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Senate

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

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

PRAYER

The guest Chaplain offered the following prayer:

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

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

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

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

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

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

THE GUEST CHAPLAIN

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

SCHEDULE

Mr. WARNER. Mr. President, last evening, owing to the great help of many persons, not the least of whom is the distinguished Democratic whip who is here on the floor with me this morning, the bill of the Armed Services Committee made remarkable progress. Through the night, the staff on both sides prepared another significant collection of amendments which will soon be brought to the Senate for clearance.

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

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

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

With that, I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

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

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

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

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

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

She has agreed to take a short time on that.

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

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

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

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

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

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

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

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

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

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

The legislative clerk read as follows:

A bill (S. 1050) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

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

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

The Senator from Nevada.

AMENDMENT NO. 791

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

(Purpose: To set aside an amount for reconstituting the B–1B bomber aircraft fleet of the Air Force)

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

SEC. 132. B–1B BOMBER AIRCRAFT.

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

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

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

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

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

(Mr. FITZGERALD assumed the Chair.)

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

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

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

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

AMENDMENT NO. 804

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

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

The clerk will report.

The legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

costs, costs related to environmental documentation, relocation expenses incurred under subsection (b), and other administrative costs related to the conveyance. If amounts are collected from UPS in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to UPS.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the replacement facilities required by subsection (b) are suitable and available for the relocation of the operations of the Naval and Marine Corps Reserve Center.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. LEVIN. Mr. President, we have no objection to this amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 804) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 805

Mr. LEVIN. I offer an amendment on behalf of Senator SARBANES that would provide for the conveyance of 33 acres of land in Fort Ritchie, MD.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside for all the amendments which Senator WARNER and I will now be offering.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SARBANES, proposes an amendment numbered 805.

The amendment is as follows:

(Purpose: To provide for the conveyance of land at Fort Ritchie, Maryland)

On page 370, between lines 15 and 16, insert the following new section:

SEC. 2825. LAND CONVEYANCE, FORT RITCHIE, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the PenMar Development Corporation, a public instrumentality of the State of Maryland (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at former Fort Ritchie, Cascade, Maryland, consisting of approximately 33 acres, that is currently being leased by the International Masonry Institute (in this section referred to as the ''Institute''), for the purpose of enabling the Corporation to sell the property to the Institute for the economic development of former Fort Ritchie.

(b) EXEMPTION FROM FEDERAL SCREENING REQUIREMENT.—The conveyance authorized by subsection (a) shall be exempt from the requirement to screen the property concerned for further Federal use pursuant to section 2696 of title 10, United States Code, under the Defense Base and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or under any other applicable law or regulation.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 805) was agreed to.

Mr. LEVIN. Mr. President, 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.

AMENDMENT NO. 707, AS MODIFIED

Mr. WARNER. On behalf of Senator INHOFE, I offer an amendment that supports Army research and development funding for human tissue engineering. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. INHOFE, proposes an amendment numbered 707, as modified.

The amendment is as follows:

(Purpose: To add an amount of Army RDT&E funding for human tissue engineering, and to provide offsets within the same authorization of appropriations)

On page 25, between lines 11 and 12, insert the following:

SEC. 213. HUMAN TISSUE ENGINEERING.

(a) AMOUNT.—Of the amount authorized to be appropriated under section 201(1), $1,700,000 may be available in PE 0602787 for human tissue engineering. The total amount authorized to be appropriated under section 201(1) is hereby increased by $1,700,000.

(b) OFFSETS.—Of the amount authorized to be appropriated under section 301(4) for operations and maintenance, Air Force, is hereby reduced by $1,700,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. There is no objection.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 707), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 791, AS MODIFIED

Mr. LEVIN. Mr. President, I offer a modified amendment on behalf of Senator DASCHLE that would add an additional $20.3 million for B–1B bomber modifications. I believe it has been cleared on both sides.

The PRESIDING OFFICER. Does the Senator intend this to be a modification of the pending Daschle amendment?

Mr. LEVIN. I am not sure I can hear the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan intend this to be a modification of the pending Daschle amendment?

Mr. LEVIN. We do.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 791, previously proposed by the Senator from Nevada, Mr. REID, for Mr. DASCHLE, as modified.

The amendment is as follows:

(Purpose: To set aside an amount for reconstituting the B–1B bomber aircraft fleet of the Air Force)

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

SEC. 132. B–1B BOMBER AIRCRAFT.

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

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

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

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

Mr. DASCHLE. Mr. President, the Senate will soon adopt a new national Defense authorization bill. I commend Senators WARNER and LEVIN, the distinguished managers of this bill, for their excellent work. They have worked well together on an important piece of legislation.

This crucial legislation, the fiscal year 2004 National Defense authorization bill, provides funds for our troops, their training, and their equipment.

Coming as it does on the heels of the end of the fighting in Iraq, it also provides the Senate with its first opportunity to act on some of the lessons we have learned in that conflict.

Although the hostilities ended a short time ago and much more needs to be done in Iraq, I do not believe it is premature to begin drawing some conclusions about which forces and equipment performed well. Based on the Pentagon's assessments as well as media reports, it appears the B–1B aircraft and their crews performed magnificently.

Just as in Afghanistan, we had few air bases in adjacent countries. Fortunately the B–1's long operating range overcame that problem. Just as in Afghanistan, our air tankers were straining to keep up the demand for midair refueling—but B–1s were part of the solution, with their ability to cover long distances and strike 24 targets on a single mission. Just as in Afghanistan, we needed the ability to carry out strikes around the clock, on a moment's notice, regardless of weather conditions and B–1s did the job, day after day, until the Iraqi military was routed and its leadership was no more.

All of this served to reinforce what many have believed to be true for quite some time now; namely, that the Pentagon acted too hastily a few years ago when it decided to retire one-third of our B–1B bomber fleet.

The plan to retire one-third of the B–1 fleet was developed before the September 11th attacks, before the war on terrorism, before the fighting in Afghanistan, and before Iraq. Given the proven record of performance of the B–1, the age of our current heavy bomber fleet, the lack of a next-generation bomber, and the fact that it took 20 years before our Nation's last bomber-development program could field planes—it seems incredible that we are consigning 23 of our most capable aircraft, a plane referred to by those who know it best as the ''backbone of the bomber fleet,'' to the Arizona desert.

My amendment would begin the process of rolling back the decision to retire those 23 planes. It would rebuild our bomber fleet toward the level recommended in our last comprehensive review of bomber needs, the U.S. Air Force White Paper on Long Range Bombers. That report determined that 93 B–1s were needed to protect U.S. national security interests until a replacement capability is available. My amendment would put us on the path to 83 B–1s—the most we can muster, given decommissioning work that is already well underway on some aircraft.

Senator JOHNSON and I have consulted with the Air Force about the timing and funding requirements to regenerate 23 planes and have determined that an appropriate first-year effort would be $20.3 million. This is also the level of effort being recommended by the House Armed Service Committee in the bill being taken up this morning on the House floor. This fiscal year 2004 funding would launch a multiyear program to provide these 23 planes the same capabilities as the rest of the B–1 fleet.

To begin with, these planes would require the Block E upgrade to B–1 offensive systems that almost all of our B–1 fleet has already received. Additional assorted upgrades will also be required, and my amendment would begin that work—configuration to accommodate towed decoys, installation of new datalink capabilities, and modifications to improve the dependability and capability of the plane's electronic countermeasure system and its central integrated test system.

Finally, my amendment would require the Air Force to report back to congressional defense committees on additional funding requirements needed in the Future Years Defense Plan, (FYDP) to fully restore these aircraft to operational levels.

This is our last chance to halt the retirement of B–1s, since many are scheduled to be sent to Arizona by the end of this fiscal year. In light of what we know now about the hasty manner in which the B–1 retirement decision was made, the B–1's proven combat effectiveness, and our Nation's anticipated security requirements, it is time to begin bringing back these 23 planes.

Mr. JOHNSON. Mr. President, I support the Daschle-Johnson amendment to the fiscal year 2004 Defense Authorization bill. This amendment will provide the funding necessary to maintain a strong and reliable B–1 bomber fleet.

Over the past week, the B–1 bombers, crews, and support staff of the 28th Bomb Wing have begun to return to Ellsworth Air Force Base from their service in Operation Iraqi Freedom. As they did in Kosovo and Afghanistan, the B–1 bombers performed superbly in the war in Iraq. They have once again demonstrated that they are the backbone of America's bomber fleet. The B–1's unique ability to linger over the battlefield and provide responsive firepower at the time and place required by military commanders was an integral part of our victory in Iraq.

Although B–1s flew fewer than 2 percent of the combat sorties in Operation Iraqi Freedom, they dropped more than half the satellite guided Air Force Joint Direct Attack Munitions, (JDAMs). The B–1s were tasked against the full spectrum of potential targets in Iraq, including command and control facilities, bunkers, tanks, armored personnel carriers, and surface-to-air missile sites. They also provided close air support for U.S. forces engaged in the field. The bombers and crews accomplished all of this while maintaining over an 80 percent mission capable rate. This record of success proves B–1 is a vital, versatile, and potent component of our military force structure.

The Daschle-Johnson amendment would provide the funding needed to start regenerating, modernizing, and returning 23 B–1s to our bomber fleet. The Department of Defense is in the process of implementing its plan to retire all but 60 B–1s, this is despite a U.S. Air Force White Paper on Long Range Bombers that determined it was in our national security interests to maintain the full B–1 fleet. Furthermore, since the Pentagon announced its decision to consolidate the fleet, the B–1s have been instrumental in the military success of both Operation Enduring Freedom and Operation Iraqi Freedom.

Given the demonstration of its unique capabilities in both these campaigns, it makes little sense to continue forward with the retirement of one-third of the B–1 fleet. With the funding provided in the Daschle-Johnson amendment, and planned increases in the Air Force's budget in future years, additional modernized B–1s could enter service in fiscal year 2005. The B–1's ability to carry a large payload of satellite guided weapons and to strike from long distances will make it an important part of our Nation's defense for many years.

Mr. President, I encourage my colleagues to support the long-term viability of the B–1 fleet by voting in favor of the Daschle-Johnson amendment.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. It is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 791), as modified, was agreed to.

Mr. LEVIN. Mr. President, 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.

AMENDMENT NO. 787, AS MODIFIED

Mr. WARNER. On behalf of Senator SANTORUM, I offer an amendment to support naval research and development for nonthermal imaging systems. The amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 787, as modified.

The amendment is as follows:

(Purpose: To make available $2,000,000 for non-thermal imaging systems)

At the end of subtitle B of title II, add the following:

SEC. 213. NON-THERMAL IMAGING SYSTEMS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Power Projection Applied Research (PE 602114N), $2,000,000 may be available for research and development of non-thermal imaging systems. The total amount authorized to be appropriated under section 201(2) is hereby increased by $2,000,000.

(b) OFFSETS.—The amount authorized to be appropriated by section 301(4) for operations and maintenance, Air Force, is hereby reduced by $1,000,000 and the amount authorized to be appropriated by section 104 for Defense-Wide Activities, is hereby reduced by $1,000,000 for SOF Rotary Wing Upgrades.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. It has been cleared on this side.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 787), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 806

Mr. LEVIN. Mr. President, on behalf of Senator BIDEN, I send an amendment to the desk which would increase by 30 the personnel end strength of the Air National Guard.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BIDEN, proposes an amendment numbered 806.

The amendment is as follows:

(Purpose: To increase by 30 personnel the personnel end strength of the Air National Guard of the United States as of September 30, 2004, to provide personnel to improve the information operations capability of the Air National Guard of the United States)

(a) In section 411(a)(5), relating to the authorized strength for Selected Reserve personnel of the Air National Guard of the United States as of September 30, 2004, strike ''107,000'' and insert ''107,030''.

(b) The total amount authorized to be appropriated under section 104 is hereby reduced by $3,300,000, including $2,100,000 from SOF rotary wing upgrades and $1,200,000 from SOF operational enhancements.

The PRESIDING OFFICER. Is there debate on the amendment?

The amendment is agreed to.

The amendment (No. 806) was agreed to.

Mr. LEVIN. Mr. President, 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.

AMENDMENT NO. 788, AS MODIFIED

Mr. WARNER. I offer an amendment to make available funds for operation and maintenance for the Army Reserve for information operations for Land Forces Readiness-Information Operations Sustainment. This amendment has been modified to provide offsets.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 788, as modified.

The amendment is as follows:

(Purpose: To make available, with an offset, $3,000,000 for operation and maintenance for the Army Reserve for information operations for Land Forces Readiness—Information Operations Sustainment)

At the end of subtitle B of title III, add the following:

SEC. 313. INFORMATION OPERATIONS SUSTAINMENT FOR LAND FORCES READINESS OF ARMY RESERVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY RESERVE.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $3,000,000.

(b) AVAILABILITY FOR INFORMATION OPERATIONS SUSTAINMENT.—(1) Of the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve, as increased by subsection (a), $3,000,000 may be available for Information Operations (Account #19640) for Land Forces Readiness–Information Operations Sustainment.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $3,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. No objection on this side.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 788), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 807

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment which authorizes $2.1 million to conduct research and development activity for the Holloman Air Force Base high-speed test track.

I believe it has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 807.

The amendment is as follows:

(Purpose: To make available, with an offset, $2,100,000 from amounts available for research, development, test, and evaluation for the Air Force for Major T&E Investment (PE 0604759F) for research an development on magnetic levitation technologies at the high speed test track at Holloman Air Force Base, New Mexico)

At the end of subtitle B of title II, add the following:

SEC. 213. MAGNETIC LEVITATION.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,100,000, with the amount of the increase to be allocated to Major T&E Investment (PE 0604759F).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force and available for Major T&E Investment, as increased by subsection (a), $2,100,000 may be available for research and development on magnetic levitation technologies at the high speed test track at Holloman Air Force Base, New Mexico.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force, is hereby reduced by $2,100,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. Mr. President, it is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 807) was agreed to.

Mr. LEVIN. Mr. President, 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.

AMENDMENT NO. 808

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment that adds $2 million for the Army for the procurement of rapid infusion pumps.

The matter has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 808.

The amendment is as follows:

(Purpose: To make available, with an offset, $2,000,000 for other procurement for the Army for medical equipment for the procurement of rapid infusion (IV) pumps)

In subtitle B of title I, add after the subtitle heading the following:

SEC. 111. RAPID INFUSION PUMPS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 101(5) for other procurement, Army, $2,000,000 may be available for medical equipment for the procurement of rapid infusion (IV) pumps.

(2) The total amount authorized to be appropriated under section 101(5) is hereby increased by $2,000,000.

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(1) for operations and maintenance, Army, the amount available is hereby reduced by $2,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 808) was agreed to.

Mr. WARNER. Mr. President, 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.

AMENDMENT NO. 743, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator GRAHAM, I offer an amendment which adds $8 million to Marine Corps research and development funds for development of the collaborative information warfare network in the critical infrastructure protection center.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAHAM of South Carolina, proposes an amendment numbered 743, as modified.

The amendment is as follows:

(Purpose: To set aside an increased amount for the Collaborative Information Warfare Network at the Critical Infrastructure Protection Center at the Space Warfare Systems Center)

On page 40, between lines 7 and 8, insert the following:

SEC. 235. AMOUNT FOR COLLABORATIVE INFORMATION WARFARE NETWORK.

(1) Of the amount authorized to be appropriated by section 201(2), for research and development, Navy, $8,000,000 may be available for the Collaborative Information Warfare Network.

(2) The total amount authorized to be appropriated under section 201(2) is hereby increased by $8,000,000.

(3) OFFSET.—Of the amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force, the amount is hereby reduced by $8,000,000.

The PRESIDING OFFICER. Is there debate?

Mr. LEVIN. There is no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 743), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 723, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator LOTT, I offer an amendment which would add $2 million in Research, Development, Test and Evaluation funding for the development and fabrication of composite submarine sail test articles.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 723, as modified.

The amendment is as follows:

(Purpose: To set aside an amount of Navy RDT&E funding for the development and fabrication of composite sail test articles for incorporation into designs for future submarines)

On page 25, between lines 11 and 12, and insert the following:

SEC. 213. COMPOSITE SAIL TEST ARTICLES.

(a) the total amount authorized to be appropriated under section 201(2) for Virginia-class submarine development may be increased by $2,000,000 for the development and fabrication of composite sail test articles for incorporation into designs for future submarines.

(b) Defense-Wide Activities.—The amount authorized to be appropriated under section 104 may be reduced by $2,000,000, to be derived from the amount provided for SOF operational enhancements.

Mr. WARNER. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there debate?

Without objection, the amendment is agreed to.

The amendment (No. 723), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 809

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment to support Army research and development for portable mobile emergency broadband systems.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 809.

The amendment is as follows:

(Purpose: To make available, with an offset, $2,000,000 for research, development, test, and evaluation for the Army for the development of Portable Mobile Emergency Broadband Systems (MEBS)

At the end of subtitle B of title II, add the following:

SEC. 213. PORTABLE MOBILE EMERGENCY BROADBAND SYSTEMS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $2,000,000 may be available for the development of Portable Mobile Emergency Broadband Systems (MEBS).

(2) The total amount authorized to be appropriated under section 201(1) is hereby increased by $2,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 104 for Procurement, Defense-wide activities, SOF Operational Enhancements is hereby reduced by $2,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 809) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 810

Mr. WARNER. Mr. President, on behalf of Senator DOMENICI, I offer an amendment which would add funds for research and development of boron energy cell technology.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 810.

The amendment is as follows:

(Purpose: To provide, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Air Force for boron energy cell technology)

At the end of subtitle B of title II, add the following:

SEC. 213. BORON ENERGY CELL TECHNOLOGY.

(a) INCREASE IN RDT&E, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(b) AVAILABILITY FOR BORON ENERGY CELL TECHNOLOGY.—(1) of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $5,000,000 may be available for research, development, test, and evaluation on boron energy cell technology.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET FROM OPERATIONS AND MAINTENANCE.—The amount authorized to be appropriated by section 301(1), for operations and maintenance for the Army is hereby reduced by $5,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 810) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 760

Mr. WARNER. Mr. President, on behalf of Senator COCHRAN and others, I offer an amendment which makes available funds for the Arrow ballistic missile defense system.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COCHRAN, Mr. REED, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Ms. MIKULSKI, and Mr. BOND, proposes an amendment numbered 760.

The amendment is as follows:

(Purpose: To set aside an amount for coproduction of the Arrow ballistic missile defense system)

On page 40, between lines 7 and 8 insert the following:

SEC. 235. COPRODUCTION OF ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the total amount authorized to be appropriated under section 201 for ballistic missile defense, $115,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, there is no objection on this side.

Mr. President, I ask unanimous consent that I be added as a cosponsor.

Mr. WARNER. Mr. President, likewise, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the amendment is agreed to.

The amendment (No. 760) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 790, AS MODIFIED

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment that would add a reporting requirement to section 3131.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 790, as modified.

The amendment is as follows:

(Purpose: To require a report assessing the effects of the repeal of the prohibition on the research and development of low-yield nuclear weapons)

In section 3131, add at the end the following:

(c) REPORT.—(1) Not later than March 1, 2004, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report assessing whether or not the repeal of section 3136 of the National Defense Authorization Act for Fiscal Year 1994, will affect the ability of the United States to achieve its non-proliferation objectives and whether or not any changes in programs and activities would be required to achieve these objectives.

The PRESIDING OFFICER. Is there debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 790), as modified, was agreed to.

Mr. LEVIN. Mr. President, 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.

AMENDMENT NO. 811

Mr. WARNER. Mr. President, I offer an amendment which would amend section 2611 of the United States Code title X to allow the Secretary of the Navy to accept guarantees as gifts for the construction of a United States Marine Corps Heritage Center, enabling the center to be completed in time for the 230th anniversary of the United States Marine Corps in November of 2005.

It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 811.

The amendment is as follows:

(Purpose: To authorize the acceptance of guarantees with gifts for the development of the Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia)

On page 278, beginning on line 16, strike ''**FOR ASIA-PACIFIC CENTER FOR SECURITY STUDIES**''.

On page 280, after the matter following line 7, insert the following:

(c) ACCEPTANCE OF GUARANTEES WITH GIFTS IN DEVELOPMENT OF MARINE CORPS HERITAGE CENTER, MARINE CORPS BASE, QUANTICO, VIRGINIA.—(1) The Secretary of the Navy may utilize the authority in section 6975 of title 10, United States Code, for purposes of the project to develop the Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia, authorized by section 2884 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001; as enacted into law by Public Law 106–398; 114 Stat. 1654A–440).

(2) The authority in paragraph (1) shall expire on December 31, 2006.

(3) The expiration under paragraph (2) of the authority in paragraph (1) shall not effect any qualified guarantee accepted pursuant to such authority for purposes of the project referred to in paragraph (1) before the date of the expiration of such authority under paragraph (2).

Mr. LEVIN. Mr. President, we support the Warner amendment.

The PRESIDING OFFICER. Is there debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 811) was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that there be a period throughout the remainder of the day for those who wish to be added as cosponsors of this amendment to so indicate to the Presiding Officer their desire.

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

Mr. LEVIN. Mr. President, 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.

AMENDMENT NO. 737

Mr. LEVIN. Mr. President, on behalf of Senator NELSON of Florida, I offer an amendment that would authorize travel and transportation allowances for dependents of service members who have committed dependent abuse against a spouse or dependent child.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, Mr. KENNEDY, and Mrs. CLINTON, proposes an amendment numbered 737.

The amendment is as follows:

(Purpose: To authorize certain travel and transportation allowances for dependents of members of the Armed Forces who have committed dependent abuse)

At the end of subtitle G of title V, add the following:

SEC. 565. CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO HAVE COMMITTED DEPENDENT ABUSE.

Section 406(h) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) If the Secretary concerned makes a determination described in subparagraph (B) with respect to the spouse or a dependent of a member described in that subparagraph and a request described in subparagraph (C) has been by the spouse or on behalf of such dependent, the Secretary may provide any benefit authorized for a member under paragraph (1) or (3) to the spouse or such dependent in lieu of providing such benefit to the member.

''(B) A determination described in this subparagraph is a determination by the commanding officer of a member that—

''(i) the member has committed a dependent-abuse offense against the spouse or a dependent of the member;

''(ii) a safety plan and counseling have been provided to the spouse or such dependent;

''(iii) the safety of the spouse or such dependent is at risk; and

''(iv) the relocation of the spouse or such dependent is advisable.

''(C) A request described in this subparagraph is a request by the spouse of a member, or by the parent of a dependent child in the case of a dependent child of a member, for relocation.

''(D) Transportation may be provided under this paragraph for household effects or a motor vehicle only if a written agreement of the member, or an order of a court of competent jurisdiction, gives possession of the effects or vehicle to the spouse or dependent of the member concerned.

''(E) In this paragraph, the term 'dependent-abuse offense' means an offense described in section 1059(c) of title 10.''.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. Mr. President, the amendment has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 737) was agreed to.

Mr. LEVIN. Mr. President, 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.

AMENDMENT NO. 812

Mr. WARNER. Mr. President, on behalf of Senator MCCAIN, I offer an amendment to provide emergency and morale communications programs.

The amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 812.

The amendment is as follows:

On page 43, strike lines 4 through 9 and insert the following:

SEC. 311. EMERGENCY AND MORALE COMMUNICATIONS PROGRAMS.

(a) ARMED FORCES EMERGENCY SERVICES.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

(b) DEPARTMENT OF DEFENSE MORALE TELECOMMUNICATIONS PROGRAM.—(1) As soon as possible after the date of enactment of this Act, the Secretary of Defense shall establish and carry out a program to provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the Armed Forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the member.

(2) The value of the benefit provided by paragraph (1) shall not exceed $40 per month per person.

(3) The program established by paragraph (1) shall terminate on September 30, 2004.

(4) In carrying out the program under this subsection, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private entities free or reduced-cost services, and programs to enhance morale and welfare. In addition, and notwithstanding any limitation on the expenditure or obligations

of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out the program.

(5) The Secretary may accept gifts and donations in order to defray the costs of the program. Such gifts and donations may be accepted from foreign governments; foundations or other charitable organizations, including those organized or operating under the laws of a foreign country; and any source in the private sector of the United States or a foreign country.

(6) The Secretary shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under the program as quickly as practicable, consistent with the timely provision of telecommunications benefits the program, the Secretary should carry out this subsection in a manner that allows for competition in the provision of such benefits.

(7) The Secretary shall not take any action under this subsection that would compromise the military objectives or mission of the Department of Defense.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. We have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 812) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

Th motion to lay on the table was agreed to.

AMENDMENT NO. 813

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON, I offer an amendment expressing the sense of the Senate that United States air carriers should offer reduced fares and flexible terms of sale to members of the United States Armed Forces. This is a timely message to the airlines of a way in which they can show their support to military members.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 813.

The amendment is as follows:

(Purpose: To express the sense of the Senate that air carriers should provide special fares to members of the armed forces)

At the appropriate place, insert the following new section:

SEC. ___. AIR FARES FOR MEMBERS OF ARMED FORCES.

It is the sense of the Senate that each United States air carrier should—

(1) make every effort to allow active duty members of the armed forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements and other restrictions; and

(2) offer flexible terms that allow members of the armed forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, or penalties.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, we support the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 813) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 814

Mr. WARNER. Mr. President, on behalf of Senator CHAMBLISS, I offer an amendment to modify the program element of the Army's short range air defense radar research and development program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CHAMBLISS, proposes an amendment numbered 814.

The amendment is as follows:

(Purpose: To modify the program element of the short range air defense radar program of the Army)

At the end of subtitle B of title II, add the following:

SEC. 213. MODIFICATION OF PROGRAM ELEMENT OF SHORT RANGE AIR DEFENSE RADAR PROGRAM OF THE ARMY.

The program element of the short range air defense radar program of the Army may be modified from Program Element 602303A (Missile Technology) to Program Element 603772A (Advanced Tactical Computer Science and Sensor Technology).

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 814) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 815

Mr. LEVIN. Mr. President, on behalf of Senator MIKULSKI, I offer an amendment that would authorize the Department of Defense and the VA jointly to conduct a program to develop and evaluate integrated healing care practices for members of the Armed Forces and veterans.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. MIKULSKI, proposes an amendment numbered 815.

The amendment is as follows:

(Purpose: To provide additional duties for the DOD–VA Joint Executive Committee relating to integrated healing care practices for members of the Armed Forces and veterans)

On page 169, between lines 5 and 6, insert the following:

(d) INTEGRATED HEALING CARE PRACTICES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs may, acting through the Department of Veterans Affairs–Department of Defense Joint Executive Committee, conduct a program to develop and evaluate integrated healing care practices for members of the Armed Forces and veterans.

(2) Amounts authorized to be appropriated by section 301(21) for the Defense Health Program may be available for the program under paragraph (1).

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. Mr. President, it is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 815) was agreed to.

Mr. LEVIN. Mr. President, 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.

AMENDMENT NO. 816

Mr. WARNER. Mr. President, on behalf of Senator BENNETT, I offer an amendment to require a Department of Defense study of the adequacy of the beryllium industrial base.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BENNETT, proposes an amendment numbered 816.

The amendment is as follows:

(Purpose: To require a Department of Defense study of the adequacy of the beryllium industrial base)

On page 276, between lines 5 and 6, insert the following:

SEC. 1025. STUDY OF BERYLLIUM INDUSTRIAL BASE.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a study of the adequacy of the industrial base of the United States to meet defense requirements of the United States for beryllium.

(b) REPORT.—Not later than January 30, 2004, the Secretary shall submit a report on the results of the study to Congress. The report shall contain, at a minimum, the following information:

(1) A discussion of the issues identified with respect to the long-term supply of beryllium.

(2) An assessment of the need, if any, for modernization of the primary sources of production of beryllium.

(3) A discussion of the advisability of, and concepts for, meeting the future defense requirements of the United States for beryllium and maintaining a stable domestic industrial base of sources of beryllium through—

(A) cooperative arrangements commonly referred to as public-private partnerships;

(B) the administration of the National Defense Stockpile under the Strategic and Critical Materials Stock Piling Act; and

(C) any other means that the Secretary identifies as feasible.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. We have no objection to the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 816) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 817

Mr. WARNER. Mr. President, on behalf of Senators MCCAIN, SESSIONS, LINDSEY GRAHAM, and BAYH, I offer an amendment which would add reporting requirements to a report on the NATO Prague Capabilities Commitment and the NATO Response Force.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself, Mr. SESSIONS, Mr. GRAHAM of South Carolina, and Mr. BAYH, proposes an amendment numbered 817.

The amendment is as follows:

(Purpose: To require a report on decisionmaking by the North Atlantic Treaty Organization)

On page 310, between lines 9 and 10, insert the following:

(D) A discussion of NATO decisionmaking on the implementation of the Prague Capabilities Commitment and the development of the NATO Response Force, including—

(i) an assessment of whether the Prague Capabilities Commitment and the NATO Response Force are the sole jurisdiction of the Defense Planning Committee, the North Atlantic Council, or the Military Committee;

(ii) a description of the circumstances which led to the defense, military, security, and nuclear decisions of NATO on matters such as the Prague Capabilities Commitment and the NATO Response Force being made in bodies other than the Defense Planning Committee;

(iii) a description of the extent to which any member that does not participate in the integrated military structure of NATO contributes to each of the component committees of NATO, including any and all committees relevant to the Prague Capabilities Commitment and the NATO Response Force;

(iv) a description of the extent to which any member that does not participate in the integrated military structure of NATO participates in deliberations and decisions of NATO on resource policy, contribution ceilings, infrastructure, force structure, modernization, threat assessments, training, exercises, deployments, and other issues related to the Prague Capabilities Commitment or the NATO Response Force;

(v) a description and assessment of the impediments, if any, that would preclude or limit NATO from conducting deliberations and making decisions on matters such as the Prague Capabilities Commitment or the NATO Response Force solely in the Defense Planning Committee;

(vi) the recommendations of the Secretary of Defense on streamlining defense, military, and security decisionmaking within NATO relating to the Prague Capabilities Commitment, and NATO Response Force, and other matters, including an assessment of the feasibility and advisability of the greater utilization of the Defense Planning Committee for such purposes; and

(vii) if a report under this subparagraph is a report other than the first report under this subparagraph, the information submitted in such report under any of clauses (i) through (vi) may consist solely of an update of any information previously submitted under the applicable clause in a preceding report under this subparagraph.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. The amendment has been cleared on both sides.

Mr. LEVIN. We have no objection on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 817) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 818

Mr. LEVIN. Mr. President, on behalf of Senator BOXER, I offer an amendment that requires the Comptroller General to submit a report regarding the adequacy of special pays and allowances for service members who experience frequent deployments away from their permanent duty stations for periods less than 30 days.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. BOXER, proposes an amendment numbered 818.

The amendment is as follows:

At the appropriate place, add the following:

GAO STUDY.—Not later than April 1, 2004, the Comptroller General shall submit a report regarding the adequacy of special pays and allowances for service members who experience frequent deployments away from their permanent duty stations for periods less than 30 days. The policies regarding eligibility for family separation allowance, including those relating to required duration of absences from the permanently assigned duty station, should be assessed.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. Mr. President, the matter is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 818) was agreed to.

Mr. LEVIN. 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.

AMENDMENT NO. 819

Mr. WARNER. Mr. President, on behalf of myself, I offer an amendment which supports the network centric operations at minority colleges and universities.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 819.

The amendment is as follows:

(Purpose: To set aside an amount for initiating a capability in historically Black colleges and universities to support the network centric operations of the Department of Defense)

On page 25, between lines 11 and 12, insert the following:

SEC. 213. AMOUNT FOR NETWORK CENTRIC OPERATIONS.

Of the amount authorized to be appropriated under section 201(1) for historically Black colleges and universities, $1,000,000 may be used for funding the initiation of a capability in such institutions to support the network centric operations of the Department of Defense.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. Mr. President, we support the amendment. I ask unanimous consent that I be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, the Senator will be added as a cosponsor.

Mr. WARNER. Mr. President, I ask unanimous consent that the junior Senator from the State of Virginia, Mr. ALLEN, be added as a cosponsor of the amendment.

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

Without objection, the amendment is agreed to.

The amendment (No. 819) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 789, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator BUNNING, I offer an amendment that expresses the sense of the Senate about upgrading the chemical agent sensors at the chemical stockpile disposal sites in the United States.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BUNNING, proposes an amendment numbered 789, as modified.

The amendment, as modified is as follows:

(Purpose: To express the sense of the Senate on the deployment of airborne chemical agent monitoring systems at the chemical stockpile disposal sites in the United States)

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

SEC. 1039. SENSE OF SENATE ON DEPLOYMENT OF AIRBORNE CHEMICAL AGENT MONITORING SYSTEMS AT CHEMICAL STOCKPILE DISPOSAL SITES IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Millions of assembled chemical weapons are stockpiled at chemical agent disposal facilities and depot sites across the United States.

(2) Some of these weapons are filled with nerve agents, such as GB and VX and blister agents such as HD (mustard agent).

(3) Hundreds of thousands of United States citizens live in the vicinity of these chemical weapons stockpile sites and depots.

(4) The airborne chemical agent monitoring systems at these sites are inefficient or outdated compared to newer and advanced technologies on the market.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Army should develop and deploy a program to upgrade the airborne chemical agent monitoring systems at all chemical stockpile disposal sites across the United States in order to achieve the broadest possible protection

of the general public, personnel involved in the chemical demilitarization program, and the environment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. We have no objection on this side.

Mr. WARNER. We have no objection. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 789), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 820

Mr. WARNER. Mr. President, on behalf of Senator SESSIONS, I offer an amendment which directs the Secretary of Defense to conduct a study on the adequacy of the benefits for survivors of military personnel who die on active duty. This amendment, and the study it directs, I am confident, will provide a catalyst for necessary evaluation and change in the manner in which families are compensated after the death of loved ones serving in uniform.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 820.

The amendment is as follows:

(Purpose: To require a study of the military death gratuity and other death benefits provided for survivors of deceased members of the Armed Forces)

On page 155, between lines 10 and 11, insert the following:

(c) DEATH BENEFITS STUDY.—(1) It is the sense of Congress that—

(A) the sacrifices made by the members of the United States Armed Forces are significant and are worthy of meaningful expressions of gratitude by the Government of the United States, especially in cases of sacrifice through loss of life;

(B) the tragic events of September 11, 2001, and subsequent worldwide combat operations in the Global War on Terrorism and in Operation Iraqi Freedom have highlighted the significant disparity between the financial benefits for survivors of deceased members of the Armed Forces and the financial benefits for survivors of civilian victims of terrorism;

(C) the death benefits system composed of the death gratuity paid by the Department of Defense to survivors of members of the Armed Forces, the subsequently established Servicemembers' Group Life Insurance (SGLI) program, and other benefits for survivors of deceased members has evolved over time, but there are increasing indications that the evolution of such benefits has failed to keep pace with the expansion of indemnity and compensation available to segments of United States society outside the Armed Forces, a failure that is especially apparent in a comparison of the benefits for survivors of deceased members with the compensation provided to families of civilian victims of terrorism; and

(D) while Servicemembers' Group Life Insurance (SGLI) provides an assured source of life insurance for members of the Armed Forces that benefits the survivors of such members upon death, the SGLI program requires the members to pay for that life insurance coverage and does not provide an assured minimum benefit.

(2) The Secretary of Defense shall carry out a study of the totality of all current and projected death benefits for survivors of deceased members of the Armed Forces to determine the adequacy of such benefits. In carrying out the study, the Secretary shall—

(A) compare the Federal Government death benefits for survivors of deceased members of the Armed Forces with commercial and other private sector death benefits plans for segments of United States society outside the Armed Forces, and also with the benefits available under Public Law 107–37 (115 Stat. 219) (commonly known as the ''Public Safety Officer Benefits Bill'');

(B) assess the personnel policy effects that would result from a revision of the death gratuity benefit to provide a stratified schedule of entitlement amounts that places a premium on deaths resulting from participation in combat or from acts of terrorism;

(C) assess the adequacy of the current system of Survivor Benefit Plan annuities and Dependency and Indemnity Compensation and the anticipated effects of an elimination of the offset of Survivor Benefit Plan annuities by Dependency and Indemnity Compensation;

(D) examine the commercial insurability of members of the Armed Forces in high risk military occupational specialties; and

(E) examine the extent to which private trusts and foundations engage in fundraising or otherwise provide financial benefits for survivors of deceased members of the Armed Forces.

(3) Not later than March 1, 2004, the Secretary shall submit a report on the results of the study under paragraph (2) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(A) The assessments, analyses, and conclusions resulting from the study.

(B) Proposed legislation to address the deficiencies in the system of Federal Government death benefits for survivors of deceased members of the Armed Forces that are identified in the course of the study.

(C) An estimate of the costs of the system of death benefits provided for in the proposed legislation.

(4) The Comptroller General shall conduct a study to identify the death benefits that are payable under Federal, State, and local laws for employees of the Federal Government, State governments, and local governments. Not later than November 1, 2003, the Comptroller General shall submit a report containing the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. We have no objection to the amendment.

Mr. WARNER. Mr. President, I ask unanimous consent to be added as a cosponsor to this amendment.

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

Mr. LEVIN. We have no objection to the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 820) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 821

Mr. LEVIN. Mr. President, on behalf of Senator LANDRIEU, I offer an amendment that would increase the maximum Federal contribution to the National Guard Challenge Program in States from the current 60 percent to 65 percent for fiscal year 2004.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 821.

The amendment is as follows:

(Purpose: To amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program for fiscal year 2004, and to provide an offset)

On page 291, between lines 14 and 15, insert the following:

SEC. 1039. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

(a) MAXIMUM FEDERAL SHARE.—Section 509(d) of title 32, United States Code, is amended—

(1) by striking paragraphs (1), (2), and (3);

(2) by redesignating paragraph (4) as paragraph (1);

(3) in paragraph (1), as so redesignated, by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph (2);

''(2) for fiscal year 2004 (notwithstanding paragraph (1)), 65 percent of the costs of operating the State program during that year.''.

(b) STUDY.—(1) The Secretary of Defense shall carry out a study to evaluate (a) the adequacy of the requirement under section 509(d) of title 32, United States Code, for the United States to fund 60 percent of the costs of operating a State program of the National Guard Challenge Program and the State to fund 40 percent of such costs, and (b) the value of the Challenge Program to the Department of Defense.

