south as New Orleans, or loaded on canal boats and shipped to the Capital City of Washington.

By 1889, West Virginia was producing nearly 5 million bushels of apples a year. Apple production in West Virginia peaked in 1931, when the State produced over 12 million bushels of apples.

Today, apple production in West Virginia averages 143 million pounds—3.4 million bushels. Apple production takes place on an average of 9,000 acres, representing 126 commercial fruit growers.

I am sure you have heard of Senator Harry Byrd of Virginia. Harry Byrd owned some great apple orchards. Some of them were in the Eastern Panhandle of West Virginia.

In the autumn, drive through southern Berkeley County, and you will find the strong, sweet smell of apples being processed into sauces, juices, ciders, and jams. On any Saturday, ride through the Eastern Panhandle and see civic groups, church groups, or groups of high school youngsters stirring apple butter in old, cast iron, copper-plated kettles set over the open fire.

Apples have become an important part of the culture as well as the economies of West Virginia communities. In Inwood, for example, in the heart of old apple orchards, is Musselman High School, named after the world renowned maker of apple products, Christian H. Musselman, who started one of his first plants in West Virginia. And the school's mascot is the apple, while the spirited students are known as "Applemen." The school newspaper is the "Cider Press."

Each year, the towns of Martinsburg and Burlington celebrate apple harvest festivals, while the towns of Salem and Berkeley Springs celebrate apple butter festivals. Clay County, the home of the Golden Delicious apple, celebrates with the Golden Delicious festival.

On Sunday, as we mark another glorious West Virginia Day, I suggest that you celebrate by biting into a piece of homemade apple pie, or tangy apple crisp, or savoring a delicious apple dumpling, or a sweet-candied apple and thinking of West Virginia.

West Virginia, how I love you!
Every steamlet, shrub and stone,
Even the clouds that flit above you
Always seem to be my own.

Your steep hillsides clad in grandeur,
Alays rugged, bold and free,
Sing with ever swelling chorus:
Montani, Semper, Liberi!

Always free! The little streamlets,
As they glide and race along,
Join their music to the anthem
And the zephyrs swell the song.

Always free! The mountain torrent
In its haste to reach the sea,

Shouts its challenges to the hillsides
And the echo answers "FREE!"

Always free! Repeats the river
In a deeper, fuller tone
And the West wind in the treetops
Adds a chorus all its own.

Always Free! The crashing thunder,
Madly flung from hill to hill,
In a wild reverberation
Makes our hearts with rapture fill.

Always free! The Bob White whistles
And the whippoorwill replies,
Always free! The robin twitters
As the sunset gilds the skies.

Perched upon the tallest timber,
Far above the sheltered lea,
There the eagle screams defiance
To a hostile world: "I'm free!"

And two million happy people,
Hearts attuned in holy glee,
Add the hallelujah chorus:
"Mountaineers are always free!"

It is that time of year again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, my remarks I am going to give now on health care and the health care system in America will not be as filled with rhapsody and melodic utterances as what we have heard from the distinguished Senator from West Virginia.

I noticed all the pages, I say to my friend from West Virginia, listening raptly to the Senator's comments. I can understand why. There is no one who can express himself or herself in such vivid terms, in such a vivid way that brings to life his beloved State of West Virginia, his youth, and his experiences. No one can do it and paint the picture with such clarity and color and meaning as the Senator from West Virginia.

Mr. BYRD. Will the Senator yield?

Mr. HARKIN. I would be delighted to, my mentor and my good friend from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. His father, I believe, was a coal miner.

Mr. HARKIN. That is right.

Mr. BYRD. You know, the coal miner is a very special breed of man. He goes into the smokey, hot bowels of the Earth to seek comrades who may be still alive. He risks his life for them. I have a special bond with the distinguished Senator through that coal miner background.

I thank him for his words, which were so well spoken, about these young pages. I thank him for what he does for his State. I thank him for what he does for his country. I hope he will have a happy Father's Day on this coming Sunday. I thank the Senator.

Mr. HARKIN. I thank the Senator from West Virginia for those very kind words. I, too, wish him the happiest of

Father's Days this week. I will be privileged to have at least one of my children home, and my wife. The other one will not be there, but I am sure we will be connected by telephone and talking on Father's Day.

The Senator from West Virginia has taken great pride in his family. We have shared in the past some of the tragedies that have happened to the Senator from West Virginia in his own family. I know how deeply the Senator from West Virginia feels about family and what family means to Americans in this country.

Through the example of the Senator from West Virginia, through his example of public service, I say to the young pages, through his example of public service through his entire lifetime, through his service to his State but most importantly to his wife Erma and his family, that is the example we all need to follow. It is a great example.

I thank the Senator.

HELP AMERICA ACT

Mr. HARKIN. Mr. President, for more than a decade I have spoken out about the need to fundamentally reorient our approach to health care in America, to reorient it toward prevention and wellness and self-care.

I don't think too many people would argue with the statement, if you get sick, the best place to get the needed care is here in America. We have the best trained, highest skilled health professionals in the world. In fact, I have one here with me on my staff who is joining me in the Senate today.

We have great health professionals and cutting edge, state-of-the-art technology.

Just a few weeks ago, because of a recurring back problem I have, I had an open MRI. I never liked going into those MRI machines. Now we have one that is open. Great technology. Great technology.

We have world-class health care facilities and research institutions. But when it comes to helping people stay healthy and stay out of the hospital—and prevent illness—we in America fall short.

In the U.S., we spend in excess of \$1.8 trillion a year on health care. Fully 75 percent of that total is accounted for by chronic diseases, such as heart disease, cancer, diabetes. What these diseases have in common is that in so many cases they are preventable.

In the United States, we fail to make an upfront investment in prevention, so we end up spending hundreds of billions on hospitalization, treatment, and disability.

Well, this is foolish, and, clearly, it is unsustainable. In fact, I have long said that we do not have a health care system in America, we have a "sick care" system. If you are sick, you get care, but there is nothing there that will give you incentives and promotions to stay healthy in the first place.

This "sick care" system is costing us dearly in terms of health care costs,

chronic illness, and premature deaths. Consider the cost of major chronic diseases, diseases, as I have said, that are so often preventable.

I will have a series of charts today. The first one is a chart from the 2001 Surgeon General's report. It points out that obesity cost the United States \$117 billion in public health costs in 2000. Obesity—\$117 billion in just 1 year. And it is getting worse.

Other things: cardiovascular disease, about a \$352 billion cost per year; for diabetes, about \$132 billion per year; for smoking, a more than \$75 billion cost per year; for mental illness, about \$150 billion a year it is costing our society. Indeed, major depression is the leading cause of disability in the United States.

Now, if I bought a new car, and I drove it off the lot, and I never maintained it, I never checked the oil, never checked the transmission fluid, never got it tuned up, you would think I was crazy, not to mention grossly irresponsible. The commonsense principle with an automobile is this: You pay a little now to keep the car maintained or you are going to pay a whole lot later when it breaks down.

Well, it is the same with our national health care system. Right now our health care system is in a downward spiral. We are not paying a little now. We are not doing the preventive maintenance. So we are paying a whole lot later. And guess what. It is breaking down.

For example, we are failing to address the Nation's obesity epidemic. I have some charts that will show just what has happened in the United States in the last few years. This is a chart that shows what the incidence of obesity was in the United States in 1990. As you will see, some States had less than 10-percent obesity. No State exceeded 15 percent, and most of the States fell between 10 to 14 percent of the population being obese. That was in 1990. So keep that in mind. Nowhere in America did we exceed 15 percent. And some States were less than 10 percent. That was 1990.

Now here we are in 2002. This is the real shocker. By 2002, the majority of our States were over 20 percent. A few States were over 25 percent. One in four of the individuals in these States is obese. No State now is less than 10 to 14 percent. And this all happened in 12 years.

Actually, the story is even worse. The data on these charts is based on—guess what—self-reported weight, which tends to be significantly underestimated. So as catastrophic as this chart looks—and it is—it is even worse because it understates the extent of the obesity epidemic.

If you use recorded data rather than self-reported information, these rates are much higher. In fact, using this more scientific approach, we learn that almost two out of every three Americans are either overweight or obese. Today, 65 percent of our population

falls in that category. The Centers for Disease Control and Prevention recently warned that poor nutrition and physical inactivity could soon overtake smoking as the No. 1 cause of death in the United States. So let's make no mistake, this is a major public health crisis.

Now, a lot of times people say: Well, that is all well and good, but these are individuals. That is an individual choice—an individual choice. Well, I understand that, except when these individual choices lead to more hospital utilization—when these individual choices lead to higher insurance costs for the rest of our population, when these individual choices lead to prolonged chronic illnesses—then we have a public health crisis. And if you have a public health crisis, then it is time for those of us in government to look at what we can do to help change this course.

Another contributing factor to our health care crisis is tobacco. We do not hear as much about the dangers of tobacco use today as we used to. There is a perception that we have turned the corner, that we have done all we need to do. But that perception is not accurate. In 2002, 61 million Americans regularly smoked cigarettes. That is 26 percent of our population. What that means is, after decades of education and efforts to stop tobacco use, more than one in four Americans are still addicted to nicotine and smoking.

Mental health is another enormous challenge we are grossly neglecting. Mental health and chronic disease are intertwined, and they can trigger one another. It is about time we stopped separating the mind and the body when we discuss health. Prevention and mental health promotion programs should be integrated into our schools, workplaces, and communities along with physical health screenings and education. Surely, at the outset of the 21st century, it is time to move beyond the lingering shame and stigma that often attends mental health illness.