(2) In carrying out the study under paragraph (1), the Secretary should identify potential alternatives to the matching funds structure provided for the National Guard Challenge Program under section 509(d) of title 32, United States Code, such as a range of Federal-State matching ratios, that would provide flexibility in the management of the program to better respond to temporary fiscal conditions.

(3) The Secretary shall include the results of the study, including findings, conclusions, and recommendations, in the next annual report to Congress under section 509(k) of title 32, United States Code, that is submitted to Congress after the date of the enactment of this Act.

(c) AMOUNT FOR FEDERAL ASSISTANCE.—(1) The amount authorized to be appropriated under section 301(10) is hereby increased by $3,000,000.

(2) Of the total amount authorized to be appropriated under section 301(10), $68,216,000 shall be available for the National Guard Challenge Program under section 509 of title 32, United States Code.

(3) The total amount authorized to be appropriated under section 301(4) is hereby reduced by $3,000,000.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment.

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

Without objection, the amendment is agreed to.

The amendment (No. 821) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 727

Mr. WARNER. Mr. President, on behalf of Senator BUNNING, I offer an amendment which would authorize a multiyear procurement for the Phalanx Close In Weapon System program, Block 1B, for the Navy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BUNNING, proposes an amendment numbered 727.

The amendment is as follows:

(Purpose: To authorize the use of multiyear procurement authority for the Navy for procurement of the Phalanx Close In Weapon System program, Block 1B)

On page 17, after line 25, add the following:

(5) The Phalanx Close In Weapon System program, Block 1B.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. We have no objection to the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 727) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 822

Mr. WARNER. Mr. President, I offer an amendment that would provide an equitable offset for any fee charged the Department of Defense by the Department of State for maintenance, upgrade, or construction of United States diplomatic facilities.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 822.

The amendment is as follows:

(Purpose: To provide an equitable offset for any fee charged the Department of Defense by the Department of State for maintenance, upgrade, or construction of United States diplomatic facilities)

On page 69, line 5, strike ''**AIRLIFT**''.

On page 70, between the matter following line 9 and line 10, insert the following:

(c) COSTS OF GOODS AND SERVICES PROVIDED TO DEPARTMENT OF STATE.—For any fee charged to the Department of Defense by the Department of State during any year for the maintenance, upgrade, or construction of United States diplomatic facilities, the Secretary of Defense may remit to the Department of State only that portion, if any, of the total amount of the fee charged for such year that exceeds the total amount of the costs incurred by the Department of Defense for providing goods and services to the Department of State during such year.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN. There is no objection to the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 822) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 823

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU, which would provide for a feasibility study of the conveyance of the Louisiana Army Ammunition Plant at Doyline, LA.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 823.

The amendment is as follows:

(Purpose: To proivde for a feasibility study of the conveyance of the Louisiana Army Ammunition Plant, Doyline, Louisiana)

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

SEC. 2825. FEASIBILITY STUDY OF CONVEYANCE OF LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) STUDY REQUIRED.—(1) The Secretary of the Army shall conduct a study of the feasibility, costs, and benefits for the conveyance of the Louisiana Army Ammunition Plant as a model for a public-private partnership for the utilization and development of the Plant and similar parcels of real property.

(2) In conducting the study, the Secretary shall consider—

(A) the feasibility and advisability of entering into negotiations with the State of Louisiana or the Louisiana National Guard for the conveyance of the Plant;

(B) means by which the conveyance of the Plant could—

(i) facilitate the execution by the Department of Defense of its national security mission;

(ii) facilitate the continued use of the Plant by the Louisiana National Guard and the execution by the Louisiana National Guard of its national security mission; and

(C) evidence presented by the State of Louisiana of the means by which the conveyance of the Plant could benefit current and potential private sector and governmental tenants of the Plant and facilitate the contribution of such tenants to economic development in Northwestern Louisiana;

(C) the amount and type of consideration that is appropriate for the conveyance of the Plant;

(D) the evidence presented by the State of Louisiana of the extent to which the conveyance of the Plant to a public-private partnership will contribute to economic growth in the State of Louisiana and in Northwestern Louisiana in particular;

(E) the value of any mineral rights in the lands of the Plant;

(F) the advisability of sharing revenues and rents paid by current and potential tenants of the Plant as a result of the Armament Retooling and Manufacturing Support Program; and

(b) LOUISIANA ARMY AMMUNITION PLANT.—In this section, the term ''Louisiana Army Ammunition Plant'' means the Louisiana Army Ammunition Plant in Doyline, Louisiana, consisting of approximately 14,949 acres, of which 13,665 acres are under license to the Military Department of the State of Louisiana and 1,284 acres are used by the Army Joint Munitions Command.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the study conducted under subsection (a). The report shall include the results of the study and any other matters in light of the study that the Secretary considers appropriate.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 823) was agreed to.

Mr. LEVIN. 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.

AMENDMENT NO. 824

Mr. LEVIN. Mr. President, on behalf of Senator FEINSTEIN, Senator REID, and Senator BOXER, I offer an amendment that would require the Secretary of Defense to submit to Congress a 2001 survey on potential perchlorate contamination at Department of Defense sites prepared by the U.S. Air Force Research Laboratory.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, for herself, Mr. REID, and Mrs. BOXER, proposes an amendment numbered 824.

The amendment is as follows:

(Purpose: To require the submittal of a survey on perchlorate contamination at Department of Defense sites)

At the end of subtitle B of title III, add the following:

SEC. 332. SUBMITTAL OF SURVEY ON PERCHLORATE CONTAMINATION AT DEPARTMENT OF DEFENSE SITES.

(a) SUBMITTAL OF PERCHLORATE SURVEY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress the 2001 survey to identify the potential for perchlorate contamination at all active and closed Department of Defense sites that was prepared by the United States Air Force Research Laboratory, Aerospace Expeditionary Force Technologies Division, Tyndall Air Force Base and Applied Research Associates.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Energy and Commerce of the House of Representatives.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. There has been a clearance on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 824) was agreed to.

Mr. LEVIN. 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.

AMENDMENT NO. 785

(Purpose: To strengthen the authority under section 852 to provide Federal support for the enhancement of the emergency response capabilities of state and local governments)

Mr. LEVIN. Mr. President, on behalf of Senator DODD, I offer an amendment to establish a grant program to support increasing the number of firefighters to address emergencies and terrorist threats.

The PRESIDING OFFICER. Will the Senator please submit the amendment.

Mr. LEVIN. I apologize.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DODD, proposes an amendment numbered 785.

(The amendment is printed in the RECORD of May 21, 2003, under ''Text of Amendments.'')

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. Mr. President, it has been cleared on this side. I ask unanimous consent that the Senator from Virginia be added as a cosponsor.

The PRESIDING OFFICER. Without objection, the Senator will be added as a cosponsor.

Without objection, the amendment is agreed to.

The amendment (No. 785) was agreed to.

Mr. LEVIN. Mr. President, I also ask unanimous consent to be added as a cosponsor of the amendment. And I ask if we can leave the roll open for cosponsors until 6 o'clock tonight—until we go out—for additional people to be added as cosponsors.

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

AMENDMENT NO. 821

Ms. LANDRIEU. Mr. President, I can think of few better uses of Federal dollars than the benefits derived from our commitment to the National Guard's Youth Challenge Program. Every year, over 500,000 boys and girls drop out of school. High-school dropouts face a much more difficult life after leaving school than their peers who continue their educations to finish high school. Drug use and run-ins with the law often plague high school dropouts for a life-time.

The Youth Challenge Program has reclaimed the lives of over 45,000 children through the instillment of discipline, self-respect, commitment to citizenry, and the renewed pursuit of a diploma. It costs over $40,000 a year for a child to be detained in a juvenile detention center. On the other hand, Youth Challenge can reclaim a child from a life of wrong-turns for $14,000 a child.

I am pleased the President and the Senate have committed $65.2 million to the Youth Challenge Program. Youth Challenge is funded on a formula basis, whereby the Federal Government contributes 60 percent of the funds and States contribute 40 percent. Regrettably, many States are facing steep budget shortfalls, and they are having difficulty meeting the 40 percent match. Already, New York and Missouri have closed their Youth Challenge programs.

This amendment authorizes the Department to increase the Federal match, temporarily, until the States get their financial houses in order. For fiscal year 2004, the Federal match would increase to 65 percent. For fiscal year 2005 and fiscal year 2006 the Federal match would increase to 70 percent. However, it is expected the States will have recovered from budgetary difficulties by fiscal year 2007; therefore, the Federal match would fall back to 65 percent in all subsequent years.

There is no more effective program to make high school dropouts contributors, rather than anchors, to society. I hope you will join me in supporting this amendment.

Mr. WARNER. Mr. President, I believe we are ready to proceed.

Mr. REID. Mr. President, if the Senator will yield, without losing his right to the floor.

Mr. WARNER. Yes.

Mr. REID. Tremendous progress has been made in the last few hours, as we have seen by these amendments. We are very close to being able to issue a consent we hope will be agreed upon to finalize the bill, but we need just a minute to do that. There is a call in the cloakroom we have to resolve before we do that.

Mr. WARNER. May I suggest we put in a quorum call.

Mr. REID. Would the Senator from Virginia do that, please.

Mr. WARNER. The Senator from Virginia suggests the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Murray amendment, No. 691, and there then be 60 minutes of debate, equally divided in the usual form, prior to a vote in relation to the amendment, with no amendments in order to the amendment prior to the vote.

Mr. REID. Mr. President, if I may interrupt, I failed to mention this to my friend a second ago. Our leader has asked that the vote occur at 2:15, rather than an hour from the time it begins. We would still only have an hour of debate. There are other things we can do during that period of time. So I ask for that modification.

Mr. WARNER. Yes, that is acceptable.

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

Mr. WARNER. Mr. President, I ask unanimous consent that following the amendments, that only amendments in order are relevant under the original agreement and subject to relevant second-degree amendments.

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

Mr. WARNER. We have a package of amendments. There are additional amendments, all of which must be in conformity with the unanimous consent, pending relevancy at the desk. All have to be checked through that system. They are: First, Durbin; second, Domenici; third, Landrieu; fourth, Kerry. Further, Senator GRASSLEY has an amendment. All of these have to be passed through the parliamentary unanimous consent.

Mr. REID. These are subject to relevant second-degree amendments.

Mr. WARNER. I say to my distinguished colleague, there is a Boxer amendment regarding contracting, subject to a relevant second degree.

Mr. REID. We just got a call from Senator BYRD. We are going to have to wait.

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

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

AMENDMENT NO. 691

Mr. WARNER. Mr. President, again I proceed to a unanimous consent request as follows: I ask unanimous consent that the Senate now resume consideration of the Murray amendment No. 691, and there then be 60 minutes of debate equally divided in the usual form prior to a vote in relation to the amendment, with no amendments in order prior to the vote; I ask consent that the following amendments be the only amendments in order and be relevant as under the original agreement and subject to relevant second degrees: A package of amendments that have been cleared and are being cleared by both managers; the Boxer amendment regarding contracting and subject to relevant second degree; Domenici amendment on border security, to be resolved; Kerry, air travel; Landrieu, subject to being relevant; Grassley, ground systems, subject to relevancy.

Mr. REID. Reserving the right to object, Domenici, Kerry, Landrieu, Grassley also have the same language, that they be subject to relevant second-degree amendments. We have stated that twice. I want to make sure that is clear.

Mr. WARNER. I ask unanimous consent that following disposition of the above amendment, the bill be read a third time, and the Senate then proceed to a vote on passage of the bill with no intervening action or debate.

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

Mr. WARNER. Mr. President, I now ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of S. 1104, introduced by Senator BROWNBACK, relating to parental notification, provided that immediately upon the reporting of the bill, the majority leader or his designee be recognized in order to file a cloture motion on the bill. I further ask consent that there then be 60 minutes for debate only, equally divided between Senators BROWNBACK and MURRAY, and that following that debate time, notwithstanding the provisions of rule XXII, the Senate proceed to an immediate vote on the motion to invoke cloture on the underlying bill, without intervening action or debate; provided further that if cloture is not invoked, the bill be placed on the calendar. If cloture is invoked, I would ask consent that it be in order to file first-degree amendments up to the cloture vote, and second-degree amendments up to 3 hours after the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator will yield, this took just a few minutes to read. It took hours to accomplish.

We are now going to a situation where Senator MURRAY and Senator BROWNBACK will debate for 1 hour. Following that, there will be a vote on or in relation to the Murray amendment. Following that, we will work our way through these other amendments that have been declared to be in order on this bill. Some of them, I hope, will be resolved.

I personally extend my appreciation to the two managers of this bill for their patience, their understanding, and also Senator MURRAY and Senator BROWNBACK. The issue about which we are going to debate for an hour is very sensitive to everyone, those two Senators especially. They have also been courteous to each of us and each other. I think this is a fair way to proceed.

Mr. WARNER. I thank the distinguished Democratic leader. He has been too modest to say he, together with the distinguished Senator from Kentucky on this side, has been an integral part of enabling this agreement to be formulated.

I yield the floor.

AMENDMENT NO. 691

The PRESIDING OFFICER. Now there are 60 minutes evenly divided on the Murray amendment. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, is the Murray amendment called up?

The PRESIDING OFFICER. It is pending.

Mrs. MURRAY. Mr. President, I ask that I be allowed to add cosponsors as follows: Senators SNOWE, BOXER, CANTWELL, COLLINS, SCHUMER, JEFFORDS, DURBIN, LAUTENBERG, CORZINE, and BINGAMAN.

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

Mrs. MURRAY. Mr. President, the Senate now has before it a very important amendment. I think all of us know that women have played a critical role in all of our country's recent military actions.

In Afghanistan, in Iraq, and in missions throughout the world, women have demonstrated their skill, their sacrifice, and their courage. We can all be very proud of the women who have served in our military. They are our mothers, our daughters, they are our sisters, and they are our neighbors. They put themselves in harm's way to protect our freedom. They live and work in hostile combat zones under very dangerous conditions. They make sacrifices every day to defend our Nation.

But today, military women are forced to sacrifice their own constitutional rights, as they risk their lives to protect our freedom. No woman——

The PRESIDING OFFICER. Will the Senator suspend just a moment, please. Could we have order so the Senator from Washington can be heard?

Thank you very much. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, no woman should be forced to surrender her constitutional rights when she puts on a military uniform and volunteers to serve our country overseas. But that is exactly what happens today, and it must stop. The women of our military risk their lives to protect our rights, but if they serve abroad they are being denied access to safe, legal, constitutionally protected health care.

Today I am on the floor of the Senate to offer an amendment to ensure that our military women when they serve overseas have access to the same health care as they get here at home. I again thank all my cosponsors, Senators SNOWE, BOXER, CANTWELL, COLLINS, SCHUMER, JEFFORDS, DURBIN, LAUTENBERG, CORZINE, and BINGAMAN.

Before I go into detail, I want to clarify what this is about and what it is not about. There are four very important aspects to understand.

First of all, this amendment does not require any direct Federal funding of abortion-related services. My amendment simply requires these women to pay for any costs associated with an abortion in a military facility. So no direct Federal funding is involved.

Second, my amendment does not compel a medical provider to perform abortions. All branches of the military allow medical personnel who have moral or religious or ethical objections to abortion not to participate. So this amendment does not change or alter conscience clauses for military medical personnel.

Third, this will not create any significant burden on the military. It will not hinder the military's ability to carry out its missions or to provide medical services.

Finally, do not believe anyone who tells you that our military, the finest military in the world, is not capable of providing these health services or that our military is unable to determine the cost. The truth is that today the Defense Department allows for privately funded abortions in the case of rape or incest. The ultimate proof that this is something our military can do is that, prior to 1988, the Department of Defense did allow privately funded abortions at overseas military facilities.

So, clearly, this can be done. So let's make sure we are all straight on those four points. There is no direct Federal funding. No medical provider would be required to do anything they oppose. No significant burden would be placed on the military. And there is no doubt that our military can do this because it has done it before, prior to 1988, and does it today in cases of rape or incest.

Anyone who comes to the Senate floor and makes any of those claims I have just rebutted is raising red herrings as a distraction from the real issue. The real issue is the health of women who serve our country and respect for their rights and freedom.

The current policy on the books today is an insult to women. It is a rejection of their rights and it is a threat to their health. Under current restrictions, women who have volunteered to serve their country, and female military dependents, are not allowed to exercise their legally guaranteed right to choose, simply because they are serving overseas. These women are committed to protecting our rights as free citizens. Yet they are denied one of the most basic rights afforded all women in this country. This is an important women's health amendment.

Women should be able to depend on their base hospital and military health care providers to meet all of their health care needs. To single out abortion-related services could jeopardize a woman's health. The current policy does not ensure the access women need for four reasons.

First of all, a woman today must seek the approval of her commanding officer for transport back to the United States. That could be very humiliating and can be a deterrent to a woman to getting the care that she needs. We know, from a GAO report that was issued in May of 2002, that many commanding officers—and I quote:

> . . . have not been adequately trained about the importance of women's basic health care. Department of Defense officials said that lacking this understanding, some commanders may be reluctant to allow active duty Members, both men and women, time away from their duty station to obtain health care services.

So women have to face the humiliation of asking a superior officer for permission over something that the GAO found many commanders do not understand or appreciate.

Second, the current policy jeopardizes a woman's right to privacy because she must disclose her medical condition to her superiors with no guarantee that her medical concerns will be kept confidential. That is a very important point. She would have to disclose her medical condition to her superiors in the Air Force or the Army, in the service, with no guarantee that her medical concerns will be kept confidential.

Third, the woman is not afforded medical leave, so she is further penalized under the current policy.

And fourth, because of these unfair restrictions, many women are forced to seek care off the base, in a foreign country. That country may have different cultural and religious norms and different standards of health care. Many women have little or no understanding of the laws or restrictions in a host country, and there may also be significant language and cultural barriers as well. So let's be honest. Some of the countries our military operates in are not very progressive when it comes to women's issues, and that could threaten our service women.

In addition, these countries may not have adequate safety and medical standards. Here in the United States, we take for granted the safety of our health care service. When we seek care in our doctors' offices or in a clinic, we assume all safety and health standards are adhered to. Unfortunately, that is not the case in many countries.

Under current conditions, we are subjecting women to standards in a foreign country where they may not be safe, where they may not be health standards where we can assure that their basic health care is taken care of.

Finally, because of all these barriers, women may delay getting the care they urgently need. Many women are forced to delay the procedure for several weeks until they can travel to a location where safe, adequate care is available. Each week that an abortion is delayed there are greater risks to a woman's health.

So the current policy is humiliating. It is a threat to women's privacy. It is punitive. It is a threat to women's safety, and it is a threat to women's health. Those are not the types of burdens we should be putting on women who volunteer to serve our country and defend our freedoms.

The current policy is unfair to women. It denies them their constitutional rights. My amendment before the Senate today will correct that.

This amendment is supported by the American College of Obstetricians and Gynecologists. It is supported by the American Medical Women's Association. It is supported by Physicians for Reproductive Choice in Health. And it is supported by the National Partnership for Women and Families.

The Senate agreed to this amendment. The Department of Defense has followed this policy before. And, finally, let me just say, after the inspiring and courageous work our military women have done in Iraq and in Afghanistan, we owe them nothing less than the same rights they are fighting to protect for all of us.

This is a test for every Senator. Every Senator is going to have to answer to the women who serve our country overseas. Will you stand up for the rights of women who, today, are standing up to ensure your freedom? Either you respect the women who serve our country overseas and you agree that they deserve the same rights and freedoms as women here at home or you do not. That is the choice. Either you respect the women who serve our country overseas and you agree that they deserve the same rights and freedoms as women here at home or you do not. That is the case.

If you vote against the Murray-Snowe amendment, you are simply telling American servicewomen that when they serve overseas protecting our country and risking their lives that they can't be trusted with the constitutional right to health care that women here at home in the United States have. They deserve more respect than that.

I hope my colleagues will vote for the Murray-Snowe amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 30 minutes.

Mr. BROWNBACK. Mr. President, I wish to, first, thank the Senator from Washington for bringing up this issue. I think there was a relevancy issue associated with it. There was a big debate about this last night. It was eventually deemed relevant.

I then proposed a second-degree amendment that would require parental notification of the type which is involved with 43 of our States. Forty-three States have parental notification—that a minor on a military base, a dependent, could not get an abortion until either parent was notified—just notified, not consent, just notified—within 48 hours before the abortion or that there be a judicial oversight. So that if either parent were not available or accessible, or the child didn't want to notify the parent, they could get the court to rule that the abortion go ahead and the parent not be notified or, if it were a catastrophic situation and the life of the minor was in jeopardy, the doctor could go forward and provide the abortion without a notification period.

That was the second degree that was being proposed. We had a spirited discussion here privately about this.

I thank the managers of the bill. I thank particularly the two whips on either side for pushing this forward to get us to resolve the issue; that what we are going to do today is take up the Murray amendment and take up the parental notification issue at a later date—I hope a week or two after we get back from the break. I think it is an important issue as well.

The parents in 43 States are notified if their minor child is seeking to have an abortion. We would extend this right to parents of military personnel as well. That is what is considered in the second degree.

I appreciate the Senator from Washington working that out with us so we are able to take up both of these difficult issues.

I also thank the Senator from Washington for her passion and caring for women in the armed services. She stands up strongly for women's rights, particularly for women's rights in the military. I appreciate that. I have no qualms about her passion or her heart at all. I recognize and applaud both.

But we have a narrow specific issue here that goes to the very core of what we are about as a society today. It goes to the very core issue of culture of life and culture of death that is being broadly discussed in the culture today. And that is being played out here on the issue of military bases. It goes to the issue of the legal status of the child in utero.

I certainly recognize the passion of the Senator from Washington for women's rights. I applaud that. But there is also another person involved here and there are other issues involved here.

On February 10, 1996, the National Defense Authorization Act for fiscal year 1996 was signed into law by then-President Clinton with a provision to prevent Department of Defense medical treatment facilities from being used to perform abortions except for when the life of the mother is in danger or in the case of rape or incest.

That is the current status for the use of military base health facilities to provide for abortion. They can be provided at military bases in the cases of rape, incest, or when the life of the mother or military personnel is endangered. This would be obviously women in the military or a female dependent in the military.

This provision—10 United States Code 1093(b)—reversed a Clinton administration policy instituted on January 22, 1996, permitting abortions to be performed at military facilities, period.

In other words, all abortions on demand could be provided according to the Clinton administration policy that was put into place immediately after President Clinton became President.

Previously—from 1988 to 1993—the performance of an abortion was not permitted at military hospitals except when the life of the mother was endangered.

I think you can start to see the progression here that was taking place.

Under President Reagan, there was a provision that you could provide an abortion on a military base if the life of the mother was in danger. That continued through President Reagan and President Bush 1. Then President Clinton came into office and immediately opened up all military facilities for all abortions and said they could be performed.

In February 1996, that was limited. Abortions could be provided in cases of

rape and incest and when the life of the mother was endangered, but it was an expansion from where it was in the Reagan administration.

That is the law of the land as it is today.

The Murray amendment, which would repeal this pro-life provision, attempts to turn these taxpayer-funded DOD medical treatment facilities into facilities that provide abortion on demand for military personnel and their dependents. The Senate should reject this amendment. This is what the issue is about.

When a similar amendment passed last year, Secretary of Defense Donald Rumsfeld warned that the President's senior advisers would recommend the President veto the Defense authorization bill on this issue. So you are talking about an abortion issue of providing abortions in medical military facilities, a narrow, overall issue bringing down the entire Defense authorization bill—on this issue where abortions are provided for rape, incest, life of the mothers, but not on demand for all abortions. That could bring down the whole bill.

Using the coercive power of Government to force American taxpayers to fund health care facilities where abortions are performed would be a terrible precedent that would put many Americans in a difficult position of saying: They are using my taxpayer money to fund something that I don't agree with—abortion on demand. Yes, I can understand it in cases of life of the mother, certainly, and of rape and incest, but not on demand.

When the 1993 policy permitting abortions in military facilities was first promulgated, military physicians, as well as many nurses and supporting personnel, refused—refused—to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions. That should tell us something about what is taking place here. The military personnel themselves—the physicians—do not want to do these elective abortions.

Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources would be used to search for, hire, and transport new personnel simply so that the abortions could be performed outside of this narrow scope of rape, incest, life of the mother that would be on all other abortions.

In fact, according to CRS, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs—this would be under the Clinton administration—''direct[ed] the Military Health Services System to provide other means of access if providing prepaid abortion services at a facility was not feasible''—how outside individuals performed abortions on military bases.

One argument used by supporters of abortions in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still could not perform abortions at those locations.

Military treatment centers, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent human life: the child in utero—and this as an elective, on demand, not in cases of rape, incest, life of the mother, which are currently provided under the law concerning the Department of Defense.

I urge my colleagues to vote down this Murray amendment and free America's military and the Department of Defense authorization bill from abortion politics. American taxpayers should not be forced to fund facilities that destroy innocent human life. I urge my colleagues to reject that amendment.

I would also urge my colleagues, when we bring up the parental notification bill, that they would support such a provision. The parental notification bill would—and that is one parent, not both—one parent is simply notified 48 hours in advance of an abortion being provided to their minor child if that is going to take place on a military base. And if either parent cannot be reached, or if the child believes this would endanger, somehow, him or herself, there is a judicial override or the doctor could go ahead and even perform and note in the record as to why, for health reasons, he did not notify. This isn't consent, it is notifying the parent.

It is not the issue up, but thanks to the Senator from Washington, to help get this agreed to, to work this out, we will be considering that parental notification provision.

Mr. President, I reserve the remainder of our time.

We do have other speakers to present. If it would be appropriate for the Senator from Washington, we could bounce back and forth. I do have a speaker who is here.

Mr. President, how much time remains on our side on the amendment?

The PRESIDING OFFICER. Nineteen minutes, 20 seconds.

Mr. BROWNBACK. Mr. President, I yield up to 10 minutes to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise in opposition to the Murray amendment.

We worked hard on this bill. I serve on the Armed Services Committee. We are still in a state of conflict in Iraq. We have hostilities and dangers around the world. We made a commitment, as a Senate, to move forward, to move this Defense bill early this year, not wait until the last minute, to do our work properly.

This bill is endangered now by a highly controversial amendment, which I oppose, and which I think a majority in this body will oppose. It could affect adversely our ability to conduct a harmonious conference with the House of Representatives. It could even result in a veto by the President of the United States.

I know there is a strong abortion agenda still out here, even though the polling numbers continue to show erosion for that position.

This side of the aisle—Senator BROWNBACK and others who care about the issue—has not injected abortion into the Defense debate, but it has been raised by the pro-abortion agenda groups. I think that is not healthy. I wish it had not happened. I know there has been a debate over whether or not it is even relevant, but the Parliamentarian had ruled that it is, so we will have this vote today.

I will just note, as an example of the reality of the problem, we had a bankruptcy bill that I worked on in the Judiciary Committee—and others did—for several years. We voted on it on the floor of this body and got 87 votes for it. Yet it died in committee because a pro-abortion amendment had been placed on it. The conference committee could not break the deal, and eventually the entire bill failed.

Mr. CARPER. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. BROWNBACK. On your time, Mr. President.

Mr. CARPER. I just want 1 minute, if I could.

The PRESIDING OFFICER. The Senator from Alabama controls the time.

Mr. SESSIONS. I yield for 1 minute, if he would use Senator MURRAY's time.

Mrs. MURRAY. I am happy to yield 1 minute to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. CARPER. Mr. President, on the issue the Senator raises in relation to the bankruptcy legislation, I make a point of clarification. This is an issue I care about as much as the Senator from Alabama. The language that died, after having been reported out to the conference committee, was language that said when a person commits a violent act for which they are convicted and fined, they cannot discharge that fine in a court of bankruptcy.

It does not say anything about abortion. It does not say anything about abortion clinics. It says if you have been convicted of a violent act, you cannot go to a court of bankruptcy and discharge that claim for which you have been convicted and fined. That is what it said.

Mr. SESSIONS. Will the Senator yield for a question? Does the Senator yield?

Mr. CARPER. I just wanted to make that clear.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I do not think the Senator, who is a great colleague, would dispute the fact that language resulted in the failure of that bill.

People care about this issue. It is a big deal to people. It is a personal and emotional issue that I don't think needs to be pressed at this point.

Our military physicians and nurses are not happy with it. It would require us to utilize military hospitals as facilities to carry out abortions. It would make our hospitals a part of the abortion process. It would utilize Federal property and resources to that degree. It covers not just foreign hospitals but every hospital in America.

Yes, it is legal—clearly legal—that a woman can have an abortion and can use her own money to that effect, but we have sort of reached an understanding and compromise in the Congress that it is legal but because of respect for people with differing views, we just will not use taxpayers' money to fund it. There is just sort of a truce, in a way, that has been reached. I think it is probably something we just have to live with at the present time.

I don't see any need to pressure or embarrass doctors and nurses who do not feel comfortable doing this. We know this. There was a survey done of the Army, Navy, and Air Force obstetricians; 44 of them were surveyed. All but one said they adamantly opposed doing abortions. One later said that physician was opposed to abortions. Some of these were women physicians. Nurses are not comfortable with it. I don't believe we ought to be requiring military hospitals to go out and hire other physicians to come in on Government taxpayer funded property to conduct these procedures. It is just not necessary.

President Bush has made clear he opposes using taxpayers' money to fund abortions. Passage of this amendment would threaten that.

I believe women are playing an increasingly valuable role in our military. I spent over 10 years as a reservist and served with many fine women officers. The unit I was a part of in Mobile, AL, is now in Kuwait commanded by a woman officer. I can't tell you how proud I am of them. I am not hearing from the women I know in the military that this is something they are demanding, frankly. I don't think the American people are.

I will just point out some numbers that deal with this subject. If anybody cares, a January 2003 poll of ABC News/Washington Post—not conservative groups—showed that only 23 percent were for abortion to be legal in all cases. That is less than a fourth. The same poll found, when asked this question, should we make abortion harder to get, 42 percent said yes; easier to get an abortion, 15 percent said yes. So 42 percent thought it ought to be harder to get an abortion and 15 percent thought it should be easier.

In January of 2003, a CBS News/New York Times poll asked this question: should abortion be generally available, 39 percent; stricter limits, 38 percent; not permitted, 22 percent. Sixty percent favored either stricter limits or not permitted. A CNN Gallup poll in 2003 asked, should parental consent be required for an abortion? Yes, 73 percent.

Regardless of how we personally feel about this issue, it ought not to be on this bill. It is not what we need to be debating now. We need to be focused on our men and women in harm's way, providing them with the necessary funding and resources and equipment needed to do their job. We don't need to jeopardize this bill in conference or subject it to a possible Presidential veto as a result of this amendment.

I thank Senator BROWNBACK for his leadership and yield back such time as I may have.

Mr. BROWNBACK. Mr. President, I reserve the remainder of my time.

Mrs. MURRAY. How much time remains on our side?

The PRESIDING OFFICER. Senator MURRAY has 18 minutes 15 seconds.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Washington. I listened to a description of her amendment by the Senator from Alabama. It did not sound like the amendment she described. I want to ask a few questions so it is clear.

Does this amendment in any respect require the Federal Government to pay for an abortion?

Mrs. MURRAY. This amendment does not require the Federal Government to pay for an abortion. In fact, it will allow the woman herself to pay out of her own personal private funds for an abortion in a military hospital overseas.

Mr. DURBIN. So under this amendment, women in the U.S. military who seek, through their constitutional right, an abortion service would have to pay for it out of their own pocket?

Mrs. MURRAY. That is correct.

Mr. DURBIN. Secondly, there has been a suggestion made that if your amendment passes, it will require doctors, for example, in medical facilities connected with the armed services, to perform an abortion if they object to performing that procedure under their own conscience; is that correct?

Mrs. MURRAY. That is not correct. The amendment, as I have offered, has a conscience clause for all doctors overseas.

Mr. DURBIN. So if a doctor at a military hospital says, even though this young woman who is in the armed services comes to me for an abortion procedure and I object to it on religious and moral grounds—that doctor is not going to be compelled to perform an abortion under this amendment?

Mrs. MURRAY. That is absolutely correct. This amendment does not compel any medical provider to perform an abortion.

Mr. DURBIN. There has also been a suggestion that in U.S. military hospitals around the world, there is no provision for abortion services; is that correct?

Mrs. MURRAY. Would the Senator restate the question?

Mr. DURBIN. It is my understanding that under certain circumstances, such as rape or incest, at military hospitals around the world today, abortions are being performed; is that correct?

Mrs. MURRAY. The Senator is correct. In all military facilities, women who are victims of rape or incest do have the opportunity to receive abortions.

Mr. DURBIN. I thank the Senator from Washington. That clarifies some of the things that have been said. The Federal Government will not be paying for the abortion. The woman in the military who seeks it must pay out of her own pocket. The doctors involved in this procedure will not be compelled to do so if it violates their own morality or their own conscience by the Murray amendment. And military hospitals serving U.S. personnel around the world today already provide abortions in emergency circumstances involving rape or incest.

We have to be honest about what the amendment does and does not do. This is what it does. It says to women who have volunteered—and we are now dealing with an All-Volunteer Force—to join the U.S. military and to lay their lives on the line, to risk their lives and their future for their country, that they will not be compromised. They will not be surrendering their constitutional right to make a choice to control their own reproductive freedom.

There are some on the other side who say, no, they may have that constitutional right in the United States, but once they have taken the oath to serve the U.S. Army or Navy, in that situation they have given up their constitutional right. Is that what we want to say?

After going through the Iraqi war where women in uniform were captured as prisoners of war, put their lives on the line, are we saying to those women and thousands like them that if you join the U.S. military you give up your constitutional right? Is that what we are saying to those who we are trying to recruit to join the military? I hope not.

I hope we are saying that we recognize the reality of service, particularly overseas. A woman finds herself in a difficult circumstance, where she wants to seek, under her constitutional right guaranteed by the Supreme Court, the right to terminate a pregnancy in the first, second, and third month. Now in the military she has to go ask permission of the commanding officer and may be forced into a situation where she has to find a way back to the United States in order to protect her own health and make her own decision.

This comes down to a fundamental question: Are women serving in the U.S. military to be treated as second-class citizens? Those who oppose the Murray amendment say, yes, once you

have said, as a woman, that you will serve in the military, you have given up your constitutional right to control your own body and your own reproductive freedom.

That is a terrible thing to say. Frankly, it says that we denigrate the contribution and the heroism of the women who joined the U.S. military.

What Senator MURRAY is asking for is perfectly reasonable. A woman in the military at her own expense can go to a military hospital which already provides abortion services as a normal course for victims of rape and incest, can go to a doctor who has willingly and voluntarily agreed to be part of this counseling and part of this procedure, and pay out of her own pocket for the procedure to take place. That is not a special privilege. In fact, it says to that woman, you are just as much an American citizen as your sister back home.

If we go the opposite course, frankly, it sends a very sobering message to recruiters around America that you have to be honest with the women you are seeking to recruit and tell them that once they take that oath to the United States to serve in the military, they have given up a constitutional right protected by the laws of the land.

I commend the Senator from Washington for her leadership, and I support the amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Kansas.

Mr. BROWNBACK. How much time do I have remaining?

The PRESIDING OFFICER. Eleven minutes fifty-six seconds.

Mr. BROWNBACK. If I could engage and ask the Senator from Washington, to make sure I am on the same amendment—I have her amendment here. What I read here is that the amendment does two things: It says:

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''RESTRICTION ON USE OF FUNDS.''

So it strikes those on two words. That is the only thing I have of an amendment. Am I correct? Is that the actual text of the amendment?

Mrs. MURRAY. Yes, the Senator is correct.

Mr. BROWNBACK. By striking subsection (b), that section reads: Restriction on use of facilities: No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except for—the life of the mother will be in danger if the fetus was carried to term or in the case in which the pregnancy is the result of an act of rape or incest.

That provision will be stricken.

That is what I have got of what the amendment is. Is that correct?

Mrs. MURRAY. If the Senator will hold a second, I will check and then respond.

Mr. BROWNBACK. I will make my full point. We are talking about overseas facilities. In actuality, the striking says ''no medical treatment facility or other facility of the Department of Defense. . . .'' So you are talking about overseas facilities and domestic facilities. These would be facilities overseas and in the U.S. that could both be used to provide abortion on demand. This is removing this restriction that it would just be in the case of the life of the mother, rape, and incest, is that correct?

Mrs. MURRAY. The Senator is correct only in that it would strike the language in the bill which would put us back to the previous language that is in the statute today, which I am happy to provide him, which I accurately described in my statement.

Mr. BROWNBACK. Maybe the Senator can answer this. This would open up both domestic and overseas facilities because the language as stricken says that no medical treatment facility or other facility of the Department of Defense may be used—it has no limitation saying this is just overseas facilities. It is any DOD facility.

Mrs. MURRAY. The Senator is correct. I remind the Senator that domestically in the service, a woman has the right to receive health care services at a hospital. So where this affects a woman is when they are serving overseas and they don't have the same access.

Mr. BROWNBACK. Still, she would have access to DOD facilities in the U.S.

Mrs. MURRAY. Yes, and she would have to pay for it out of her own money.

Mr. BROWNBACK. I also note the Senator from Illinois talked about conscience clause protection, where somebody would not have to provide this. That is not in your amendment. You are talking about the base portion of any Department of Defense medical doctor.

Mrs. MURRAY. Under current law, all medical providers in the Department of Defense have a conscience clause.

Mr. BROWNBACK. Thank you. Your amendment does not have conscience clause protection. That is already part of the base if you are a military physician, to be able to provide that.

I want to hone in on what the amendment is about. It is about opening up DOD medical facilities, domestically and internationally—the Senator argues there won't be that much demand domestically, but it opens it up both ways to provide abortion on demand in the United States to U.S. military personnel and their dependents. So you are talking about a broad array of taxpayer-funded facilities you are opening up to provide abortions in Kentucky, Washington, Kansas, or wherever.

I want to agree with the Senator from Washington that we are talking about the use of the facilities here—taxpayer-funded facilities—that provide abortions and not necessarily the doctor. The doctor may be recruited from outside and paid for privately, but you are using taxpayer-funded facilities to provide abortions. So you can see a situation in this country where you would have a military facility in Kentucky or in the State of Washington being protested by people who are pro-life because their taxpayer-funded facility is being used to provide abortions on demand—not just for the life of the mother, rape, and incest.

Again, I recognize the strong support Senator MURRAY puts forward for the rights of women, and I applaud that. But we are talking about a very sensitive issue for a number of people when you talk about the use of taxpayer dollars to do something they really don't agree with. I don't think it is wise to do that, one. Two, I don't think we should be tying up the DOD authorization bill on probably the central most difficult issue of our day for people to really wrestle with. That is what this amendment would do.