Fully 70 percent of all of the deaths in the U.S. are now linked to chronic conditions, such as heart disease, cancer, and diabetes. In so many cases, these chronic diseases are caused by poor nutrition, physical inactivity, tobacco use, and untreated mental illness.

Again, this is unacceptable to us as a society. So after many months of meetings, discussions with Iowans, discussions with experts around the Nation, and thanks to the help of my great staff, I will shortly be introducing comprehensive legislation designed to transform America's "sick care" system into a true health care system, one that emphasizes prevention and health promotion.

This bill, which I have here, which is a comprehensive bill, is one that will help promote healthy lifestyles and prevention to help us keep from getting sick in the first place. I will have more to say about that in a couple

minutes. But I am calling this bill the HELP America Act—HELP being an acronym for Healthy Lifestyles and Prevention.

The aim of this bill is to give individuals and communities, schools and workplaces, the information and the tools and the incentives they need to take charge of their own health and to prevent illness because if we are serious about getting control of health care costs and health insurance premiums, then we must give people access to preventive care. We must give people the tools they need to stay healthy and stay out of the hospital.

This will take a sustained commitment from government, schools, communities, employers, health officials, insurance companies, and, yes, tobacco and food industries. But a sustained effort can have a huge payoff for individuals and families, for employers, for society, for government budgets, and the economy at large.

As I said, the HELP America Act is comprehensive legislation. It is a multifaceted bill. But this afternoon I would like to outline the bill's major elements. The first title and the first component of the bill addresses healthy kids in schools.

Prevention and the development of healthy habits and lifestyles must begin in the early years with our children. Unfortunately, today, we are heading our kids in the wrong direction. More and more kids all across America are suffering from poor nutrition, physical inactivity, mental health issues, and tobacco use.

For example, just since the 1980s, the rates of obesity have doubled in children and tripled in teens.

Even more alarming is the fact that a growing number of children are experiencing what used to be thought of as primarily adult health problems. What I mean by that is almost two-thirds or 60 percent of overweight children have at least one cardiovascular disease risk factor. We know that the onset of diabetes is happening at even earlier and earlier ages.

Recent studies have shown that increasing weight, greater salt consumption from fast foods, and poor eating habits have contributed to a rise in blood pressure, higher cholesterol levels, and a shockingly rapid increase in adult onset diabetes happening in our kids.

The HELP America Act will more than double funding for the successful PEP program, Physical Education Program, which promotes health and physical education programs in our public schools.

I find it disturbing that more than one-third of youngsters in grades 9 through 12 do not regularly engage in adequate physical activity. More and more of our elementary school kids have no recess. They have no time during the day to engage in any kind of physical activity. This is a shame because studies show that regular physical activity not only improves health but boosts self-esteem.

For example, I heard from a Mr. Rick Schupbach, who is the physical education teacher at Grundy Center High School in Iowa. His school was recognized as a premier model school for physical education by the PE for Life national organization. Just this week I met with Lois Boeyink, the national elementary school PE teacher of the year from Iowa. As they pointed out, there are dozens of innovative programs and activities that can help kids become more physically active, but these programs are languishing for lack of funding and support.

The HELP America Act will also expand the fruit and vegetable program. These are basically the elements of title I of the bill. It promotes physical activity, doubling the PEP grants, getting down into our elementary schools to get kids to be more active, and to get school boards and principals thinking about incorporating into the school day some physical activity for the kids. To me that is just as important as learning a course or spending time studying during the day. They need some time for physical activity.

It also expands the food and vegetable program, which we started a couple of years ago, to provide free fresh fruits and vegetables in public schools. Right now that is happening in four States, about 100 schools, a couple of Indian reservations. It has been a tremendous success. What we have shown is that if you provide free fresh fruits and vegetables to kids in school, they will eat fresh fruits and vegetables, and they won't be going to the vending machines. They won't be eating potato chips and candy and snack foods. And they are getting healthier. Every place we have had the fresh fruit and vegetable program, it has been a tremendous success. The only problem is, we only have it in 100 schools. We need to expand it. That is what this bill will do.

The bill would also give schools incentives to create healthier environments, including goals for nutrition, education, physical activity, and to give grants to schools to get them to change their settings, to change their curriculum, that type of thing, to give more nutrition and activity in the schools.

Lastly, we would provide a grant program to provide mental health screenings and mental health prevention programs in schools, along with training for school staff to help them recognize children exhibiting early warning signs. It will improve access to mental health services for students and their families.

This is a comprehensive bill. We wanted to address wellness in everything from kids early on, through schools, workplaces, communities, the elderly, through Medicare. This is comprehensive.

The second part is healthier communities and workplaces. For example, the bill aims to create a healthier workforce by providing tax credits to

businesses that offer wellness programs and health club memberships. Studies show that on average, every dollar that is invested in workplace wellness returns \$3 in savings on health costs, absences from work, and so on.

I note for the record that the present occupant of the chair, the distinguished Senator from Texas, is a strong supporter and sponsor of what we call the WHIP bill. I was glad to join him as a cosponsor of that bill to promote employer wellness incentives. The Senator from Texas is right on the mark because right now there really are not any incentives out there. For example, if you work for a business—let's say it is a small business. They can't really put a wellness center in, but let's say their employees wanted to join a health club, a wellness center. The business could pay for that and have that as an expensable item, deductible, expensable item, and at the same time it would not be a taxable benefit to the employee. That is the WHIP bill. I thank the Senator from Texas for his great leadership. I hope the Senator does not mind that we have also included that in this bill. Whichever way, whether it is stand-alone or whatever, I say to my friend from Texas, he is right on the mark. I thank him for his leadership in this area.

We had a lot of hearings and field hearings. I heard from Mr. Lynn Olson, CEO of the Ottumwa, Iowa Regional Health Center. This center offers a comprehensive wellness program for its employees, including reduced health insurance premiums for those employees who meet individual health goals. The center has seen tremendous savings from their investment in health promotion.

My bill also goes beyond just the workplace. It creates a grant program for communities to be involved in promoting healthier lifestyles. For example, we want to support efforts such as those going on in two places in Iowa: Webster County and Mason City, where they have mall walking programs, basically for the elderly but, quite frankly, a lot of other people are joining in. Of course in Iowa, where you don't walk too much outside in the wintertime it is so cold, they have mall walking programs, and they have it set out for quarter-mile, one-half-mile, one-mile walks around the malls. The owners of the malls have been very helpful and supportive. But we need to expand it, and we need to expand it into communitywide initiatives to promote wellness.

At the same time our bill also provides new incentives for the construction of bike paths and sidewalks to encourage more physical activity, especially walking. It is shocking to this Senator, who grew up in a small community—sidewalks were a part of life; you always had a sidewalk; I walked to school every day on the sidewalk—new subdivisions and housing developments are being built without sidewalks.

Right away that discourages you from walking.

Roughly one-quarter of walking trips today take place on roads without sidewalks or shoulders. Bike lanes are available for only about 5 percent of bike trips. I saw some figures the other day about how fewer kids today ride bikes than they did just 20 years ago. I assume some of that is attributable to video games and surfing the Net, and watching TV. I understand that. But might not some of it also be attributable to the fact that there are really not too many places to ride bikes.

I can tell you that as a father of two daughters who rode bicycles, we were fortunate that we lived on a small cul-de-sac where you would ride around without traffic. We also, fortunately, lived in a neighborhood with sidewalks, so they could ride their bikes on the sidewalks.

If I were a parent with young children riding a bike today and I lived on a street and I didn't have sidewalks, I am not certain I would want my kids riding those bikes out on the streets. So we are discouraging young people from biking and discouraging adults from biking.

Lastly, as many colleagues know, I have been a longstanding advocate for the rights of people with disabilities. So I have given special attention to programs and activities to include people with disabilities. I just mentioned the bills and incentives to create bike lanes and sidewalks. This will make a difference to people with disabilities, who are often forced to travel in streets alongside cars because there are no sidewalks available for people using wheelchairs.

The Centers for Disease Control funded a program called Living Well With a Disability, which has actually decreased secondary conditions among people who have a disability, and it has led to improved health for participants. The program is an eight-session workshop that teaches individuals with disabilities how to change their nutrition and level of physical activity. The program not only increases healthy activities for people with disabilities, but has also led—get this—to a 10-percent decline in the cost for medical services, particularly emergency room care and hospital stays.

In addition, my bill includes a Working Well With a Disability Program, which will build partnerships between employers and vocational rehabilitation offices, with the aim of developing wellness programs in the workplace.

Moving on to the next title of the bill, which is responsible marketing and consumer awareness, basically, that has two major components. It has to do with menu labeling in restaurants and protecting our kids from unfair junk food advertising. Having accurate, readily available information about the nutritional value of the foods we eat is the first step toward improving our overall nutrition. Unfortunately, because of all the gimmicks

and hype that marketers use to entice us to buy their products, determining the nutritional value of the foods we buy can be problematic, especially for kids.

I will refer to this chart again. Here we have counting books for kids, by which kids get to learn how to count. We have the Oreo Cookie counting books, where they can count up to 10 Oreo Cookies. This is the Cheerios counting book, the Fruitloops counting book, and the Goldfish counting book. Here is another Goldfish book. This is the M&Ms counting book. So you can teach little kids to count by counting Oreo Cookies, Fruitloops, M&Ms, or Goldfish—all not good nutritional value for our kids.

Why don't we have a peaches and pears counting book? Why don't we have a carrots and broccoli counting book? Why don't we have fruits and vegetables counting books? Why is it always sugar or things that are high in fat, high in sodium? Well, you can see what happens. The kids absorb this as they go along. It is because we don't have incentives for anybody to put out a pear counting book, an apple counting book, or a carrot counting book. These people have incentives: They make money. They get that brand identification out to the kids and parents early on. I can see this little kid doing the M&M counting book, and they learn to count to 10. When they go to the store with mom or dad and go down that aisle and they see that package of M&Ms, that is what they want because they recognize it from their counting book. So we need to get away from the gimmicks and hype. That is what that is.

Now, there is another chart I wanted to show. This is what I am talking about—putting nutrition labeling in restaurant menus. These are called cheese fries. This is actually something you can get in a restaurant not too far from the Capitol. Actually, it is ordered as a side plate. You can order a hamburger or cheeseburger and order cheese fries on the side. One serving of cheese fries has 3,010 calories, which is 1½ days worth of total calories. But you would never know it when you order it. You would have no idea how many calories are there.

A few weeks ago, I suggested that we have a mandate that restaurants—chain restaurants—put on their menu how much fat, transfat, calories, and sodium is in each entree. The National Restaurant Association sort of went into orbit, saying, we cannot do that; it is going to cost too much money; you don't understand, they change menus a lot; you would have to reprint them every time; it would be too burdensome, and on and on.

Well, about 1 week after the National Restaurant Association came out blasting my approach, one chain, called Ruby Tuesday's, decided on their own that they were going to print that exact information for every entree on their menu. You can go to any Ruby

Tuesday's right now, pick up the menu, and for every entree, you can see total fat, trans fats, calories, and sodium. If Ruby Tuesday's can do it, anybody can do it. People can now look at their menu and decide, armed with that information, if they want to have something that is high in fat. They might say, maybe I ought to cut back a little here. Maybe I don't want to order the cheese fries today. By the way, it is not Ruby Tuesday's that carries the cheese fries. That way, customers can make a more informed choice. That is what we are calling responsible marketing and consumer awareness. It has to do with menus and labeling in restaurants. More and more people are eating out, Mr. President. They really don't have the knowledge.

We also know that advertising to kids is getting worse. It is estimated that junk food marketers alone spent \$15 billion in 2002 advertising to kids. As I said, they are not advertising broccoli and apples; they are advertising items that are high in sugar, salt, fat, and calories.

Here is a chart. Look at this on the left of the chart. This is the USDA Food Guide Pyramid. This is what you eat for a healthy lifestyle. Here is bread, cereal, rice and pasta, vegetables, fruits, milk, cheese, yogurt, meat, and beans, and nuts. Last would be fats, oils, and sweets. That is the USDA food chart.

Look at a typical Saturday morning advertising choices for our kids. This is what they get: Fifty percent of every ad they see is for something that has fats, oils, and sweets in it—things they should not be eating. They are advertising only 4.5 percent for milk, cheese, and yogurt; 1.8 percent for eggs, dried beans, poultry, fish, and nuts; and about 43 percent for bread, cereal, rice, and pasta. Usually, they are sugar-laden cereals. There is not one ad for vegetables or fruits—not one. So when kids see these ads, they think that is what they are supposed to eat. When they don't see anything advertising vegetables and fruits, they think that is not to be eaten. So that is why children under 8 years of age don't always have the ability to distinguish fact from fiction.

We know the number of TV ads kids see over the course of their childhood has doubled, from 20,000 to 40,000. The sad fact is and what few people know is that back in the 1970s—1978, if I am not mistaken—the FTC recommended banning TV advertising to kids.

What did Congress do? Why, Congress went into orbit. What? We can't ban TV advertising to kids. So we basically took away their authority to do that. We made it harder for the FTC. Right now it is harder for the Federal Trade Commission to regulate advertising for kids than for adults. You probably think I made a mistake in what I just said. I didn't make a mistake. What I said is, it is harder right now for the Federal Trade Commission to regulate

advertising for kids than it is to regulate advertising for adults, and that happened after 1978.

It is time to change that, and my bill will restore the authority of the Federal Trade Commission to regulate marketing to kids, just as they do for adults, and it encourages them to do so.

The fourth component of my bill, the HELP America Act, addresses reimbursements for prevention services. Right now, our medical system is set up to pay doctors to perform a \$20,000 gastric bypass instead of offering advice on how to avoid such risky procedures in the beginning.

My bill will reimburse and reward health care professionals for practicing prevention and screenings. It will expand Medicare coverage to pay for counseling on nutrition and physical activity, mental health screenings, and smoking cessation programs for the elderly.

Time and again—and I am sure the present occupant of the chair has seen it in his own State—if you go to, let's say, a senior citizens center where they have an active program for wellness, where they have physical exercise, where they have nutrition counseling, mental health counseling, getting elderly people who have been smoking all their life off tobacco, you will find those elderly people use less hospital care services, they go to the hospital less; they go to the doctor less than elderly people who either do not go to a senior citizens center or go to a senior citizens center where they simply sit around and play cards. We know that. We need to expand Medicare coverage to pay for that kind of physical activity, mental health screenings, and smoking cessation programs.

Does it cost money? You bet. But think of the money we are going to save in the long run. Again, I get back to my car. If you bought a new car and drove it home, and you never changed the oil, you never changed the transmission fluid, you never had it tuned up, and you just drove it until the engine seized up because it ran out of oil, yes, you can go down and put a new engine in it. I think that will cost you a lot more than if you just change the oil periodically and gave it a tuneup periodically. That is what we are talking about here. We are doing the same thing.

Finally, let me point out that the HELP America Act will be funded by creating a new national health promotion trust fund paid for through a penalty on tobacco companies that fail to cut smoking rates among children, and also by ending the taxpayer subsidy of tobacco advertising and closing a few other tax loopholes.

I want to mention the subsidy of tobacco advertising. We see a lot of ads for tobacco. That is a tax-deductible expense for tobacco companies. Billions of dollars every year are spent advertising tobacco. Everything from the Marlboro Man to Kool Lights—we see

them all the time; I cannot remember them all—all paid for by a tax deduction.

I am not saying that a tobacco company cannot advertise tobacco. It is still legal to buy it. They have the right to advertise it, but they do not have any constitutional right to get a tax deduction for it.

A lot of people say to me: Senator HARKIN, you want to take away their constitutional right to advertise.

I said: No, I do not. It is free speech. It is a legal product. So far it is legal. They can advertise it, but there is no constitutional right for a tax deduction for them to advertise tobacco, and I think it is time that we remove that and put that savings into a health promotion trust fund.

It is time for the Congress to lead America in a new direction. We need a new health care paradigm, a prevention paradigm.

As I said in the beginning, some will argue avoiding obesity and preventable disease is strictly a matter of personal responsibility. We all agree individuals should act responsibly, and I am all for personal responsibility. But when something reaches the proportions that we have today where it is a public health crisis, where it is impacting every single American and the insurance we have to pay for our own health insurance, where it is clogging up our hospitals with people who are in for chronic illnesses and diseases, where it is costing more and more on Medicare, which we subsidize, or Medicaid, then it is time for the Government to act responsibly.

We have a responsibility, at a minimum, to ensure that people have the information, the tools, the incentives, and the support they need to take charge of their own health. That is what the HELP America Act is all about.

Again, the description I have just given of this quite comprehensive bill is just scratching the surface. I obviously did not go into all the parts of it. I do not want to take any more time here today. But the HELP America Act is a comprehensive bill addressing health promotion, illness prevention, physical activity, everything from early childhood to late adulthood, everything from schools to communities to workplaces to government.

I know it probably will not pass right away, but I hope this becomes a part of our national debate. This is a political year. Fortunately, I am not running. Fortunately, the Senator from Texas is not running. Obviously, there are a lot of people out there running for political office this year, and there will be a lot of talk about health care and how we are going to do Medicare and how we do Medicaid and how we do the health insurance crisis and prescription drugs, and all this is going to be talked about.

It is time for our Presidential candidates on both sides to begin talking about keeping people healthy, pre-

venting illness, and what do we need to do to change this paradigm from a sick care system to a health care system. We need that public debate because I believe the American people want that shift. They want to be healthier. They want to eat better. They want to have a healthier lifestyle. But it just seems as if everything in our country is tilted against that healthier lifestyle.

When you do not have a sidewalk on which to walk, when you do not have a bike path on which to ride your bike, when kids in school have no physical activity whatsoever, when kids in school have junk food shoved at them in vending machines up and down one aisle and another, when kids at the earliest age watch their Saturday morning TV shows and all they see is candy, sugar, and fats pushed at them, when our workplaces have no incentives to provide wellness to their employees, when the elderly get Medicare and if they get sick, right to the hospital, right to a doctor, Medicare pays; thank God for Medicare. But shouldn't Medicare also be trying to keep them healthy in the first place?

People want this. The American public wants this kind of support. They want this paradigm shift to lead healthier lifestyles.

It is time for us to get on with this business of doing so.

In closing, it is time to heed the golden rule of holes, which says, when you are in a hole, stop digging. Well, we have dug one whopper of a hole in our health care system by only addressing illness and by failing to emphasize prevention and wellness. It is time to stop digging that hole. It is time to commit ourselves to healthier lifestyles and changing the incentive structure, changing this paradigm that we have in this country, a paradigm shift from a sick care system to a health care system.