For those reasons, I urge my colleagues to look at the actual text of the amendment and oppose the Murray amendment.

I yield the floor and retain the balance of my time.

The PRESIDING OFFICER. The Senator has 12 minutes 25 seconds.

Mrs. MURRAY. Mr. President, I will make a couple of points. Under current law, in the case of rape or incest, at a military facility an abortion can be performed. No one is protesting that today. I again advise my colleague that a woman who is in this country has this right, anyway. Where we are concerned, rightfully, is for women who are serving overseas. They don't have a constitutional right today to have an abortion.

Let me tell you what happens to a woman if she finds herself in difficult circumstances and is serving overseas. She has to go to her commanding officer. Believe me, that is very difficult for a woman to do, go to a commanding officer and describe the circumstances she finds herself in, and ask for permission to fly home to have an abortion performed, where it is legal.

Mr. President, that is humiliating, but it is also difficult. She then has to wait for a C–17 to be available. Think about this. We have just seen the conflicts in Afghanistan and Iraq, and we have to make a C–17 available for a woman to fly home. That is ridiculous. They have the medical facilities there already, and the facilities are available. So we are putting the services at risk when we have to fly them home. This is humiliating and she has to ask her commanding officer. A woman serving in the country doesn't have to do that. It is difficult and cumbersome.

This also really jeopardizes a woman's right to privacy because in order to go to her commanding officer, she has to disclose her medical condition. We all would think the officer would respect her rights, but that is not always the case. She has to put that question in her head when she goes to ask them. I don't think it is fair to the

women overseas when they disclose their medical condition with no guarantees that they will be kept confidential. Think of the potential of using that against a woman in the service. I think that is something none of us want to place a young woman in the position of having to do.

We need to remember a woman is not given any medical relief and she is penalized under this policy. She has to wait for a C–17 to be available, fly home, take the time to have the procedure done, and then return to military service. We are taking her out of service when we need her, and we are causing her a tremendous amount of distress, too.

Remember, we are talking about a service that is protected constitutionally for any woman who is here in this country. But these are women who have volunteered to serve us overseas in the military.

Finally, let us not forget what we have done to women today who are serving us in the military and fighting for our freedom. We have put them—if they don't want to ask their commanding officer, wait for a C–17, and all of the other conditions we put on them—today, they can go to a hospital in a foreign country. Well, think of the difficulties of that, where they don't have the same culture, don't speak the same language, if a woman has a health care procedure done and the doctor cannot tell her what she needs to do in the following 24 hours or weeks to make sure she is taking care of herself correctly, and she cannot understand him because she doesn't understand the language.

Why would we do that to a woman serving us overseas? I think we ought to go back and put in place a provision in the law that has worked before that simply gives women who serve us the same constitutional right women in this country have today. That is what this amendment is about. That is what this vote is about. I hope our colleagues will vote with us in a few minutes when the vote is called.

I retain the balance of my time.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Kansas is recognized.

Mr. BROWNBACK. How much time remains on both sides?

The PRESIDING OFFICER. There are 6 minutes on the time of the Senator from Kansas and 8 minutes on the time of the Senator from Washington.

Mr. BROWNBACK. Mr. President, I wish to make a couple comments in regard to what Senator MURRAY has just put forward. She said we are talking about international facilities, but the amendment covers international and domestic facilities, which we have established here, so it would be domestic facilities. It is going to be abortion of all types. It could be abortion on demand at domestic facilities.

If the Murray amendment is adopted, it would be for not just military personnel but also for minors, dependents who would be able to use these same facilities for abortion on demand. The reason I wanted to put forward a parental notification amendment is we will have a situation, if the Murray amendment is adopted and the amendment I would put forward is not accepted, we will have a situation at military bases throughout the United States of minors of military personnel seeking abortions and not notifying their parents and not having to notify their parents, even though State laws require a different situation.

I want to check that point to make sure we would be able to do things differently on a military base than in State law.

The point being we are talking about a massive expansion of the use of medical facilities on a very troubling area of the law. There is the issue the Senator from Washington raised about how this would actually work. I submit this is working fairly well right now. We are not receiving a huge level of complaints from women in the military saying: I want to be able to receive an abortion in any medical facility the military has anywhere in the world in cases outside of rape, incest, and life of the mother, which are currently provided. This is quite an expansive position on a very tense subject, and it is one that threatens to bring down the whole Department of Defense bill. I urge my colleagues, this is not the time and place for us to do this. It would be inappropriate to do so.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. Eight minutes and 13 seconds.

Mrs. FEINSTEIN. May I have 5 minutes?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, I also thank the Senator from Washington. I think she is doing a great service to the women of our country in pointing out what the problem is here.

I was sitting in my office doing work, and I heard the statement that this is abortion on demand. I thought it might be useful for me to read into the RECORD one letter I received last year from a woman on this very subject that indicates the difficulty of the circumstances women can find themselves in while living overseas.

I am about to read the story of Holly Webb. Holly is the wife of a staff sergeant in the Air Force stationed in Misawa, Japan. I would like you to hear her story:

My husband was stationed in Misawa, Japan, and I moved over in September 2001 to join him. I was pregnant for the first time. Prior to my arrival in Japan, I felt like something was wrong with my pregnancy, and at 6 weeks I went to the emergency room at the Eglin Air Force Base in Florida where we had been stationed.

My doctor there told me that everything seemed OK from what they could tell. At 16 weeks, I was in Japan with my husband, and I started bleeding. I would bleed weekly for 5 days and then the bleeding would subside. I went to the military hospital at Misawa and they told me I had a placenta previa and that this was a normal side effect and they sent me home.

Just so everybody knows, placenta previa is a serious problem some women confront which can impact their pregnancy. It can cause severe problems for the woman including hemorrhaging both during delivery and post-partum.

Continuing the letter:

At 20 weeks, I started bleeding heavily, and I went back to the hospital. I thought that my water had broken but the hospital told me it was not an emergency and kept me overnight. My OB/GYN did not visit me until the next morning. They told me that the results of my triple screen blood test showed possible spina bifida which necessitated an ultrasound. When they did the ultrasound, they discovered, as I had thought, that there was no amniotic fluid surrounding the fetus. They were unable to detect whether or not the fetus had spina bifida.

For the next day, I was administered IV fluids, and my doctor mentioned that I might be dehydrated. My cervix remained closed, however, and they told me there was still a fetal heartbeat. I was told I might deliver spontaneously within weeks or months, but if the baby survived, it would have serious health complications due to the fact I was at risk for infection as well and because there was no amniotic fluid surrounding the baby.

When I asked the hospital what my options were, they told me they could not induce labor or dilate my cervix to deliver because it would be considered an abortion, but that I was at risk for infection. My doctor told me that in order to have an abortion, they would have to have my situation reviewed by a medical board and that she didn't know how long this would take. She told me that during her 7 or 8 years of practice in a military hospital, no matter what the situation was, a woman's request for an abortion was always denied.

My doctor told me the only way I could receive additional medical treatment was if I became ill. I was told to go home and monitor my temperature and to return when I had a fever or was in pain. I asked if there was any other option because I was worried about dying.

At that point, I felt like my choices were either to go home and wait for a life-threatening infection so that my labor could be induced or go to an outside hospital where I didn't speak the language and could not be sure that the treatment would be safe.

When I got to the private Japanese hospital, the doctor told me there was a serious risk for infection and that he needed to put me on antibiotics immediately. If I didn't get antibiotics through IV immediately, I would die. I contacted my grandmother in the United States who wired me $2,000 to pay for the hospital visit.

I checked into the hospital about 4 hours later. They dilated my cervix over a period of 2½ days and induced labor. I delivered a stillborn baby. The military hospital told me that this was an elected abortion and not a stillborn birth.

I am now 17 weeks pregnant again, and my only option is to use the military hospital

for my OB/GYN treatment. I have begged them to let me off the base to go to a private doctor because of my experience last year. I believe that my pregnancy puts my health at risk. I would again be prevented from making decisions I need to about my pregnancy.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I thank the Chair. Let me just make a point.

Mrs. MURRAY. I yield the Senator such time as she needs.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, this is just one example of what a women living abroad might go through. We can think of all kinds of other situations in foreign countries that might necessitate the termination of a pregnancy. Many of these women are living in countries that don't have good health care systems in place, skilled providers, or access to safe or clean hospitals.

This ban is a huge mistake. It is in fact a double standard. I do not know of a health situation a man could encounter that would be dealt with at a military hospital in quite the same manner. Nor do I know of a health situation a man could encounter that a military hospital would not treat.

I thank the Senator from Washington for her amendment and for her leadership on this important issue. I urge my colleagues to support this amendment.

Ms. SNOWE. Mr. President, I support the Murray-Snowe amendment. I comment Senator MURRAY for her strong and unflagging leadership on this issue, and am pleased to once again join with her on the critical amendment to the Department of Defense authorization. I am pleased to join my colleague in support of this amendment to repeal the ban on abortions at overseas military hospitals, an amendment whose time has long since come.

Year after year, time after time, debate after debate, we revisit the issue of women's reproductive freedoms by seeking to restrict, limit, and eliminate a woman's right to choose. While at times we are able to take one step forward we end up taking two steps back. Last year we were able to garner a majority of the Senate only to have this language removed in conference. I believe that ultimately, we will prevail, that my colleagues on both sides of the Capitol will realize that this is a policy change that makes sense, and I hope that will occur on this reauthorization.

When we last considered this amendment, almost 11 months ago to the day, we had more than 378,000 troops stationed overseas, today we have over 10,000 more. Of those more than 35,000 of these troops were women as of April 2002 and women make up almost 36,500 of the troops today. We recognize the impact that the failure to repeal this ban has on so many of these women.

Since last year's reauthorization debate, the Commander-in-Chief has called our Nation's military into action on another front. As we watched the 24 hour news stations' broadcasting reports from their embedded reporters, we saw more female faces amongst the troops than ever before. We are considering this Defense authorization during a time of war when Americans, both civilian and military, are fighting terrorism and tyranny all across the globe, both men and women. These women, these soldiers, airmen, sailors and marines, deserve access to the same health services that women here in the States have.

As I think about this last conflict, it occurs to me how ironic it is that the very people who are fighting to preserve our freedoms, those who are on the front lines defending this war on terrorism or other parts of the globe, are supporting those who are fighting, are currently the least protected in terms of the right to make choices about their own personal health and reproductive decisions.

''That is why I stand to join my colleague, Senator MURRAY, once again in overturning this ban on privately funded abortion services in overseas military hospitals, for military women and dependents based overseas, which was reinstated in the fiscal year 1996 authorization bill, as we all know. It is a ban without merit or reason that put the reproductive health of these women at risk.

Specifically, as we know, the ban denies the right to choose for female military personnel and dependents. It effectively denies those women who have voluntarily decided to serve our country in the armed services safe and legal medical care simply because they were assigned duty in another country. It makes me wonder why Congress would, year after year, continue to leave these women who so bravely serve our country overseas with no choice by denying them the rights that are guaranteed to all Americans under the Constitution?

Our task in this debate is to make sure that all of America's women, including those who serve in our Nation's Armed Forces and military dependents, are guaranteed the fundamental right to choose. Our task is not to pay for abortions with Federal funding—contrary to what our opponents may claim, after all, since 1979 the Federal law has prohibited the use of Federal funds to perform abortions at military hospitals. This amendment would not change that. However, what it would do is reinstate the policy that was in place from 1979 to 1988, when women could use their own personal funds to pay for the medical care they need.

In 1988, the Reagan administration announced a new policy prohibiting the performance of any abortions at military hospitals even if it was paid for out of a woman's private funds—a policy which truly defies logic.

President Clinton lifted the ban in January 1993, by Executive order, restoring a woman's right to pay for abortion services with private, non-Defense Department funds. Just when we had thought that logic would prevail, in 1995, through the very bill we authorize today, the House International Security Committee reinstated this ban which was then retained in the conference. And here we are 8 years later trying to undo this unnecessary threat to our female servicewomen.

Let me take a moment to reiterate a very important point. President Clinton's Executive order did not change existing law prohibiting the use of Federal funds for abortion, and it did not require medical providers to perform those abortions. In fact, all three branches of the military have conscience clauses which permit medical personnel with moral, religious, or ethical objections to abortion not to participate in the procedure. I believe that is a reasonable measure and one I do not take issue with.

Opponents of this amendment argue that changing current law means that military personnel and military facilities are charged with performing abortions, and that this, in turn, means that American taxpayer funds will be used to subsidize abortions. This is a wholly and fundamentally incorrect. Every person who has ever been in a hospital for any type of procedure knows full well that the hospital and the physician is able to account for every charge, the cost of every minute, every physician, every nurse, each aspirin, the supplies, the materials, the overheads, the insurance, anything that is part of the procedure. Under this amendment, every expense is included in the cost that is paid by private funds. Public funds are not used for the performance of abortions in this instance. That is an important distinction to reinforce today. I know it is easy to confuse the debate, to obfuscate the issues. What we are talking about here is restricting how a woman using her own private insurance or money in support of that procedure. We are not talking about using Federal funds.

This amendment we are fighting for is to lift the ban on privately funded abortions paid for with a woman's private funds. That is what this issue is all about. Proponents of this amendment believe that a woman would have the ability to have access to a constitutional right when it comes to her reproductive freedom to use her own funds, her own health insurance, for access to this procedure.

Congress works hard at times of war, and at times of peace, to support our American soldiers, sailors, airmen and marines, as well as their dependents, our armed services and our armed forces have no better friend and ally than the Congress. I would argue that is the case in most situations, but obviously there is a different standard when it comes to the health of a woman and her reproductive decisions.

This is especially confounding when we all completely agree that our military members and their families have

sacrificed a lot, including their lives, for the sake of our Nation and what we believe. For those women overseas we are asking them to potentially, and unnecessarily, sacrifice their health under this ban. Making this type of decision is perhaps the most fundamental, personal, and difficult decision a woman can face. It is a very personal decision. It is a decision that should be made between a woman, her doctor, her family. It is a constitutional right. It is a constitutional right that should extend to women in the military overseas, not just within the boundaries of the United States.

I think it is regrettable that somehow we have demeaned women, in terms of this very difficult decision that they have to make. There has been example upon example given to us, to my colleague Senator MURRAY, about the trying circumstances that this prohibition has placed on women who serve in the military abroad. I do not think for one moment anybody should minimize or underestimate the emotional, physical hardship that this ban has imposed, a ban that prohibits a woman from using her own private health insurance, her own private funds to make her own constitutional decision when she happens to be in the military serving abroad.

The ban on abortions in military hospitals coerce the women who serve our country into making decisions and choices they would not otherwise make. As one doctor, a physician from Oregon, recalls his days as a Navy doctor stationed in the Philippines, he describes the experiences and hardships that result unnecessarily from this policy. Women have to travel long distances in order to obtain a legal abortion—not necessarily a safe abortion, but a legal one. Travel arrangements that are difficult and expensive. Not to mention the fact that in order to take leave, they had to justify taking emergency leave to their commanding officer. Imagine that circumstance. Forcing women to make a very personal decision so well known.

However, for those women who choose to find an alternative, their only option is to turn to local, illegal abortions. In other circumstances, their dignity was offended and often their health was placed at risk, which was certainly reinforced by the letter that was sent to both Senator MURRAY and from now retired, Lt. Gen. Kennedy, the highest ranking woman in the military. She speaks with great perspective about the humiliation and the demeaning circumstances in which many women were placed, not to mention putting their health at risk.

I hope we can overturn this prohibition in law and grant women in the military the same constitutional right that is afforded women who live within the boundaries of the United States of America. No one should leave their constitutional rights at the proverbial door, but that is what this ban has done. Our constitutional rights are not territorial and women who serve their country should be afforded the same rights that women here in America have. I think this ban is not consistent with the principles which our Armed Forces are fighting to protect, and which the American people so overwhelmingly support. I hope we move forward, and I hope we would understand that women in the military and their dependents overseas deserve the same rights that women have here in this country. They have and should have the protections of the Constitution, no matter where they live.

I hope the Senate will overturn that ban and will support the amendment offered by Senator MURRAY and myself.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment offered by Senators MURRAY and SNOWE to the Department of Defense reauthorization bill to repeal the ban on privately funded abortions sought by U.S. servicewomen, spouses, and dependents in military hospitals overseas.

The Supreme Court acknowledges a woman's right to choose as a constitutionally protected freedom. That right is not suspended simply because a woman serves in the U.S. military or is married to a U.S. service member and living overseas.

Women based in the United States and using a U.S.-based military facility are not prohibited from using their own funds to pay for an abortion. Having a prohibition on the use of U.S. military facilities overseas creates a double standard, and discriminates against women service members stationed overseas.

Banning privately funded abortions on military bases endangers a woman's health. Service members and their dependents rely on their military base hospitals for medical care. Private facilities may not be readily available in other countries.

For example, abortion is illegal in the Philippines. A woman stationed in that country or the spouse of a service member would need to fly to the U.S. or to another country—at her own expense—to obtain an abortion. We don't pay our service members enough to assume they can simply jet off to Switzerland for medical treatment.

If women do not have access to military facilities or to private facilities in the country they are stationed, they could endanger their own health by the delay involved in getting to a facility or by being forced to seek an abortion by someone other than a licensed physician.

We know from personal experience in this country that when abortion is illegal, desperate women are often forced into unsafe and life-threatening situations. If it were your wife, or your daughter, would you want her in the hands of an untrained abortionist on the back streets of Manila or Argentina? Or would you prefer that she have access to medical treatment by a trained physician in a U.S. military facility?

Not only would these women be risking their health and lives under normal conditions, but what if these women are facing complicated or life-threatening pregnancies and are unaware of the seriousness of their condition?

The ban on privately funded abortions on military bases overseas affects more than 100,000 active service members, spouses, and dependents of military personnel.

One such woman this ban impacts is Holly Webb.

Holly Webb is the wife of a staff sergeant in the Air Force stationed in Misawa, Japan. She tells the following story of her struggle to find adequate reproductive health care overseas:

My husband was stationed in Misawa Japan, and I moved over in September 2001 to join him. I was pregnant for the first time. Prior to my arrival in Japan, I felt like something was wrong with my pregnancy and at 6 weeks I went to the emergency room at the Eglin Air Force Base in Florida where we had been stationed.

My doctor there told me that everything seemed OK from what they could tell. At 16 weeks I was in Japan with my husband and I started bleeding. I would bleed weekly for 5 days and then the bleeding would subside. I went to the military hospital at Misawa and they told me I had placenta previa and that this was a normal side effect and they sent me home.

At 20 weeks, I started bleeding heavily and went back to the hospital. I thought that my water had broken but the hospital told me that it was not an emergency and kept me overnight. My ob/gyn did not visit me until the next morning. They told me that the results of my triple screen blood test showed possible spina bifida which necessitated an ultrasound. When they did the ultrasound they discovered, as I had thought, that there was no amniotic fluid surrounding the fetus.

They were unable to detect whether or not the fetus had spina bifida. For the next day I was administered IV fluids and my doctor mentioned that I might be dehydrated. My cervix remained closed, however, and they told me that there was still a fetal heartbeat. I was told that I might deliver spontaneously within weeks or months, but that if the baby survived, it would have serious health complications due to the fact that I was at risk for infection as well as because there was no amniotic fluid surrounding the baby.

When I asked the hospital what my options were they told me that they could not induce labor or dilate my cervix to deliver because it would be considered an abortion but that I was at risk for infection. My doctor told me that in order to have an abortion, they would have to have my situation reviewed by a medical board and that she didn't know how long this would take.

She told me that during her 7 or 8 years of practice in a military hospital, no matter what the situation was, a woman's request for an abortion was always denied.

My doctor told me that the only way I could receive additional medical treatment was if I became ill. I was told to go home and monitor my temperature and to return when I had a fever or was in pain. I asked if there was any other option because I was worried about dying.

At that point, I felt like my choices were either to go home and wait for a life-threatening infection so that my labor could be induced, or to go to an outside hospital, where I didn't speak the language and could not be sure that the treatment would be safe.

When I got to the private Japanese hospital, the doctor told me that there was serious risk for infection, and that he needed to put me on antibiotics immediately and that if I did not get antibiotics through IV immediately I would very likely die. I contacted my grandmother in the U.S. who wired me $2,000 to pay for the hospital visit.

I checked into the hospital about 4 hours later. They dilated my cervix over a period of 2½ days, then induced labor. I delivered a stillborn baby. The military hospital told me that this was an elected abortion and not a stillborn birth.

I am now 17 weeks pregnant again and my only option is to use the military hospital for my ob/gyn treatment. I have begged them to let me off the base to go to a private doctor because of my experience last year. I believe that if my pregnancy puts my health at risk, I would again be prevented from making the decisions I need to about my pregnancy.

I hope that we have learned something from Mrs. Webb's story. No woman should have to go through the obstacles Mrs. Webb faced. If Mrs. Webb had been living in the U.S. she would have had a choice. She could have gotten an abortion and avoided the emotional trauma associated with giving birth to a stillborn, and not had to put her own life at risk.

Current law does not force any military physician to perform an abortion against his or her will. All branches have a conscience clause that permits medical personnel to choose not to perform the procedure. A doctor can simply say, ''I won't perform such a procedure.'' And then that woman must just find another doctor.

What we are talking about today is providing equal access to military medical facilities, wherever they are located, for a legal procedure paid for with one's own money.

Abortion is legal for American women. These women would pay for the service with their own funds. This amendment does not involve the use of federal funding.

We ask these service members to risk their lives in the service of their country but we are not willing to grant them access to the same services they would receive if they were stationed in the U.S. This is especially troubling since September 11 since more Americans have decided to serve their country.

Service members and their dependents must have access to safe, legal, and comprehensive reproductive health care.

I urge my colleagues to support this amendment and ask unanimous consent that my statement appear in the RECORD.

Mr. KENNEDY. Mr. President, I commend Senator MURRAY for her effort to repeal the unfair ban on privately-funded abortions at overseas U.S. military facilities. This amendment rights a serious wrong in our policy, and guarantees that women serving overseas in the armed forces are able to exercise their constitutional right to choose.

This is an issue of fundamental fairness for the many women who make daily sacrifices to serve our Nation. It is wrong to deny them the same medical care available in the United States. Women serving overseas should be able to depend on military base hospitals for their medical needs. They should not be forced to choose between lower quality care in a foreign country, or returning to the United States for the care they need. Congress has a responsibility to provide the best possible medical care for those serving our country at home and abroad.

Such care is essential. Our dedicated servicewomen should not be unfairly exposed to risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them. Servicewomen overseas deserve the same access to all medical services as their counterparts at home.

This amendment will also ease the heavy financial burden on servicewomen who make the difficult decision to have an abortion. The cost of returning to the United States from far-off bases in other parts of the world often imposes significant financial hardship on women. Those serving in the United States do not have the same burden, since nonmilitary hospital facilities are readily available. It is unfair to ask women serving abroad to suffer this financial penalty.

If the cost of a separate trip to return to the United States is too high, servicewomen may face significant delay before military transportation is available. Each week, the health risks faced by these women become increasingly serious. Long delays in obtaining a military flight can force women to rely on questionable medical facilities overseas. As a practical matter, they are being denied their constitutionally-protected right to choose.

A woman's decision to have an abortion is very difficult and extremely personal. It is wrong to impose this heavy additional burden on women who serve our country overseas.

Every woman in the United States has a constitutionally-guaranteed right to choose whether or not to terminate her pregnancy. It is long past time for Congress to stop denying this right to women serving abroad.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I think perhaps we are ready to proceed with a vote on the bill. I do not know if the Senator from Washington is ready to yield back her remaining time.

The PRESIDING OFFICER. Does the Senator yield back her remaining time?

Mrs. MURRAY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Washington has 1 minute 38 seconds, and the Senator from Kansas has 3 minutes 9 seconds and counting.

Mr. BROWNBACK. I am prepared to yield back my time. The issue has been well debated. People know the issue. It has been voted on before. I hope we can proceed with the vote.

Mrs. MURRAY. Mr. President, the Senator from California has given a very clear reason to vote for this amendment. We have heard no disagreement that this current policy toward women service members is not humiliating. We have heard no disagreement that it is not a threat to privacy, and it is punitive. What this issue is about is whether women in the service overseas have the same constitutional rights, protections, and safety in their health care as those women who are in this country.

I urge my colleagues to vote for this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Washington yields back time.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 691. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—48

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Graham (FL)	Nelson (FL)
Cantwell	Harkin	Reed
Carper	Hollings	Rockefeller
Chafee	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Corzine	Kohl	Stabenow
Daschle	Landrieu	Stevens
Dayton	Lautenberg	Wyden

NAYS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chambliss	Hatch	Shelby
Cochran	Hutchison	Smith
Coleman	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

NOT VOTING—1

Kerry

The amendment (No. 691) was rejected.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. 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, parliamentary inquiry: At this point the bill is open to further amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Mr. President, will the Senator yield on that?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Virginia.

Mr. WARNER. Would the Presiding Officer advise the Senate with regard to the order that currently controls the next amendment?

The PRESIDING OFFICER. There is a limited list of amendments offered.

Mr. WARNER. Could the Presiding Officer recite those amendments in their standing order?

The PRESIDING OFFICER. A package of amendments has been cleared by both managers: A Boxer amendment on contracting subject to a relevant second degree, a Domenici amendment on border security, a Kerry amendment on air travel, a Landrieu amendment, and a Grassley amendment on the industrial enterprise.

Mr. WARNER. Mr. President, therefore, it would be in order at this time for any of those amendments to be taken up by the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. REID. Mr. President, if I could ask the distinguished managers of the bill to allow a very brief colloquy and a unanimous consent request by the Senators from Massachusetts and New York, and maybe a couple of others, we would take no more than 2 minutes for the Senator from Massachusetts and 3 minutes for the Senator from New York.

Mr. WARNER. We have no objection.

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

The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 923

Mrs. CLINTON. Mr. President, I rise to ask unanimous consent to provide help for 3.2 million Americans who are out of work and need Congress to extend unemployment insurance. Soon the checks will no longer be in the mail for millions of Americans and New Yorkers who depend on unemployment benefits to provide for their families at this time.

In New York alone, over 100,000 people have exhausted their unemployment insurance benefits and are still without a job. Starting on May 31, unless we act, more than 80,000 Americans will begin exhausting their unemployment every single week.

These Americans and New Yorkers need and deserve our action. We knew we had to take steps at the beginning of this year to extend unemployment compensation. We need to do it again.

I hope none of us will turn our back on these hard-working, struggling Americans—people who have mortgages to pay, people who have car payments to make, people who have children to raise.

In April 2000, there were 176,000 long-term unemployed parents. Last month, there were 607,000 long-term unemployed parents, an increase of 245 percent.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 923, a bill to provide a 6-month extension of unemployment compensation, including 13 weeks of benefits for the long-term unemployed—exhaustees—and that the Senate then proceed with its immediate consideration; that an amendment at the desk to remove the ''Temporary Enhanced Regular Unemployment Compensation'' provisions be considered and agreed to; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I object.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1079, Senator MURKOWSKI's bill to extend the Temporary Extended Unemployment Compensation Act of 2002, provided that the Senate proceed to its consideration, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, does this include the workers who have contributed into the fund and whose benefits have expired? It has been standard and it has been used in the Senate and supported by the Senate five different times during the 1990s. Does this include those workers?

Mr. WARNER. Mr. President, I call upon the proponent of the amendment.

Mr. KENNEDY. Reserving the right to object, if we can't get an answer to that.

Mr. WARNER. We are about to get an answer, I advise the Senate.

Mr. KENNEDY. I am sorry.

Ms. MURKOWSKI. Mr. President, I ask the Senator from Massachusetts to repeat the question.

Mr. KENNEDY. Does this include the more than 1 million workers whose unemployment benefits have expired and who otherwise would be eligible to receive unemployment compensation under the proposals that have been offered here by the Senator from New York and our own proposal, and that were also included in the proposal that was passed in a bipartisan way on five different occasions during the 1990s? Does this amendment include those individuals?

Ms. MURKOWSKI. Mr. President, if I may respond, my bill is a clean 6-month extension of the Temporary Extended Unemployment Compensation Act of 2002.

Mr. KENNEDY. Mr. President, further holding the right to object, does it include any ability to give flexibility to the States so that they can take care of part-time workers as included in the Democratic proposal? Does it include those provisions as well?

Ms. MURKOWSKI. I repeat that this is a clean 6-month extension of the Temporary Extended Unemployment Compensation Act of 2002.

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, there is a very clear reason the request of the Senator from New York and the request I will make should be respected on the floor of the Senate. We are facing a crisis with 8 to 9 million Americans unemployed. More than 1.5 million of those have seen their unemployment compensation expire. Starting next week, 80,000 workers are going to lose their unemployment compensation.

This is an issue about fairness. On the one hand, we have an opportunity to return to these workers what they have paid over a lifetime of work, in many instances, into a trust fund that is in excess of $20 billion, and the reason it is in surplus is that these workers have paid into it. Now they are entitled to get that money out.

We have had objection to the request of the Senator from New York.

I am going to give the Senate one more opportunity to see whether they are going to be responsive, whether this body is going to understand the issue of fairness. Tomorrow we are going to pass billions of dollars for the wealthiest individuals in this country. We are trying to look out after hard-working Americans.

Therefore, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Democratic leader, the Senate consider S. 1079, extension of the unemployment compensation, considered under the following limitations: General debate of an hour equally divided, with only one amendment in order, the amendment by Senator KENNEDY, on which there be an hour of debate equally divided, and no other amendments be in order, and any points of order be considered waived by this agreement; that upon the disposition of the amendment and the use and yielding back of all time, the Senate vote on passage of the bill, without further intervening action or debate, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I object.

Mr. President, I compliment our colleague from Alaska for trying to pass a clean, simple extension. This is the same language Senator CLINTON and I passed last January. It is the same language Senator FITZGERALD passed with us, I believe January 7 or 8. It is the same language we passed a couple of times for a clean extension. It is not a doubling of the program. It is not taking a 13-week Federal program and turning it into a 26-week program. It is not expanding the definition of uninsured or unemployed to include part-time workers, or to include a whole variety of people who, frankly, the States don't now cover.

I will tell my colleagues that we are not going to double the program. We are not going to triple the program. The Senator from Alaska offered to extend the current program which we have been using for the last 2 or so years. That is the proposal she will make today and, I would expect, the proposal she will make tomorrow. That is the only proposal, in my opinion, that will pass.

People want to try to make political statements. We had a vote on it in the budget.

I will not yield.

We had a vote on it in the budget. It didn't pass. We had a vote on it last week on the tax bill. It didn't pass. Some people want to double or triple this program. It is not going to work.

The Senator from Alaska says she is trying to extend the program so people won't lose their benefits beginning next month. A clean extension of the Federal program of 13 weeks can pass, or rather may pass. But colleagues who want to continue to double or triple the program jeopardize helping the very people they say they want to help.

I compliment my colleague from Alaska. I hope our colleagues will give fair consideration and ultimately agree to a simple extension of the program for 6 months, as proposed by our colleague from Alaska.

I yield.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the Republican leader: Why don't we then just have the two different alternatives placed before the Senate and let the Senate express itself on whether it favors our proposal or favors the Republican proposal?

Mr. President, I ask unanimous consent that both of these proposals be laid before the Senate and, at a time suitable to the majority and minority leaders, we have a 10-minute, evenly divided, discussion, and we let the Senate vote on whether it prefers the proposal of the Senator from Alaska or the proposal of the Senators from New York and Massachusetts.

I think that is a fair way to proceed.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. I will not yield.

We talk about fairness. Our proposal is basically a similar proposal to what was passed five times, and which the Senator from Oklahoma supported in the 1990s. Why don't we give the Senate a chance to vote on either one of them? That would be fairest to the workers in this country.

If you are able, then, to persuade Members to vote for yours, so be it; we will accept it. And if they vote for ours, we would hope you would accept it. That is what I think is fair.

I ask whether the Senator from New York would think that is fair?

Mrs. CLINTON. Yes. I think the Senator from Massachusetts—

The PRESIDING OFFICER (Mr. TALENT). The Senator from Massachusetts is making a unanimous consent request.

Is there objection?

Mr. ENSIGN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Massachusetts retains the floor.

Mr. KENNEDY. Mr. President, I think this is a pretty clear indication about where our Republican friends are on this issue. They are denying us—or denying the Senate—in the final hours prior to the expiration of coverage for workers—denying us an opportunity to get a vote in the Senate.

Basically, they say: Either take ours or leave it—take ours or leave it—and that is being unfair to workers, particularly at a time when the Republican Party is about to recommend tax breaks of billions of dollars for the wealthiest individuals in this country, and they refuse to give fairness to workers in this country.

That is what is going on here. Workers in this country understand what is happening here in the Senate. It is a clear indication of the priorities: Just open up the Federal Treasury. Give the wealthiest the highest amount of tax breaks and give short shrift to hard-working Americans.

The Republican leader refuses to permit the Senate of the United States, in a time set by our leaders, to make a judgment on which they would prefer. The workers in the United States are clearly getting short-shrifted.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of our colleagues, to make sure we make the record straight, my very good friend from the great State of Massachusetts has mentioned: Let people have a vote.

Well, we have not had one vote—we have had three votes this year. We had a vote on the appropriations bill earlier this year. We had a vote on the budget. We had a vote on the tax bill.

They did not win. They tried to double the program two or three times, unsuccessfully, and so they are now trying again.

Frankly, we have a DOD authorization bill, we have a tax/economic growth package, we have a debt limit extension, and we need to pass UI. We have a lot of work to do in the next few hours.

Some of us—let me rephrase that—this Senator is going to do what I can to make sure we are not going to double or triple this program. We have already had three votes on the proposal to double it. We are not going to do that. I don't know how many votes people think they need. They may think they are winning on the votes, but they are not winning on the issue. I think we may have consent to pass a clean extension. It takes unanimous consent. I tell my colleagues on the other side, who are playing this game, this will not work legislatively. And it may jeopardize a clean extension.

So I would be very cautious, especially when you get late in the game, and close before a break, and people want to go home, I would not take for granted that you can pass a clean extension—but I compliment my colleague from Alaska, Senator MURKOWSKI, for trying to do so. I believe we can do so.

We have had three votes already, and it did not win. It will not win on the fourth vote. So I urge my colleagues: The way to do this is let's pass a clean extension, the same extension that my colleague from New York and I passed one or two times on the floor of the Senate. Let's do that again, and let's help the people who need the help.

If people play other games, they jeopardize even a clean extension. I think people should be on notice of that not everybody might want a clean extension. So the effort to double the program may mean that some people will get zero. Instead of getting 13 weeks, they might get zero because of this effort to double the program.

Mr. President, I yield the floor.

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

Mrs. CLINTON. Mr. President, I wanted to ask my friend from Oklahoma to yield to me, but he yielded the floor.

The dilemma, of course, is one that is very difficult for us to confront. I appreciate greatly the wonderful cooperation that I received in working out the extension of unemployment compensation for those who needed to complete their 13 weeks who were unemployed, and for those who were going onto unemployment for the first time.

Our problem is—and this is where I think the nub of our difference is—we have this growing number of literally millions of people who have exhausted their benefits and are looking for work and cannot find it.

I understand and I respect the argument from the other side, although I disagree that the tax package that is about to be passed today or tomorrow is going to generate jobs and economic growth. I do not think it will. I think it will, in fact, make our economic situation worse and continue to put people out of work. But we will get a chance to find out who is right about that.

But, unfortunately, there are a lot of innocent people caught in the middle

of this debate, people who are not sitting here on the floor of the Senate, people who are not going to get a big tax break, people who are out of work and cannot find a job in this economy.

At some point we have to take responsibility for these people. I appreciate the author on the other side. And I appreciate the good work of the Senator from Alaska to have a straight extension, but we did not have a vote on that specifically. We had votes attached to other items—appropriations, tax cuts, et cetera. At some point, we are going to have to face the reality that this economy is losing private sector jobs at the fastest rate in our history. At some point, we have to take responsibility for these people.

We reformed welfare, which I supported. We said to people, go out and get a job; support yourself and your children because we expected that we would have a good economy, because we would have good, sensible, responsible, fiscally sound policies at the Federal level that would, hand in hand, help the private sector create those jobs. That is not happening, for a lot of reasons. The economy continues to get worse. We have lost half a million jobs in the last 3 months alone.

So I simply ask my friends, my colleagues on the other side: If not now, when? When do we take responsibility, as previous administrations—Republican and Democrat—previous Congresses—Republican and Democrat—did in previous recessions? At some point, we cannot any longer pretend that the economy is going to generate the jobs that all of those unemployed people who have no means of support are desperate to have.

So I hope we will get to that point sooner than later because I have thousands and thousands of these people—some of whom have been out of work since 9/11, 2001—and I believe we should help them. And it is good for the economy. We ought to take that action as soon as possible.

I yield the floor.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I will propound a unanimous consent request.

I ask unanimous consent that Senator BOXER be recognized in order to offer her amendment regarding contracting. I further ask that immediately following the reporting by the clerk, the Senator from Virginia, Mr. WARNER, be recognized to offer a first-degree amendment regarding the same subject; provided further that there be 30 minutes under the control of Senator BOXER and 15 minutes under the control of Senator WARNER. Finally, I ask unanimous consent that following the debate time, the Senate proceed to a vote in relation to the Warner amendment, to be immediately followed by a vote in relation to the Boxer amendment, with no amendments in order to either amendment prior to the votes.

Before the Chair rules, I think we can make the second vote a 10-minute vote.

Mr. REID. Mr. President, if the Senator will yield, I have no objection. I think that would be appropriate. I also ask that there be recorded votes on both the Boxer and Warner amendments; further, that between the two votes, there be 5 minutes equally divided under the control of Senator BOXER and Senator WARNER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I ask for the yeas and nays on the two votes, both the Warner amendment and the Boxer amendment.

The PRESIDING OFFICER. Without objection, it is in order at this time to simply order the yeas and nays on the two amendments, which will be done if there is no objection.

Mr. WARNER. Will the Chair repeat that?

The PRESIDING OFFICER. Without objection, it is in order at this time to request the yeas and nays on the amendments despite the fact neither has been offered.

Mr. WARNER. I request the yeas and nays on the Warner amendment and the Boxer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from California.