I thank the indulgence of the occupant of the chair for giving me this time on a Friday afternoon.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

WORLD REFUGEE DAY 2004

Mr. BROWNBACK. Madam President, from the central highlands of Vietnam to the Darfur region of Sudan, and from the Tumen river dividing North Korea and China to the roof of the world in Bhutan and Nepal, nearly 12 million people worldwide are refugees. Sunday, June 20, 2004 is World Refugee Day. This week, at events both in Washington and around the world, policymakers, advocates and concerned individuals will direct our attention to

the plight of those who seek safety from persecution in their homelands.

Refugees face the most difficult of circumstances. Their stories of escape from persecution are more dramatic than anything Hollywood could script and often too horrific for most of us to imagine. Stories of unspeakable brutality, long journeys, and family separation are not the exception but the rule. Often, refugees are alive only because of a faith in God and an unshakeable will to survive.

Tragically, however, the plight of a refugee does not end with escape from persecution. Refugees frequently have nothing but their lives to bring into a new country. Most refugees would love to return to their homelands, but this is often impossible. Absent a dramatic change in conditions at home, refugees have few choices.

I am proud that the United States leads the world in one of those choices: refugee resettlement. From its founding, America has been the dream destination for the world's oppressed peoples, and that dream endures today. I want to applaud the determination of the State Department to resettle as many as 50,000 refugees this year—a significant increase over recent annual totals. I look forward to working with the State Department for the rest of this year and into the next, to return our refugee resettlement program to its historical averages and preserve America's commitment to the world's most vulnerable people.

Some might say "Why should we bother?" Some might ask why the United States should play such a role. But such questions are ultimately short-sighted. America's principles are never better upheld than when we assist the oppressed. America's image is nowhere better polished than in the minds of refugees who receive our assistance. And no, the United States cannot solve every refugee problem, so it should be clear that America's interests are well-served by setting an example for the rest of the world to follow.

There is much work to be done. Hundreds of thousands of refugees are fleeing the Darfur region of Sudan. They stream into Chad bringing nothing with them and finding little across the border. Within a few months, the region has become the world's most acute humanitarian crisis. The United States has already directed millions of dollars in emergency funds to this region, and as we find additional ways to respond, I hope the international community will commit itself to assisting these refugees.

In similar fashion, I hope that the international community will not allow discussions of nuclear weapons to obscure the plight of thousands of North Koreans who have fled into northeast China. Not only are they living testimonies to the brutality of the regime of Kim Jong-il, they remind us that sometimes refugees are forced to trade one set of horrors for another.

China must stop forcibly repatriating North Koreans and should allow the international community to provide assistance to these people.

In other parts of the world, refugees find safe haven in camps where they await a change of conditions at home or some other long-term resolution of their exiled status. While camps are intended to be way stations, however, they too often become warehouses. Seven million of the world's 12 million refugees have lived in camps or segregated settlements for more than 10 years. Think of that: seven million people who have each forfeited a decade of human potential. The international community never intended that it be this way. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol—signed by the United States—give refugees the right to be recognized before the law, to move freely, to earn a living, and to own property. But in many cases, these rights are not respected and the loss of human potential endures.

There are no easy solutions to the warehousing problem, but such treatment is unacceptable. I hope that as we respond to the Darfur situation and others around the world, the State Department and other members of the international community will take steps to ensure that refugees who receive our emergency assistance today will gain opportunities for self-sufficiency tomorrow.

Unfortunately, as long as there is conflict, there will be refugees. But strong United States responses to these humanitarian crises mean more than a dollar figure in the budget. When the United States emphasizes refugee assistance and refugees, it demonstrates a commitment for other nations to emulate. Truly global responses to refugee crises begin here with America's strong, compassionate leadership.

As we mark World Refugee Day 2004 this Sunday, I look forward to extending that leadership in the days ahead, and I hope my colleagues will join me in working on this crucial part of our foreign and humanitarian policy.

IN RECOGNITION OF THE JUNETEENTH FESTIVAL CELEBRATION

Mr. LEVIN. Madam President, this week people all across the Nation are engaging in the oldest known celebration of the ending of slavery. It was in June of 1865, that the Union soldiers landed in Galveston, TX with the news that the war had ended and that slavery finally had come to an end in the United States. This was 2½ years after the Emancipation Proclamation, which had become official January 1, 1863. This week and specifically on June 19, we celebrate what is known as "Juneteenth Independence Day." It was on this date, June 19, that slaves in the Southwest finally learned of the end of slavery. Although passage of the Thirteenth Amendment in January

1863, legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across the country.

In recognition of Juneteenth, I would like to call my colleagues' attention to the Juneteenth Creative Cultural Center and Museum founded in Saginaw, MI by Lula Briggs Galloway on June 19, 2003. The Juneteenth Creative Cultural Center & Museum will be celebrating its first year anniversary with the Juneteenth Independence Day Celebration on Saturday, June 19, 2004, hosted by its founder and volunteers. They are proud to present the "Tuskegee Airmen" and the "Triple Nickles" who will be performing as part of the Juneteenth Independence Day Celebration.

Many years before "black pride" became a popular slogan, a small group of black soldiers gave life and meaning to those words. This is their story. Born within an army that had traditionally relegated blacks to menial jobs and programmed them for failure, the 555th Parachute Infantry Battalion, or "Triple Nickles" Succeeded in becoming the Nation's first all-black parachute infantry test platoon, company, and battalion.

The Tuskegee Airmen, a black Army Air Force unit, were dedicated, determined young men who enlisted to become America's first black military airmen, at a time when there were many people who thought that black men lacked intelligence, skill, and courage to become pilots. Although the Tuskegee Airmen flew more than 15,000 combat missions, once home, they had to give up their seats on the bus to Nazi prisoners of war who were being transferred to holding camps.

Since that time, men like Chuck Simms Sr., John Weldon, and Toney Muzon, have continued the legacy for the Triple Nickles and the Tuskegee Airmen. This celebration will honor them, and their fellow soldiers and airmen, who have since passed away.

The Triple Nickles' and the Tuskegee Airmen's families can be proud of their dedication to their country, and their great commitment to honor the values and principles of democracy and freedom. We as a nation have benefitted from the extraordinary contributions—and sacrifices—of these veterans who bravely went off to war, despite turmoil and racism at home.

I am sure that my Senate colleagues join me in recognizing and honoring the Juneteenth Creative Cultural Center and Museum's first year anniversary, and the Juneteenth Independence Day Celebration honoring the Triple Nickles and Tuskegee Airmen veterans.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement

Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On January 14, 1999, in El Dorado, CA, Thomas Gary, 38, died after being run over by a truck and shot with a shot gun. The assailant claimed that Gary had made a pass at him.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL DAIRY EQUITY ACT

Ms. SNOWE. Madam President, I support the legislation introduced by my colleagues Senator SPECTER and Senator SCHUMER, the National Dairy Equity Act. I am pleased to be an original cosponsor of this bill. This introduction is well timed as this month we are celebrating National Dairy Month and the positive aspects that eating dairy products have on our health. From calcium to potassium, dairy products contain essential nutrients that help to manage weight, reduce the risk for high blood pressure, osteoporosis and certain cancers, among other health benefits.

In fact, each year 7 billion gallons of fluid milk are marketed in the United States, yielding about \$22 billion in annual sales. However, the growing price spread between what the farmer receives and what the retail price is don't equal out. This is a concern to me.

I applaud the sponsors of this legislation, Senators SPECTER and SCHUMER, for their hard work and commitment to the cause of bringing equity into the dairy industry. It should be noted that MILC replaced the very successful Northeast Dairy Compact during the reauthorization of the 2002 Farm bill. I fought very hard to reauthorize the Northeast Dairy Compact at that time because the Northeast Dairy Compact was not structured around payments from the government like the new MILC program. I ultimately voted for MILC because it was the best alternative to the Northeast Dairy Compact. I commend the resolve of Senators SPECTER and SCHUMER to craft a solution that is fair to farmers in all regions of the United States as their efforts have been nothing short of extraordinary.

The National Dairy Equity Act is a win-win proposal that lends dairy farmers a hand, without tapping into the federal treasury. Price volatility in the milk market, coupled with growing production costs, has made it difficult for family dairy farmers to stay in business. The National Dairy Equity Act will work for both the people and the dairy farmers of New England as well as other parts of the United States by providing dairy farmers with a safe-

ty net and by helping to maintain a stable price for fluid milk. This legislation will also help to preserve a New England way of life. The legislation gives states the ability to work closely together to price milk in their own areas, giving states the power to determine fair prices. Of the milk sold in New England, a vast majority—more than 85 percent—is produced from herds in the New England area.

The National Dairy Equity Act allows farmers in each of the five Regional Dairy Marketing Areas, RDMA's, to establish minimum prices for Class I, fluid, milk based on the federal pricing structure. Under the bill, the Governor of each state, in consultation with producers and dairy industry representatives, nominates three members to the regional board. Participation by farmers and—importantly—participation by consumers is required. This regional approach effectively balances the needs of consumers and producers, while ensuring a healthier dairy industry in the future.

The Regional Dairy Marketing Boards also have the authority to conduct effective supply management for their region, including the use of traditional and creative development and implementation of incentive-based supply management programs. To protect against overproduction, regions in which the growth in milk production is higher than the national average will be required to reimburse the Secretary of the Treasury for the cost of government dairy surplus purchases up to the amount that the region is receiving under the NDEA. This system of checks and balances protects against any overproduction.