AMENDMENT NO. 825

Mrs. BOXER. Mr. President, I thank Senator REID and Senator WARNER for working out this arrangement whereby we can have a definite vote on two alternatives that deal with, in my opinion, competitive bidding—that is what we are talking about—in the rebuilding of Iraq.

I send my amendment to the desk, and I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 825:

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) On March 8, 2003, the Army Corps of Engineers awarded a sole-source Indefinite Delivery/Indefinite Quantity contract for the reconstruction of the Iraqi oil industry.

(2) The Department of Defense has characterized this contract as a short-term ''bridge'' contract that will be used for an interim period until a contract can be awarded on a competitive basis.

(3) However, the estimated date of completion for this contract is March 2005 and the value is estimated by the Department of Defense to be $57 billion.

(4) The Department of Defense has established a goal of completing the follow-on competition and having a fully competitive contract in place by August 31, 2003. This goal was stated in a letter dated May 2, 2003.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The taxpayers deserve fairness.

(2) Businesses deserve fairness.

(3) The Competition in Contracting Act of 1984 establishes a preference for the award of competitive contracts.

(4) The Department of Defense should meet its goal of having a fully competitive contract in place by August 31, 2003 and performing work needed for the reconstruction of the Iraqi oil industry after such date under that competitive contract.

(c) REPORT TO CONGRESS.—If the Department of Defense fails to meet its own stated goal of having a fully competitive contract in place by August 31, 2003, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing this sole source contract to continue.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, at this time, does my friend want to bring his second-degree amendment to the desk or, rather, his substitute?

AMENDMENT NO. 826

Mr. WARNER. Mr. President, I send to the desk an amendment which is in the first degree to protect the Senator from California, unless she would like to have it as a second-degree amendment. We can do that.

Mrs. BOXER. I prefer to have it as a first-degree amendment. It will be much better, and I appreciate that.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 826.

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:

SEC. . SENSE OF THE SENATE ON COMPETITIVE AWARD OF CONTRACTS FOR IRAQI RECONSTRUCTION.

It is the sense of the Senate that the Department of Defense should fully comply with the Competition in Contracting Act (10 U.S.C. 2304 et seq.) for any contract awarded for reconstruction activities in Iraq and should conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry as soon as practicable.

Mr. WARNER. Mr. President, I will later advise the Senate with regard to the content of this amendment. For the moment, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the spirit of my amendment is very clear. I am very resolute about it. I appreciate the fact we are going to have a vote on the Warner first-degree amendment and the Boxer amendment.

All the years I was in the House of Representatives, part of the time I

served on the Armed Services Committee. I am pleased to see my friend from Illinois here because together during the years I served on the Armed Services Committee, we took on the issue of procurement reform. I am very pleased to say that as a result of the work that many of us did, we were able to—and it was Berkley Bedell, if my colleague remembers; there were a number of us—we were able to make sure there was competition at the Pentagon.

Competition is the name of the game. It is supposed to be the name of the game in America. When I see any agency turning away from competitive bidding, unless there is a good reason to do so—and I might say, if it is an emergency, this is a good reason, but beyond that, there is no reason to award a contract without going to bid, without considering competitive bids.

What happens—and I feel really deeply about this—when the taxpayers of this country and the businesses of this country that are playing by the rules see such a contract given to one special company, it is very bad, in my opinion, for our country. It is very bad for our fighting men and women who risk their life and limb.

Let me tell you what I mean. As a result of a sole-source contract that was given to a subsidiary of Halliburton, these are some of the headlines that appeared across the country. I will let my colleagues judge, and I will let the people judge whether these kinds of headlines are good for our country and good for the morale of our troops.

Here is one from the Atlanta Journal-Constitution:

Secret Halliburton deal endangers U.S. credibility.

That is May 8, 2003, in a southern paper.

Here is one from the Montreal Gazette:

Halliburton contract bigger than reported; Linked to Cheney; Role has grown beyond fighting Iraq oil fires.

This one was in the Houston Chronicle on May 8, 2003:

Halliburton contract stokes new controversy.

Here is one from the L.A. Times, May 8:

Shadow over the oilfields; The administration's no-bid contract with Halliburton subsidiary gives the impression of a grab at Iraqi resources for American business.

Another headline in the L.A. Times on April 11:

More flack on Halliburton deal; The revelation that the Pentagon contract is worth up to $7 billion is more fuel for critics who say it should have been open to bidding.

And USA Today, April 11:

Halliburton oilfield deal raises questions.

The point is, we should do everything we can for the taxpayers of this country to make them feel comfortable that when there is work at home or abroad, every business in this country gets a chance to compete for the work. Why? Because we all know if there is no competition, the price could soar.

I ask unanimous consent to add as cosponsors to my amendment Senator LIEBERMAN, Senator CLINTON, Senator BOB GRAHAM, Senator LAUTENBERG, and Senator DURBIN.

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

Mrs. BOXER. I am proud to have their support. There can be no stronger advocate of the strongest possible military than Senators LIEBERMAN and GRAHAM. We know that. We have seen them here. They are supporters because they understand, as I do, that it weakens our country when we do these kinds of deals.

The amendment that my friend has offered is fine; there is nothing wrong with it, but it does not get to the heart of this particular contract. It is general, whereas the amendment I have offered—and, by the way, it is just a sense of the Senate. It is nice. But what I have offered says that if the Secretary of Defense finds that the Army Corps has not, in fact, put the rest of this contract out for bid by the date of September 30—and they have promised to do so by August 31—then they have to tell us why they did not bid out this contract.

I am going to put up a chart that shows a copy of the congressional notification of this contract. It looks scary when one sees it because there is lots in it, but I have highlighted in yellow the things my colleagues ought to know, because maybe they do not know this.

I want to compliment the minority ranking member of the Committee on Government Reform in the House, HENRY WAXMAN, for doing so much of the research.

I ask unanimous consent that a fact sheet called the Bush Administration's Contracts with Halliburton, put out by the minority staff of the Committee on Government Reform, be printed in the RECORD.

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

FACT SHEET: THE BUSH ADMINISTRATION'S CONTRACTS WITH HALLIBURTON

The Bush Administration has awarded several extremely large contracts and task orders to Halliburton. Of particular concern are the contracts awarded to a Halliburton subsidiary, Kellogg Brown & Root. GAO reports and other investigations have documented a history of Brown & Root overcharging the taxpayer. Yet despite this history, the Administration has awarded Brown & Root lucrative government contracts—including a recent contract for oil-related work in Iraq that is worth up to $7 billion and that was awarded secretly and without any competition. The Administration has also awarded contracts worth hundreds of millions of dollars for work in Iraq to a select group of U.S. companies, with only limited competition.

Halliburton has a unique relationship to this Administration. When Dick Cheney left his position as Halliburton's CEO in 2000 to run for Vice President, he reportedly received company stock worth over $33 million.[1] He continues to receive deferred compensation payments of over $160,000 a year from Halliburton.[2]

HISTORY OF BROWN & ROOT PROBLEMS

GAO has found serious problems with contract work that Brown & Root did for the Army in the Balkans. In 1997, it found that the Army ''was unable to ensure that the contractor adequately controlled costs.''[3] For example, Brown & Root was charging the Army $86 to fly in $14 sheets of plywood from the United States. The Army official in charge was ''shocked'' when he found that out.[4]

In 2000, GAO found more evidence that Brown & Root was inflating the government's costs—and its profits—by, for example, overstaffing work crews and providing more goods and services than necessary.[5]

Brown & Root was the subject of a criminal investigation for overbilling the government on another contract. According to a former employee, the company routinely and systematically inflated contract prices it submitted to the government for work at the former Fort Ord military base in California.[6] Brown & Root paid $2 million to settle that case in 2002.[7]

Brown & Root's parent company, Halliburton, has its own problems. The SEC is investigating accounting practices of the company dating back to the Vice President's tenure at its CEO.[8] The company recently restated its earnings for the 4th quarter of 2002.[9] And Halliburton has admitted paying $2.4 million in bribes to a Nigerian official in an attempt to gain favorable tax treatment in the country.[10]

DEFENSE DEPARTMENT CONTRACTS WITH BROWN & ROOT

Despite this troubled history, the Administration has awarded Brown & Root three very lucrative Defense contracts. In 2001, Brown & Root won a $300-million contract to provide support services to the Navy—despite a bid protest by a rival bidder that GAO upheld.[11] Later that year, it won a ten-year contract with no cost ceiling to provide support services to the Army.[12] Under these contracts, Brown & Root has been asked to do work in Afghanistan and Uzbekistan and to build prison cells for terrorist suspects in Guantanamo Bay, Cuba—even though much of this work could be done more cheaply using Army and navy personnel.[13]

In March 2003, the Administration awarded Brown & Root a contract to repair and operate Iraq's oil infrastructure. Normally, federal contracting rules require public notice and full and open competition. But the U.S. Army Corps of Engineers awarded the contract secretly and without any competition.

The Administration has been reluctant to provide complete, or even basic, information about the contract. While the contract was signed March 8, it was not disclosed publicly until March 24. Moreover, the Corps did not reveal until April 8, in response to a letter from Rep. Waxman, that the contract had a potential value of up to $7 billion.[14] And it was not until May 2, in response to another request from Rep. Waxman, that the Corps disclosed that the scope of the contract was significantly broader than previously provided information had suggested.[15]

Based on what the Corps has revealed to date, the contract is worth up to $7 billion, with the potential profit for Brown & Root worth up to $490 million. The Corps has said the actual value of the contract may end up being less than that (according to the Corps, it may be ''only'' around $600 million). Nonetheless, the fact that the Corps would issue such a large contract without competition is highly unusual.

Moreover, the contract is far broader than had been initially suggested. Information provided by the Corps and Halliburton had indicated that the contract was for work putting out oil well fires and repairing damage. Halliburton issued a press release on

March 24 entitled ''KBR Implements Plan for Extinguishing Oil Well Fires in Iraq,'' which described the contract work as ''assessing and extinguishing oil well fires in Iraq and evaluating and repairing, as directed by the U.S. government, the country's petroleum infrastructure.''[16] The Corps also released information stating that it was in charge of ''implementation of plans to extinguish oil well fires and to assess oil facility damage in Iraq'' and that it would be contracting with Brown & Root to perform these functions.[17]

On May 2, however, the Corps revealed that the contract also includes ''operation of facilities'' and ''distribution of products.'' It thus appears that Brown & Root may be asked to operate Iraqi oil facilities and distribute oil products. This raises significant questions about the Administration's intentions regarding Iraqi oil. The Administration has previously drawn a bright line on Iraqi oil: according to White House spokesman Ari Fleischer, ''[t]he oil fields belong to the people of Iraq, the government of Iraq, all of Iraq.''[18] Those sentiments were echoed by Secretary of State Colin Powell and Secretary of Defense Donald Rumsfeld, among others.[19] It now appears that Halliburton or another similar company—and not the Iraqi people—may be making fundamental decisions about how much oil should be produced and who should produce it.

The Corps has also claimed that the contract is only for short-term emergency work. But the Corps revealed in their April 8 letter that the contract has a two-year term. The Corps also indicated that they are planning to replace the contract with a new, competitively bid contract. In their May 2 letter, however, the Corps disclosed that the Halliburton contract will be in place until at least late August 2003, and possibility until January 2004.

According to the May 2 letter from the Corps, the new, longer-term contract the Corps is planning to issue will again involve operating facilities and distributing oil. This raises further questions about how much say the Iraqi people will have in making decisions about the country's natural resources.

The Corps contract is ''cost plus.'' This means that the contractor receives its costs plus an additional percentage of those costs as its profit. These kinds of contracts are particularly susceptible to abuse as they give the contractor an incentive to pad its profits by increasing its costs. As noted above, Brown & Root has a record of overcharging the taxpayer on cost-plus contracts.

OTHER IRAQ CONTRACTS

Halliburton is not the only company to benefit from secret, noncompetitive contracts. The U.S. agency for International Development hand-picked U.S. companies to bid secretly on contracts for work in Iraq. Like the Army Corps contract, the AID contracts for Iraqi reconstruction have been handled with unusual secrecy. AID secretly hand-picked a select few domestic companies to bid on nine contracts for services including airport administration, education, public health, and personnel support. The eight contracts that have been awarded are together worth up to $1 billion. And they may be worth much more, depending on whether and how they are renewed.

Halliburton was one of five companies asked by AID to bid on a $680 million contract to rebuild Iraq. Like Halliburton, the other companies bidding—including Parsons, Fluor, and the eventual winner, Bechtel—are heavy Republican contributors. Between them, these companies reportedly contributed $3.6 million over the past two election cycles, two-thirds of which went to Republicans.[20] After the controversy over the Army Corps contract, Halliburton announced that it would not bid on the AID contract. It has indicated it may instead opt for a still lucrative but lower-profile subcontracting role.

AID has not identified all of the companies that were selected to bid on its contracts and it has given shifting and at times contradictory explanations of why it did not use full and open competition.

For example, AID has said that it limited the eligible companies to those with a security clearance. But it turns out that some of the companies that were asked to bid did not actually have security clearances. In fact, in one case, AID found out after choosing a contractor that the contractor did not have a clearance.[21] AID awarded the contract to the contractor anyway.[22]

AID has also said that it is required by federal law to use U.S. companies. However, AID can waive this requirement. In fact, it did so with respect to subcontractors on the Iraq contracts. But AID declined to invite any non-U.S. firms to bid on the actual contracts.

More information about the Administration's contracts with Halliburton and other companies can be found at www.reform.house.gov/min/inves_admin/admin_contracts.htm.

ENDNOTES

[1] *Cheney Gets $33 Million Exit Package from Dallas-Based Energy Services Firm*, Dallas Morning News (Aug. 17, 2000).

[2] White House, *Vice President Dick Cheney and Mrs. Cheney Release 2002 Income Tax Return* (Apr. 11, 2003).

[3] General Accounting Office, *Contingency Operations: Opportunities to Improve the Logistics Civil Augmentation Program* (Feb. 1997) (GAO/NSIAD–97–63).

[4] *Id.*

[5] General Accounting Office, *Contingency Operations: Army Should Do more to Control Contract Cost in the Balkans* (Sept. 2000) (GAO/NSIAD–00–225).

[6] Complaint for Damages under False Claims Act and Demand for Grand Jury at 7, *U.S. ex rel. Dammen Grant Campbell* v. *Brown & Root Service Corp.* (E.D. Cal.) (No. CIV–97–1541WBSPAN).

[7] Department of Defense, Criminal Investigative Service, Press Release (Feb. 7, 2002).

[8] Halliburton, *Halliburton Reports SEC Investigation of Accounting Practice* (May 28, 2002); Halliburton, *Halliburton Updates SEC Status* (Dec. 19, 2002).

[9] Halliburton, *Halliburton 2002 Fourth Quarter Adjustments* (Mar. 27, 2003).

[10] Securities and Exchange Commission, *Halliburton Company Form 10–Q* (Mar. 31, 2003).

[11] The rival bidder also claimed that Brown & Root had an unfair advantage because its proposed program manager was an active-duty Navy officer in the command that conducted the acquisition. GAO concluded that there was ''no evidence that any impropriety or unfair competitive advantage resulted'' from the apparent conflict of interest. General Accounting Office, *Matter of Perini/Jones Joint Venture (Nov. 1, 2000) (GAO Decision B–285906)*.

[12] *In Tough Times, a Company Finds Profits in War*, New York Times (July 13, 2002).

[13] *Id.*

[14] *See* Letter from Lt. Gen. Robert B. Flowers to Rep. Henry A. Waxman (Apr. 8, 2003).

[15] *See* Letter from Lt. Gen. Robert B. Flowers to Rep. Henry A. Waxman (May 2, 2003).

[16] Halliburton, *KBR Implements Plan for Extinguishing Oil Well Fires in Iraq* (Mar. 24, 2003).

[17] U.S. Army Corps of Engineers, *The Corps of Engineers' Role in Combatting Iraqi Oil Fires* (undated).

[18] White House, *Press Briefing by Ari Fleischer* (Feb. 6, 2003).

[19] *Powell Says U.S. Not after Iraqi Oil*, Los Angeles Times (Jan. 23, 2003); *NewsHour*, PBS (Feb. 20, 2003).

[20] Center for Responsive Politics, *Rebuilding Iraq: The Contractors* (undated) (online at www.opensecrets.org/news/rebuilding_iraq/index.asp).

[21] Letter from Bruce N. Crandlemire, Office of Inspector General, U.S. Agency for International Development, to Timothy T. Beans, U.S. Agency for International Development (Apr. 25, 2003).

[22] *Id.*

Mrs. BOXER. When we look at this congressional notification, which was very late in getting there because there were already five task orders under this Halliburton contract, finally they gave this information over: They have obligated first $17 million, then $6.7 million, $22 million, $5 million, and $24 million, with no competitive bidding.

Originally it was, oh, they have to put out the oil fires. Okay. We understand that. But what about the rest? The estimated face value of this contract is $7 billion. What do we spend on all of our afterschool programs, I say to my colleagues, in 1 year? A billion dollars. How many kids are waiting in line to get into that program? Millions.

We cannot afford it, but we can afford to give a sole-source $7 billion to one company named Halliburton. We all know the power of that company.

I want my colleagues to see I am not making this up when I say this was a sole-source contract. Estimated face value, $7 billion. Bids solicited, sole-source procurement; bids received, one. What a happy day for Halliburton that was.

The subsidiary of Halliburton is Brown & Root. That is the corporation that is the subsidiary of Halliburton that received this contract. One might say, well, maybe this is such a great company, maybe there is a reason why we would go sole source with this company.

Well, GAO has found serious problems with contract work that Brown & Root did for the Army in the Balkans. In 1997, GAO found that the Army was unable to ensure that the contractor adequately controlled costs. For example, Brown & Root was charging the Army $86 to fly in $14 sheets of plywood from the United States of America. The Army official in charge was shocked when he found out.

In 2000, GAO found more evidence that Brown & Root was inflating the Government's costs and its products by, for example, overstaffing work crews and providing more goods and services than necessary. And how about this: Brown & Root was the subject of a criminal investigation for overbilling the Government on another contract. According to a former employee, the company routinely and systematically inflated contract prices it submitted to the Government for work it performed on a military base in California, and Brown & Root paid $2 million to settle that case.

Brown & Root's parent company Halliburton has its own problems. The SEC is investigating accounting practices of the company. The company recently restated its earnings for the fourth quarter of 2002 and Halliburton has admitted paying $2.4 million in bribes to a Nigerian official in an attempt to gain favorable tax treatment in the country.

So I say to my colleagues, why on Earth would the Army Corps give this company this incredible sole-source contract to the tune of $7 billion?

We have had a series of answers to that question. At first we were told this was just for emergencies. Remember those newspaper articles, just for

emergencies? Now we are finding out it goes well beyond emergencies.

In March 2003, the administration awarded Brown & Root a contract to repair and operate Iraq's oil infrastructure. The administration has been reluctant to provide complete or even basic information about the contract. Remember, the contract was awarded March 8 but it was not publicly disclosed until March 24. The Corps did not reveal until April 8, in response to a letter from Representative WAXMAN, that the contract had a potential value of up to $7 billion.

It was not until May 2, in response to another request from Representative WAXMAN, the Corps disclosed the scope of the contract was significantly broader than previously provided information had suggested.

We have a chance to end this embarrassment today. If we have a strong vote on the Boxer-Lieberman-Lautenberg-Durbin-Graham of Florida-Clinton amendment—and I hope many other colleagues will join. I hope many on the other side will join—what are we saying? We are saying if they do not correct the problem as they have stated they would do—and they have stated they would in fact end this sole-source contract and they would go out for bid by the end of August—all we are saying is send us a report, tell us the reason why you are carrying on.

Under Senator WARNER's amendment, which I have no objection to at all, and I am going to vote for it, let's hear what it says. It says it is the sense of the Senate—which, by the way, has no force of law—that the DOD should fully comply with the Competition in Contracting Act for any contract awarded for reconstruction activities in Iraq and should conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry as soon as practicable.

I am not a lawyer, but I can tell my colleagues when we see the words ''as soon as practicable,'' get nervous.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. I would be so happy to yield.

Mr. DURBIN. I am a lawyer, and those are known as weasel words because if that phrase can be included, it has no meaning. The question is whether we are going to hold the Department of Defense accountable. I ask the Senator from California this question: The sense-of-the-Senate resolution which she offers not only raises a question of whether this is evidence of profiteering, evidence of a sweetheart arrangement, evidence of the kind of sole-source agreement that frankly is not in the best interest of either American taxpayers or America's national defense, is she specific in the accountability she is holding the Department of Defense to in terms of when they will report as opposed to as soon as practicable?

Mrs. BOXER. Absolutely. My particular amendment that will be voted on is more than a sense of the Senate. It is a sense of the Senate plus it is a requirement that if the Department of Defense does not meet its own stated goal of having a fully competitive contract in place by August 31, 2003, to replace this boondoggle, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing this sole-source contract to continue.

Mr. DURBIN. I ask the Chair if the Senator would yield for this question. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. In this situation, has the Department of Defense made any statements that they are planning on making some sort of a revision to this $7 billion Halliburton contract?

Mrs. BOXER. That is correct, they have. In a letter to Representative WAXMAN, who has kind of uncovered this entire matter—if it was not for him, this thing might be buried somewhere in somebody's drawer—they said, we are now completing—this is the Department of the Army: We are now completing the competitive acquisition strategy and plan, preparing the statement of work, and preparing the solicitation that will request proposals to perform work. The solicitation will be advertised on the Federal Business Opportunities Web site by late spring or early summer and the estimate for the award of the contract is approximately the end of August.

So they have given a date by which they say they will be able to take the rest of this contract and bid it out.

By the way, there is nothing to say that the Halliburton subsidiary, Brown & Root, can't compete on the rest of the contract when it goes out. It ought to be open.

Mr. DURBIN. If the Senator will further yield for a question, what the Senator from California is asking the Senate to do, is hold the Department of Defense to their own promise to the Congress that they will put an end to this $7 billion Halliburton sole-source contract and actually open this up to bidding. The Senator is only asking Congress to hold the Department of Defense accountable for written promises they have already made to Congress.

Mrs. BOXER. That is all I am doing.

I say to my friend, I can tell from the sound of his voice, he is a little incredulous that this has not been accepted by the other side. This is such a simple, straightforward commonsense kind of approach.

We are saying that this was not right. The Army Corps has said they will fix it. They have given us a date; they will fix it. All we are saying is, if you do not, we want to hold you accountable. We want a report.

Mr. DURBIN. If the Senator will yield for a further question, in most instances, when you are considering this kind of arrangement—here we have a major company, sole-source contract for $7 billion, without anyone else competing with them. The question it raises is whether it is improper or has an appearance of impropriety.

I say on its face there is an appearance of impropriety, that one company, without competitive bidding, would end up with a $7 billion contract. Is the Senator from California saying that if Halliburton is that good, that this is the only company in America that can possibly bid on it, Halliburton will have its chance?

The Department of Defense is going to say to all the companies in America that might provide the services, you have your chance to compete with Halliburton. If it is that good, Halliburton can win this contract fair and square on the up and up and eliminate any appearance of impropriety. Is that what the Senator from California is trying to achieve?

Mrs. BOXER. I am trying to say what you stated. If Halliburton or subsidiaries wish to do more work in Iraq, let them stand shoulder to shoulder, toe to toe with every other company in this country.

I have heard from so many businesspeople who are outraged at this. That is why the amendment I have offered on behalf of Senator LAUTENBERG and you and others is a probusiness amendment; it is a protaxpayer amendment and a proconsumer amendment.

Mr. LAUTENBERG. Will the Senator yield for a question? This could be described as ''business unusual.''

Mrs. BOXER. I think my friend, a very successful businessman, has put his finger on it: It is business unusual.

Mr. LAUTENBERG. Yes. Often we say business as usual; this is business as unusual.

Does the Senator, in the resolution proposed, talk about terms or performance? Is it not worth noting if this contract were done, if not in the dark of night, certainly at dusk—we do not know the terms—that not only means price could be many times over, there are no performance standards, either, which is pretty darn unusual?

Mrs. BOXER. I say to my friend, it is very unusual. When we ask them, they say: We are just going to use this contract to put out the fires.

Then it turned out, thank God, there were not that many fires; and we thought, OK, fine, it was a sole source.

Mr. LAUTENBERG. It turned out to be a fire sale.

Mrs. BOXER. Another excellent point.

I am happy my friend from New Jersey is back. I was losing my sense of humor. I am glad he is back.

This chart shows the congressional notification of this contract. The light of day never came to this until way after it was issued. Now we finally got it after the fifth task order. Estimated value, $7 billion.

They called it a bridge contract, by the way, when they started out, and they started to let out these task orders.

Mr. LAUTENBERG. Will the Senator yield?

Does it say the maximum amount the Government could spend?

Mrs. BOXER. The estimated face value.

Mr. LAUTENBERG. So if $7 billion became $10 billion—is there any limitation?

Mrs. BOXER. Legally, as I look at it, it says estimated face value.

Here it says ''bids received: One.''

''Bids solicited, sole source.''

This is stunning.

I ask the President how much time remains on my side?

The PRESIDING OFFICER. Eight minutes twenty seconds.

Mrs. BOXER. I yield 5 minutes to my friend from New Jersey and retain the remainder of my time.

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

Mr. LAUTENBERG. I thank my friend and colleague from California. I support Senator BOXER's amendment regarding the questionable—and it is questionable; friends here know I spent a lot of my time, most of my life, in business, more than I have in the Senate. No-bid contracts are practically nonexistent when they have significant value to either the company, the government, or otherwise.

The contract given to Halliburton in early March regarding Iraq's oil infrastructure, this no-bid contract, has raised serious concern. There is good cause. There is no accusation here. It is just a question of what is a good, sensible business practice.

I ask every Senator in this body to take a look and ask if they would give out a contract to cut the lawn at their house or cut down trees or paint the house without getting some formal response as to what it might cost. We have a strange happening: no-bid contract. It could be as much as $7 billion, with no ceiling on it. That is the interesting aspect. For whatever reason, the administration has attempted to conceal the scope and the terms of the contract. This attempt to hide information has generated plenty of suspicion.

Initially, it was announced that the contract with Halliburton was for the specific and limited purpose of extinguishing Iraqi oil fires. That could be described as emergency and repairing equipment. The initial value of the contract, the initial value, was $50 million. We are now talking about approximately $7 billion, give or take $2 billion or $3 billion—mostly take; I guarantee there is no give, in the hope that no one would ask any questions.

This was a no-bid contract given to a company that has strong ties to the administration. Then the details began to change. Six weeks after the contract was originally disclosed, the Army admitted that the contract was not only for putting out the fires and making some repairs—repairs, $7 billion?—suddenly the Army Corps revealed that the contract called for Halliburton to operate the oil wells and distribute Iraqi oil. That is a huge difference.

There is the issue of the no-bid process. Perhaps we ought to have a Senate resolution to see how our friends would vote if we said let's go to all no-bid contracts for Government purchases. Sound like a good idea? I doubt it.

Asked why the Halliburton contract was awarded in a no-bid fashion, the Army Corps asserted that there was no time for a competitive process and this contract would be of short duration. You can spend $7 billion in a hurry, I guess.

We now learn the contract could be worth up to $7 billion. For the past 6 weeks, each time the Army Corps has been questioned about the contract, we hear a different story.

I recently have written a letter to Senator COLLINS and Senator LIEBERMAN, the chairman and the ranking member of the Governmental Affairs Committee of which I sit, asking them to hold a hearing to investigate this contract. I believe the hearing will allow us to finally determine the true scope of this contract and why the administration chose not to have a bidding process and why the information was withheld.

Something here is not right. Not only do we need to investigate the process under which this contract was awarded, but we also need to put a competitive contracting process in place for this work in Iraq. We need to ensure for the American people that the Government is not engaged in sweetheart deals for its corporate friends.

The amendment of Senator BOXER encourages that the current no-bid Halliburton contract be replaced shortly through a competitive process, and I congratulate the Senator from California for that thought. That is the way it ought to work.

The reconstruction of Iraq, particularly the rebuilding of the Iraqi oil industry, is an extremely sensitive endeavor. I believe it is vitally important for the Pentagon to divulge information as to how it awards contracts in a public and systematic fashion. The Halliburton contract and the cloak of secrecy around it must not set a precedent for future contracts in the reconstruction process.

In this time of budget difficulties, with our inability to finance programs that have been an important part of the structure of the United States—whether it is education, whether it is prescription drugs or otherwise—for us to go ahead and spend $7 billion without knowing how, why, and when this work is going to be performed is an outrage. I don't think the American public ought to stand still for it.

I hope my colleagues on the other side will agree. Many of them are good business-people who have been out there and understand what has been appropriate process in business.

I urge my colleagues to support the Boxer amendment.

I yield the floor.

Mrs. BOXER. Mr. President, I reserve the remainder of my time.

Mr. WARNER. Mr. President, I ask unanimous consent to modify my amendment. I will send the modification to the desk.

Mrs. BOXER. Reserving the right to object, I don't know whether I will object. I would like a chance to look at it. I just got a chance to look at it a minute ago. So if you could put the unanimous consent off for a couple of minutes so I can take a look at it?

Mr. WARNER. Fine. Let me just explain to the Senator what it is. The Senator, in the course of her comments, more or less criticized the amendment by the Senator from Virginia as not having in it the full force and effect of law. So, acting upon the suggestion of the good Senator from California, I have now provided that this amendment will have the full force of law. Let me read it to you.

Mrs. BOXER. If the Senator wants to give me 2 minutes, I am just looking at it now. You can read it to me or I can get a copy and read it myself. Either way is fine. I do not have it in front of me.

Mr. WARNER. Let me read it.

The Department of Defense shall fully comply with the Competition in Contracting Act (10 U.S.C. 2304 et seq) for any contracts awarded for reconstruction activity in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry. . . .''

It is straightforward.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum. I am just going to chat with my friend for a minute.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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.

Mr. WARNER. Mr. President, I ask unanimous consent that we proceed as if in morning business.

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

CORRECTION IN THE ENROLLMENT OF H.R. 1298

Mr. WARNER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the concurrent resolution (S. Con. Res. 46) to correct the enrollment of H.R. 1298.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 46) entitled ''Concurrent resolution to correct the enrollment of H.R. 1298'', do pass with the following

Amendment:

On page 1, line 2, strike ''Secretary of the Senate'' and insert ''*Clerk of the House of Representatives*'',

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

Mr. REID. No objection.

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

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—Continued

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate return to the underlying bill.

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

AMENDMENT NO. 826, AS MODIFIED

Mr. WARNER. Mr. President, as is so often the case here in the Senate during the course of deliberations, colleagues find a mutual ground by which they can resolve such differences as exist. And in this instance, the distinguished Senator from California, myself, and the distinguished Senator from New Jersey have joined together.

The amendment in the first degree of the Senator from Virginia remains in a document that I will shortly send to the desk. And the basic report language required in the amendment of the Senators from California and New Jersey is, likewise, in this document. They are coupled together.

So I ask unanimous consent that the amendment by the Senator from Virginia be modified. And I send the modified amendment to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mrs. BOXER. Reserving the right to object, I would like to say, I am very supportive of this. I just want to ask if it is the right thing for me to withdraw my amendment, or is that not necessary?

Mr. WARNER. Mr. President, I would so make that request. That was my understanding. I was going to do that after this amendment had been amended.

So if the Chair would rule on the modification of the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

Hearing none, it is so ordered.

The amendment (No. 826), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . COMPETITIVE AWARD OF CONTRACTS FOR IRAQI RECONSTRUCTION.

(a) REQUIREMENT.—The Department of Defense shall fully comply with the Competition in Contracting Act (10 U.S.C. 2304 et seq) for any contract awarded for reconstruction activities in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry.

(b) REPORT TO CONGRESS.—If the Department of Defense does not have a fully competitive contract in place to replace the March 8, 2003 contract for the reconstruction of the Iraqi oil industry by August 31, 2003, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing this sole-source contract to continue. A follow-up report shall be submitted to Congress each 60 days thereafter until a competitive contract is in place.

AMENDMENT NO. 825 WITHDRAWN

Mr. WARNER. Mr. President, at this time I respectfully ask the Chair to withdraw the amendment by the Senator from California.

Mrs. BOXER. I have no objection to withdrawing my amendment because it has, in fact, been made a part of the Warner amendment.

Mr. WARNER. That is correct.

Mr. REID. Mr. President, I also ask that this amendment have the name of the Senator from California on it, also.

Mr. WARNER. It is to be known as the Warner-Boxer—and also for the Senator from New Jersey, my friend, Mr. LAUTENBERG. The two of us go back many years.

Mr. LAUTENBERG. Further than we can remember.

Mr. WARNER. Yes, further back than we can remember.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from California is withdrawn.

Mr. WARNER. And the amendment of the Senator from Virginia is now known as the Warner-Boxer-Lautenberg amendment?

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

Mr. WARNER. Briefly, to explain to the Senate, basically what we have done is we have put into law the requirement that the Department of Defense shall fully comply with the Competition in Contracting Act for any contract awarded for reconstruction activities in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry.

Second, a report to Congress. If the Department of Defense does not have a fully competitive contract in place to replace the March 8, 2003 contract for the reconstruction of the Iraqi oil industry by August 31, 2003, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing the sole-source contract to continue. A followup report shall be submitted to Congress each 60 days thereafter until a competitive contract is in place.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague from Virginia.

I think when the Senate can work together, when we can cross over, one side to the other, we do good work. What we did is literally take one half of the amendment of the Senator from Virginia and one half of mine. What is important to me is, if the Senate will speak in one voice, we will have a vote. I trust it will pass with a very wide margin, if not unanimously. The Senate will go on record, if we pass the Warner-Boxer amendment, as saying the following: We don't approve of this sole-source contract continuing, that we want to make sure the Army Corps, which says it is going to end this contract, is held accountable; that they are going to have to let us know if by August 30 they don't end the sole-source contract, and every 60 days thereafter they are going to have to let us know why they are continuing a $7 billion sole-source contract.

That is all I wanted when I stood up a couple hours ago. That is all I want now. I am grateful to my friend for being openminded. It was a good debate.

I also say to my leader on the Armed Services Committee, Senator LEVIN, the ranking member, how helpful he has been to me. When I started, I had a proposal that might never have seen the light of day. He worked with me to make it relevant, make it work. Again, to Senators GRAHAM and LIEBERMAN and CLINTON and DURBIN and LAUTENBERG, before we looked like we had a winner here, they were with me. This is really very nostalgic for me. In my time in the House, I worked on the Armed Services Committee on military procurement before. I had hoped I wouldn't have to be standing here worried about military procurement, but it looks like it comes back like a bad dream.

I am hopeful the action we take this afternoon, just to let the Army Corps know we are all watching, Republicans and Democrats, will have a salutary effect on the termination of the sole-source contract and fair and open bidding. The taxpayers deserve no less. The business community deserves no less. Consumers deserve no less. Frankly, the people of Iraq deserve no less because we are trying to rebuild their country in the most efficient way we can.

I thank my friend again, Senator WARNER. I urge a yea vote on the Warner-Boxer amendment.

Mr. LAUTENBERG. Mr. President, will the manager yield a moment?

Mr. WARNER. Take such time as you need.

Mr. LAUTENBERG. Just a minute, because I want to second what we just heard from the Senator from California about my friend and colleague from Virginia. We have our policy differences. But when there is something that strikes the right note, I know for the many years we have served together, now about 20, including a 2-year lapse, we were able to agree on things here and there that meant a lot in terms of the process of our functioning.

I commend the Senator from Virginia for coming to a negotiated settlement and consensus view that accomplishes what we all wanted. I thank him for his

willingness to listen and for me to be able to participate.

I yield the floor.

Mr. HARKIN. Mr. President, I am pleased to join Senator WYDEN and other colleagues in sponsoring this amendment on contracting in Iraq and in support of the Warner-Boxer amendment No. 826. One of our key objectives for our work in Iraq is to convince the Iraqi people, other nations in the Mideast, and our allies that we are not occupying Iraq to get their oil and benefit big American corporations. We are there to provide the Iraqi people with basic services and infrastructure, human rights, and a more representative government. Given the massive problems we are having there, it is equally important to enable oversight by—and provide information for—Congress and the American people as well.

So it is unfortunate that we have started the reconstruction in Iraq on exactly the wrong note. Contracts have been let in secrecy, without open competition, to friends of the administration. The Army Corps of Engineers gave a contract that they thought was potentially worth $7 billion to Halliburton with no competition at all. The contract is classified, and I have been told the reason it is classified is classified too. And information about it has only dribbled out. First we were told it was just to put out oil well fires. Later is slipped out that production and distribution of oil were included as well. Was this in the interest of the Iraqi people? Did they consider investigations suggesting excessive charges in previous Halliburton contracts? how can we tell?

The Agency for International Development, under guidance from the Pentagon, has also let contracts in secrecy with only limited competition between hand-picked companies. Bechtel, with its own ties to the administration, got the largest one. Again we don't know how they chose these companies.

These practices must end if we are to obtain the trust of people at home or abroad. And I have to say it is not clear that results so far justify this unusual way of doing things.

This modest amendment simply says that if the administration is going to let contracts for Iraqi reconstruction without full and open competition, it has to tell Congress and the American people what it is doing. They have to give the amount of the contract, the scope, a description of who was allowed to compete and why, and documents on why they did not allow full competition. Classified information could be redacted, but would still be given to appropriate Congressional committees.

Similarly, the Warner-Boxer amendment requires competitive contracting for reconstruction of the Iraqi oil industry. If the administration does not cut off the Halliburton contract by August 31 and allow full competition for that work, as it has said it would, the amendment requires report to Congress.

The amendments will not ensure open competition, but at least they will bring daylight to shine on the administration's activities, and will allow the American and Iraqi people to see what is being done with our money and their future.

Mr. LEVIN. Mr. President, I understand the yeas and nays are going to be requested. I thank my good friend from California for her kind words and, as always, the Senator from Virginia for his willingness to work to try to advance the Senate's proceedings in a fair and thoughtful way. I thank him as always for his willingness to try to find some way to bring together diverse views.

Mr. WARNER. Mr. President, by way of concluding remarks, we have set forth a joint statement which hopefully will be enacted into law. I commend my two colleagues for their work. I don't fully share some of the allegations raised with regard to the suspicions connected with this contract. It is for that reason the contract should see the full rays of sunlight and be explored. Committees of Congress will eventually be exploring this same issue.

This document simply establishes a procedure by which this can be done. It is my expectation we will recognize that those in authority in the Department of Defense, recognizing the urgency of time following the basic cessation, not the full cessation but basic cessation of hostilities, have to move with swiftness. That is the underlying reason. Eventually this contract can be substantiated as in compliance with the law.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been previously ordered.

The question is on agreeing to amendment No. 826, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye''.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—99

Akaka	Burns	Craig
Alexander	Byrd	Crapo
Allard	Campbell	Daschle
Allen	Cantwell	Dayton
Baucus	Carper	DeWine
Bayh	Chafee	Dodd
Bennett	Chambliss	Dole
Biden	Clinton	Domenici
Bingaman	Cochran	Dorgan
Bond	Coleman	Durbin
Boxer	Collins	Edwards
Breaux	Conrad	Ensign
Brownback	Cornyn	Enzi
Bunning	Corzine	Feingold
Feinstein	Landrieu	Reid
Fitzgerald	Lautenberg	Roberts
Frist	Leahy	Rockefeller
Graham (FL)	Levin	Santorum
Graham (SC)	Lieberman	Sarbanes
Grassley	Lincoln	Schumer
Gregg	Lott	Sessions
Hagel	Lugar	Shelby
Harkin	McCain	Smith
Hatch	McConnell	Snowe
Hollings	Mikulski	Specter
Hutchison	Miller	Stabenow
Inhofe	Murkowski	Stevens
Inouye	Murray	Sununu
Jeffords	Nelson (FL)	Talent
Johnson	Nelson (NE)	Thomas
Kennedy	Nickles	Voinovich
Kohl	Pryor	Warner
Kyl	Reed	Wyden

NOT VOTING—1

Kerry

The amendment (No. 826), as modified, was agreed to.

Mrs. BOXER. Mr. President, 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. My distinguished ranking member, working in conjunction with our leadership, is of the view that we are rapidly approaching the point at which we can seek third reading and have final passage. I hope that within a matter of a few minutes we can determine that option and its availability.

Mr. LEVIN. We are almost there, Mr. President, but not quite.

Mr. WARNER. Unless there are further matters that the Senators wish to address with regard to the underlying bill, 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. 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. 806, AS MODIFIED

Mr. WARNER. Mr. President, the distinguished ranking member and I will now proceed to continue with amendments that have been agreed to on both sides.

Mr. President, I ask unanimous consent amendment No. 806 be modified with the changes at the desk.

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

The amendment (No. 806), as modified, is as follows:

On page 17, after line 9, insert the following:

SEC. 108. REDUCTION IN AUTHORIZATION.

The total amount authorized to be appropriated under section 104 is hereby reduced by $3,300,000, with $2,100,000 of the reduction to be allocated to SOF rotary upgrades and $1,200,000 to be allocated to SOF operational enhancements.

Mr. WARNER. The amendment has been agreed to on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 806), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 828

Mr. LEVIN. Mr. President, on behalf of Senators KERRY and KENNEDY, I offer an amendment which would authorize transportation of dependents to the presence of members of the Armed Forces who are retired for illness or injury as a result of active duty.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. KERRY, for himself and Mr. KENNEDY, proposes an amendment numbered 828.

The amendment is as follows:

(Purpose: To authorize the transportation of dependents to the presence of members of the Armed Forces who are retired for illness or injury as a result of active duty)

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

SEC. 634. TRANSPORTATION OF DEPENDENTS TO PRESENCE OF MEMBERS OF THE ARMED FORCES WHO ARE RETIRED FOR ILLNESS OR INJURY INCURRED IN ACTIVE DUTY.

Section 411h(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) Under the regulations prescribed under paragraph (1), transportation described in subsection (c) may be provided for not more than two family members of a member otherwise described in paragraph (3) who is retired for an illness or injury described in that paragraph if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of the family member would be in the best interests of the family member.''; and

(4) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraph (1) or (2)''.

Mr. LEVIN. The amendment has been agreed to on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 828) was agreed to.

Mr. LEVIN. 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.

AMENDMENT NO. 829

Mr. WARNER. Mr. President, on behalf of Senator VOINOVICH, I offer an amendment which ensures that personnel who attend the Air Force Institute of Technology from the Army, Navy, and Marine Corps, have the costs of their education paid for similarly to the naval postgraduate school.

It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. VOINOVICH, proposes an amendment numbered 829.

The amendment is as follows:

(Purpose: To provide that requirements on coverage of the costs of instruction at the Naval Postgraduate School shall also apply with respect to costs of instruction at the Air Force Institute of Technology)

On page 103, between lines 18 and 19, insert the following:

''(3) The Department of the Army, the Department of the Navy, and the Department of Transportation shall bear the cost of the instruction at the Air Force Institute of Technology that is received by officers detailed for that instruction by the Secretaries of the Army, Navy, and Transportation, respectively. In the case of an enlisted member permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis).''

The PRESIDING OFFICER. Is there debate?

Mr. WARNER. This has been cleared on both sides.

Mr. LEVIN. We have no objection.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 829) was agreed to.

Mr. LEVIN. 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.

AMENDMENT NO. 830

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON, I offer an amendment which ensures that Impact Aid continues for military dependents at installations that have been conveyed to local communities such as Brooks Air Force Base but the military continues to reside in the base housing.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 830.

The amendment is as follows:

(Purpose: To amend the section 351 funding authority to include authority for the funds to be used for making Impact Aid basic support payments to local educational agencies affected by the Brooks Air Force Base Demonstration Project, including amounts computed on the basis of Federal property that is converted non-Federal property)

On page 71, strike lines 12 through 21, and insert the following:

(d) AVAILABILITY OF FUNDS FOR LOCAL EDUCATIONAL AGENCIES AFFECTED BY THE BROOKS AIR FORCE BASE DEMONSTRATION PROJECT.—(1) Up to $500,000 of the funds made available under subsection (a) may (notwithstanding the limitation in such subsection) also be used for making basic support payments for fiscal year 2004 to a local educational agency that received a basic support payment for fiscal year 2003, but whose payment for fiscal year 2004 would be reduced because of the conversion of Federal property to non-Federal ownership under the Department of Defense infrastructure demonstration project at Brooks Air Force Base, Texas, and the amounts of such basic support payments for fiscal year 2004 shall be computed as if the converted property were Federal property for purposes of receiving the basic support payments for the period in which the demonstration project is ongoing, as documented by the local educational agency to the satisfaction of the Secretary.

(2) If funds are used as authorized under paragraph (1), the Secretary shall reduce the amount of any basic support payment for fiscal year 2004 for a local educational agency described in paragraph (1) by the amount of any revenue that the agency received during fiscal year 2002 from the Brooks Development Authority as a result of the demonstration project described in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term ''basic support payment'' means a payment authorized under section 8003(b(1)) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 830) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 831

Mr. WARNER. Mr. President, I offer an amendment on behalf of Senator DOMENICI which expresses the sense of the Senate on the reconsideration of the decision to terminate the border and seaport inspection duties of the National Guard as part of its drug interdiction and counterdrug mission. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, for himself, Mr. MCCAIN, Mr. NELSON of Florida, and Mr. CORNYN, proposes an amendment numbered 831.

The amendment is as follows:

(Purpose: To state the sense of the Senate on the reconsideration of the decision to terminate the border and seaport inspection duties of the National Guard as part of its drug interdiction and counter-drug mission)

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

SEC. 1039. SENSE OF SENATE ON RECONSIDERATION OF DECISION TO TERMINATE BORDER SEAPORT INSPECTION DUTIES OF NATIONAL GUARD UNDER NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG MISSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The counter-drug inspection mission of the National Guard is highly important to preventing the infiltration of illegal narcotics across United States borders.

(2) The expertise of members of the National Guard in vehicle inspections at United

States borders have made invaluable contributions to the identification and seizure of illegal narcotics being smuggled across United States borders.

(3) The support provided by the National Guard to the Customs Service and the Border Patrol has greatly enhanced the capability of the Customs Service and the Border Patrol to perform counter-terrorism surveillance and other border protection duties.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should reconsider the decision of the Department of Defense to terminate the border inspection and seaport inspection duties of the National Guard as part of the drug interdiction and counter-drug mission of the National Guard.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 831) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ENVIRONMENTAL RESTORATION OF THE FORMER EAKER AIR FORCE BASE

Mr. PRYOR. Mr. President, I would like to bring the Senate's attention to a matter important to Blytheville in Mississippi County, AR. Blytheville is the former home of Eaker Air Force Base. In 1992, Eaker closed and ended a 50-year legacy between the U.S. Air Force and the people of Blytheville. During Eaker's 50 years, the Air Force benefited from local support of Eaker—support that ensured an atmosphere where the Air Force could complete critical missions.

Today, a decade following Eaker's closure, the folks at Blytheville are trying to move forward and locate new businesses at the former base. Regrettably, abandoned, decaying buildings with asbestos siding and pipe insulation were left behind after the Air Force's departure and this environmental hazard is preventing any potential economic development on these lands. Our Federal Government regulations are clear concerning these types of hazards and the required remediation thereof. It is my understanding that many of these buildings were scheduled for demolition by the Air Force prior to the base closure. It is further my understanding that there is a potential for the asbestos to become airborne as these building begin to collapse.

Mississippi County currently has the highest unemployment rate in the State. It was not the intent of the base closure process to leave a local community with environmentally hazardous waste, however, this is precisely what has occurred. The county cannot relocate new business in the facilities until the cleanup is complete.

I want to bring closure to this issue and I hope that Chairman WARNER and Senator LEVIN will join me in looking into this matter. I plan on contacting the Air Force to get a formal response to the environmental issues at the former Eaker Air Force Base. Again, I thank my colleagues for any support that they might provide in helping the people of Blytheville, AR.

Mrs. LINCOLN. Mr. President, I want to associate myself with the remarks made by Senator PRYOR. This is a matter that I discussed with Senator INOUYE last year during the consideration of the Defense appropriations bill. For reasons unknown, environmental restoration of the former Eaker Air Force Base has languished for over a decade. It is past time to address this issue. It is time to clean up this land and enable the people of Blytheville to find new tenants that can contribute to the local economy.

The people of Blytheville deserve Federal assistance to clean up the asbestos left behind by the Air Force. For 50 years, residents of Blytheville proudly support Eaker Air Force Base as home to a group of strategic air command B–52 bombers and more than 3,000 military personnel, before its closure in 1992. Before the closure, the military accounted for 15.2 percent of personal earnings, the largest of any industry in the county.

Through industrial expansion at the Arkansas Aeroplex, I believe significant strides can be made to turn the economic situation in Blytheville around. The Aeroplex is home to a 2-mile runway. In fact, the runway could serve as an alternate landing site for the NASA space shuttle. The potential for new business is abundant, but the opportunities are hampered because of the asbestos-filled buildings.

I look forward to working with Senator PRYOR on this matter, and I hope our colleagues from the Senate Armed Services Committee will assist us on this issue.

Mr. LEVIN. I also would be glad to help the Senator get this issue addressed and will work with you in contracting the Air Force.

HOUSE PROVISION ON MEALS READY TO EAT (MRE)

Mr. BAYH. As the chairman knows, I am a strong supporter of Buy American requirements, and am generally open to strengthening current law, but the House Armed Services authorization bill contains a provision that could impact our ability to produce MREs. This provision specifically deals with the packaging requirements for MREs procured by DOD.

Mr. WARNER. I have not seen the provision but it sounds like it might be a concern.

Mr. INHOFE. If the distinguished Senator from Virginia would yield, Mr. Chairman, I also have concerns about this provision and the effects it would have on our ability to meet production needs to get necessary meals to our service men and women in the field.

Mr. BAYH. Mr. President, it is my understanding the implementation of the House provision could seriously impact the industry's production capacity and relegating MRE restocking to old, slower technology producing less desirable meal options.

Mr. WARNER. I was unaware of this matter, but want to assure the Senator from Indiana and the Senator from Oklahoma that the Senate will give this provision a thorough review in conference with the House.

Mr. BAYH. I thank the distinguished chairman and the Senator from Oklahoma for their interest in the matter and look forward to working with them to resolve this issue.

Mr. INHOFE. I thank the chairman and the Senator from Indiana and look forward to working with them on this issue as we proceed with the bill.

THE BAN ON LOW-YIELD NUCLEAR WEAPONS

Mr. BINGAMAN. Mr. President, we have in the Senate repealed the ban on low-yield nuclear weapons, specifically, section 3136 of the National Defense Authorization Act for fiscal year 1994, Public Law 103–160.

Mr. LEVIN. We have included, however, a requirement for the specific authorization for low-yield warhead development beyond phase 2A or 6.2A. With this amendment, Congress and this committee, will continue to play an important oversight role on nuclear weapons development.

Mr. BINGAMAN. I have submitted an amendment which has been accepted, that requires the Secretaries of the Departments of Defense, Energy, and State, to provide Congress by March 1, 2004, an assessment of the effects, if any, that such a repeal will have on the ability of the United States to achieve its nonproliferation objectives, and whether or not, changes in programs or activities would be required to achieve these objectives. I have asked that this report be submitted in an unclassified form with a classified annex, if needed.

Mr. LEVIN. I believe a careful, systematic study is needed by the executive branch on the effects of such a repeal, and especially, how it affects nations such as Russia, where we are cooperatively working to reduce the proliferation of weapons of mass destruction.

Mr. BINGAMAN. The Senator is correct. There is concern on the signal that this repeal could send to other nations, especially those we are working with to stem the proliferation of nuclear weapons. In particular, my intent in submitting this amendment was the effect that the repeal would have on the Cooperative Threat Reduction Program, which was started by Senators NUNN, LUGAR, and DOMENICI. I want to be assured that we do not send any bad-faith signals to Russia, and other countries, that participate in the program. The United States spends over a billion dollars a year in this effort; the repeal of the low-yield ban must not negatively affect this investment of the taxpayers' money.

Mr. LEVIN. I share this concern. I will work with the Senate Armed Services Committee, through our important oversight role, to insure that the Cooperative Threat Reduction Program continues to be carried out effectively by

the Departments of Defense and Energy, especially now that we have repealed the ban on low-yield nuclear weapons.

Mr. BINGAMAN. I appreciate the committee's help in this important matter.

Mr. CHAMBLISS. Mr. President, I rise today to express my concern with the administration's approach to competitive sourcing and the revisions to Circular A–76 currently under consideration by the Office of Management and Budget and the Office of Federal Procurement Policy. Currently, ''competitive sourcing'' as defined and interpreted through Circular A–76 is biased against work performed by Government employees. Some examples of this are: 1, there are very limited provisions for work, including work that has been previously outsourced, being competed and returned to the Government, and, 2, any function that has ever been studied for outsourcing is required to be restudied for outsourcing every 5 years.

With this in mind, I urge the administration to incorporate provisions in the revised A–76 to be released in the coming months. The following items must be included for our support:

One, remove all barriers to moving previously outsourced or ''inherently governmental'' work into Government facilities and develop clear provisions for competing previously outsourced work. The spirit of A–76 should be to have an even flow of workload between public and private facilities and a level playing field for public and private entities upon which they can compete for work.

Two, encourage public-private partnerships and establish clear provisions for allowing public-private partnerships to compete for work competitively sourced under A–76.

Three, more explicitly define ''inherently governmental'' so that it will be clear which activities are not subject to A–76 studies.

Four, eliminate the requirement once an A–76 competition has been awarded to the Government, for the work to be reviewed again every 5 years and subject to recompetition. The option to restudy should remain but the requirement to restudy should be eliminated.

Mr. INHOFE. Mr. President, I strongly agree with the Senator from Georgia. I truly believe our depots are a national asset and we should address the basic question of ''core'' requirements. Currently, there is no acceptable definition of ''inherently governmental'' functions or ''core'' which can guide the administration and the Department of Defense as they decide which functions should be competed for outsourcing. As we have seen in both Iraq and Afghanistan, the United States does not have the luxury of time in addressing the threats of tomorrow. Before we start making short-term decisions, we need to look at the long-term effects and requirements in support of national defense.

Mr. KENNEDY. Mr. President, I thank my colleagues for their comments and add my own.

Last November, the Office of Management and Budget proposed the most sweeping changes to the rules on outsourcing of Government work since the last 1950s. Now, the administration wants to use the proposal to privatize at least 225,000 Department of Defense civilian jobs over the next several years.

The proposed changes have received strong criticism from the General Accounting Office, GAO, executive branch agencies, and Federal employee organizations. The CIA wrote that they will be unable to meet their own statutory requirements to protect their intelligence sources and methods if they fully implemented the revision. The Department of Transportation raised concern about the adverse impact of the changes on women and minorities employed by the Federal Government.

The proposed revisions could undermine public-private competition. Under the plan, if an agency is unable to complete public-private competitions in 1 year, it could automatically privatize the work. After an outcry from agencies and the public, OMB indicated that it would consider changes, but it is far from clear what the changes will be.

In addition, the proposal allows so-called ''streamlined'' competitions for activities involving 65 or fewer employees and lasting no more than 90 days. Under current rules, the Federal employee or the contractor must be at least 10 percent or $10 million more efficient to win a bid. Under this ''streamlined'' method, there would be no such requirement. Clearly, the potential savings and efficiency created by competition would be threatened and would be contrary to the recommendation of the Commercial Activities Panel, the panel charged with reviewing outsourcing policies, for which all of the contractor and administration representatives voted.

The proposal would also include an automatic bias in favor of contractors. It imposes a 12 percent overhead cost on all Federal employee bids, and then imposes a superfluous charge for indirect labor costs, but it does not impose the same charges on contractor bids, even though both Federal employees and contractors would have similar overhead costs. The DoD inspector general has said that the 12 percent overhead factor is ''unsupportable.''

In addition, the proposal is likely to reduce the standard of living for tens of thousands of Americans. By artificially inflating the costs of in-house personnel, contractors have incentives to reduce costs by providing unfair compensation packages for those who perform Government work. Good jobs with fair wages and opportunities for advancement would be turned into lower wage jobs with no benefits and no security. According to the Economic Policy Institute, more than one in 10 Federal contract workers already earns less than a living wage.

The proposed revisions also apply different competition requirements to Federal employees and contractors in other ways that raise serious fairness concerns. Contractors have an incentive to low-ball their proposal, since there is relatively little likelihood of real private sector competition. The inspector general of the Department of Defense has reported that over three-fifths of the contracts he and his staff surveyed suffered from ''inadequate completion.''

Clearly, the proposed revisions will have significant implications for undermining competition and reducing opportunities for Federal employees to compete fairly for their own jobs.

Today, there is far too little real competition for contacts to provide goods and services of Federal agencies. We should be getting the most out of every taxpayer dollar. But, less than 1 percent of Department of Defense service contracts are subject to full public-private competition.

Government procurement should be based on what is best for taxpayers and our national defense. We face great challenges to the Nation's security in these difficult times. More than ever, we rely on the Department of Defense and its dedicated employees. As the military budget grows rapidly, we must see that taxpayers and our men and women in uniform obtain the benefits too. True competition is more critical today than ever.

Mr. CHAMBLISS. I thank the Senator from Oklahoma and the Senator from Massachusetts for their comments. I agree that we should not make short-term decisions on these issues, that more precise definitions of ''inherently governmental'' and ''core'' are required to guide competitive sourcing decisions and public-private partnerships, and that the ''streamlined'' procedure OMB is advocating are a step in the wrong direction. I look forward to working with my colleagues and the administration to ensure any revision to A–76 are done carefully and do not discriminate against our Federal workforce.

BIOBASED PRODUCTS

Mr. BOND. Mr. President, I would like to engage my colleague, Senator WARNER, in a colloquy.

As we know, Executive Order 13101 provides guidance to the head of each executive agency, including the Secretary of Defense, regarding the use and procurement of recycled and biodegradable products. In fact, the Order states each agency head ''. . . shall incorporate waste prevention and recycling in the agency's daily operations and work to increase and expand markets for recovered materials through greater Federal Government preference and demand for such products.''

I think that now is a great opportunity to once again encourage the Department of Defense to procure products that both reduce waste and enhance recycling. I am aware that

biobased products have been developed using a new composite material consisting primarily of limestone and renewable starch for the production of food serviceware. Manufacturers of these products maintain that they have proven to be strong, provide good insulation, and biodegrade in marine and composting environments. I am told that in recent years, biobased products have become more prevalent and more cost competitive. Moreover, I believe that these products have been tested in the Pentagon cafeterias and are being considered for use in other Defense facilities.

I support environmentally friendly products such as biobased products. In my home State of Missouri, we have a manufacturing plant in the City of Lebanon that produces equipment for manufacturing biobased products. The plant has already produced eight machines. By the end of the year, the plant will have produced 50 additional machines. Buy 2004, the plant will have built 100 additional machines. In addition, due to the high demand for biobased products, the plant is also producing biobased food serviceware. The plant takes up 50,000 square feet and requires 90 full-time and temporary workers. I appreciate the jobs and business created by this multi-million-dollar endeavor, and I am proud that we have a Missouri-manufactured product that reduces the impacts of waste on our environment.

Mr. WARNER. I appreciate the Senator's concerns and support his efforts in this area.

• Mr. KERRY. Mr. President, military planning is about balancing risk and cost. Resources will always be limited. And actions will always incur costs, whether financial or political. In the fiscal year 2004 Defense Authorization Bill, the Bush administration sought to develop a new generation of nuclear weapons that would risk blurring the distinction between conventional and nuclear arms. While the financial cost of this decision would not be insignificant, the political costs internationally—and the costs to America's security—could be enormous.

Since the dawn of the nuclear age, the United States has sought to limit the spread of nuclear weapons. We have signed treaties, we have cajoled allies, we have threatened adversaries, and, in the Nuclear Non-Proliferation Treaty, we made it the stated goal of the United States to pursue real nuclear disarmament. The President has stated that the spread of nuclear weapons, when taken with the global danger posed by terrorism, represents the greatest threat to America's security. We have fought one war over weapons of mass destruction in Iraq. We are locked in a perilous stalemate with North Korea over their nuclear weapons program. We remain concerned about the pursuit of nuclear weapons in places like Iran. And we worry that the Indian-Pakistan border might witness the first exchange of nuclear arms.

We find ourselves in an increasingly contradictory position. On the one hand the Bush administration says that it will pursue whatever measures might be necessary to stop the spread of nuclear weapons around the world. Ye in our own affairs, the administration has broken dangerous new ground. Their Nuclear Posture Review urged the development of new nuclear weapons in order to target deeply buried, hardened targets or chemical and biological agents on the battlefield. Earlier this year, the president signed an order raising the prospect of American first-use of nuclear weapons against a non-nuclear state. These are dangerous and sobering developments. They underscore the perils of this new age. But these policies do not make us safer. Indeed, I would argue they risk making us less secure.

The greatest challenge to the security of the United States is the threat of terrorist armed with weapons of mass destruction. There is little debate of this assertion. At a time when stopping the proliferation of weapons of mass destruction and securing those that already exist is the principal security challenge of our time, it is inconceivable to me that the Bush administration would seek the authority to develop new weapons of our own. It is another example of the administration acting unilaterally and damaging America's long-term interests in the process.

The most effective means to thwart the nuclear ambitions of others is our own moral leadership backed by unquestioned military might. That moral leadership is predicated on the way we conduct ourselves. In short, our efforts to keep nuclear arms out of the hands of others will lack international credibility and support—and ultimately success—if we are determined to develop new nuclear weapons of our own. Without international support, our best efforts to prevent the spread of nuclear weapons will be greeted with cynicism and, quite simply, fail.

Our unquestioned military might is not predicated on the development of new nuclear weapons or our ability to target underground bunkers with nuclear bombs; rather it flows from our investment in conventional arms, our ability to project power around the world, our demonstrated capability to strike any point on the planet with precision, and the investment we make in the men and women of our armed forces.

In fact, the United States alone has demonstrated the ability to achieve near-strategic effects through the use of conventional precision munitions. No other country can do that. No other country is even close. Given that fact, it is not clear why this administration is willing to bear the international costs of developing a weapon that will raise new questions about America's intentions and hinder our leadership in the fight against proliferation without providing any new military utility.

The two most likely scenarios in which United States military might use these new weapons, whether low-yield nuclear weapons or larger bunker-busters, are in striking deeply buried, hardened targets and in defeating chemical and biological agents on the battlefield. In both cases, there are conventional alternatives to the use of nuclear weapons. Deeply buried and hardened facilities can be disabled by using conventional munitions to seal their entrances. Other munitions such as incendiary and thermobaric bombs have proven effective in Afghanistan. A nuclear detonation, in contrast, would eject a plume of radioactive debris that would contaminate the surrounding region, sickening civilians in the area and endangering the well-being of American military personnel. Crossing the nuclear threshold to accomplish these missions would be overkill, it would violate accepted norms of behavior, and it would produce a damaging political backlash against the United States and our interests.

There has emerged in recent years an American way of war. Different observers have ascribed different characteristics to it, but nearly all recognize that among its features is a concern and respect for non-combatants. The Secretary of Defense has even noted the additional risk taken by our aircrews to avoid civilian casualties in Afghanistan and Iraq. The use of nuclear weapons, however, would imperil anyone near a target with exposure to dangerous levels of radiation, introducing a new horrific possibility to the euphemism ''collateral'' damage.

Some have contended that a low-yield nuclear weapon, detonated at some depth, would provide shielding from the dangerous fallout associated wit nuclear detonation. According to Rob Nelson, a nuclear physicist at Princeton University, however, a nuclear bunker buster with a yield of one-tenth of one kiloton—about two hundred times smaller than the bomb dropped on Hiroshima—would need to penetrate to a depth of 230 feet prior to detonation for the earth to absorb the totality of the blast. To provide some perspective, the Pentagon's only current nuclear earth penetrating weapon can reach a depth of only about 20 feet in dry earth. At this depth, a 0.1 kiloton weapon would eject hazardous debris and likely fail to damage a robust, deeply buried, hardened structure.

Finally, by pursuing new, ''usable'' nuclear weapons designs, this administration underscores to every rogue regime in the world the value of nuclear arms, whether that value is real or not. This is the wrong message for the United States to send. In its place, we must find new ways to demonstrate to countries around the world that these weapons are affordable, unusable, and undesirable.

Now is the wrong time to consider developing a new class of American nuclear arms. Instead of researching and developing new weapons, we must redouble our efforts to secure the nuclear

weapons already in the world's inventories and safeguard the stores of nuclear materials scattered in unsecured facilities around the world. There is simply no compelling need for a new generation of nuclear weapons. They will not add any meaningful value to our arsenal. But they will undermine our efforts to stem the growth of nuclear stockpiles around the world while making America less secure and the risks of war and catastrophic terrorism even greater.

The future is not about a return to the city-busting bombs of the past, nor smaller yield nuclear weapons that might blur the distinction—in some minds—between conventional and nuclear arms. Rather, the future is about eliminating the threat posed to us all by such weapons. Our strength and our power at this moment in history is unrivaled. Now is the time for bold leadership that makes the world safer from nuclear dangers, not more eager for new weapons.●

Mr. ROBERTS. Mr. President, I rise in support of the National Defense Authorization Act for fiscal year 2004. I commend Chairman WARNER and Ranking Member LEVIN for their skillful stewardship.

I believe the committee completed its mark-up in near record time, with one of the fastest subcommittee marks in history occurring at the panel I currently chair, the Subcommittee on Emerging Threats and Capabilities.

Nonetheless, Senator JACK REED and I were able to provide funding for a number of important programs. We focused not only on enhancing the capabilities of our men and women in uniform, but also on those initiatives that address threats we face right now here at home.

In fact, since Chairman WARNER established the subcommittee in the Winter of 1999, most of the ''emerging threats'' have become current realities. I am talking in particular about the use and potential use by terrorists of weapons of mass destruction (WMD).

I am certainly thankful for the leadership of President Bush as we try to navigate through this environment, one that includes apocalyptic terror groups acquiring and employing WMD.

Let us remember, day to day, it is the President of the United states who is responsible for preventing terrorism where we live and work. I am confident President Bush is doing all he can to protect us.

He may not be popular in European cafes, universities, or newspapers, but he gets results for us here at home. Foreign actors, be they governments, individuals, or groups, know our President will hold them accountable for terrorism against us. Perhaps more than any policy action or innovation, this posture contributes to success in achieving a secure environment in which we find ourselves right now.

Up against the most asymmetric, organized, determined, and merciless enemy the United States has ever faced, we have not had a major terror attack in the homeland since beginning the Global War on Terrorism shortly after 9/11. In this urgent threat warning atmosphere, knock on wood, Mr. President.

Indeed, there have been recent attacks in Saudi Arabia, Israel and North Africa. At the same time, however, the State Department reports that, globally, 2002 saw the lowest number of incidents of terrorism since 1969, a 44 percent drop from 2001. That is the lowest number of attacks since the birth of modern terrorism.

I recall these facts because the nature of recent comments from certain Members who suggest virtually every act of terrorism is somehow the fault of our Commander in Chief. That is not only inaccurate but counterproductive to the war against terrorism.

In closing, I would like to briefly summarize the funding authorizations achieved by the Subcommittee on Emerging Threats & Capabilities for fiscal year 2004 include the following:

$88.4 million to field an additional 12 Weapons of Mass Destruction-Civil Support Teams (WMD–CST), resulting in a total of 44 teams by the end of 2004.

$76,6 million to the Chemical Biological Installation/Force Protection Program, doubling the number of bases, from 15 to 30, that will be fully equipped with a highly effective suite of manual and automated chemical and biological detection equipment.

$147.0 million in innovative technologies to combat terrorism and defeat asymmetrical threats.

$135.0 million to rapidly accelerate the development and acquisition of unmanned systems such as UAVs.

$1.5 billion in university based research for transformational defense technologies.

$10.7 billion for the Defense Science and Technology program, including an additional $515.0 million for critical, high-payoff science and technology programs, including approximately $150.0 million for technologies to combat terrorism.

$6.7 billion for the Special Operations Command, including an additional $107.0 million for weapons systems, psychological operations capabilities, and enhanced intelligence.

$450.8 million for the Department of Defense's Cooperative threat Reduction (CTR) Program, as well as authorization for CTR projects and activities outside the states of the Former Soviet Union, and one year authority to waive the conditions that must be met before continuing the Russian chemical demilitarization program at Schuch'ye.

Again, I commend Senators WARNER and LEVIN. I also thank Senator REED for being an outstanding partner in completing the tasks given to our panel this year. We believe we are continuing the committee's investment in science and technology, cutting-edge systems, and efforts to prevent the proliferation of WMD.

I thank the Chair and I urge my colleagues to support the Fiscal Year 2004 National Defense Authorization Act.

Mr. LAUTENBERG. Mr. President, I am going to support this national Defense authorization bill, S. 1050, but I would like to speak candidly about my reservations about it.

When I left the Senate in early 2001, weapon development and troop deployment concerns indeed, even the idea of serious national security threats seemed to be fading into the obscurity of our cold war past. Over the past 2½ years, this has changed. We now live in a world of multiple and continuously emerging threats, emanating not only from states but also from nonstate transnational groups.

What's more, we live in a time when America's superior armed services have been called up for missions that embody the essence of defense transformation. Defense transformation means that our country can overthrow the Taliban regime in Afghanistan 6,000 miles away almost solely from the air. It has allowed special operations forces to train antiterrorist units in places such as Georgia and the Philippines. Finally, defense transformation has meant that military commanders can direct precision-guided weapons at specific office buildings in downtown Baghdad from a command room in Florida.

Today we debate the merits of this national defense bill and the important issues it raises regarding the future of weapons control and military research, technology, and development. Let us first acknowledge and express gratitude to the men and women of our armed services. We are proud of their successful wartime mission to liberate Iraq. We wish them continued success in their peace time mission to secure stability for the Iraqi people.

As we support our troops in Iraq, Afghanistan, and elsewhere, we must keep in mind that their ultimate mission is to defend not only America's security interests but also the cause of global security. I have spoken about a new set of threats that require a transformation of our defense budget and priorities. I believe, however, that it is incumbent upon Congress to conceive of defense transformation—indeed our near-and short-term defense needs—in a way that will also seek to protect world peace.

I am concerned about elements of S. 1050 that allow the Pentagon greater flexibility in developing, testing, and producing new types of nuclear weapons. The diplomatic and security costs of even beginning research on these new types of nuclear weapons far outweigh any marginal benefits of such weapons.

These new nuclear weapon initiatives will further weaken the already struggling international efforts to halt the spread of nuclear weapons. U.S. influence with the international community will erode if it seeks to upgrade U.S. nuclear weapons while demanding that other countries, such as Iran and North Korea, disarm.

Dr. Mohamed El Baradei, Director of the International Atomic Energy Agency, recently said that instead of developing new nuclear weapons, the U.S. should send a message to potential proliferators that, ''Even though we have nuclear weapons, we are moving to get rid of them. We are going to develop a system of security that does not depend on nuclear weapons because that's the way we want the world to move.''

I agree with Dr. Baradei; I believe the best way to deter nations trying to develop nuclear capabilities is to send the signal that the prospect of nuclear warfare is an idea confined to science fiction movies.

I have supported the amendments offered by Senators REED, FEINSTEIN, and others intended to modify rather than repeal the 1994 Spratt-Furse prohibition on research and development of low-yield nuclear weapons. Secretary Rumsfeld has argued that these mini-nukes could be the ideal weapon for going after deeply buried stashes of chemical and biological weapons—the sort roguish regimes and terrorist groups like al-Qaida might attempt to conceal.

But at the same time, the Pentagon is considering adapting existing conventional warheads for such bunker busting jobs. We don't need both types of weapons to do the same job. By dangerously treating nuclear weapons as just another explosive in the arsenal, rather than as a deterrent weapon of last resort, researching low-yield nukes threatens to blur the line between conventional and non conventional weapons. Given our interest in preserving the seriousness with which the world regards the nonproliferation treaty, we should not be doing anything in our own arsenals that would confuse this distinction.

I would also like to call attention to my amendment, S. 722, that will help protect many endangered species. I am pleased that this amendment passed.

I would also like to call attention to an amendment that I have sponsored along with Senator BOXER and Senator WARNER regarding a noncompetitive contract granted by the Department of Defense to Halliburton Co. for the reconstruction of Iraq. This amendment will ensure that this no-bid contract gives way to a competitively bid contract expeditiously. I am pleased by the bipartisan cooperation and Senator WARNER's leadership in the passage of this amendment.

In recent weeks, I have become concerned with the lack of transparency regarding this particular contract—worth up to $7 billion—awarded in a no-bid process to Halliburton and Co.'s subsidiary. The scope of the contract—both the actual task order and the dollar amount—were not fully disclosed by the administration, and information leaked out about it piecemeal, when the Army was pressed for it. It is extremely important that the Pentagon divulge information about the contracts it awards in a public and systematic fashion.

I believe that this Defense authorization bill has merits and provides comprehensive funding for the Department of Defense's needs. It will effectively meet the needs of our men and women in the armed services. I am, frankly, very concerned about its authorization of low-yield nuclear weapons research, ballistic missile development, and its reduction of the constraints on nuclear weapons testing.

Ms. LANDRIEU. Mr. President, on June 6, 2000, the National D-Day opened in New Orleans, LA. This museum was the culmination of a vision of the late Stephen Ambrose. Dr. Ambrose dedicated his life to chronicling American heroes, including Dwight D. Eisenhower. It was President Eisenhower who mentioned to Dr. Ambrose that World War II was won in New Orleans because of the Higgins landing craft, designed by Andrew Jackson Higgins, which enabled Allied Forces to launch successful amphibious invasions.

The National D-Day Museum has been an unquestioned success as a tourist attraction, meeting place for veterans, and teaching tool for men and women, young and old, wishing to learn more about World War II. Already, over 1 million people have come through the museum's turn-styles.

America has a need to preserve its historical accounts and mementos from World War II. The National D-Day Museum is committed to such preservation. As a result of its mission, the museum has already had to expand and is building a 250,000 square-foot addition. We must preserve the stories and artifacts of the ''Greatest Generation.''

Accordingly, I submitted an amendment to designate the National D-Day Museum as ''America's National World War II Museum.'' We owe it to the Great Generation to maintain a museum that pays tribute to their great sacrifices so that we may live today in freedom.

Mr. FEINGOLD. Mr. President, I rise to add my thoughts to the debate on the defense budget for fiscal year 2004.

First and foremost, I want to thank the members of the United States Armed Forces for the excellent work that they are doing in the ongoing fight against terrorism, their efforts in Iraq, and the many missions they have been assigned elsewhere at home and abroad. These dedicated men and women do an exemplary job in every mission that they have been asked to undertake, often at great personal sacrifice. They spend time away from their homes and families in different parts of the country and the world, and are placed into harm's way in order to protect the American people and our way of life. We owe a huge debt of gratitude to all our soldiers, sailors, airmen, marines, and members of the Coast Guard for their selfless service.

I am pleased that this bill authorizes a 3.7-percent pay raise for our men and women in uniform, and that it includes a provision authorizing additional pay for members of the Guard and Reserve who have been called to active duty multiple times.

The men and women of our National Guard and Reserve are a cornerstone of our national defense, and we should ensure that they have adequate pay and benefits. I am pleased that the Senate adopted an amendment to give guardsmen and reservists the opportunity to enroll in TRICARE, the military's health care program, whether or not they are on active duty. The provision also would enable these personnel to elect to keep their civilian health insurance for their families while on active duty with a federal reimbursement program. We owe it to our guardsmen and reservists to give these options to help to ensure that they and their families have access to affordable, stable health care coverage.

I have long advocated for the creation of an additional 23 Weapons of Mass Destruction Civil Support Teams, which are staffed by full-time members of the National Guard. These important teams play a vital role in assisting local first responders in investigating and combating these new threats. As the events of September 11, 2001, so clearly and tragically demonstrated, local first responders are on the front lines of combating terrorism and responding to other large-scale incidents. The tragic events of September 11, the ongoing threat of terrorist activities, and the ongoing military action in Iraq make the presence of at least one WMD-CST in each State all the more imperative.

Currently, there are 32 full-time WMD-CSTs and 23 part-time teams. As a Senator representing one of the states without a full-time team, I was pleased that last year's DoD authorization bill included a statutory requirement that 23 additional full-time teams be established, and that at least one team be located in every State and territory. I want to thank the chairman and the ranking member of the Armed Services Committee for working with me to ensure that resources for 12 of these 23 teams are provided in this bill. I look forward to working with the chairman and ranking member of the Appropriations Committee to ensure that the resources authorized in this bill for the new WMD-CSTs are appropriated.