While the Northeast, Southern, and Upper Midwest regions are automatically considered as participating states, the National Dairy Equity Act has a mechanism for any State to opt into or out of the program. I consider this to be a strong provision in the bill precisely because it allows states to choose the option that is best for them. States that choose not to participate are eligible to participate in the current federal MILC program through September 2005. Individual farmers in states that opt for the MILC program can choose to continue receiving payments through the MILC contract until that legislation expires in September 2005. This legislation has been constructed to give flexibility and certainty to family dairy farmers.

Further, the costs of operating the Regional Dairy Marketing Boards are borne entirely by those participating in the dairy industry in each of the respective regions, at no expense to the federal government. In addition, the Regional Dairy Marketing Boards provide environmental benefits through preservation of dwindling agricultural land and open spaces that help to combat the growing problem of urban sprawl, particularly near large cities, but which is starting to affect more rural areas as well.

The National Dairy Equity Act provides farmers with the safety net they need to continue providing the resources for the myriad of dairy products we rely on to meet our health needs. I urge my colleagues to take this opportunity, during National Dairy Month to celebrate this creative policy solution presented by Senators SPECTER and SCHUMER that brings equity to dairy industry and could save the Federal treasury billions of dollars. This legislation is supported by the Maine Dairy Industry Association.

I ask unanimous consent that the letter be printed in the RECORD.

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

MAINE DAIRY INDUSTRY ASSOCIATION,
Augusta, ME, June 15, 2004.

Senator OLYMPIA J. SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: On behalf of the 392 dairy farmers operating small businesses in Maine, I thank you for your support of the effort to create regionally flexibility in dairy pricing through your sponsorship of the National Dairy Equity Act. You have consistently been a strong advocate for Maine dairy and all of Maine agriculture and we are proud of your steady leadership in Congress.

Dairy farming is a difficult profession. The cows work 365 days a year regardless holidays, weekends or illness. The weather cannot be made to order. And farmers have very little to say about what they will get paid for their milk, regardless of the quality, quantity or freshness. In spite of these challenges, Maine has a strong dairy farming tradition and our farmers are proud to produce over 50 million gallons of milk (605 million pounds) every year to Maine consumers. Milk is a bulky, perishable product. When it is processed it can be made into products that have a longer shelf life. But fresh fluid milk has many more limitations.

The USDA Federal Order system was put in place in the 1930s to stabilize the price of milk and help the farmers get a fair price for their product. Over the years, this program has been tweaked and twisted in directions that no longer achieve its original aim. Over the years the national demographic profile of dairy farms has changed from small family farms with local creameries serving small geographic areas to larger farming operations concentrated by region and shipping milk to a few large corporate processors with multiple plant locations. Milk is priced on the commodity market, responding to shifting trends of supply and demand that are measured on a nationwide scale. The farmers are again the Davids in an industry of Goliaths.

Milk pricing is an incredible complex series of market calculations. Simply, when the ration between supply and demand shifts 1-2 percent one way or the other, the price the Federal order sets for the farmer to get paid can shift 20-30 percent. If you mapped out the prices for a year on a chart, it would look more like a blueprint for a roller coaster ride than government-controlled pricing structure. And dairy farmers are only told what price they will be paid for their milk AFTER they have sent it to market. Can you imagine any other business working under these conditions?

In Maine, we are fortunate that our style of dairy farming has vestiges of the old days. Most of our farms are family owned, many supporting multiple generations. The farmers live on the farm in the "homestead." Most farmers can track their milk to the

dairy case in their local store. Visitors from states to our south frequently come to Maine to see our green pastures with grazing cows against the backdrop of a white farmhouse and a red barn not only as tourists, but as prospective homeowners and future Maine residents looking to find a simpler, more traditional way of life. In fact, some of the most valuable land for housing developments is adjacent to working farms.

But the size of our farms and the beauty of the landscape are coupled with innovative production techniques and creative marketing efforts. Many farmers have discovered the value of organic production operations and marketing to the organic food niche market. Most dairy farmers have diversified farm operations to include other agricultural products to supplement the dairy operation, such as selling hay or other silage crops, raising replacement dairy animals or a variety of animals for meat and byproducts. And studies have found that 89 percent of Maine dairy farms are operating at 85 percent of higher rates of efficiency, utilizing new techniques and technology.

However, no amount of diversification can make up for low milk prices. Farmers are just coming back from over 25 straight months of record low prices that resulted in a loss of 68 Maine dairy farms (15 percent of the total). The irony is that Maine has fared better than many other states, including most of those in New England, thanks in part to innovative state and regional solutions to help bolster the price to farmers when the Federal Order Price drops.

Maine has long been a leader in finding new and creative solutions to the challenges in agriculture. In dairy, our legacy is in finding ways to allow regional flexibility in a pricing system that clumps farmers from all 50 States into one big commodity category. In the early 1990s, Maine dairy farmers worked with state leaders to create a Vendor Fee system that supported the milk price paid to farmers when the price fell below the cost of production. This became the model for the Northeast Dairy Compact, which successfully operated in the 6 New England states from 1997 until September 2001.

The Vendor Fee, its successor the Maine Dairy Stabilization Act, and the Northeast Dairy Compact all recognized that not all parts of the country can produce milk for the same amount of money. Farmers in the western U.S. can take advantage of federal water subsidies to turn desert into prime grazing land. Some areas have longer growing seasons than others and some are not suited to growing the types of grain and feeds needed for dairy cattle. These three programs utilized their regional marketplace to support the dairy operations that supplied the consumers in that area. Consumers were willing to pay more to ensure a fresh, quality supply of local milk and dairy products. It was a symbiotic relationship.

The National Dairy Equity Act is an attempt to recognize and build on the simple concept begun in the state of Maine—that regional flexibility is necessary when it comes to milk pricing in order to sustain a consistent supply of fresh milk to all our citizens. Our dairy farms are too valuable to our economy and our way of life to risk losing due to rigid, one-size-fits-all policies that have been mutated to protect the consumer and the processor, but do little for the farmer.

Without the dairy farmer, we would not have fresh milk. A robotic cow operating in a mass production plant is not a solution. We need a vibrant, diversified dairy industry peppered throughout this country. Today, we have one in Maine. Passage of the National Dairy Equity Act could mean that we will continue to enjoy quality Maine milk for generations to come.

Thank you again for your support.

Sincerely,

DALE COLE,
Maine Dairy Industry Association.

ADDITIONAL STATEMENTS

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

NATIONAL PEACE ESSAY CONTEST

• Mr. DASCHLE. Mr. President, I am honored today to present to my colleagues in the Senate an essay by Adam Hofer of Rapid City, SD. Adam is a student at St. Thomas More High School, and he has been awarded first place in the annual National Peace Essay Contest for South Dakota. "Rebuilding Societies After Conflict" examines how postconflict states transition to free elections, develop a national constitution, and incorporate demobilized soldiers into society. By using the case studies of Nicaragua and Mozambique, Adam deftly illustrates the importance of all three factors in a nation's transition to peace following civil war. I commend his essay to my colleagues' attention. I ask consent that Adam Hofer's essay be printed in the RECORD.

The material follows.

REBUILDING SOCIETIES AFTER CONFLICT

(By Adam Hofer)

The Greek philosopher Aristotle noted, "It is more difficult to organize peace than to win a war; but the fruits of victory will be lost if the peace is not organized." This idea of organization as central to lasting peace is as applicable today as it was over 2000 years ago. Yet, the question remains as to the means by which peace efforts should be organized. In the twentieth century, post-war countries like Nicaragua and Mozambique strove to organize peaceful, reconstructed nations. An analysis of the post-conflict reconstruction methods used in these countries shows that free elections, a national constitution, and the reintegration of demobilized soldiers are necessary conditions that must be incorporated for a post-conflict reconstruction program to achieve the stability and reconciliation necessary for lasting peace.

In Nicaragua, several developments led to the end of almost a decade of civil war between the Sandinista government of Nicaragua and members of the Nicaraguan Resistance known as the Contras. The initial spark to end the violence was a negotiated stalemate between the two factions that occurred because foreign military support to both sides discontinued. The military stalemate gave Nicaragua the opportunity to sign a regional plan for peace in Central America, known as the Arias Plan, in 1987. Apart from bringing a negotiated cease-fire and national reconciliation, the Arias plan also paved the way for the 1989 free national elections in Nicaragua. The national elections resulted in the Sandinista government's losing to Violeta Barrios de Chamorro, the candidate of the opposition party. Led by a leader committed to a democratic government and national reconciliation, Nicaragua had finally stepped out of the Cold War spotlight and was ready to begin its reconstruction process.

The reconstruction process in Nicaragua that began following the recent civil war is

still evident in the country today. Years of conflict in Nicaragua had given the country a need for many elements of reconstruction, one being the country's security. Nicaragua acknowledged that the social reintegration of demobilized soldiers was essential to establishing security and beginning reconstruction. With the help of international organizations such as Network for Peace, many former soldiers were successfully reintegrated and became active models of reconciliation and peace for the Nicaraguan society.

Efforts in rebuilding the governance and economy of Nicaragua continue to be key elements in sustaining peace as well. Organizing Nicaragua's government after peace involved the creation of a constitutional democracy. This type of democracy incorporated representation from both sides of the conflict, ensuring that the decisions of the government did not re-ignite the issues from the past conflict. The new government also created the freedom for Nicaragua's economy to begin development. An economic plan "for regional cooperation in trade, financing, investment, and production," as well as the benefit of ongoing foreign assistance generated economic development in Nicaragua. This reorganization of the government and economy has helped the country become more stable and has inclined its citizens towards reconciliation.