I am also pleased that the committee report contains language asking the Pentagon to include funding for the remaining 11 full-time WMD-CSTs in its fiscal year 2005 budget request. I urge the Secretary of Defense to do so, and to make every effort to select and begin staffing, training, and equipping the 12 new teams authorized by this bill as expeditiously as possible. These teams will improve the overall capability of Wisconsin and other States with part-time teams to respond to potential WMD threats in the future.

On a related matter, as I noted on the floor earlier this week, I share the

concern expressed by many of our colleagues about a provision in the Committee-passed bill that would repeal the 10-year ban on research and development of low-yield nuclear weapons, or so-called ''mini-nukes.'' Lifting this ban could be the first step in a resumption of nuclear testing and the creation of new classes of nuclear weapons, which I oppose. I regret that the Senate failed to pass an amendment offered by Senators FEINSTEIN and KENNEDY, of which I was a cosponsor, that would have reinstated this ban. While proponents of lifting the ban argue that it will permit only study into the development of mini-nukes, I am concerned that such study will be the first step toward the eventual resumption of an active nuclear program by the United States.

Nuclear weapons, low-yield or otherwise, are relics of the cold war. Instead of a true transformation during which outdated systems are replaced with new technology geared toward combating emerging threats, this bill regrettably continues the process of piling on expensive new versions of the weapon systems that we used to fight and win the cold war. We cannot keep adding on to this behemoth defense budget. There are projects and programs that can and should be subtracted.

As an editorial in the May 20 New York Times points out:

[G]ood ideas for reforming the military are included [in this bill]. But so are outdated submarines and jet fighters designed for combat against the defunct Soviet threat. There is a reasonable $1.7 billion for the next generation of unmanned aerial drones and an unreasonable $42 billion for anachronistic fighter planes. As social, education and health care programs are being squeezed, the Pentagon is asking for $9.1 billion to build a missile defense system that does not work yet.

On that last point, I am deeply concerned about the $9.1 billion included in this bill for missile defense. We continue to pour billions and billions of taxpayer dollars into this still unproven program year after year, despite the fact that DoD has not developed performance criteria for this system and does not have an operational testing program in place to verify whether such criteria can be met.

I remain concerned about the President's December 2002 decision to field a ground-based interceptor system by October 2004, despite the fact that the system has not yet been fully tested. I am troubled that, despite this accelerated scheduled, the Pentagon has proposed cutting the number of tests that were slated to be conducted on this costly program. While not everyone agrees on whether we actually need a missile defense system, I think we can all agree that such a system should work.

I was pleased to support an amendment offered by the Senator from Rhode Island, Mr. REED, that will require the Pentagon to develop performance criteria for the missile defense system and an operational test plan for these criteria. I am pleased that the Senate adopted a modified version of the amendment, and I look forward to reviewing these performance criteria.

I will support this flawed bill, but with some reluctance. While it provides a well-deserved pay increase and other benefits for our men and women in uniform, it clings to the hardware of the cold war. Our military personnel deserve top-notch equipment that will help them to combat the threats of the 21st century. I regret that there is little in the way of true transformation in this bill, and I will continue to work to change the cold war mentality of the Pentagon.

I ask unanimous consent that the complete text of the New York Times editorial be printed in the RECORD.

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

[From the New York Times, May 20, 2003]

THE DEFENSE BUDGET SPILLS FORTH

Mammoth defense spending bills bloated with both new military technology and obsolescent weaponry are being rushed to breakneck approval this week as the administration exploits Congress's weakness for leaving no defense contractor unrewarded. The costliest defense budget since the cold war—more than $400 billion and counting—is being gaveled through by the Republican leadership in a breathtaking few days of glancing debate. Good ideas for reforming the military are included. But so are outdated submarines and jet fighters designed for combat against the defunct Soviet threat.

There is a reasonable $1.7 billion for the next generation of unmanned aerial drones and an unreasonable $42 billion for anachronistic fighter planes. As social, education and health care programs are being squeezed, the Pentagon is asking for $9 billion to build a missile defense system that does not work yet.

The waste easily runs into the tens of billions of dollars, making Congress's haste this week all the more outrageous. The armed forces obviously deserve decent pay, better housing and the most effective new technologies and weapons. But these bills provide windfalls for the military, for defense contractors and, not incidentally, for lawmakers who need the hometown pork and fat-cat contributions being subsidized by the new double-dip military-industrial complex. For all his tough talk, Defense Secretary Donald Rumsfeld is not taking on the generals and Congress to challenge the voracious old ways of military budgeting.

Ms. LANDRIEU. Mr. President, over 220,000 Guardsmen and Reservists were mobilized as part of Operation Enduring Freedom. Additionally, over 100,000 were activated as part of Operations Noble Eagle and Enduring Freedom. While the Soldiers and Sailors Civil Relief Act and the Uniformed Servicemembers Employment and Reemployment Rights Act, provide a number of protections of our Guard and Reserve personnel, there are no Federal protections for the educational status of Guardsmen and Reservists involuntarily activated while participating in higher education.

Currently, over 30 percent of Guard and Reserve personnel are enrolled in post-high school education. If they are activated while enrolled in higher-education, there are no safeguards to ensure that their academic status is preserved during activation; that they receive refunds or credits for the portion of the school year they paid for but could not complete to mobilization; that college grants and scholarships are preserved; or that they have a right to re-enroll in the educational institution upon their return from active duty.

I submitted an amendment whereby involuntarily called up student Reservists and Guardsmen would be able to take a leave of absence during the activation and for 1 year after the conclusion of such military duty from their institutions of higher education. Furthermore, the student shall be entitled to be restored to the same educational status, without loss of credit, and offered a right to re-enroll at the same educational institution where the student was enrolled prior to activation. Grants and scholarships shall be reinstated. Moreover, students shall be entitled to a refund of tuition and fees for classes they could not complete due to activation or be allowed to enroll in such classes subsequent to their re-enrollment at no cost.

Soon, thousands of Guardsmen and Reservists will be coming home from Iraq and Afghanistan. They will be eager to re-enroll in colleges, universities, and trade schools. Let's help these heroes get back to the classroom as effortlessly as possible.

Mr. BOXER. Mr. President, I support passage of the fiscal year 2004 Defense Authorization bill.

Our military men and women can rest assured that the Congress of the United States stands behind them—especially when they are doing so much for this country in Iraq, Afghanistan, and throughout world. I appreciate their dedication and service to this grateful nation.

That is why it is important to support the many good provisions that are in this bill—especially a well-earned pay raise and improved benefits for our uniformed men and women. I applaud the work of Senator WARNER and Senator LEVIN on these quality of life issues and am especially pleased that they supported my amendment to study how we can provide additional benefits to those who are so frequently deployed that they are only home for hours at a time. This bill also includes a provision to address the issue of children who are left behind when both military parents are deployed to a combat zone—an important priority of mine since I was a member of the House of Representatives.

I am also pleased that the Congress passed my amendment to provide fairness to taxpayers and businesses by making sure that the Department of Defense replaces its sole source contract with Halliburton to provide oil related services in Iraq with a contract that is subject to full and open competition.

However, this does not mean I support everything in this bill. Most alarmingly are the provisions in the legislation that advance the research and development of new high-tech nuclear weapons. These weapons will not make us more secure, but instead encourage other nations to join us in a new nuclear arms race. I urge the President to reverse his dangerous policy of advocating the development of new ''usable'' nuclear weapons.

I am also disappointed that we did not have the opportunity to address the issue of a future round of base closures. California was disproportionally impacted by previous rounds of the base closure process. Even years later, my state continues to wait for the Department of Defense to meet its responsibility and provide funding for the environmental cleanup of former military installations. For these reasons, I believe the next round of base closures should not go forward in 2005 as scheduled.

It is my hope that these unfortunate shortcomings in the bill can be addressed either in a conference committee with the House or during consideration of the fiscal year 2004 defense appropriations bill.

Mr. INHOFE. Mr. President, as the war in Iraq demonstrated, our troops are the finest in the world. Through their mastery of precision-guided weapons, they minimized casualties of noncombatants and effectively contained war's inevitable destruction. In just 21 days, they liberated Iraq, a country almost the size of California, from a brutal tyranny.

Many factors contributed to the success of the Iraq war. In my view, the most important—and this, I believe, is true of any war—was training. To be strong in battle, soldiers must train as they fight. On U.S. training ranges, our troops engage in highly realistic, combat ready exercises, preparing them to fight and protect themselves in battle. This is what they deserve.

But gradually, those readiness exercises—so critical to the military's training mission—are steadily being constrained and inhibited. Slowly, but surely, training simulations bear little connection with the true-to-life. The cause is straightforward but very disturbing: the extreme agenda of some environmental groups, whose hostile lawsuits are precipitating a crisis in training .

Environmental groups such as the Natural Resources Defense Council and the Center for Biological Diversity have launched an unconscionable war on the military. They believe there are no compromises, even when the issue involves protecting and preparing our troops for battle. They would rather file lawsuits—something they are quite good at, incidentally—than find commonsense solutions to balance environmental protection with the best military training available.

These lawsuits are gradually eroding not just the land available for training and readiness, but are gravely diminishing the actual training exercises and live-fire simulations that are so critical to prepare for real-life combat.

Despite the claims made by environmental groups, the Pentagon has demonstrated a strong commitment to environmental stewardship. The evidence is overwhelming. But land development is fast encroaching upon military facilities, driving wildlife and endangered species into the relative sanctuary of training ranges.

The military has made environmental accommodations time and time again, but there is only so much it can do. The flood of environmental lawsuits is diverting the military away from its all-important training mission. As a result, training slowly but surely is dying a death of a thousand cuts.

There are too many egregious examples to recount here. The situation facing Camp Pendleton in California bears special mention. Camp Pendleton is considered the premier training base for the Marines. Because of a lawsuit filed by the Natural Resources Defense Council to list the gnatcatcher as endangered, 57 percent of the base may become ''critical habitat,'' which in effect means no training and readiness exercises in that area.

Also, there are 17 miles of beach at Camp Pendleton—because of environmental restrictions, only 200 yards of beach are available to practice amphibious landings. All military vehicles that come ashore during an amphibious landing are restricted to designated roads. Troops can only come ashore in single file columns, which is hardly a good simulation of actual warfighting conditions.

To address these problems, the Pentagon has a reasonable, commonsense proposal to clarify existing environmental laws. Contrary to statements by some of my colleagues, the Pentagon is not seeking blanket exemptions from current laws. To say otherwise is simply false.

Take, for example, the provision clarifying how the Endangered Species Act applies to training bases. DoD wants to continue a policy first implemented by the Clinton administration's Fish and Wildlife Service. The proposal would codify Integrated Natural Resource Management Plans, INRMPSs, in place of critical habitat designations.

INRMPs, which are required to provide for, among other things, fish and wildlife management, land management, forest management, fish and wildlife-oriented recreation, and wetland protection, allow the military to balance species protection and training needs.

DoD's proposal explicitly requires DoD to consult with the Fish and Wildlife Service and the National Marine Fisheries Service under section 7 of ESA. Also, the Interior Secretary must approve INRMPs in writing. Other provisions of ESA, as well as statutes such as the National Environmental Policy Act, also would continue to apply.

Thus it is simply unconscionable that this is characterized as a ''sweeping exemption.'' My Democratic colleagues also contend that such a clarification isn't necessary because ESA already contains national security exemptions. Ironically, while complaining about a proposed provision that, in effect, continues to subject DoD to ESA, my colleagues want to pursue exemptions under current law. In practice, those exemptions mean DoD could ignore existing statutory requirements altogether under ESA.

Yesterday, 51 Senators voted for an amendment sponsored by Senators LAUTENBERG and JEFFORDS that effectively guts the ESA provision in the fiscal year 2004 Defense reauthorization bill. The amendment upsets the balance stuck between species protection and training. It tilts irresponsibly in favor of species protection, which is not the mission of DoD.

The amendment says DoD must ''conserve the species,'' rather than, as stated in the bills original language, provide ''conservation benefits.'' The distinction is significant because ''conserve' means DoD must recover species. This is an unacceptably high threshold, one that even Fish and Wildlife has been unable to meet under ESA.

According to original 1973 ESA, conserve means ''to use and use all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this act are no longer necessary. Such methods and procedures include but are not limited to all activities associated with scientific resources and management, such as research, law enforcement, habitat acquisition and maintenance promulgation, live trapping, and transplanting.'' As is obvious, the burdens on DoD training and readiness would be enormous.

DoD opposes the amendment because it could have perverse and unintended consequences, such as removing the Fish and Wildlife Service's flexibility to make decisions based on the differing circumstances facing each training range. Also, DoD and the Department of the Interior believe it will lead to more lawsuits, not less—exactly what DoD is trying to prevent.

The question remains: What should DoD's most important focus be, training or recovering the gnatcatcher?

I am also very disturbed by statements an characterizations of DoD's training predicament. Some Senators alluded to the March 13 testimony of EPA Administrator Christie Whitman before my committee. Governor Whitman, said, ''I don't believe that there is a training mission anywhere in the country that is being held up or not taking place because of the environmental protection regulations.'' With all due respect to Governor Whitman, the EPA does not have jurisdiction over the Endangered Species Act,

which, of all the existing laws addressed in the Pentagon's proposal, is responsible for the most serious training restrictions.

Moreover, I am extremely troubled by the way some Senators have summarized a General Accounting report on military encroachment. To say ''the GAO found the military has presented no evidence that the Endangered Species Act has impaired training'' is utterly false and irresponsible.

Here is what the GAO said about encroachment in its report:

Over time, the impact of encroachment on training ranges has gradually increased. While the effect varies by service and individual installation, in general encroachment has limited the extent to which training ranges are available or the types of training that can be conducted. This limits units' ability to train as they would expect to fight and/or requires units to work around the problem.

Barry Holman, director of the GAO's Defense Capabilities and Management section, and author of the June 2002 encroachment report, stated in his testimony before the House Government Reform Committee on May 16, 2002:

One thing I want to make clear, I would not want anyone to conclude from looking at that report that GAO is saying 'no data, no problem.' We're not saying that. I think it's very clear . . . that there are limitations on training.

In addition to the ESA clarification in the base bill, I filed an amendment to clarify how the Superfund law applies to military training and readiness. Though it appears this issue will not be addressed as part of the Defense authorization bill this year, it does deserve some explanation.

Live-fire training, which is the ''capstone event of a unit's training cycle,'' has come under heavy fire from environmental groups. The Army at Fort Richardson is engaged in a lawsuit that could shut down firing munitions at Eagle River Flats range. If environmentalists succeed, live fire operations at every Army range—more than 400 sites—could be severely constrained, seriously threatening training and readiness for our men and women in uniform.

This suit is not an isolated incident—there is another one much like it regarding the range at Vieques in Puerto Rico. The pattern is clear, and the Committee on Environment and Public Works received testimony as to the real agenda behind this pattern of lawsuits.

Describing yet another lawsuit by an eco-radical group against the Department of Defense, witness Frank Gaffey, president and CEO of the Center for Security Policy, stated illuminatingly ''a plaintiff in the lawsuit was Melanie Dutchen who was described in the New York Times as an Anchorage activist with Greenpeace who said, 'Obviously the hope of this litigation is that delay will lead to cancellation.' She went on to say, 'That is what we always hope for in these suits.' I believe this is sort of an instructive insight into why the Defense Department is concerned, not only about the circumstances that you personally observed, in terms of limitations and impediments to training, but the train wreck that is coming. It is not something that is coming up by accident. It is coming about, I believe, by people, at least some of whom, have very little interest in the readiness of our military.''

My amendment will try to stop this by clarifying how RCRA and CERCLA apply to live-fire training ranges. I worked closely with the Pentagon and State officials—in particular, Doug Benevento of Colorado's Department of Public Health and Environment—in drafting compromise language that will balance training needs with environmental protection.

This amendment would codify and confirm longstanding regulatory policy of EPA and every State concerning regulation of munitions on operational ranges under RCRA and CERCLA. The amendment excludes military munitions from the definition of ''solid waste'' under CERCLA. That way, the military can perform live fire training exercises without having to break up those exercises with extensive, time-consuming clean-up operations.

But this change would still offer environmental protections under existing law. Again, as stated previously, this is not an exemption. Cleanup of operational ranges is not required so long as material stays on range, but if such material moves off range, it still must be addressed under existing law. Also, if munitions cause an ''imminent and substantial endangerment on range, EPA will still retain its authority to address it on range under CERCLA.

If we fail to address these and other issues the Pentagon has put before us, we are doing a great disservice to our men and women in uniform. Unfortunately, it appears that Congress will pass only a few pieces of the Pentagon's proposal this year. I think it is imperative, for the sake of our troops, that we address the remaining pieces next year.

Ms. SNOWE. Mr. President, I rise to speak on the Senate version of the fiscal year 2004 national Defense authorization bill.

First, I would like to thank the chairman and the ranking member of the Senate Armed Services Committee for their work on this vital legislation. As a former member of the committee, I am acutely aware of the intense effort required to bring the National Defense Authorization Act to the floor every year. For the chairman and ranking member to be able to bring this bill to the floor with a unanimous vote out of committee is a testament to their leadership. I would also like to thank each of my colleagues who are members of the committee for their invaluable contributions to this bill.

I will take a few moments and discuss some of the provisions of the bill that I believe are important to providing the men and women of our armed services the tools they need to protect our Nation.

First and foremost, I am encouraged that the committee has supported the President's shipbuilding budget that will provide the Navy with an additional seven ships. As the former Chair of the Seapower Subcommittee, I have been concerned for many years about the downward trend in naval shipbuilding that was moving us inexorably towards a 250-ship Navy or less. The administration proposed in its budget to procure seven new Navy ships in fiscal year 2004 and a total of 52 new Navy ships through fiscal year 2009. While this results in an average build rate of 8.6 ships, almost at the 8.9 ships per year necessary to maintain a 310-ship fleet, this average is skewed by the 14 ships the Navy says it intends to build in fiscal year 2009. Fourteen ships is twice the number of ships we have in the bill for fiscal year 2004.

Indeed, if we just look at the proposed shipbuilding plan for the next 5 years, from fiscal year 2004 to fiscal year 2008, there are only 38 ships in the plan, an average of 7.6 ships per year. This is an improvement but still results in the inability to maintain a 310-ship Navy, much less the 360- to 375-ship Navy the current Chief of Naval Operations has said is required to support his Sea Power 21 vision.

We can't afford to risk this essential component of our worldwide defense force. After all, 80 percent of the planet's population lives along the coastal plains of the world, and it is the Navy that has the capability to project power in regional coastal flashpoints around the globe—a capability that is imperative if we are to maintain military superiority and defend America's national interests in the 21st century.

It is the Navy we increasingly rely on to engage the enemy away from our shores. As we saw during Operation Iraqi Freedom, the Navy provides our only means of assured access. Today we are engaged in Southwest Asia and other littoral areas of the world away from our cold war bases in Europe, Japan, and Korea. Our inability to land troops in Turkey during Operation Iraqi Freedom and our withdrawal from bases in Saudi Arabia only highlight the need for a flexible, mobile sea-based defense.

The strength of those surface action groups and carrier battle groups are our major surface combatants. They provide air defense, launch Tomahawk missiles to strike the enemy, interdict opposing naval forces—they truly are the backbone of the fleet. We must do everything we can to ensure that we maintain a strong and healthy shipbuilding base particularly with respect to major surface combatants, for it is only through healthy competition that fresh ideas and reduced costs can be achieved.

To maintain a 116-ship surface combatant force, given the projected service life of 35 years for DDG–51 Class ships, requires a sustained replacement

rate of over three ships per year. If you assume a 30-year service life, which is more realistic historically, sustaining even the 116-ship surface combatant force would require annual procurement of almost 4 DDGs each year.

I believe it is in the vital national interest of America to procure a minimum of three major surface combatants a year, not just this year or next, but in every year. I am encouraged that this bill supports that level of procurement.

We must also look to the future and work to increase the warfighting capability and operating efficiency of these Aegis destroyers as they age. We must embark on a modernization program now to incorporate new technologies and systems that will allow us to operate these vessels more effectively with reduced manpower. This bill begins that process by authorizing $20 million for the design, nonrecurring engineering and installation planning of DDG–51 modernization and optimized manning upgrades for incorporation on fiscal year 2004 and/or fiscal year 2005 new construction ships.

The bill also supports the President's request for $158 million for the Littoral Combat Ship in the R&D accounts. However, just as the committee is, I am concerned about counting on an undeveloped ship concept to provide the 375-ship force structure called for by the Chief of Naval Operations and its concomitant impact on the major surface combatant force. I support the bill's call for a determination, through a cycle of analysis and experimentation, of the ship's ability to deliver the expected capabilities.

Furthermore, the bill correctly identified the looming gap in attack submarines by noting that decommissioning the USS *Jacksonville*, rather than refueling her, would put the Navy below the QDR recommended attack submarine force of 55 submarines. In fact, the Navy also recognized this gap and placed the refueling of the USS *Jacksonville* on the Navy's Unfunded Program List to support near term submarine force structure. This bill authorizes $248 million for that refueling overhaul, noting the need for the refueling as ''compelling.''

I cannot express strongly enough my belief that we must fund shipbuilding to reflect the increasing demands we place on the Navy. The $12 billion included in this bill is needed and appreciated, but it only represents about 3 percent of the total defense budget. For all we expect of our Navy in today's world, we must do everything we can to provide them with the ships and weapons systems they need.

In regard to the homeland security role of the Department of Defense, the bill authorizes an additional $400 million over the President's budget request to expand unit capabilities, field additional sensor systems, and prepare to engage the threat here and abroad. For example, the bill contains an additional $107 million for those special operations forces that have been so effective in Operation Iraqi Freedom and Operation Enduring Freedom. At home, DoD will be able to deploy an additional 12 Weapons of Mass Destruction Civil Support Teams with the funds provided in this bill. In addition, it also provides $173 million for chemical and biological detection and protection technologies such as those being developed in my home State of Maine.

The University of Maine system has been on the forefront of the development of chemical and biological sensors and decontamination systems. The bill provides them with $1 million this year to begin the development of an environmentally friendly photocatalytic decontamination agent that holds much promise for the safe and rapid decontamination of exposed personnel as well as for the remediation of chemical agent and manufacturing and storage facilities.

It is this type of investment in new science and technology efforts that will provide our forces with the advanced capabilities we saw used so effectively over the past 2 months. I am encouraged that this bill provides $10.7 billion for the science and technology accounts which brings us close to the goal of setting aside 3 percent of the defense budget to invest in the ''seed corn'' of our future military capability. From that investment we see the expansion in our research, development and test and evaluation efforts as evidenced by the commitment of $63.2 billion toward those activities, including over a billion in DD(X) destroyer R&D.

The bill also addresses the need to modernize our military infrastructure by authorizing over $9.0 billion in military construction, an increase of $373 million over the budget request including the addition of $200 million for quality-of-life projects for members and their families. This bill wisely increases investments in stateside facilities while reducing investments overseas while the United States assesses its long-term overseas basing requirements.

Finally, and most importantly, the bill continues our commitment to the men and women in the Armed Forces and their families through the enactment of several important pay and benefits provisions. First, it institutes a 3.7 percent across-the-board pay raise and once again provides an additional targeted pay raise for the senior noncommissioned officers and midcareer personnel who are the backbone of our military. The bill contains several provisions which will directly aid the families of service members such as an increase in the family separation allowance and a high-tempo allowance of $1,000 per month for those troops and sailors deployed away from home for extended periods of time.

Can any of us who watched the poignant homecoming of the USS *Abraham Lincoln* earlier this month after 10 months at sea, the longest carrier deployment since Vietnam, doubt that those dedicated sailors and marines had earned every penny?

In closing, let me say that I hope that as we move this bill towards final passage, we do everything we can to strengthen the bill for those brave young men and women who defend our Nation each and every day. We must do no less.

Ms. COLLINS. Mr. President, I rise today to discuss an amendment to the Defense Authorization bill which Senator VOINOVICH and I have submitted. Our amendment would, among other things, provide for the creation of a National Security Personnel System encompassing the Defense Department's 735,000 civilian employees.

In April, the Department delivered to Congress a proposal to grant the Secretary of Defense authority to dramatically restructure the Department's civilian personnel system. The proposal was designed to provide the Department with the flexibility and agility it needs so it can respond to sudden changes in our security environment. To accomplish this objective, the Department's proposal would give Secretary Rumsfeld not only the personnel flexibilities Congress granted to the Secretary of Homeland Security, but also additional authority to unilaterally waive many personnel regulations.

Of primary importance to the Department of Defense were the following three personnel flexibilities: First, the authority to replace the current General Schedule, 12-grade pay system with a performance-based pay system in which workers would no longer be awarded an automatic, across-the-board pay increase; second, the authority to conduct on-the-spot hiring for hard-to-fill positions; and third, the authority to raise collective bargaining to the national level rather than negotiating with more than 1,000 local units.

Our proposal would grant the Secretary these authorities. It would provide the Secretary of Defense with the three pillars of his personnel proposal and thus would allow for a needed overhaul of an antiquated system. But we do not give the Secretary all he asked for; instead, we have attempted to strike the right balance between promoting a flexible system and protecting employee rights.

Over the past 3 weeks, Senator VOINOVICH and I have repeatedly reached out to a wide variety of interested parties in an attempt to put together a bipartisan proposal. As of today, I believe we have made a considerable amount of headway toward forging a consensus.

For example, in certain areas, such as employee appeals, I am not prepared to support granting the Secretary the authority to immediately do away with the Merit System Protection Board in order to create an internal appeals process. Instead, my amendment allows for a gradual transition from the MSPB to a new appeals process. During the transition, the Department will consult with MSPB while it develops and tests a new appeals process.

I am also not prepared to grant the Secretary the authority to waive the

collective bargaining rights of employees. Instead, my amendment places statutory deadlines of 180 days on the amount of time any one issue can be under consideration by one of the three components of the Federal Labor Relations Authority. This alone should make a significant difference in the timeliness of the bargaining process, and prevent the occasional case from dragging on for years.

The bottom line is, we believe that our amendment would give the Secretary the authorities he needs to manage and sustain a civilian workforce some 735,000 strong. Our amendment would grant the administration's request for a new pay system, on-the-spot hiring authority, and collective bargaining at the national level, not individually with 1300 local union affiliates. In addition, our amendment would enable the Secretary to offer separation pay incentives for employees nearing retirement; to contract with individuals for services performed outside the United States in support of the Defense Department; to offer special pay rates for highly qualified experts like scientists, engineers and medical personnel; and to help mobilized Federal civilian employees whose military pay is less than their Federal civilian pay.

The House Armed Services Committee has already included a personnel amendment in their own authorization bill. For that reason, I was dismayed to learn that our amendment was not deemed ''relevant'' to the underlying legislation, and therefore shall not be made part of the Senate's bill.

But I have worked hard to find a consensus approach, and I don't intend to stop until this goal has been achieved. I believe that the House approach can be improved upon. This is why, on Friday, I plan to re-introduce this legislation as a free-standing bill and to hold a hearing on it the first week of June. Quite simply, I believe civil service personnel reform of this magnitude is too important an issue for the Senate to remain silent.

I urge my colleagues to work with Senator VOINOVICH and me as we continue our efforts on this very important issue. In addition, I would like to thank Senators WARNER and LEVIN for all the advice and input they have already provided. In addition to serving as ranking member of the Armed Services Committee, Senator LEVIN is a senior member of the Governmental Affair Committee, which I chair. As such, he brings expertise to the process from both perspectives. I hope that the bill I introduce on Friday will enjoy his support and that of the chairman.

Mr. DODD. Mr. President, today I will join my colleagues in voting to approve the 2004 Defense authorization bill. This legislation provides a significant increase to our defense budget, a total of $400.5 billion, $17.9 billion more than was authorized for this year. This is the largest defense budget in our Nation's history, and, for the most part, it could not come at a more important time.

This bill is good for our armed services, and crucial for the security of our country. Above all else, it makes a substantial investment in our military's most important assets—our soldiers, sailors, airmen, and marines. It provides a 3.7 percent across-the-board pay raise for all men and women in uniform and introduces a new health care benefit to Reserve and National Guard personnel. In addition, it funds important national security programs to curb the spread of weapons of mass destruction, with $450 million going towards the Nunn-Lugar Cooperative Threat Reduction program to safeguard nuclear stockpiles and fissile material within the former Soviet Union. It ramps up research and development accounts for counterterrorism technologies as well as for intelligence and Special Operations resources.

To respond to emerging threats to our country, these investments are crucial components of the Defense authorization bill. I am also especially pleased that the Senate accepted without dissent, my amendment to establish a new initiative to assist States and communities in hiring firefighters. As we saw so vividly on September 11, our firefighters play an integral part in responding to and protecting our people from terrorist attacks. No homeland security strategy can ignore the crucial role that firefighters play in keeping our Nation safe. My amendment, which was approved by the Senate, authorizes the Department of Homeland Security to invest over $3 billion over the next 3 years in partnership with States and local governments to hire firefighters so that communities are better prepared to respond to potential acts of terrorism.

As this amendment underscores, our States play crucial roles in protecting our security. And the underlying bill supports a number of military initiatives that are particularly supported by the State of Connecticut. Since the days of the Revolutionary War, Connecticut has rightly taken pride in its disproportionately large role in contributing to the U.S. arsenal, earning it the nickname the ''Provision State.''

The 2004 Defense authorization bill continues this strong tradition, greatly outfitting the Nation's armed services and provisioning advanced technology from Connecticut. The projects funded in this bill from Army helicopters and Air Force fighters to new advances in submarine technology, will allow America's military to prosecute its war on terror from every corner of the globe. Included in this bill is $1 billion to fund the procurement of 36 additional UH–60 Blackhawk helicopters, manufactured by one of my State's leading manufacturers, Sikorsky. These aircraft have proven themselves repeatedly in combat on air assault and medical evacuation missions, as well as in peacekeeping missions providing important cargo and personnel transport.

This bill also authorizes a multiyear procurement and $2 billion in 2004 for a *Virginia* class submarine, manufactured in Groton. Production of this next generation ship will further enable the Navy to extend its reach to the coasts of every continent, staying undetected as it performs various missions from special operations and intelligence-gathering to precision guided missile strikes.

The bill also funds our force's next-generation fighter aircraft, the F/A–22 and Joint Strike Fighter, which will be outfitted with the finest engines in the world, developed at Pratt and Whitney. Procurement of these planes will maintain U.S. air superiority—equipping pilots with unprecedented speed, stealth, and advanced munitions, and transforming the Nation's military into a 21st century force.

I believe these investments will save lives in both the near and long term, and they will strengthen the military industrial base that is so crucial to the long-term viability of our military. I am pleased that this authorization bill continues Secretary Rumsfeld's initiative to transform the military and respond to terrorist threats to our Nation. But I would be remiss if I did not enter into this record the serious reservations I have with this bill.

In particular, I am deeply concerned about the steps this legislation takes toward developing new tactical nuclear weapons. Despite the good-faith efforts of some of my colleagues, this Chamber failed to act as a check on an Executive bent on rolling back decades of strategic arms control and nonproliferation policies. At the President's recommendation, this bill repeals the 1993 Spratt-Furse provision that barred the Government from developing low-yield nuclear weapons. It also funds the study of a high-yield bunker-busting nuclear earth penetrator. Both weapons are part of the administration's long-term plan to field tactical nuclear weapons in war, as outlined in the 2001 Nuclear Posture Review.

The defenders of these provisions believe that such weaponry will enhance America's security by enabling the United States to devastate terrorist targets in a more contained environment. They claim that the U.S. use of nuclear weapons during a war will not set an egregious precedent for other nations to begin fielding their own tactical nuclear arsenal. And they claim that by lifting the ban simply on research, we are not opening a new chapter of the nuclear era.

They are dead wrong. And I am gravely disturbed by this shift in U.S. nonproliferation policy. In 2000, the United States joined the other permanent U.N. Security Council members in a declaration of an ''unequivocal commitment to the ultimate goals of a

complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control.''

This declaration was not made on a whim. This was the culmination of decades of diplomacy that has led to the worldwide movement in arms control. But today, with this legislation, we are taking a considerable step away from the goal stated at the 2000 Non-Proliferation Treaty Conference. While we insist that others disarm and cease their development of weapons of mass destruction, we are initiating plans to use new atomic weapons on the battlefield.

As our Armed Forces hone their conventional abilities to surgically strike with increasingly explosive force, it seems peculiar that the United States would now take steps backwards, and devote precious resources to expanding our nuclear arsenal. Our most recent operations in Afghanistan and Iraq have demonstrated that the United States far exceeds any other nation in its ability to strike with nonnuclear weapons anywhere in the world with great precision, and minimal collateral damage. Rather than capitalizing on these new advantages in warfare, the administration's tactical nuclear policy, would actually leave the Nation less secure, and undercut our government's 50-year attempts at averting nuclear war.

But all in all, in spite of these provisions, I believe that this bill's passage is critical to sustaining our national security. Although major combat operations have ended in Afghanistan and Iraq, our military continues to be engaged in low-intensity conflict in this highly unstable region of the world. Our Armed Forces—both Active Duty and Reserve—stand ready to complete their missions in this Nation's ongoing campaign against terror, to stabilize the region, and win the peace.

To do this, they will need the resources provided in this bill. For that reason, I have supported this legislation, and hope that the House and Senate Conferees move quickly toward a final version, so that this Congress will swiftly approve necessary authorizations for America's men and women in uniform.

Mr. MCCAIN. Mr. President, I rise today to strongly support S. 1050, the fiscal year 2004 Defense Authorization bill. This legislation funds $400.5 billion for defense programs, which is 3.2 percent or $17.9 billion above the amount appropriated by Congress last year. The Defense Authorization bill would authorize appropriations to purchase new weapons systems and funds research and development for new weapons systems, funds operations and maintenance for the services, provides pay and quality of life improvements for service members and funds military construction projects at military bases.

A number of provisions in this bill go a long way to ensure our service members get the benefits they deserve. I am pleased the Senate included a provision which I offered as an amendment that was adopted by the committee that would eliminate the remaining so-called ''pay comparability gap'' between military pay and civilian pay. This amendment would tie subsequent military pay raises after 2006 with increases in the Employment Cost Index (ECI). As a former ranking member and long-time member on the Personnel Subcommittee when Senator John Glenn was the chairman, my experience with capping military raises below ECI during the last three decades shows that such caps inevitably lead to significant retention problems among second-term and career servicemembers.

Those retention problems cost our Nation more in the long run in terms of lost military experience, decreased readiness, and increased training costs. Since military pay was last comparable with private sector pay in 1982, military pay raises have lagged a cumulative 6.4 percent behind private sector wage growth—although recent efforts by Congress have reduced the gap significantly from its peak of 13.5 percent in 1999. Our efforts in 1999 increased pay raises, reformed the pay tables, took 12,000 servicemembers off of food stamps, and established a military Thrift Savings Plan.

A key principal of the all volunteer force (AVF) is that military pay raises must match private sector pay growth, as measured by ECI. The Senate's action in this area will send a strong message of support to our servicemembers and women and their families that will continue to promote high morale, better quality-of-life, and ultimately a more ready military force.

For the past 12 years, I have offered legislation on concurrent receipt. This matter is of great significance to many of our country's military retirees, because it would reverse existing, unfair regulations that strip retirement pay from military retirees who are also disabled, and costs them any realistic opportunity for post-service earnings. Last year, I was pleased that the committee, for the first time, included an authorization to begin to address a longstanding inequity in the compensation of military retirees' pay over previous attempts in the past.

I am disappointed that Senator HARRY REID was unable to offer his amendment on concurrent receipt, because the amendment was not ruled relevant under an unanimous consent agreement that was passed by the leadership of the Senate. We must do more to restore retirement pay for those military retirees who are disabled. I have stated this before, and I am compelled to reiterate now—retirement pay and disability pay are distinct types of pay. Retirement pay is for service rendered through 20 years of military service. Disability pay is for physical or mental pain or suffering that occurs during and as a result of military service. In this case, members with decades of military service receive the same compensation as similarly disabled members who served only a few years; this practice fails to recognize their extended, more demanding careers of service to our country. This is patently unfair, and I will continue to work diligently with the committee to correct this inequity for all career military servicemembers who are disabled.

We have a military force that continues to rely more on the Reserve Components—men and women in the National Guard and Reserves—to go to war and to perform other critical military tasks abroad and at home. Many combat, combat support and other support missions are being carried out on the backs of our active and Reserve Component forces—soldiers, sailors, airmen and Marines.

National Guard and Reserve servicemembers are performing many vital tasks: direct involvement in military operations to liberate Iraq in the air, on the ground, and on the sea; guarding nuclear power plants, our borders, and our airports in the United States; providing support to the War on Terrorism through guarding, interrogating, and extending medical services to al-Qaida detainees; rebuilding schools in hurricane-stricken Honduras and fighting fires in our western states; overseeing civil affairs in Bosnia; and augmenting aircraft carriers short on active duty sailors with critical skilled enlisted ratings during at-sea exercises, as well as during periods of deployment.

I believe that the civilian and uniformed leadership of our Armed Forces and the Congress must recognize this involvement, and, at a minimum, provide equal benefits for reserve component servicemembers when they put on the uniform and perform their weekend drills or other critical training evolutions. Reservists, on duty, who resemble their active duty counterparts during training evolutions and are deployed at times around the world, should be treated equally when the administration and Congress provide for quality of life benefits.

I am pleased at the inclusion of language authorizing a Selective Re-enlistment Bonus (SRB) for National Guard and Reserve service members when they are mobilized under a Presidential Select Reserve Call-up and they re-enlist during that period. National Guardsmen and Reservists are prohibited from receiving SRB payments until they get off active duty or mobilization status, sometimes 1 or 2 years later.

The Senate has also authorized Survivor Benefit Plan, SBP, benefits to survivors of National Guard and Reserve service members who die while performing inactive duty training or weekend drills. This legislation provides equity with active duty servicemembers and is consistent with

Defense Department regulations when National Guardsmen and Reservists are mobilized under a Presidential Select Reserve Call-up.

Since January, there have been 13 Reserve Component deaths during weekend military training while their units were preparing for Operations Enduring Freedom and Iraqi Freedom where families of National Guard and Reservists did not receive the Survivor Benefit payments.

The Senate has also authorized Commanders' pay for National Guardsmen and Reservists, similar to the pay that active duty commanding officers and commanders receive.

Additionally, the Senate Authorization bill removes and arbitrary cap on commissary privileges for drilling reservists and National Guardsmen, making the benefit similar to the benefit similar to the benefit of authorized for active duty servicemembers.

Unmanned Aerial Vehicles (UAVs) continue to be of interest to me. Operations in Afghanistan and Iraq have been watershed events for military utilization of UAVs. Increased use in the future as new war fighting capabilities come on line is key to our militaries strategy for future conflicts. During the 1999 Yugoslav air campaign only three UAV systems were used. There are nine UAV systems currently deployed and in extensive use in Iraq. The Army's Shadow, Hunter, and Pointer, the Marine Corps' Pioneer and Dragon Eye; the Air Force's Global Hawk, Predator and the Force Protection Surveillance System; and, the Navy's Silver Fox.

The Silver Fox is a small, inexpensive UAV with tremendous application, particularly in downed pilot search and air rescue, border patrol operations, tactical support for ground troops and SOF, submarine detection, marine mammal detection efforts and other critical reconnaissance missions. Ninety Silver Fox systems were deployed for Operation Iraqi Freedom with great success. Additional resources should be afforded to the unmanned aerial vehicle programs. Low cost, innovative systems, like the Silver Fox, deserve considerable support by the committee and I strongly support this effort. I am extremely please the Senate included a UAV pilot program to study the potential uses of UAVs on our borders.

As part of its consideration of this bill, the Senate approved an amendment I sponsored with Senators SESSION, LINDSEY GRAHAM, and BAYH creating a reporting requirement that should shed light on how to improve decision-making within NATO. As a lifelong Atlanticist, my interest is in keeping NATO relevant and effective as it adapts its mission to the new threats we face today. Doing so will require a hard look at what works well within NATO, and what we can do to streamline decision-making processes to improve the effectiveness of the Alliance.

Our amendment would build on a reporting requirement related to NATO is in the underlying bill. Our intention is to make NATO work better by taking a close look at how some of its decision-making structures have recently evolved, for expressly political reasons, in ways that I believe have weakened NATO, but which we, NATO's full members, can rectify in order to ensure that our Alliance remains strong.

Our amendment would require the Secretaries of Defense and State to assess whether certain new NATO military initiatives are within the jurisdiction of NATO's Defense Planning Committee, which has historically overseen NATO's core defense and security missions. The report would relate how NATO defense, military, security, and nuclear decisions traditionally made in the DPC came to be made in other bodies within NATO. It would discuss the extent of France's contributions to each of NATO's component committees, and specifically the degree of French involvement in specific military and security issues within the competence of the DPC, on which the French do not sit. The report would examine how NATO could make greater use of the DPC, by assuming its traditional role of managing NATO's core defense mission, and how to otherwise streamline NATO decisionmaking to make NATO more effective. NATO is actively engaged in discussions on how to reform and improve NATO decisionmaking, and I strongly believe our amendment will play a useful role in animating that discussion.

In February, Turkey requested assistance from the Alliance to improve its defenses in the event of war with Iraq. Given Turkey's status as a key member of NATO and the Alliance's only front-line state with Iraq, Turkey's routine request for defensive reinforcements under the terms of the NATO charter should not have been controversial in any way. Regrettably, France denied Turkey's request, and the Alliance spent 3 weeks in crisis trying to overcome French objections. France's position was initially supported by Germany, Luxembourg, and Belgium, but these nations ultimately sided with every other member of the Alliance, leaving the French isolated but refusing to relinquish their effective veto over a fundamental Alliance commitment to the defense of a member state. Ultimately, Turkey's Article Four request for defensive assistance was approved by the Defense Planning Committee (DPC), a component committee of NATO which does not include France. But the singular French obstructionism over the course of nearly a month caused the gravest crisis NATO has known in a generation and raised real questions about whether NATO was going the way of the U.N. Security Council or, more ominously, the League of Nations.

In the wake of this debacle, Atlanticists in Europe and the United States have pondered ways to reform and improve decision-making within NATO. In the interests of avoiding another such near-calamity within NATO that threatens the Alliance itself, Secretaries Wolfowitz and Feith have testified before the Senate Armed Services Committee that the DPC could be used more frequently for decision-making within NATO, thereby circumventing the French veto.

Since the mid-1990s, NATO's North Atlantic Council has been the primary venue within the Alliance for decisions to be taken on Alliance operations. But for most of NATO's existence, the NAC was not preeminent. The Defense Planning Committee was created in 1963 and was co-equal to the NAC. The DPC was charged with NATO's core defense and security business, including questions relating to Article Five, the mutual defense clause that is at the heart of NATO's charter. In 1966, when France withdrew from NATO's integrated military structure, the DPC assumed responsibility for the Alliance's core defense business. This allowed the Alliance to continue to function effectively without France's military involvement, and to avoid a French veto over matters related to NATO's core defense mission, in which France did not then and does not now participate.

The Defense Planning Committee was surprisingly active from its creation in 1963 until 1995. It became less prominent following the end of the cold war because the use of NATO forces appeared less likely in Article Five scenarios and more probable in non-Article Five scenarios. The role of the DPC diminished when the North Atlantic Council rose to pre-eminence in the 1990s with NATO peacekeeping scenarios, in the aftermath of the dismal failure of UNPROFOR in Bosnia. In the 1990s, looking for new roles, the NAC endorsed NATO peacekeeping missions in the Balkans.

The process of relying on the North Atlantic Council was also rooted in the futile effort to woo France back into full membership in NATO. Starting with a 1992 decision to support peacekeeping operations and the desire to involve France in Balkans operations, defense issues during the 1990s came to be addressed in the North Atlantic Council. The inclusion of France in NATO Defense Ministerials began in 1993 at Travemunde and has continued. Although they have not rejoined NATO's intergrated military structure, and are therefore not full contributing members of the Alliance, the French have very effectively shifted NATO decision-making into the North Atlantic Council and other bodies in which they have a voice and a vote. Although France does not participate, or participates only selectively, in command structure, infrastructure budget, and defense planning, it has successfully transferred these issues to NATO committees on which it has a seat. France does not participate in 60 percent of NATO budget areas, but participates in 100 percent of the development of resource policy and contribution ceilings.

The upcoming issues for the June NATO Defense Ministerial are of a

military and security nature. They include the Capabilities Initiative, the Command Structure Review, and the NATO Response Force. These are military and security issues within the core competence of the DPC. Our amendment is therefore not backward-looking, but would anticipate possible reforms to improve NATO's effectiveness in light of issues currently on the Alliance's agenda.

France unilaterally withdrew from NATO's military structure in 1966—at the height of the Cold War. France has since chosen to remain outside NATO's military structure. If France wants to return to NATO's military structure, NATO should discuss it, debate it on the merits and make a decision—among the 18 full members of NATO.

What we need now is a better understanding of why NATO came to rely on the NAC, and what can be done to make NATO more effective. We need to understand what we can do to limit France's ability to manipulate NATO, and oppose American foreign policy goals. The report required by our amendment should shed light on how to make our Alliance work as it should, in defense of the supreme national interests of the democracies it protects and nurtures.

I continue to be very concerned about the potential impact on bilateral trade relations with our allies of the domestic source for instance, ''Buy America'', restrictions enacted in the National Defense Authorization Act for fiscal year 1996. I am extremely concerned that an amendment was proposed that would impose ''Buy America'' restrictions on the Department of Defense. From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and essential to economic growth. Moreover, from a practical standpoint, the added ''Buy America'' restrictions could seriously impair our ability to compete freely in the international markets and could also result in loss of existing business from long-standing trading partners. Although, I fully understand the need to maintain certain critical industrial base capabilities, I find no reason to support a ''Buy America'' requirement for a product, like marine pumps, that is produced by no fewer than 25 U.S. companies or a bullet-proof vest made from fabric by a U.S. manufacturer which is inferior and more expensive than a bullet-proof vest made in the U.S. from a fabric produced overseas.

There are many examples of the trade imbalance that I can point to. I would like to review one example for you. The Dutch government, between 1991 and 1994, purchased $508 million in defense equipment from U.S. manufacturers, including air-refueling planes, Chinook helicopters, Apache helicopters, F–16 fighter equipment, missiles, combat radios and various training equipment. During that same period, the United States purchased only $40 million of defense equipment from the Dutch. Recently, the Defense Ministers of the United Kingdom and Sweden pointed to similar situations in their countries. In every meeting regarding this subject, I am told how difficult it is to buy American defense products because of our protectionist policies and the strong ''Buy European'' sentiment overseas. Our protectionist practices will hurt us nationally and internationally.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a domestic supplier in certain product lines. This not only adds to the pressure for our allies to ''buy European,'' but it also raises the costs of procurement for DOD and cuts off access to potential state-of-the-art technologies. DOD should have the ability to make purchases from a second source in an allied country covered by a defense cooperation MOU or Declaration of Principles agreement when only one domestic source exists. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces with which we are increasingly likely to operate in coalition warfare or peacekeeping missions. They increase our influence over recipient country actions, and in a worse case scenario, allow the U.S. to terminate support for equipment. Exports also lower the unit costs of systems to the U.S. military, and in recent years have kept mature lines open while the U.S. has developed new systems that will go into production around the turn of the century.

Finally, these exports provide the same economic benefits to the U.S. as all other exports—higher paying jobs, improved balance of trade, and increased tax revenue. ''Buy America'' restrictions on procurement will hurt funding for readiness, personnel land equipment modernization. These are really issues of acquisition policy, not appropriations matters. During debate on this legislation, I offered a second degree amendment with the intention of striking the protectionist amendment proposed by one of my colleagues. I thank my colleagues who successfully supported my amendment that worked to protect not only our allies but the American taxpayer and most importantly our servicemen and women who depend on the Department of Defense to train them and Congress to equip them with the best equipment irrelevant of its country of origin. Why is it that our special forces servicemembers routinely procure equipment without ''buy America'' requirements?

In all my years on the committee, I have never seen anything like the proposed leasing scheme of the KC–767 aerial tankers. In my efforts and those of others on the Senate Armed Service Committee, to get information on this proposed deal with Boeing, there has been obfuscation. There has been delay. There is withholding of information from me and this committee. Senior Air Force officials have even mislead the committee, according to the DoD Inspector General. It is incumbent upon all of us to provide the men and women of the Armed Forces with the most capabilities in return for our expenditures.

In several hearings this year, we have heard the Air Force Secretary and the Air Force Secretary of Acquisition testify that they have not completed an Analysis of Alternatives (AOA) on aerial tankers. The KC–767 aerial tanker effort requires the Secretary of Defense to do an AOA. Authorized funding should come from Air Force aviation programs which would have originally funded AOA if the program was appropriately planned and programmed like other DoD program. Moreover, the AOA is required by Air Mobility Command (AMC) & DoD documents, TRS–05 and KC–135 ESLS. I am pleased the Senate is requiring the Secretary of Defense to undertake an AOA on aerial tankers.

In the Air Force's fiscal year 2004's budget request the Air Force proposed eliminating 68 KC–135E aerial tankers. The Tanker Requirement Study (TRS–05) was conducted by the Air Mobility Command and the Secretary of Defense Program, Analysis, and Evaluation Division—OSD PA&E. TRS–05 identified the need for approximately 500 to 600 operational KC–135 equivalents to meet air refueling requirements. No other program has received so much attention by the Air Force Secretary. Yet, in direct contrast to his own Air Force studies, he seems relentless in exaggerating aerial tanker shortfalls in order to win approval of his KC–767 leasing scam. I am pleased the committee has included language reducing the number allowed to be retired to 12, but I still feel the Air Force should be prohibited from retiring the requested number of tankers until the AOA is completed and we have determined the best way to replace these national assets. It is foolhardy to begin retiring planes without a plan to replace them.

I am pleased the Senate included a provision that will save millions down the road. The Senate directs the Air Force to provide adequate funding for aviation depots for the purpose of correcting corrosion for the KC–135 aerial refueling fleet. The Armed Services Committee has heard testimony that every $1 spent in preventive maintenance saves $7 in repair or replacement costs. This action to add funding to KC–135 aviation depot level facilities would meet a top objective in the Chief of Staff of the Air Force's fiscal year 2004 Unfunded Priority List.

Operations Iraqi Freedom and Enduring Freedom demonstrated to the world what we saw just 12 years ago. We went to war as the most combat-ready force in the world. The value of that readiness is clear. We won a massive victory in a few weeks, and we did so with very limited loss of American and allied lives. We were able to end aggression with minimum overall loss

of life, and we were even able to greatly reduce the civilian casualties of Afghani and Iraqi citizens.

In order to understand the issues involved, it is necessary to recognize just how difficult it is to achieve the kind of readiness we had during Operations Iraqi Freedom and Enduring Freedom. Readiness is not solely a matter of funding operations and maintenance at the proper level. It is not only a matter of funding adequate numbers of high quality personnel, or of funding superior weapons and munitions, strategic mobility and propositioning, high operating tempos, realistic levels of training at every level of combat, or of logistics and support capabilities.

Readiness, in fact, is all of these things and more. A force beings to go hollow the moment it loses its overall mix of combat capabilities in any one critical area. Our technology edge in Afghanistan and Iraq would have been meaningless if we did not have men and women trained to use it. Having the best weapons system platforms in the world would not have given us our victory if we had not had the right command and control facilities, maintenance capabilities, and munitions.

The military forces that we sent to participate in Operation Desert Storm, Kosovo and Serbia, and Operations Enduring Freedom and Iraqi Freedom, trained for their missions on military ranges here in the United States. Perhaps the premier range in the continental United States is the Barry M. Goldwater Range in Arizona. This nearly 3 million acre range comprises portions of the Sonoran desert and the Cabeza Prieta wilderness.

It is estimated that the military spends approximately $77 million a year on conservation efforts on the Barry M. Goldwater Range. There are nearly 80 employees dedicated to continued protection of the Goldwater Range, including archaeologists, biologists, ornithologists and other natural resources experts. In my view, the Air Force and the Marine Corps are very good stewards of this critical habitat.

Efforts are ongoing among environmental agencies, the Department of Defense, and the various land management agencies to further clarify and define the use and management of the Goldwater Range land and the airspace above it, While I applaud these efforts, I must affirmatively state my strong support for preserving the military use of this land and associated airspace. Every service has approached me to convey their deep concern that the military maintain its ability to train in this one-of-a-kind training range.

The Barry M. Goldwater Range is one of the last open-space ranges available to our Armed Forces for realistic, integrated, joint training exercises. I am glad the Senate has included language to help ensure that this training ''jewel'' remains available to our military for training purposes.

I am very concerned with the trend in the services to curtail live fire opportunities in training. As weapon systems become more expensive and are manufactured in fewer quantities, we are creating a military force that often fires a weapon for the first time in combat. In the Navy, aviators used to fire one radar-guided and one heat-seeking annually. This was reduced to one missile each during a single tour of duty, and has now been further reduced to a single missile each during an entire career.

Luke Air Force Base (AFB) is home to the 56th Fighter Wing and 228 F–16, single engine, high performance aircraft. Luke AFB, similar to the situation at Nellis AFB, that the committee has previously addressed, has significant urban development encroachment issues that impact training at the base. Armed aircraft are no longer permitted to take off to the north of Luke AFB and over the past several years, there have been 16 serious aircraft accidents due to catastrophic engine failure. It is critical that land use along the southern departure corridor (SDC) remain compatible with armed aircraft weapons training, to preserve access to the Barry M. Goldwater Range (BMGR), to prevent land use or encroachments that are incompatible with activities at Luke AFB in the SDC and to increase the margin of safety associated with the Live Ordnance Departure Are (LODA) southwest of Luke AFB.

The Fiscal Year 2003 National Defense Authorization Act provided $10 million to the Air Force for land acquisition at Luke AFB intended to prevent encroachment from residential development and to ensure safe operations for flight departures and munitions storage.

The Air Force identified an immediate requirement to purchase 234 acres around the munitions storage and is in the process of executing this purchase to correct the most serious safety deficiencies. Furthermore, other parcels have been identified to be purchased to protect surrounding communities from impeding upon explosive blast distance arcs and the danger of single-seat F–16 Falcon jets with live ordnance that overfly land areas in the Southern Departure Corridor headed to the BMGR.

A land compatibility use study is currently ongoing to identify potential additional real estate to be purchased in the Southern Departure corridor of the airfield overflown by F–16's headed to the BMGR. I am pleased the chairman of the Subcommittee on Readiness and Management Support included in the chairman's mark, $14.3 million as a modification to the Fiscal Year 2003 authorization to facilitate the quick acquisition of additional parcels around the munitions area and in the Southern Departure corridor once they are identified. The Air Force has identified significant encroachment problems hindering safe flight operations at Luke AFB and will be able to protect accident potential zones from residential development through additional land acquisitions. The Senate Armed Services Committee expects the Air Force to send the committee the results of the land compatibility use study by June 1st, as promised by the Office of the Secretary of the Air Force. The project is a modification to a current requirement previously considered by this committee, authorized, appropriated, and now being executed by the Air Force.

For too long, we have asked our Armed Forces to do more with less. Now it is time to provide them with the funding they need, and to ensure that it is spent more wisely. The American people must also be assured that their tax dollars are being spent to provide for their defense—for the national interest, not for special interests.

More must be done to eliminate unnecessary and duplicative work and military installations. More effort must be made to turn over nonmilitary functions to civilian contractors, to reduce the continuing bloat of headquarters staffs, and to decentralize the Pentagon's labyrinth of bureaucratic fiefdoms.

The base realignment and closure (BRAC) legislation that Congress authorized in 2000 will make available from $4 to $7 billion per year by eliminating excess defense infrastructure. There is another $2 billion per year we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional $5.5 billion per year by eliminating ''Buy America'' restrictions that discourage U.S. competition and raise costs.

Similar attention is required to wean our political system of its highly developed taste for pork. I identified $5.2 billion in items that the Appropriations Committee, not the Defense Department, added to the budget last year. We should not tolerate the sacrifice of limited defense resources to special interests masquerading as improvements to our defense. These total savings in the Defense Department amount to almost $20 billion per year—$20 billion that must be reallocated within the defense budget to higher priority military personnel and modernization requirements.

While I am pleased that amount of member adds in this year's legislation has been reduced to around $1 billion, I am still troubled by the amount of unrequested spending on this legislation. Year after year, funding for the same unrequested, unnecessary projects are included in this legislation. For example, the 21st century truck has received $17.5 million dollars in this legislation. I wonder how many veterans Concurrent Receipts benefits would be funded by the total amount we have sunk into the development of the 21st century truck over the years? In the wisdom of the Senate, we have provided $35 million more than the President requested to buy the JPATS Texan. That is a lot of money for an aircraft the Navy does not need or even want. We have provided $10 million for

the High Temperature Superconducting Alternating Current HRSAC Synchronous Motor. We have provided $60 million for Advanced Extra High Frequency Spare Parts. Also on the member adds list is $50 million for the Los Alamos National Lab.

The fiscal year 2004 defense authorization bill adds $60 million for Evolved Expendable Launch Vehicle (EELV). This project is one of the largest additions in the bill. This is in addition to the $609.3 million that was included in the President's defense budget request.

With this funding the Air Force will provide a $669.3 million boost to defense companies Boeing and Lockheed Martin to keep both companies in the rocket-launch business, easing the impact of a steep falloff in commercial orders for such services in the commercial-satellite market, where orders have all but dried up.

I am opposed to the ''assured access to space program'' as it is currently designed. I believe the Committee should hold hearings to review whether to drop one company. I do not believe that two companies are providing adequate competition in this critical program. I believe that a proper accounting of the EELV program will result in a report that more rocket launches and additional weather, communications, reconnaissance, eavesdropping and global position satellites would be launched if the Department of Defense would simply choose a single source for military rocket launches.

I could continue in this vein, but it is sufficient to say that the military needs more money and should spend it more wisely to address the serious problems caused by a decade of declining defense budgets. I have included a copy of the fiscal year 2004 Member Add List which I ask unanimous consent be printed in the record.

I will continue to fight for additional support of increases to the Department of Defense budget. I also will continue to examine with a keen eye all congressional marks that take money away from needed military programs and instead buy political support through favoritism in awarding contracts. In addition, I will persist in placing the men and women who fight for our flag and country at the top of my priority list where they belong; we owe them our gratitude, respect, and unwavering support. They keep us free.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

Fiscal Year 2004 National Defense Authorization Act Member Adds

Emerging Threats:	
Collective Protection Chem-bio Protective Shelter	2.0
Army R, D, T & E:	
Low-temperature technology	2.0
Desert terrain analysis	4.0
University and Industry Research Center Infrastructure Protection Research	4.0
Materials Technology:	
Advanced Materials Processing	3.0
Multifunctional Composite materials	3.0
Missile Technology:	
E-Strike Radar & Powertransmission Technologies	8.0
Maneuver Air Defense System	6.5
Multiple Component Flight Test	2.5
Advanced Concepts and Simulation: Advanced Photonics Detection Research	5.0
Combat Vehicle and Automotive Technology:	
Rapid Prototyping Technologies	2.0
Digital Executive Officer for UAVs	2.5
Advanced Energy and Manufacturing Technology	3.0
Advanced Electric Drive	3.0
Weapons and Munitions Technology: Single Capital Tungsten Alloy Penetrators	3.0
Countermine Systems:	
Chemical Vapor Sensing Technologies	2.5
Small SAR Mine Detection	2.0
RAPID and Reliable Countermeasure Capabilities	5.0
Environmental Quality Technology: Environmental Response and Security Protection System	1.0
Military Engineering Technology: Geosciences and atmosphere research	3.0
Warfighter Technology: Embedded Optical Communication for Objective Force Warrior	4.8
Medical Technology: Genomics Research	2.0
Medical Advanced Technology:	
Electronic Garments	5.0
Stable Hemostat Research	5.0
Combat Vehicle and Automotive Technology:	
21st Century Truck	17.5
Fuel Cell Technology	5.0
Advanced Collaboration Environments	2.0
Fastening and Joining Technologies	1.5
Tactical Vehicle Design Tool	2.0
Advanced Thermal Management Controls	1.5
Advanced Composite Materials for Future Combat System	5.5
Medical Systems Advanced Development:	
Automated Detection for Biodefense	5.0
Topically Applied Vector Vaccines	1.0
Navy Research, Development, Test and Evaluation:	
Chemical Detection on UAVs	2.0
Advanced Fusion Processing	5.0
Fiber Reinforced Polymer for Ship Structuring	4.0
Rapid Prototype Polymeric Aircraft Components	4.8
Warfighter Sustainment Applied Research:	
Bioagent Diagnostic Tool	4.0
Biowarfare Agent Detector	4.0
Low Observable Materials for Stealth Application	6.0
Formidable Aligned Carbon Thermo Sets (FACTS)	1.5
Step-AIRSEDS (tether technology on UAVs and electrodynamic propulsion capabilities)	1.0
RF Systems Applied Research:	
High Brightness Electron Sources	3.0
Advanced Semiconductor Research	2.0
Ocean Warfighting Environment Applied Research: Southeast Atlantic Coastal Ocean Observing System (SEACOOS)	6.0
Undersea Warfare Applied Research: Low Acoustic Signature Motors & propulsors	2.8
Common Picture Advanced Technology:	
Consolidated Undersea Situational Awareness Capabilities	4.0

Fiscal Year 2004 National Defense Authorization Act Member Adds—Continued

Shipboard Automated Reconstruction Capability	6.0
Joit Warfare Experiments:	
Modeling and Simulation for Homeland Defense USJFCOM	1.5
Mine Expeditionary Warfare Advanced Technology Augmented Reality Research	3.5
Studies and Analysis Support for Navy Fire Retardant Fibers	1.0
Management, Technical & International Support Warfare Analysis and Education	3.5
Modeling Simulation Support	2.0
Air Force Research, Development, Test & Evaluation:	
Materials:	
Low-cost Components for UAVs	4.0
Fabrication of Microelectronic Components	6.0
Closed Cell Foam Fire Retardant Materials	2.0
Nanotechnology Research for Aerospace Materials	4.5
Space Technology:	
Elastic Memory Composites Materials	4.0
Rigid Silicone Thin Film Solar Cells	3.5
Parallel Datacon Network for Satellite Communication	4.0
Microsatellite Duster Technology	3.0
Command Control & Communication: MASINT Warfighter Visualization Tools	7.0
Advanced Materials for Weapons Systems: Materials Affordability Initiative for Aerospace Materials	7.0
Aerospace Technology Development Demonstration:	
Advanced Aluminum Aerostructure	6.5
Life Cycle Extension Assessment for Tactical Aircraft	2.0
Fly-by-light Photonictechnology	3.0
Aerospace Propulsion and Power Technology:	
Fuel Lubrication and Turbine Engine Technology	7.0
Advanced Turbine Gas Engine Generator	6.0
Support System Development: Aging Aircraft	3.5
Defense-Wide, Research, Development, Test & Evaluation:	
Nano and Micro-electro Mechanical Systems	5.0
Neural Engineering Research for Autonomous Control	4.0
Govt Industry Cosponsorship of University Research Program	10.0
University Research Initiatives:	
Photonics Research	3.5
Advanced Remote Sensing Software	5.0
Bioterrorism Response Analysis	2.0
Carbon Nanotechnology Research	6.0
Chemical and Biological Defense Program:	
Bacteriophage Amplification	1.5
Cell and Tissue Culture and Bacterial Growth Cell Research	2.0
Chemical and Biological Defense Program:	
Acoustic Wave Sensor Technology	2.0
Water Quality Sensor	3.5
Mustard Gas Antidote	3.0
Bioinformatics	6.5
Sensor Technologies	2.0
Food Security Technologies	3.0
Nerve Agent Decontamination Technology	1.0
Counterproliferation Advanced Development Technologies: Portable radiation search tool	10.0
Chemical and Biological Defense Program: Advanced Technologies	5.0
SensorNet Cell Phone Infrastructure for Chemical and Biological Defense Pilot Program	5.0
General Logistics R&D Technology Demonstrations: Multi-state Manufacturing Extensions Partnership Identify Requirements for Product Delivery Time	9.0
DMS Data Warehouse	7.0
Vehical Fuel Cell Program for JP–8 research	7.0
Command Control and Communications Systems All Optical Switching System	3.0
Joint Robotics Program Semi-autonomous Unmanned Ground Vehicle	3.0
Chemical and Biological Defense Program Anthrax and Plague Oral Vaccine Development	6.0
Chemical and Biological Defense Program Wide Area Decontaminate and Applicators	5.7
Joint Robotics Program Semi-autonomous small UGV	4.0
General Support to C3I See and Avoid UAV Technologies	3.0
Industrial Preparedness Laser Additive Manufacturing Technology	3.0
Information Systems Security Program: Collaboration between industry, government, and academia to share lessons learned and improve cooperation to solve common defense information systems security challenges	2.0
Sub-total	445.6

Airland	
Army Aircraft Procurement: OH–58D Kiowa Warrior GAV–19 Machine Gun	12.3
Army Communications Procurement:	
Single Shelter System for Army Common User System (ACUS)	25.0
Multiband Radios	6.2
Army Training Equipment Procurement: Military Operation on Urbanized Terrain Intrumentation	4.8
Navy Aircraft Procurement: JPATS Texan	35.0
Air Force Aircraft Modification: Ku-Band Satellite Communication Intergration Capability	6.8
Air Force Special Communications Electronics Projects: Joint Threat Emitter (JTE) System	5.0
Air Force Personal Safety and Rescue Equipment:	
Aircrew Survivable Radio Test Equipment	7.0
Fixed Aircraft Standardized Seats for C–130 & KC–135	4.8
Air Force Base Support Equipment: Expeditionary Medical Support Packages (EMEDS)	3.0
Army Research, Development, Test & Evaluation:	
Missile and Rocket Advanced Technology Close-in Active Protective	6.0
Logistics and Engineer Equipment Advanced Development:	
Mobile Parts Hospital Development	6.0
Theater Support Vessel Development	7.5
Weapons and Munition:	
Abrams Tank Track Improvement	4.7

Fiscal Year 2004 National Defense Authorization Act Member Adds—Continued

Full Authority Digital Engine Control Improvement Program	5.0
Air Force Research, Development, Test & Evaluation:	
EW Development Loitering Electronic Warfare Killer (LEWR)	6.0
Armament/Ordinance Development Passive Attack Weapon	5.0
F–15 Eagle C/D AESA Radar upgrade	16.5
Eagle Vision Commercial Imaging Program	8.0
Joint Air-to-Surface Missile Extended Range (JASSME—ER	17.0
KC–135 Simulator Upgrades (boom)	3.4
Sub-total	195.0
Readiness:	
Navy Research, Development, Test & Evaluation: Environmental Protection Wireless Sensor-network Technology	2.0
Army Operation and Maintenance:	
Quadruple Shipping Containers	4.0
Satellite Communication Language Training (SCOLA) USSOCOM	2.0
Corrosion Prevention and Control Program	8.0
Navy Operation and Maintenance: Condition-based Maintenance Photonic Sensors for Marine Gas Turbine Engines	6.5
Air Force Operation & Maintenance: Manufacturing Technical Assistance Production Programs (MTAAP)	3.0
Army Reserve Operation & Maintenance: Equipment Storage Site Initial Operations	1.0
Army National Guard Operation & Maintenance: Test Support Program	1.5
Sub-total	28.0
Seapower:	
Army, Other Procurement: Causeway Systems Modular Causeway Systems	25.0
Navy, Aircraft Procurement: H–1 Series Navigational Thermal Imaging System (NTIS)	5.5
Navy, Weapons Procurement: ABL Facilities Restoration	20.0
Navy Other Procurement:	
Submarine Training Performance Support Systems	5.0
Supply Support Equipment: Serial Number Tracking Systems (SNTS)	8.0
Navy RDT&E:	
Force Protection Advanced Technology:	
Project M	4.7
High Temperature Superconducting Alternating Current HRSAC synchronous motor	10.0
Laser Welding for shipbuilding	4.1
Warfighter Sustainment Advanced Technology: Automated Container and Cargo Handling System	6.5
Shipboard System Component Development: Improved Surface Vessel Torpedo Launcher	3.0
Surface Anti-Submarine Warfare (ASW): ASW Risk Reduction	2.5
P–3 Modernization Program P3 AIP Phased Capability Upgrade (Integrated tactical picture, Link-16, Tactical Common data link, electro-optic geo-location	12.3
SSN–688 and Trident Modernization:	
Submarine antenna technology improvements: Expandable two-way satellite communications buoy	2.0
Tethered communication and sensor platform	3.0
Submarine Tactical Warfare System: Submarine Weapons Control System	10.0
Navy Energy Program: Uninterruptible Proton Exchange Membrane Fuel Cell	3.5
Airborne Reconnaissance Systems: Podded Sensors for Air Reconnaissance	5.1
Sub-total	130.2
Strategic	
Air Force Missile Procurement: Evolved Expendable Launch Vehicle (EELV)	60.0
Army Research, Development, Test and Evaluation:	
Army Missile Defense Systems Integration (Non-Space):	
Advanced Laser Electric Power	2.9
Integrated Composite Missile Systems	5.0
AMD Architecture Analysis (A3) Program	3.0
Army Security and Intelligence: Base Protection and Monitoring System	8.0
Navy Research, Development, Test & Evaluation:	
Space and Electronic Warfare Architecture:	
Advanced Wireless Network NAVCIITI	5.0
Strategic Sub & Weapons System Support (TPPL) Thin plate pure lead batteries for submarines	1.5
Air Force Research, Development, Test & Evaluation:	
Advanced Spacecraft Technology:	
Satellite Hardening Technologies	6.8
Thin Film Amorphous Silicon Solar Arrays	7.0
Maui Space Surveillance System (MSSS), Hawaii: High Accuracy Network Detection System	10.0
Space Control Technology:	
Kinetic Energy Antisatellite Program (KEASAT)	4.0
Space Control Test Bed	2.5
Global Hawk Lithium Battery Demonstration	3.5
Applied Research: Air Force Research Lab Materials	1.0
Materials, electronics and Computer Technology: Coastal Area Tactical Mapping System	2.0
Defense Wide Research, Development, Test & Evaluation:	
Ballistic Missile Defense Terminal Defense Segment Arrow, US/Israel Ballistic Missile Defense	10.0
Ballistic Missile Defense Sensors E–2 Hawkeye Infrared Search and Track	3.8
Defense Research Sciences Nanophotonic Systems Fabrication	2.0
Department of Energy National Security Programs: Replacement, Los Alamos National Lab Albuquerque, NM	50.0
Sub-total	184.0
Grand Total	982.8

Mr. WARNER. Mr. President, I would like to indicate to my distinguished colleague we are prepared to move to third reading.

Mr. LEVIN. That is my understanding. I don't know of any other matters that can be resolved.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum. I don't want you to lose the floor, but if I had the floor I would suggest the absence of a quorum.

Mr. WARNER. If that is your wish, I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to make a brief speech on the bill. Are we under a time limit?

The PRESIDING OFFICER. We are not.

Mr. BYRD. I thank the Chair.

Mine will not be a lengthy speech.

Mr. President, just weeks ago, our Armed Forces once again demonstrated—demonstrated—the overwhelming might of the United States military. Due to the sustained commitment of our country to invest a substantial proportion of our national wealth into our national defense, our military is faster, more agile, more lethal, better equipped, better protected, and better compensated than any other in the world.

Make no doubt about it, the sums that we invest in defense are enormous. According to the most recent CIA World Factbook, the world spent about three-quarters of a trillion dollars on arms in 1999, the latest year for which statistics are available. That same year, the United States spent $292 billion on its military that is nearly 40 percent of all military spending on Earth. Our country spends more on defense than all the other 18 members of NATO, plus China, plus Russia, and plus the six remaining rogue states combined.

Yet our defense budget continues to increase. This bill authorizes $400 billion for our national defense in the next year.

In an age when we talk about smart bombs, smart missiles, and smart soldiers, any talk of smart budgets has gone out the window.

It was not that long ago that Secretary Rumsfeld conducted an extensive series of top-to-bottom reviews of the Defense Department. I supported him in those exercises, and said so, as did many other Members of Congress. Those reviews were supposed to eliminate old weapons systems, field new ones, and cut the fat at the Pentagon, all for the purpose of getting more bang for our defense buck.

I understand that a huge bureaucracy like the Defense Department cannot turn on a dime. But any hopes of containing military spending increases while preparing our forces for the 21st century seem to be a distant memory. Two years into what was supposed to be a major overhaul, the Pentagon's budget has grown by 24 percent, not counting any of the billions of dollars that we have spent on the war on terrorism and the war in Iraq. Our defense budget seems more the same than ever: not more bang for the buck, just more bucks.

The administration has charted a course now to increase defense budgets to $502.7 billion within the next 5 years. At the same time, Congress has passed one tax cut of $1.35 trillion, and the Senate is headed at flank speed to pass another $350 billion in tax cuts before this week is over. Budget deficits are soaring—soaring—out of control, while our economy is in the doldrums.

Instead of saving money by skipping a generation of military weapons, we are sending our country even deeper into debt a debt that will have to be borne by yet another generation of Americans who will be expected to pay for our defense largess.

Let there be no doubt that we can and must provide first-rate fighting capability for our troops. But we can do so without committing to defense budgets that are set to spiral ever, ever higher. I know of no one who would seriously propose to give our troops second-rate equipment or to cut their pay and benefits. The size of our defense budget is not a good measure of our support for our troops.

We have plenty of headroom in which to maintain our overwhelming military superiority without bowing to every request by the powerful defense industry for more and more and more money for more and more and more programs that are all too often over budget and behind schedule. Propping up unproven weapons systems through infusions of taxpayer cash is the surest means to short change our men and women in uniform.

There remains much to be done regarding the business practices at the Pentagon. Secretary Rumsfeld has made a commitment toward improving DOD's financial management and accounting systems, and he appears to be making an earnest effort toward that end, but progress is painfully slow. Untangling the mess of unreliable accounting entries will take years to solve. The bottom line is that the Pentagon still has no way—none—no way of knowing how much it spends, how much it owns, or what its real budgetary needs are. It makes little sense to keep piling more money on a Department that does not know how it spent last year's funds.

The DOD proposed a transformation package that was said to be able to make the Department more efficient. ''Flexibilities''—and I use that word in quotation marks—''flexibilities'' are held up as the cure-all to what ails the Pentagon's management. The answer to problems like the Pentagon's accounting system clearly is not more flexibility—what is needed is more accountability. Accountability within the Department, accountability to Congress, which means accountability to the Constitution and accountability to the American people.

It is a good sign that this bill does not include most of the ''flexibilities'' requested by the Department of Defense. Senator WARNER and Senator LEVIN acted wisely in crafting a bill that upholds the prerogatives of Congress in this respect.

Now, we owe a great debt of gratitude to both of these managers, Senator WARNER and Senator LEVIN, because they went against the grain when they opposed those ''flexibilities'' and when they took them out. It is a good sign that this bill does not include most of the ''flexibilities'' requested by the Department of Defense.

But we remain on the wrong track when it comes to defense spending. Instead of truth in budgeting, Congress cannot even get a straight answer about how much it will cost to occupy Iraq. Congress could not get a straight answer as to what it would cost to wage the war in Iraq. And Congress still cannot get a straight answer about the costs of reconstructing Iraq or how long we will be there. Instead of choosing priorities for our military and skipping a generation of weapons, defense spending is through the roof while our Government is swimming in red ink.

Instead of holding the Pentagon accountable for what it spends, we are kept busy fighting off legislative proposals that would reduce oversight of the Department of Defense.

Here again, I compliment Senator WARNER and Senator LEVIN. They put the foot down and said no; this far but no further. They took out those various and sundry so-called flexibilities that the Department wanted.

We are living in a time when the greatest threat to our national security is the threat of asymmetrical warfare. We learned that on September 11, 2001. We are in no danger of being outmatched militarily by any nation on Earth, but as the current orange alert status reminds us, we remain vulnerable to the very real threat of terrorists. Yet our Department of Defense is on a track to be the instrument—get this—to be the instrument of a doctrine of preemptive attacks: Ready and willing to invade and take over sovereign states that may not even pose a direct threat to our security. The name ''Department of Defense'' is increasingly a misnomer for a bureaucracy that is poised to undertake conquests at the drop of a hat.

Senator WARNER and Senator LEVIN have done an excellent job of managing this bill and of stripping some of the most egregious provisions from the President's request.

I have been on the Armed Services Committee a good many years. I first came to the Armed Services Committee when the late Senator Richard Russell, who stood at this desk and who sat in this chair, was chairman of that great committee. I have been a supporter of our national defense. I supported the war in Vietnam until most everyone else had left the field. I held up President Nixon's hand when others on my side and the then majority leader—God rest his soul—were opposed to an amendment that I offered which said in essence that if the President sends our boys, our young men—young men for the most part at that time—to Vietnam, then the President has a responsibility to protect those men to the best of his ability and to enable them to return home safely. I lost on the amendment. I received a call from Camp David from the late President Nixon complimenting me on that amendment.