It is not by chance that the conflicts of Nicaragua's civil war have not re-ignited; their reconciliation is a direct result of the organized means of post-conflict reconstruction. Nicaragua obtained a national sense of security by organizing the demobilization and reintegration of many soldiers from both the Contra and Sandinista armies. The government, rooted in a national constitution, achieved stability and gave the country a solid foundation for recovery.

Mozambique's successful transition from a warring country to a peaceful nation is comparable to that of Nicaragua. Like Nicaragua, Mozambique experienced an internal conflict, a civil war that was between the Frelimo Government and the Renamo, or National Resistance Movement in Mozambique. Conflict ended in Mozambique in 1992, and the country's efforts of reconstruction continue today.

The opportunity for peace in Mozambique came in 1983 when the president of the ruling Frelimo government accepted the failure of socialism and recognized the need for reform. The government was unable to control a country that had already suffered about one million deaths from civil war. This acceptance eventually led to the enactment of a national constitution in 1992. The constitution "provided for a multi-party political system, market-based economy, and free elections." These elements provided by the national constitution led to peace negotiations between the two factions and the beginnings of governmental and economical reconstruction in Mozambique.

The "social fabric" and "economic infrastructure" of Mozambique had been greatly disrupted by the 17 years of civil strife. A sense of security in the country was an important and immediate need. The reconstruction began with a United Nations' program for transitioning destructive soldiers into productive citizens. These efforts of reintegration and demobilization were so successful that the demilitarized soldiers were soon helping remove the approximately one million landmines still present from the country's civil war. During the first 5 years following peace, "more than 6.5 billion in international aid flowed into Mozambique * * * most of which went to demilitarization and demining, infrastructure and capacity strengthening, and poverty reduction."

These international efforts to rebuild Mozambique's security set the stage for the rest of the country's post-war reconstruction process.

Reconstruction of Mozambique's economy began as the nation became more secure. Since much of Mozambique was drought-stricken and strewn with landmines, the agriculturally based economy relied greatly on international aid at the onset of peace. Fortunately, a more independent economy was soon underway as many landmines were removed, and good rains resulted in Mozambique's first bountiful harvest in years. This economic stabilization was felt throughout the country and encouraged a more suitable environment for reconciliation to occur.

The unique cultural elements of Mozambique also proved helpful in reorganizing and rebuilding the country. Since Mozambique's people had "little history of religious fundamentalism, warlords, or ethnic conflict," the reconstruction efforts faced less resistance. Also, local healers used traditional rituals to emphasize "social precautions for retaining a well functioning society." In these ways, the naturally existing cultural unity of Mozambique helped the citizens to put the past conflicts aside and to focus on rebuilding their country.

The reconstruction efforts that have taken place in Mozambique have been successful in sustaining this country's peace. One significant reason is that most members of the former Renamo guerrilla army have become responsible citizens. This successful reintegration has caused a peaceful attitude to filter throughout the nation and has brought confidence that violence will not re-ignite. The national constitution and developing economy provided Mozambique with stability and promoted national reconciliation, aiding the transition from war to peace.

Evaluating the successful methods used in the reconstruction of Nicaragua and Mozambique reveals the necessary conditions for successful post-conflict reconstruction in any country. Free national elections secure a legitimate governing body and are an essential condition for a stable society. Such elections ensure that citizens are able to choose a leader who reflects their ideals and who can administer with majority support. A national election and an appropriate transfer of power should be organized almost immediately following any conflict.

Another essential condition of post-conflict reconstruction, aimed at achieving a stable society, is the establishment of a national constitution. Representatives from all of the country's territories should cooperate to develop a constitution that addresses the political, economical, and social needs of the country. This diverse representation will guarantee that these elements are unbiased and endow the citizens with their proper rights and responsibilities. Treated justly, the citizens will be more willing to reconcile former conflicts and unite to maintain peace in their country.

The final condition to achieve stability is reconciliation through the reintegration of ex-combatants. The traumas experienced by the soldiers during the conflict must be treated by local or international agencies at the on-set of peace. The ex-combatants, reconciled from the conflict, can become responsible citizens of their society. Upon successful reintegration, the ex-combatants will serve as examples to their communities and cause a contagious effect of reconciliation to permeate the country. This reconciliation, like that in Nicaragua and Mozambique, will prompt former soldiers and citizens from both sides of the conflict to contribute to a reconstruction process that will lead the country toward stability and lasting peace.

Thus, the means of the post-conflict reconstruction used in Nicaragua and Mozambique

can serve as examples for other countries trying to reconcile and stabilize to organize lasting peace. Although some aspects of the reconstruction process will be unique to individual post-conflict countries, it is crucial that a reconstruction program incorporate free elections, a national constitution, and the reintegration of demobilized soldiers for the post-conflict efforts to result in a stable society. These elements, integrated into any country's post-conflict reconstruction program, lead to lasting peace and stability because they provide the citizens with justice through a legitimate governing body and the conditions for social, political, and economic reconciliation.

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MESSAGES FROM THE HOUSE

At 12:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4520. An act to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S.J. Res. 39, A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Rept. No. 108-281).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 322. A resolution designating August 16, 2004, as "National Airborne Day".

S. Res. 357. A resolution designating the week of August 8 through August 14, 2004, as "National Health Center Week".

S. Res. 370. A resolution designating September 7, 2004, as "National Attention Deficit Disorder Awareness Day".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself and Mr. CRAPO):

S. 2547. A bill to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 2548. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2549. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida):

S. Res. 383. A resolution commending the National Hockey League Tampa Bay Lightning for winning the 2004 Stanley Cup Championship; considered and agreed to.

By Mr. LUGAR (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. SMITH, and Mr. BIDEN):

S. Res. 384. A resolution expressing the sense of the Senate on the development of self-government in Kosovo; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 178

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 178, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant.

S. 253

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 720

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 720, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

S. 1068

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1068, a bill to amend the Public Health Service Act to establish grant programs to provide for education and

outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1890

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 1925

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1925, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2477

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2477, a bill to amend the Higher Education Act of 1965 to expand college access and increase college persistence, to simplify the process of applying for student assistance, and for other purposes.

S. 2533

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. BOXER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

AMENDMENT NO. 3202

At the request of Mr. DASCHLE, the name of the Senator from North Da-

kota (Mr. CONRAD) was added as a cosponsor of amendment No. 3202 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3225

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3225 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3234

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 3234 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3303

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3303 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3355

At the request of Mr. REED, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3355 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3371

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 3371 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction,

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

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 3371 proposed to S. 2400, *supra*.

AMENDMENT NO. 3410

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3410 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 383—COM- MENDING THE NATIONAL HOCKEY LEAGUE TAMPA BAY LIGHT- NING FOR WINNING THE 2004 STANLEY CUP CHAMPIONSHIP

Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 383

Whereas on Monday, June 7, 2004, the National Hockey League Tampa Bay Lightning team won the Stanley Cup, becoming the second team in 30 years to overcome a 3-2 deficit in the National Hockey League finals to win Lord Stanley's Cup;

Whereas the Tampa Bay Lightning entered the Eastern Conference of the National Hockey League in 1992;

Whereas the Tampa Bay Lightning is the 86th National Hockey League team to win the Stanley Cup;

Whereas coach John Tortorella has become the third American-born coach to win the Stanley Cup;

Whereas left wing Dave Andreychuk has played for and won his first career Stanley Cup during a 22-year career after playing a record 1,758 games and 162 playoff games;

Whereas center Brad Richards was awarded the Conn Smythe 2004 National Hockey League Playoff MVP Trophy for finishing the playoffs with 12 goals, including a National Hockey League record of 7 game-winners, and 14 assists in 23 games;

Whereas Brad Richards led the league in playoff scoring with 26 points and scored 2 power-play goals in Game 6 of the finals, making Game 7 necessary;

Whereas left wing Fredrik Modin served to assist in 1 of Brad Richards's 2 goals in Game 6;

Whereas left wing Ruslan Fedotenko suffered a head injury in Game 3, missed Game 4, returned for Game 5, and scored 2 goals in Game 7, including the game-winning goal;

Whereas right wing Martin St. Louis, winner of the Art Ross Trophy, awarded to the player who leads the National Hockey League in scoring points at the end of the regular season, has made significant contributions to the team;

Whereas goalie Nikolai Khabibulin, a 2-time National Hockey League All-Star, has

earned the nickname "The Bulin Wall" because of his blockage of countless shots; and

Whereas the Tampa Bay Lightning, in its 12-year history, has overcome great odds, including 3 ownership groups, 5 coaches, 4 general managers, and being last in the league just 3 years ago: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Tampa Bay Lightning National Hockey League team for winning the 2004 Stanley Cup;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in assisting the team to win the Stanley Cup and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to transmit 1 enrolled copy of this resolution to the owner, and 1 enrolled copy of this resolution to the coach, of the 2004 National Hockey League champions, the Tampa Bay Lightning.

Mr. LUGAR. Mr. President, today I stand to submit a resolution focused on the development of self-government in Kosovo. I am pleased that Senators VOINOVICH, ALLEN, SMITH, and BIDEN have joined me in co-sponsoring this legislation.

I believe that Kosovo's future lies in building democracy, respecting human rights, and fostering ethnic reconciliation. I am hopeful that the United States will remain involved in Kosovo until it is self-sustaining. I also believe that a successful conclusion to Kosovo's status is crucial to Balkan reintegration into Europe and into Euro-Atlantic institutions.

It has been 5 years since the signing of the United Nations Security Council Resolution 1244 that marked the end of a brutal conflict in Kosovo. Much progress has been made, but it is critical to focus on the work at hand: developing political processes that are inclusive and protect human rights, especially those of minorities. My resolution focuses on the process of getting Kosovo to achieve self-governance before its future status is determined.

The United States Senate must continue to support the efforts of UNMIK (the United Nations Mission in Kosovo) and KFOR (the NATO-led international security forces in Kosovo), and promote steps to foster the development of the Kosovo economy through strengthened cooperation with the South Central Europe region and Euro-Atlantic institutions. I was pleased to co-sponsor a resolution submitted by my colleague, Senator VOINOVICH, that condemned the ethnic violence that erupted in Kosovo last March, and that called upon the people of Kosovo to cooperate with UNMIK, KFOR and the Kosovo Police to identify and bring to justice the perpetrators of the violence.

I strongly support the Administration's new policy initiative for Kosovo, which was launched last November. It foresees periodic review of progress by Kosovo's autonomous institutions of self-government on establishing rule of law, multi-ethnic democracy, market economic reform, and stable relations with neighbors. My resolution calls upon the leaders of the Provisional Institutions of Self-Governance in

Kosovo, and upon the leaders of the political parties and communities of Kosovo, to renew their efforts in cooperation with UNMIK, KFOR, and the international community to achieve political and economic stability. A critical step in Kosovo's development is a stable relationship with Belgrade. I urge both sides to engage in direct dialogue.

I believe that it is critical for the U.S. to continue to play a central role in Kosovo and provide strong assistance in achieving the benchmarks, and at an appropriate time, in determining a process leading to final status. I urge my colleagues to lend their support to U.S. policy in the Balkans and ask their support for this resolution.

SENATE RESOLUTION 384—EXPRESSING THE SENSE OF THE SENATE ON THE DEVELOPMENT OF SELF-GOVERNMENT IN KOSOVO

Mr. LUGAR (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. SMITH, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 384

Whereas United Nations Security Council Resolution 1244 of June 10, 1999, mandates an international civil presence and an international security presence in Kosovo, ending a brutal conflict in Kosovo;

Whereas during and immediately after the conflict, the people of Kosovo suffered from ethnic cleansing, war crimes, and crimes against humanity;

Whereas more than 4 years after the end of the Kosovo conflict, the incidence of ethnic strife in Kosovo remains unacceptably high, and the need for the fundamental work of ethnic reconciliation in Kosovo remains great;

Whereas the ethnic violence that erupted in Kosovo on March 17, 2004, claiming the lives of 19 people, displacing more than 4,000 Kosovo Serbs and other minorities, and resulting in the destruction of more than 500 homes and at least 30 churches belonging to Kosovo minorities, serves as a reminder of serious challenges that remain in Kosovo;

Whereas the United States and the international community strongly condemned the ethnic violence that erupted in Kosovo on March 17, 2004;

Whereas the Senate adopted a resolution on April 8, 2004, urging political leaders to fulfill their commitment to rebuild property that was destroyed in the violence of mid-March 2004 in Kosovo, and to take all possible action to allow the more than 4,000 people displaced during the violence to return quickly and safely to their homes and communities;

Whereas ethnic crimes and violent reprisals against Kosovo citizens of all ethnic groups harm the victims, their families, and their communities, and impair their common future;

Whereas the integration of Kosovo into Europe, and into the international community, depends on the ability of the people of Kosovo to overcome the divisions which have too often marked the past in Kosovo;

Whereas an important goal of the international civil presence in Kosovo established by United Nations Security Council Resolution 1244 is to facilitate a political process to determine the future status of Kosovo, taking into account the Rambouillet accords of 1999;

Whereas "Standards" of democratic self governance and a multiethnic society in Kosovo are embodied in the goals enunciated by the Special Representative of the United Nations Secretary General in April 2002, to include the effective functioning of democratic institutions, the rule of law, the sustainable return of displaced persons, dialogue with Serbia and Montenegro, freedom of movement, a stable free-market economy, property rights, and the further development of the Kosovo Protection Corps;

Whereas the people of Kosovo have made some important progress toward the fulfillment of these goals while continuing to face challenges, particularly on issues of refugee return and freedom of movement of Kosovo minorities;

Whereas the United Nations Security Council, in its Presidential statement of December 12, 2003, endorsed the elaboration by UNMIK (the United Nations Interim Administration in Kosovo) of the "Standards" in the "Standards for Kosovo" document and welcomed the plan to periodically review the progress in Kosovo in implementing the standards;

Whereas UNMIK has drafted a comprehensive "Standards Implementation Plan" to give Kosovo precise guidance on the actions that must be taken to achieve the standards;

Whereas the United States and UNMIK are currently working together with the Provisional Institutions of Self-Government of Kosovo (PISG) to help Kosovo meet the standards with a view to carry out a comprehensive review of the progress in Kosovo "around mid-2005"; and

Whereas considerable further progress toward the realization of the standards remains to be accomplished before the process of determining the future status of Kosovo can begin: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should—

(1) intensify its efforts to help Kosovo achieve the "Standards", as set out by the Special Representative of the United Nations Secretary General in Kosovo in October 2002, and as further elaborated in the UNMIK (the United Nations Interim Administration in Kosovo) "Standards For Kosovo" paper of December 10, 2003, to bring about a stable, multiethnic, and democratic society in Kosovo by carrying out the steps called for in the Kosovo Standards Implementation Plan drafted by UNMIK;

(2) further encourage Kosovo to become a factor for stability in the region by having good relations with its neighbors, and in particular, by engaging in dialogue with Belgrade in an effort to secure a peaceful, long-term solution for peace in the region;

(3) encourage Belgrade to support the standards implementation process in Kosovo, including by constructive participation in the direct technical talks launched October 14, 2003;

(4) enhance efforts to provide support to KFOR (the North Atlantic Treaty Organization-led international security force in Kosovo), and to call upon the PISG (Provisional Institutions of Self-Government of Kosovo) to ensure the security and freedom of movement for all the people of Kosovo, and the return of refugees and internally displaced persons;

(5) urge all people in Kosovo to reject the ethnic violence that erupted in Kosovo on March 17, 2004, and work with UNMIK and KFOR to apprehend and prosecute the perpetrators of the violence, to rebuild property destroyed during the violence, and to work to ensure that displaced persons are able to return safely to their homes and communities;

(6) promote steps to foster the development of the Kosovo economy through strengthened cooperation with the South Central Europe region and Euro-Atlantic institutions,

without prejudice to its future political status; and

(7) call upon the leaders of the PISG, and upon the leaders of all political parties and communities of Kosovo, to renew and enhance their efforts in cooperation with UNMIK, KFOR, and the international community to achieve the matters describe, in paragraphs (1) through (6).

AMENDMENTS SUBMITTED AND PROPOSED

SA 3458. Mr. WARNER proposed an amendment to amendment SA 3291 proposed by Mr. LAUTENBERG to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

TEXT OF AMENDMENTS—(Corrected Version)

SA 3384. Mr. BOND (for himself, Mr. HARKIN, and Mr. TALENT) proposed an amendment to to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle D of title XXXI, insert the following:

SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of

processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and the final rule published on May 26, 2004.

(11) Many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398); 42 U.S.C. 7384(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Subject to the provisions of section 3612A and section 3146(e) of the National Defense Authorization Act for Fiscal Year 2005, the employee was so employed for a number of work days aggregating at least 45 work-days at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or ‘Destrehan’ facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials

plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

“(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee’s body to radiation; or

“(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

“(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.”.

(c) FUNDING OF COMPENSATION AND BENEFITS.—(1) Such Act is further amended by inserting after section 3612 the following new section:

“SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS FOR CERTAIN MEMBERS OF THE SPECIAL EXPOSURE COHORT.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Labor for each fiscal year after fiscal year 2004 such sums as may be necessary for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) in such fiscal year.

“(b) PROHIBITION ON USE FOR ADMINISTRATIVE COSTS.—(1) No amount authorized to be appropriated by subsection (a) may be utilized for purposes of carrying out the compensation program for the members of the Special Exposure Cohort referred to in that subsection or administering the amount authorized to be appropriated by subsection (a).

“(2) Amounts for purposes described in paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a).

“(c) PROVISION OF COMPENSATION AND BENEFITS SUBJECT TO APPROPRIATIONS ACTS.—The provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort referred to in subsection (a) in any fiscal year shall be subject to the availability of appropriations for that purpose for such fiscal year and to applicable provisions of appropriations Acts.”.

(2) Section 3612(d) of such Act (42 U.S.C. 7384e(d)) is amended—

(A) by inserting “(1)” before “Subject”; and

(B) by adding at the end the following new paragraph:

“(2) Amounts for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) may be derived from amounts authorized to be appropriated by section 3612A(a).”.

(d) OFFSET.—The total amount authorized to be appropriated under subtitle A of this title is hereby reduced by \$61,000,000.

(e) CERTIFICATION.—Funds shall be available to pay claims approved by the National Institute of Occupational Safety and Health for a facility by reason of section 3621(14)(C) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (b)(2), if the Director

of the National Institute of Occupational Safety and Health certifies with respect to such facility each of the following:

(1) That no atomic weapons work or related work has been conducted at such facility after 1976.

(2) That fewer than 50 percent of the total number of workers engaged in atomic weapons work or related work at such facility were accurately monitored for exposure to internal and external ionizing radiation during the term of their employment.

(3) That individual internal and external exposure records for employees at such facility are not available, or the exposure to radiation of at least 40 percent of the exposed workers at such facility cannot be determined from the individual internal and external exposure records that are available.

TEXT OF AMENDMENTS

SA 3458. Mr. WARNER proposed an amendment to amendment SA 3291 proposed by Mr. LAUTENBERG to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Strike the matter proposed to be inserted, and insert the following:

SEC. 364. MEDIA COVERAGE OF THE RETURN TO THE UNITED STATES OF THE REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES FROM OVERSEAS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, since 1991, has relied on a policy of no media coverage of the transfers of the remains of members Ramstein Air Force Base, Germany, nor at Dover Air Force Base, Delaware, and the Port Mortuary Facility at Dover Air Force Base, nor at interim stops en route to the point of final destination in the transfer of the remains.

(2) The principal focus and purpose of the policy is to protect the wishes and the privacy of families of deceased members of the Armed Forces during their time of great loss and grief and to give families and friends of the dead the privilege to decide whether to allow media coverage at the member's duty or home station, at the interment site, or at or in connection with funeral and memorial services.

(3) In a 1991 legal challenge to the Department of Defense policy, as applied during Operation Desert Storm, the policy was upheld by the United States District Court for the District of Columbia, and on appeal, by the United States Court of Appeals for the District of Columbia in the case of *JB Pictures, Inc. v. Department of Defense and Donald B. Rice*, Secretary of the Air Force on the basis that denying the media the right to view the return of remains at Dover Air Force Base does not violate the first amendment guarantees of freedom of speech and of the press.

(4) The United States Court of Appeals for the District of Columbia in that case cited the following two key Government interests that are served by the Department of Defense policy:

(A) Reducing the hardship on the families and friends of the war dead, who may feel obligated to travel great distances to attend arrival ceremonies at Dover Air Force Base if such ceremonies were held.

(B) Protecting the privacy of families and friends of the dead, who may not want media

coverage of the unloading of caskets at Dover Air Force Base.

(5) The Court also noted, in that case, that the bereaved may be upset at the public display of the caskets of their loved ones and that the policy gives the family the right to grant or deny access to the media at memorial or funeral services at the home base and that the policy is consistent in its concern for families.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense policy regarding no media coverage of the transfer of the remains of deceased members of the Armed Forces appropriately protects the privacy of the members' families and friends of and is consistent with United States constitutional guarantees of freedom of speech and freedom of the press.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 14, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the American Indian Religious Freedom Act.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. I ask unanimous consent that Jenelle Krishnamoorthy be granted floor privileges during the duration of today's session.

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

MARINE TURTLE CONSERVATION ACT OF 2003

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 3378, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3378) to assist in the conservation of marine turtles and the nesting habitats of marine turtles also in foreign countries.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3378) was read the third time and passed.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS

Mr. McCONNELL. Madam President, I ask unanimous consent that the Sen-

ate now to proceed to the immediate consideration of H.R. 3504, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3504) to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3504) was read the third time and passed.

PROTECTING, PROMOTING AND CELEBRATING FATHERHOOD

Mr. McCONNELL. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 379 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 379) protecting, promoting and celebrating fatherhood.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 379) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 379

Whereas the third Sunday of June is observed as Father's Day;

Whereas fathers have a unique bond with their children which is often unrecognized;

Whereas the complimentary nature of the roles and contributions of fathers and mothers should be recognized and encouraged;

Whereas fathers have an indispensable role in building and transforming society to build a culture of life;

Whereas fathers, along with their wives, form an emotional template for the future professional and personal relationships of a child;

Whereas the involvement of a father in the life of his child significantly influences economic and educational attainment and delinquency of the child; and

Whereas children who experience a close relationship with their fathers are protected from delinquency and psychological distress: Now, therefore, be it

Resolved, That the Senate recognizes the importance of fathers to a healthy society and calls on all the people of the United States to observe Father's Day by considering how society can better respect and support fatherhood.

COMMENDING NATIONAL HOCKEY LEAGUE TAMPA BAY LIGHTNING

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 383 introduced earlier today by Senators NELSON of Florida and GRAHAM of Florida.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 383) commending the National Hockey League Tampa Bay Lightning for winning the 2004 Stanley Cup Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Madam President, Senator GRAHAM of Florida and myself congratulate the Tampa Bay Lightning for winning the 2004 National Hockey League Stanley Cup Championship.

In only its 12th year as a team, the Tampa Bay Lightning has reached the pinnacle of hockey for the first time in its existence. The past 12 years have been rather difficult for the team and it has undergone turbulent changes. In the history of the Lightning, not only have there been three ownership groups, but there have also been five coaches and four general managers. To top it all off, just 3 years ago the team finished last in the league.

However, due to their determination, resilience, and tenacity the Lightning has accomplished what National Hockey League teams all over the country strive to achieve. While all National Hockey League teams start the season with the Lord Stanley's Cup in mind, only one gets the privilege of gaining such an honor.

As hockey fans looked at this year's National Hockey League Season, it was obvious that the Lightning was the underdog and few people considered the team a contender because of the numerous changes and setbacks. However, the Lightning believed in itself and was full of determination. A wise person once said: Anything the mind can perceive, and the heart can believe, one can achieve. The Lightning has taken this to heart, and it makes me proud to say that Lightning has struck in the Tampa Bay Area.

Under the leadership of head coach John Tortorella, who has just become only the third American-born coach to ever win the Stanley Cup, the Lightning deserves to be commended. Throughout the season, all of the players, coaches, managers, and fans have taught the Nation a valuable lesson, in

any equation for success, there are three factors: determination, drive, and tenacity. I offer congratulations to all members of the Tampa Bay Lightning, their families, and their fans throughout the State of Florida.

Mr. MCCONNELL. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 383) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 383

Whereas on Monday, June 7, 2004, the National Hockey League Tampa Bay Lightning team won the Stanley Cup, becoming the second team in 30 years to overcome a 3-2 deficit in the National Hockey League finals to win Lord Stanley's Cup;

Whereas the Tampa Bay Lightning entered the Eastern Conference of the National Hockey League in 1992;

Whereas the Tampa Bay Lightning is the 86th National Hockey League team to win the Stanley Cup;

Whereas coach John Tortorella has become the third American-born coach to win the Stanley Cup;

Whereas left wing Dave Andreychuk has played for and won his first career Stanley Cup during a 22-year career after playing a record 1,758 games and 162 playoff games;

Whereas center Brad Richards was awarded the Conn Smythe 2004 National Hockey League Playoff MVP Trophy for finishing the playoffs with 12 goals, including a National Hockey League record of 7 game-winners, and 14 assists in 23 games;

Whereas Brad Richards led the league in playoff scoring with 26 points and scored 2 power-play goals in Game 6 of the finals, making Game 7 necessary;

Whereas left wing Fredrik Modin served to assist in 1 of Brad Richards's 2 goals in Game 6;

Whereas left wing Ruslan Fedotenko suffered a head injury in Game 3, missed Game 4, returned for Game 5, and scored 2 goals in Game 7, including the game-winning goal;

Whereas right wing Martin St. Louis, winner of the Art Ross Trophy, awarded to the player who leads the National Hockey League in scoring points at the end of the regular season, has made significant contributions to the team;

Whereas goalie Nikolai Khabibulin, a 2-time National Hockey League All-Star, has earned the nickname "The Bulrn Wall" because of his blockage of countless shots; and

Whereas the Tampa Bay Lightning, in its 12-year history, has overcome great odds, including 3 ownership groups, 5 coaches, 4 general managers, and being last in the league just 3 years ago: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Tampa Bay Lightning National Hockey League team for winning the 2004 Stanley Cup;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in assisting the team to win the Stanley Cup and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to transmit 1 enrolled copy of this resolution to the owner, and 1 enrolled copy of this resolution to the coach, of the 2004 National Hockey League champions, the Tampa Bay Lightning.

ORDERS FOR MONDAY, JUNE 21, 2004

Mr. MCCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, June 21. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 503, S. 2400, the DOD authorization bill.

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

PROGRAM

Mr. MCCONNELL. On Monday, the Senate will resume consideration of the Defense authorization bill. There are currently seven amendments pending to the bill. Additional amendments will be offered and debated on Monday afternoon. Those Senators who still wish to offer amendments should contact the bill managers so they can schedule time for consideration of the amendments, although we are certainly not encouraging any additional amendments. We have quite enough.

Chairman WARNER and Senator LEVIN will be here Monday to work through any remaining amendments. Any votes ordered with respect to defense amendments will be stacked to occur at approximately 5:30 on Monday. The leader expects that we will have more than one vote on Monday evening.

Also, I remind my colleagues that last night the majority leader vitiated the cloture motion with respect to the Defense bill. He did so with the expectation that we will finish this bill on Tuesday of next week. It is our hope that we will continue to work in good faith on Monday to move toward completion of this important Defense bill. Senators can expect a busy week next week as we conclude our business prior to the scheduled recess.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JUNE 21, 2004

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:26 p.m., adjourned until Monday, June 21, 2004, at 1 p.m.