I don't take a back seat to anyone when it comes to national defense, but I think we are going too far. I commend Senator WARNER and I commend Senator LEVIN for their hard work, but I believe this bill is still too costly and steers our Nation in exactly the wrong course for the future. I hope they will not think that I in any way am criticizing them or the other members of my Armed Services Committee. I believe it is time to just say no to Pentagon excesses. I believe it is time to force the Defense Department to work smarter and waste less. I believe it is time to demand accountability for our enormous investment in defense.

For these reasons I will vote against this bill.

We will revisit this subject in the Defense Appropriations Committee and the Appropriations Committee as a whole, votes on Defense appropriations bill. But we will meet that challenge when it comes. I thank both the managers for their patience and for their good work.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, our distinguished colleague, former majority leader of the Senate, has been on the Armed Services Committee for 25 years, the quarter of a century Mr. LEVIN and I have been on there.

The Senator invoked the name of Richard Russell. When I was Secretary of the Navy, I used to come up and testify before him. I don't think anybody—maybe Senator Stennis—could match his skill. It was remarkable. Senator Tower, Senator Goldwater idolized him as we all did. But I thank the Senator for his remarks about this Senator. I do respectfully disagree with some of his conclusions, but that is the nature of the magnificence of the Senate. We have argued and expressed to the people of this country our own views.

Mr. LEVIN. If the chairman will yield a minute, I join in thanking Senator BYRD. He has a unique role in this institution and in this Nation. He makes a huge contribution in ways sometimes which are visible but often in ways which are not visible and are not known. One of those ways has been on the Armed Services Committee with so many issues. The issues he pointed out where the so-called flexibility was being sought but was not incorporated in this bill is in significant measure a tribute to his strength in defending the role of the legislative branch. It is a reflection of what is not only a big part of him but what he has instituted in so many others as a role model in this institution for fighting for a branch of government which is truly coequal to the executive branch. We have sustained that in this bill.

While the Senator from West Virginia will be voting no for the reasons he gave, the fact that he noted and welcomed the effort we made to keep out the excess power and flexibility in the executive branch to me is very heart warming indeed. I thank him for it.

Mr. BYRD. Mr. President, I thank both the very distinguished managers of the bill. May I say once again, to the distinguished Senator and to his comrade, the ranking manager, you have indeed properly upheld the role of the Senate and the principle of the separation of powers when you insisted that those various requests for ''flexibility'' be dropped. I hope you will be able to maintain that position in conference.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, my colleague Senator LEVIN and I, at the concurrence of the distinguished leadership on both sides, are prepared to proceed to a third reading and final passage.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that following passage of S. 1050, the Senate proceed to executive session for the consideration of calendar No. 171, the nomination of Consuelo Maria Callahan to be U.S. Circuit Judge for the Ninth Circuit; further, there then be 10 minutes equally divided for debate on the nomination prior to the vote on the confirmation of the nomination, without intervening action or debate; further, I ask unanimous consent that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, would that be the 126th judge we have approved during the Bush years?

The PRESIDING OFFICER. Regular order.

Mr. WARNER. I am unable to give an answer to that, I say to my distinguished colleague. I am sure in the course of the colloquy preceding the vote on that jurist, that could be answered.

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

Mr. WARNER. Mr. President, as we are proceeding, I first want to acknowledge my profound gratitude to my colleague and almost lifetime friend of 25 years in this Chamber, Senator LEVIN, for his support and that of his staff and indeed to my staff who, under the tutelage of Judy Ansley, have done a magnificent job, and for the support of our respective leaderships in making this bill pass, particularly the two whips, the Senator from Nevada and the Senator from Kentucky.

Mr. LEVIN. Mr. President, very briefly, let me thank Senator WARNER, our chairman, for his usual courtesy, his indomitable spirit, and his willingness to try to find ways in which we can resolve differences. He has done a masterful job. We thought it was going to get done in record time. It probably didn't end up quite that way, but not because of any failure on the part of our good friend from Virginia.

I thank Rick DeBobes and all the staff on this side, Judy Ansley and all the staff on the Republican side, all the members of our committee who contributed so much, as members of the committee, as chairmen and as ranking members of the subcommittee. I think we have produced a good bill.

Let me add my thanks to Senator REID in particular. I want to single out Senator REID, if I may. All the leaders help us, but I must say what a unique whip we have in HARRY REID. He really makes things happen around here which otherwise simply could not happen.

I want to take a moment to acknowledge and thank the minority staff members of the Committee on Armed Services for their extraordinary work on S. 1050, the National Defense Authorization Act for Fiscal Year 2004. To arrive at final passage of this important legislation requires hours and hours of hard work and many personal sacrifices. The committee and the Senate are so fortunate to have men and women of their expertise and dedication so ably assisting us on this bill. Rick DeBobes leads our minority staff of fifteen. Although small in numbers, they all make huge contributions to the work of the Committee each and every day. As a tribute to their professionalism, I thank Chris Cowart, Dan Cox, Madelyn Creedon, Mitch Crosswait, Rick DeBobes, Evelyn Farkas, Richard Fieldhouse, Creighton Greene, Jeremy Hekhuis, Maren Leed, Gary Leeling, Peter Levine, Arun Seraphin, Christy Still, Mary Louise Wagner, and Bridget Whalan.

Mr. WARNER. Mr. President, I ask unanimous consent, on behalf of the members of the Senate Armed Services Committee, that they be permitted before the close of business tonight to file such statements as they wish relative to this bill.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I express my profound gratitude to the members of the committee and, most notably, the Presiding Officer. I ask that the bill be read the third time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. WARNER. Mr. President, I ask for the yeas and nays on passing of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—98

Akaka	Dole	Lott
Alexander	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Miller
Bennett	Enzi	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wyden
Dodd	Lincoln	

NAYS—1

Byrd

NOT VOTING—1

Kerry

The bill (S. 1050), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. I wish to thank all of our colleagues for their patience. I ask unanimous consent that S. 1050, as amended, be printed as passed.

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

Mr. WARNER. I ask unanimous consent that the Senate proceed immediately to the consideration, en bloc, of S. 1047 through S. 1049, Calendar Order Nos. 93, 94, 95; that all after the enacting clause of those bills be stricken and that the appropriate portion of S. 1050, as amended, be inserted in lieu thereof according to the schedule which I am sending to the desk; that these bills be advanced to third reading and passed, the motions to reconsider en bloc be laid upon the table, and that the above actions occur without intervening action or debate.

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

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The bill (S. 1047) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2004

The bill (S. 1048) to authorize appropriations for fiscal year 2004 for military construction and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2004

The bill (S. 1049) to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The bill will be printed in a future edition of the RECORD.)

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I thank the two managers for their hard work and willingness to stay late into the evening in an effort that some said could not be done over the course of the last 3 days, but both managers said we were going to do it. I congratulate them for delivering on that commitment.

In a couple of moments, we will have an additional vote on a Ninth Circuit court judge.

Before doing that, the Democratic leader and I wanted to have a general understanding with our colleagues of where we are and where we will be going over the next couple of days, or next couple 12 hours, say, 18 hours. We will see how long it will be.

It is my understanding we will be receiving sometime in the next hour the conference report on the jobs and growth package. It will be filed shortly in the House. I don't know exactly what time that will be. We just left there. Hopefully, it will be in the next hour or so. It is my hope we will be able to begin debate tonight, following the vote on the judge, on the jobs and growth package.

If that is the case, what I think, in talking to the Democratic leader, we would like to accomplish is the debate, which statutorily would be 10 hours, would begin, although we will not officially start the clock at that point, right after the vote on the judicial nominee. If that were acceptable to our colleagues, again, depending on what time the language arrived and papers could be filed, we would be able to vote on final passage tomorrow morning. This is on the jobs and growth package.

That is not all the business and I will comment on the other business.

Ideally, we would be able to vote sometime around 9:30 tomorrow, although we cannot say with certainty at this juncture.

If that were the case and we were able to complete that vote, we still have the debt limit extension to address, which is something that we have to, absolutely no question about it, deal with tomorrow. Everyone agrees with that, although I do understand there will be amendments from the other side of the aisle to allow discussion. Some of those amendments will be substantive and useful to discuss and debate and some, hopefully, will disappear, and we will talk about the issues at some point. I believe we are talking about eight amendments.

We will have to pass the debt ceiling extension tomorrow. How many amendments, we have not yet decided. We have to wait until tomorrow. I am not sure how long we need to talk on the debt ceiling, but if we had the vote on the jobs and growth package at 9:30 in the morning, I imagine there is a period we might be able to agree to tonight—or may not—at which time we start the amendment process and have a series of amendments, hopefully one after another, or I would encourage that to be the case.

People have a lot of commitments tomorrow and tomorrow evening. We

want to do the business in a very deliberate way. That is a rough outline.

Let me turn to my distinguished colleague, Senator DASCHLE, to comment. Right now we are talking not unanimous consents but a general understanding of how the next day will play out.

Mr. DASCHLE. Mr. President, the majority leader and I have been discussing this now for the last several hours and he has described it accurately. Our hope is we can use this evening productively, knowing that a lot of people have schedules tomorrow afternoon and tomorrow evening they will want to keep.

While it would be difficult for us to agree at this point to begin the deliberative process on the conference report until we have actually had a chance to see it and review it, there is no reason why we cannot begin the debate.

We are suggesting that we informally begin the debate, have people address the issues if they want to be heard on the issues. If we can get a copy of a conference report in the next couple of hours, we may be in a position then to retroactively agree to the time already spent and make a commitment with regard to the time certain on the conference report itself. That could be as early as tomorrow between 9:30 and 10.

It would then be our hope we could move to the debt limit. We are not sure yet how many amendments may be offered, but we will try to limit the amount of time on each amendment so we can accommodate the schedules, with the expectation that by early afternoon we could depart.

The majority leader has articulated this understanding accurately and we will work with him to see if we can accomplish this in the next few hours.

Mr. FRIST. Mr. President, let me add, for tomorrow we do the jobs and growth package, we would take what time is necessary on the debt ceiling extension, and then we also have one other issue, which is unemployment insurance, which we will be addressing tomorrow. Again, all of this can be done in a very short period of time. These are not new issues. In each and every one of them, we know what the consequences are. They have been debated. The jobs and growth package we talked a lot about, although it is not exactly as written now, but the issues we talked about and discussed.

On all three of these issues, we will finish them. We could finish them, actually, early afternoon tomorrow if we stay focused, and that will be my intent. I understand some people on the other side of the aisle may want to talk on the debt ceiling and possibly unemployment insurance as well.

I think if we work together in a collegial way, we will be able to complete all of this legislation. Again, it has been an ambitious schedule for the week, but based on what we have seen over the last 3 years, we are making progress as we go forward.

EXECUTIVE SESSION

NOMINATION OF CONSUELO MARIA CALLAHAN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Under the previous order, there are 10 minutes evenly divided prior to the vote on the nomination.

Who yields time?

Mr. LEAHY. Have the yeas and nays been ordered on this nomination?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask 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. HATCH. Mr. President, I express my enthusiastic support for the confirmation of Consuelo Callahan to the Ninth Circuit Court of Appeals. Justice Callahan is an outstanding nominee with broad support on both sides of the aisle. She has the support of both of the distinguished senators from her home state of California, and she was unanimously approved by the Judiciary Committee the day after her hearing.

Justice Callahan received her undergraduate degree from Stanford University and her law degree from McGeorge School of Law. In 1976, she began her 10-year career as a Deputy District Attorney with the San Joaquin County District Attorney's Office where she specialized in the prosecution of child abuse and sexual assault cases. During her 10-year career as a prosecutor, she handled more than 50 jury trials.

Justice Callahan also has first-hand experience with breaking the gender barrier. In 1992, she was appointed to the Superior Court in San Joaquin County, where she was the first female and Hispanic to serve on that court. She was also the first female member of two local social and service organizations. In 1996, Justice Callahan became the first judge from San Joaquin County to be elevated to the California Court of Appeal in more than 73 years.

In addition to her outstanding career as a prosecutor and a jurist, she has donated her time to organizations involved in addressing the problem of child abuse and sexual assault and has received an award for her work in this area. She has received other awards during her career, including the Governor's award for Criminal Justice Programs and the Susan B. Anthony award for Women of Achievement. In 1999, Justice Callahan was inducted into the San Joquin County Mexican-American Hall of Fame.

The Committee has received numerous letters supporting Justice Callahan's nomination to the Ninth Circuit. The La Raza Lawyer's Association of Sacramento described Justice Callahan's professional qualifications in the following way: ''as a state appellate court justice, her opinions have been detailed, thoughtful and supportive of legal precedent. . . . She possesses both the intellect and temperament to be an outstanding justice of the Ninth Circuit Court of Appeals.''

The ten justices that serve with Justice Callahan on the Third Appellate District and work with her every day also sent a letter to the Committee praising her skills as a jurist. They write, ''During her more than six years on our court, Connie has shown that she has the integrity, capacity, collegiality, and diligence to serve with distinction on the Ninth Circuit. Our only reservation in recommending her confirmation is that it will mean a significant loss to our court. We will miss Connie's energy and enthusiasm, her legal skills, and the positive way in which she fulfills her responsibilities as an appellate jurist.''

Her colleagues' loss will be the federal judiciary's gain, as I have great confidence that the beleaguered Ninth Circuit will greatly benefit from her confirmation. I urge my colleagues to support this nomination.

Mr. LEAHY. Mr. President, each of the Senators from California would like to speak.

Mrs. FEINSTEIN. Mr. President, I rise in support of Justice Callahan to go from the California State appellate court to the Ninth Circuit Court of Appeals. This woman was really born in Senator BOXER's and my backyard. She is a Bay area person. She was born in Palo Alto. She attended Stanford, graduated with honors, attended the University of the Pacific McGeorge Law School. She has been both a deputy city attorney and deputy district attorney. She founded the first child abuse unit in the DA's Office of San Joaquin County. In 1996 she was elevated to the State Court of Appeals from the Superior Court of San Joaquin County. She has served with distinction for the past 6 years, has extraordinarily strong support.

I certainly believe, and I believe Senator BOXER concurs in this, that she is going to be an excellent judge of the Ninth Circuit Court of Appeals. I am delighted to support her and to recommend her and to vote for her.

I yield the floor.

Mrs. BOXER. Mr. President, I am very pleased to join with my colleague, Senator FEINSTEIN, in support of this fine nominee,

To support Consuelo ''Connie'' Callahan to be a judge for the U.S. Circuit Court of Appeals for the Ninth Circuit.

Judge Callahan is a native Californian, born in Palo Alto. She is a graduate of Stanford University and the

McGeorge School of Law at the University of the Pacific.

She was the first female and the first Hispanic judge to sit on the San Joaquin County Superior Court. She currently serves on the Third District Court of Appeals located in Sacramento.

She has been a champion of protecting children. When she served as a prosecutor, she focused on major felony prosecutions in the area of child abuse. She has received public recognition for her work on this issue.

She also is a former board member and President of the San Joaquin County Child Abuse Prevention Center. I applaud her involvement in this very serious cause.

I am pleased to join with my colleague, Senator FEINSTEIN, to support this nominee. In addition to having the support of both of her home-state senators, Judge Callahan received unanimous support from the Judiciary Committee.

I urge my colleagues to join us in supporting this well-qualified, mainstream nominee.

Mr. LEAHY. Mr. President, today, we vote to confirm Judge Consuelo Maria Callahan to serve on the United States Court of Appeals for the Ninth Circuit. This is another judicial nominee of President Bush whom Senate Democrats have strongly supported and whose consideration we had expedited through the Judiciary Committee.

I thank the Democratic leader and assistant leader for supporting Judge Callahan's nomination and working out this arrangement with the Republican leadership so that this consensus nomination can be considered without further delay. I appreciate that the majority leader has been willing to work with us to allow this nomination to go forward today.

I still do not know who on the Republican side delayed consideration of this consensus nominee. Just as Senate Democrats last month cleared the nomination of Judge Edward Prado to the United States Court of Appeals for the Fifth Circuit without delay, so, too, the nomination of Judge Callahan to the Ninth Circuit was cleared on the Democratic side promptly. All Democratic Senators serving on the Judiciary Committee voted to report her nomination favorably. All Democratic Senators indicated that they were eager to proceed with her nomination and, after a reasonable period of debate, vote on her nomination.

Unlike the divisive nomination of Carolyn Kuhl to the same court, both home-State Senators support the nomination of Judge Callahan and she is expected to be confirmed by an extraordinary majority—maybe unanimously. Rather than disregarding time-honored rules and Senate practices, I urged my friends on the other side of the aisle to help us fill more judicial vacancies more quickly by bringing those nominations that have bipartisan support, like Judge Callahan, to the front of the line for committee hearings and floor votes. I noted in a statement last week to make the point that the nomination of Judge Callahan to the Ninth Circuit Court of Appeals was cleared on the Democratic side.

We still do not know who on the Republican side delayed consideration of the consensus nomination of Judge Prado for a month. I thank the Congressional Hispanic Caucus for its support of that nomination as well as for its support of Judge Callahan, and for working with the Senate to bringing fair evaluation of these nominees and for adding their voice to the discussion of these lifetime appointments.

It is most unfortunate that so many partisans in this administration and on the other side of the aisle insist on bogging down consensus matters and consensus nominees in order to focus exclusively on the most divisive and controversial of this President's nominees as he continues his efforts to pack the courts. Democratic Senators have worked very hard to cooperate with this administration in order to fill judicial vacancies. What the other side seeks to obscure is our effort, our fairness and the progress we have been able to achieve without much help from the other side or the administration.

The fact is that when Democrats became the Senate majority in the summer of 2001, we inherited 110 judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive and controversial, several who had mixed peer review ratings from the ABA and at least 1 who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed ''full employment'' by Senator HATCH. Since the beginning of this year, in spite of the Republican's fixation on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies has been reduced to 45 and is the lowest it has been in 13 years. That is lower than at any time during the entire 8 years of the Clinton administration. We have already reduced judicial vacancies from 110 to 45, in 2 years. We have reduced the vacancy rate from 12.8 percent to 5.2 percent, the lowest it have been in the last two decades. With some cooperation from the administration, think of the additional progress we could be making.

Earlier this month, we were able to obtain Senate consideration of the nomination of Judge Prado, and another distinguished Hispanic nominee, Judge Cecilia Altonaga, to be a Federal judge in Florida. We expedited consideration of that nominee at the request of Senator GRAHAM of Florida. I am told that she is the first Cuban-American woman to be confirmed to the Federal bench. Indeed, Democrats in the Senate have worked to expedite fair consideration of every Latino nominee this President has made to the Federal trial courts in addition to the nominations of Judge Prado and Judge Callahan.

As I have noted throughout the last 2 years, the Senate is able to move expeditiously when we have consensus nominees to consider. In a recent column, David Broder noted that he asked Alberto Gonzales if there was a lesson in Judge Prado's easy approval, but that Mr. Gonzales missed the point. In Mr. Broder's mind: ''The lesson seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituents have reason to think them fair-minded.'' Judge Consuelo Callahan is another such nominee.

With this confirmation, the Senate will have confirmed 126 judges, including 24 circuit court nominees, nominated by President Bush, 100 in the 17 months in which Democrats comprised the Senate majority. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last 2 years, but that lesson has been lost on this White House and the current Senate leadership.

One hundred judicial nominees were confirmed when Democrats controlled the Senate for 17 months, and 26 have been confirmed in the other 12 months in which Republicans have controlled the confirmation process under President Bush. This total of 126 judges confirmed for President Bush is more confirmations than the Republicans allowed President Clinton in all of 1995, 1996 and 1997 the 3 full years of his last term. In those 3 years, the Republican leadership in the Senate allowed only 111 judicial nominees to be confirmed, which included only 18 circuit court judges. We have already exceeded that total by 13 percent and the circuit court total by 33 percent before Memorial Day and with 7 months remaining to us this year.

Today's confirmation makes the seventh court of appeals nominee confirmed by the Senate just this year. That meets the annual average achieved by Republican leadership from 1995 through the early part of 2001. The Republicans have now achieved as much in less than 5 months for President Bush as they used to allowed the Senate to achieve in a full year with President Clinton. They are moving two to three times faster for this President's nominees, despite the fact that the current appellate court nominees are more controversial, divisive and less widely supported than President Clinton's appellate court nominees were.

Understand that if the Senate did not confirm another judicial nominee all year and simply adjourned today, we would have treated President Bush more fairly and would have acted on more of his judicial nominees than Republicans did for President Clinton in

1995 to 1997. In addition, the 45 vacancies on the Federal courts around the country are significantly lower than the 80 vacancies Republicans left at the end of 1997. Of course, the Senate is not adjourning for the year and Chairman HATCH continues to hold hearings for Bush judicial nominees at between two and four times as many as he did for President Clinton's.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I regret the administration's refusal to work with us to end the impasse it has created in connection with the Estrada nomination. The partisan politics of division that the administration is practicing with respect to that nomination are not helpful and not respectful of the damage done to the Hispanic community by insisting on so divisive a nominee.

I invite the President to work with us and to nominate more mainstream individuals like Judge Prado and Judge Callahan with proven records and bipartisan support. In connection with the unexplained Republican delay before consideration of the nomination of Judge Prado, some suggested that Judge Prado had been delayed because Democratic Senators were likely to vote for him and thereby undercut the Republican's shameless charge that opposition to Miguel Estrada is based on his ethnicity.

We all know that the White House could have cooperated with the Senate by producing Mr. Estrada's work papers. This would have enabled the Senate to have voted on the Estrada nomination months ago. The request for his work papers was sent last May 15 and has been outstanding for more than a year. Rather than respond as every other administration has over the last 20 years and provide access to those papers, this White House has stonewalled. Rather than follow the policy of openness outlined by Attorney General Robert Jackson in the 1940s, this administration has stonewalled. And Republican Senators and other partisans could not wait to claim that the impasse created by the White House's change in policy and practice with respect to nominations was somehow attributable to Democrats being anti-Hispanic. The charge would be laughable if it were not so calculated to do political damage and to divide the Hispanic community. That is what Republican partisans hope is the result. That is wrong.

Unfortunately, in the case of Mr. Estrada, the administration has made no effort to work with us to resolve the impasse. Instead, there has been a series of votes on cloture petitions in which the opposition has grown and from time to time the support has waned. Recently, there have been press reports indicating that Mr. Estrada asked the White House months ago to withdraw his nomination. I understand his frustration. If this administration is not going to follow the practice of every other administration and share with the Senate the government work papers of the nominee—the very practice this administration followed with its own EPA nominee in 2001—then I can understand him not wanting to be used as a political pawn by the administration to score partisan, political points. That the administration has not acceded to his reported request but has plowed ahead to force a succession of unsuccessful cloture votes and to foment division in the Hispanic community for partisan gain is another example of how far this administration is willing to go to politicize the process at the expense of its own nominees.

Judge Callahan is a fine candidate for elevation to the appeals court. She has years of experience serving on the bench in the state of California, first on the California Superior Court and then on the California Court of Appeal. She enjoys the full support of the Congressional Hispanic Caucus. Not a single person or organization has submitted a letter of opposition or raised concerns about her. No controversy. No red flags. No basis for concern. No opposition. This explains why her nomination was voted out of the Judiciary Committee with a unanimous, bipartisan vote on an expedited basis.

During President Clinton's tenure, 10 of his more than 30 Latino nominees, including Judge Rangel, Enrique Moreno, and Christine Arguello to the circuit courts, were delayed or blocked from receiving hearings or votes by the Republican leadership. Republicans delayed consideration of a well-qualified Hispanic nominee to the Ninth Circuit, Judge Richard Paez for over 1,500 days, and 39 Republicans voted against him. The confirmations of Latina circuit nominees Rosemary Barkett and Sonia Sotomayor were also delayed by Republicans. Judge Barkett was targeted for delay and defeat by Republicans based on claims about her judicial philosophy, but those efforts were not successful. After significant delays and an unsuccessful Republican filibuster, 36 Republicans voted against the confirmation of Judge Barkett. Additionally, Judge Sotomayor, who had received the ABA's highest rating and had been appointed to the district court by President George H.W. Bush, was targeted by Republicans for delay or defeat when she was nominated to the Second Circuit. She was eventually confirmed, although 29 Republicans voted against her.

The fact is that the Latino nominations that the Senate has received from this administration have been acted upon in an expeditious manner. They have overwhelmingly enjoyed bipartisan support. Under the Democratically led Senate, we swiftly granted hearings for and eventually confirmed Judge Christina Armijo of New Mexico, Judge Phillip Martinez and Randy Crane of Texas, Judge Jose Martinez of Florida, U.S. Magistrate Judge Alia Ludlum, and Judge Jose Linares of New Jersey to the district courts. This year, we also confirmed Judge James Otero of California, and we would have held his confirmation hearing last year if his ABA peer rating had been delivered to us in time for the scheduling of our last hearing. As I have noted, we also have recently confirmed Judge Cecilia Altonaga and Judge Edward Prado with unanimous Democratic support.

Judge Callahan's nomination was delayed on the Senate executive calendar unnecessarily in my view. I am pleased to see that at the urging of the Democratic leadership—the Republican majority has agreed to bring up this uncontroversial Latina nominee for a vote. I congratulate Judge Callahan and her family on her confirmation.

Mr. President, I thank both the majority leader and the distinguished Democratic leader for clearing this action. We have tried on this side of the aisle for some time to clear this nomination. I appreciate my friends on the Republican side lifting their hold. I support the nominee and yield back all time.

The PRESIDING OFFICER. All time is yielded back. The question is, will the Senate advise and consent to the nomination of Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 195 Ex.]

YEAS—99

Akaka	Craig	Jeffords
Alexander	Crapo	Johnson
Allard	Daschle	Kennedy
Allen	Dayton	Kohl
Baucus	DeWine	Kyl
Bayh	Dodd	Landrieu
Bennett	Dole	Lautenberg
Biden	Domenici	Leahy
Bingaman	Dorgan	Levin
Bond	Durbin	Lieberman
Boxer	Edwards	Lincoln
Breaux	Ensign	Lott
Brownback	Enzi	Lugar
Bunning	Feingold	McCain
Burns	Feinstein	McConnell
Byrd	Fitzgerald	Mikulski
Campbell	Frist	Miller
Cantwell	Graham (FL)	Murkowski
Carper	Graham (SC)	Murray
Chafee	Grassley	Nelson (FL)
Chambliss	Gregg	Nelson (NE)
Clinton	Hagel	Nickles
Cochran	Harkin	Pryor
Coleman	Hatch	Reed
Collins	Hollings	Reid
Conrad	Hutchison	Roberts
Cornyn	Inhofe	Rockefeller
Corzine	Inouye	Santorum

Sarbanes	Snowe	Talent
Schumer	Specter	Thomas
Sessions	Stabenow	Voinovich
Shelby	Stevens	Warner
Smith	Sununu	Wyden

NOT VOTING—1

Kerry

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Virginia.

UNANIMOUS CONSENT REQUEST—S. 392

Mr. WARNER. Mr. President, I have been working with the distinguished Democratic whip. There is a small matter that we wish to wrap up with a UC request.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, but no later than June 27, the Senate proceed to a bill introduced by Senators REID and DORGAN on the subject of concurrent receipts, the text of which is at the desk, S. 392. I further ask unanimous consent that no amendments be in order to the bill, and that there be 60 minutes equally divided for debate in the usual form. Finally, I ask unanimous consent that following the use or yielding back of that time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we just got a call from the cloakroom, so I withhold my UC request and yield to the Senator from Utah. He has one.

The PRESIDING OFFICER. The request is withheld.

The Senator from Utah.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. HATCH. Mr. President, I further ask unanimous consent that I be recognized to speak for up to 15 minutes, and that following my remarks, Senator BEN NELSON be recognized for up to 15 minutes.

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

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR FRIDAY, MAY 23, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m., Friday, May 23. I further ask that following the prayer and 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 the conference report to accompany H.R. 2, the jobs and economic growth bill, as provided under the previous agreement.

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

PROGRAM

Mr. FRIST. For the information of all Senators, tomorrow the Senate will resume debate on the conference report to accompany H.R. 2, the jobs and economic growth bill. Under the previous order, the Senate will vote on the adoption of the conference report tomorrow morning at 9:30. The 9:30 a.m. vote on the conference report will be the first vote tomorrow.

Following the disposition of the conference report, the Senate will consider the debt limit extension legislation. Amendments to the measure are expected throughout the morning and therefore rollcall votes will occur throughout the afternoon. It is my hope that Members will show restraint in the number of amendments offered to the debt limit legislation, and we could thereby complete action on this necessary measure early tomorrow afternoon.

In addition, we will be considering in all likelihood the unemployment compensation initiative at some point tomorrow, most probably following the debt limit legislation.

I would alert Members at this time that tomorrow will be a very busy day, starting early in the morning with a number of rollcall votes expected throughout the day. I encourage Senators to make the necessary scheduling arrangements to accommodate the voting on these important issues.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:34 p.m., adjourned until Friday, May 23, 2003, 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 22, 2003:

THE JUDICIARY

BRIAN F. HOLEMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE MARY ELLEN ABRECHT, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) DUNCAN C. SMITH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) SALLY BRICE-O'HARA, 0000
REAR ADM. (LH) HARVEY E. JOHNSON, 0000
REAR ADM. (LH) DAVID W. KUNKEL, 0000
REAR ADM. (LH) DAVID B. PETERMAN, 0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DOUGLAS BURNETT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CRAIG S. FERGUSON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAN C. HULY, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. MICHAEL G. MULLEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES 1NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. EDMUND P. GIAMBASTIANI JR., 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN

THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

ALI ABDI, OF VIRGINIA
JUDE AKHIDENOR, OF VIRGINIA
DEANNA M. AYALA, OF THE DISTRICT OF COLUMBIA
KEVIN LATNER, OF CALIFORNIA
KEVIN L. SAGE-EL, OF MARYLAND
ERIC B. TRACHTENBERG, OF NEW YORK

DEPARTMENT OF STATE

HENRY A. LEIGHTON JR., OF CALIFORNIA
BRIAN GEORGE HEATH, OF NEW JERSEY

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

KIMBERLY L. SVEC, OF WASHINGTON

DEPARTMENT OF STATE

CLAY KRAUSS ADLER, OF CALIFORNIA
PATRICIA AGUILERA, OF TEXAS
ERIC CHARLES ANDERSON, OF ILLINOIS
DAVID R. ATKINSON, OF VIRGINIA
JOSEPH J. BEDESSEM, OF VIRGINIA
MIKAEL CLEVERLEY, OF CALIFORNIA
KIA JEANNINE COLEMAN, OF MARYLAND
CRAIG M. CONWAY, OF NEVADA
MICHELE J. DASTIN-VAN RIJN, OF MARYLAND
CYNTHIA A. EBEID, OF THE DISTRICT OF COLUMBIA
NICOLAS ANTOINE FETCHKO, OF VIRGINIA
DAVID L. FISHER, OF CALIFORNIA
STEPHEN THOMAS FRAHM, OF NEVADA
KENDRA L. GAITHER, OF VIRGINIA
RICHARD H. GLENN, OF NEW MEXICO
TOBIAS HENRY GLUCKSMAN, OF NEW YORK
JASON BAIRD GRUBB, OF VIRGINIA
KRISTIN R. GUSTAVSON, OF CALIFORNIA
HENRY R. HAGGARD, OF VIRGINIA
CRAIG L. HALL, OF FLORIDA
MORGAN C. HALL, OF CALIFORNIA
JULIA HARLAN, OF INDIANA
KRISTI DIANNE HOGAN, OF CALIFORNIA
DONNA LEIGH HOPKINS, OF TEXAS
MATTHEW EDWARD KEENE, OF PENNSYLVANIA
MARTIN T. KELLY, OF MARYLAND
ANTHONY J. KLEIBER, OF ILLINOIS
ERIC W. KNEEDLER, OF PENNSYLVANIA
NANCY W. LEOU, OF CALIFORNIA
VICTORIA C. MALZONE, OF MASSACHUSETTS
CHARLES K. MAY, OF WASHINGTON
DAVID MICHAEL MERON, OF FLORIDA
MITCHELL ROLAND MOSS, OF TEXAS
PERLITA W. MUIRURI, OF VIRGINIA
ROBERT JOHN PALLADINO JR., OF VIRGINIA
LISA JEAN PITTMAN, OF CALIFORNIA
WILLIAM WAYNE POPP, OF VIRGINIA
JONATHAN GOODALE PRATT, OF CALIFORNIA
MARY BRETT ROGERS, OF CALIFORNIA
RACHEL SCHOFER, OF PENNSYLVANIA
SUZANNE A. SHELDON, OF NEW HAMPSHIRE
IAN M. SHERIDAN, OF CALIFORNIA
SHELBY V.V. SMITH-WILSON, OF VIRGINIA
DAVID JONATHAN TESSLER, OF NEW YORK
ERIC WATNIK, OF CALIFORNIA
HANS F. WECHSEL, OF IDAHO
AMY MARIE WILSON, OF MASSACHUSETTS
CHARLES AUGUSTUS WINTERMEYER JR., OF WASHINGTON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

DARREL W.C. CHING, OF GEORGIA

DEPARTMENT OF STATE

ERNEST J. ABISELLAN, OF FLORIDA
PAUL S. AGUE, OF VIRGINIA
LAURA T. BARBORIAK, OF VIRGINIA
PAUL J. BARRY, OF VIRGINIA
WENDY LYNN BERG, OF VIRGINIA
ELLEN S. BIENSTOCK, OF PENNSYLVANIA
DAN BIERS, OF CALIFORNIA
BRIAN EDWARD BOLTON, OF VIRGINIA
TREVOR W. BOYD, OF NEW JERSEY
JOSEPH M. BOYLE, OF VIRGINIA
DANNA JULIE BRENNAN, OF THE DISTRICT OF COLUMBIA
TIMOTHY S. BRISCO, OF VIRGINIA
CHRISTOPHER CHARLES BROWN, OF WISCONSIN
LAWRENCE J. BURKHART, OF MARYLAND
DANNIE L. BUTLER, OF VIRGINIA
JEREMY D. CADDEL, OF TEXAS
SONIA L. CALCAGNO, OF VIRGINIA
JENNIFER A. CARA, OF VIRGINIA
ANTHONY P. CATINELLA, OF VIRGINIA
MICHAEL JUSTIN CHADWICK, OF VIRGINIA
LYRA S. CHIDONI, OF VIRGINIA
WILLIAM MONROE COLEMAN IV, OF NORTH CAROLINA
DEWITT CHARLES CONKLIN, OF FLORIDA
RENEE YNIGUEZ COTTON, OF FLORIDA
W. PATRICK CRAGUN, OF TEXAS
KEVIN CRISP, OF CALIFORNIA
ELIZABETH ANNE CULVER, OF VIRGINIA
JENNIFER J. DANOVER, OF MINNESOTA
JENNIFER LYNN DAVIS, OF NORTH CAROLINA
JESSICA LYNN DAVIS BA, OF THE DISTRICT OF COLUMBIA
RAMONA G. DUNN, OF VIRGINIA
MICHAEL B. ELIESON, OF TEXAS
KIERA LACEY EMMONS, OF CALIFORNIA
JEROME NORBERT EPPING JR., OF NEW MEXICO
ERIN M. EWART, OF VIRGINIA
MARY FISK-TELCHI, OF ARKANSAS
REBECCA A. FONG, OF CALIFORNIA
CHRISTOPHER T. FRIEFELD, OF VIRGINIA
THOMAS BARRY FULLERTON JR., OF THE DISTRICT OF COLUMBIA
JONATHAN GANNON, OF VIRGINIA
KATHERINE L. GILES, OF VIRGINIA
JEFFREY DAVID GRAHAM, OF THE DISTRICT OF COLUMBIA
CANDACE A. GRAVES, OF NORTH CAROLINA
MICHAEL W. GRAY, OF LOUISIANA
CATHERINE I. GULYAN, OF COLORADO
CHRISTOPHER J. GUNNING, OF TEXAS
DANIELLE ALISA HARMS, OF PENNSYLVANIA
SCOTT E. HARTMANN, OF THE DISTRICT OF COLUMBIA
CYNTHIA R. HARVEY, OF VIRGINIA
CHARLES V. HAWLEY, OF VIRGINIA
TODD MARTIN HAZELBARTH, OF VIRGINIA
NICHOLAS J. HEGARTY, OF NEW JERSEY
KEVAN HIGGINS, OF THE DISTRICT OF COLUMBIA
SHAROLYN HIGGINS, OF VIRGINIA
SARAH PRICE HORTON, OF FLORIDA
MARK HOUGAARD, OF VIRGINIA
WILLIAM B. HURD, OF THE DISTRICT OF COLUMBIA
MICHELE A. JAROSINSKI, OF VIRGINIA
DANIEL JEON, OF VIRGINIA
ANDREW JOHNSON, OF WASHINGTON
CATHERINE L. KEANE, OF THE DISTRICT OF COLUMBIA
ANDREW F. KERR, OF VIRGINIA
MARY-ELIZABETH KNAPP, OF NORTH CAROLINA
RYAN JOHN KOCH, OF COLORADO
KAWEEM MOHAMMAD KOSHAN, OF VIRGINIA
JOSEPH D. LACROSSE, OF VIRGINIA
MARSHA ANN LANCE, OF FLORIDA
JENNIFER LARSON, OF NEW HAMPSHIRE
CHRISTOPHER GEORGE LESLIE, OF VIRGINIA
VLAD LIPSCHUTZ, OF NEW YORK
BONNIE D. LONG, OF FLORIDA
DAVID A. LYON, OF VIRGINIA
ERNEST V. MALATO III, OF VIRGINIA
CATHERINE V. MARINIS, OF VIRGINIA
PETER H. MARTIN, OF THE DISTRICT OF COLUMBIA
JOHN TIMOTHY MAYS, OF NORTH CAROLINA
SHANNON TOVAN MCDANIEL, OF THE DISTRICT OF COLUMBIA
MATTHEW J. MILLER, OF WYOMING
WALTER R. MILLER, OF CONNECTICUT
ADAM B. MOBARIK, OF VIRGINIA
JOSEPH MOONE, OF VIRGINIA
DAVID WAYNE MOYER, OF MARYLAND
TERRY L. MURPHREE, OF MARYLAND
JAI L. NAIR, OF MARYLAND
SIRIANA KVALVIK NAIR, OF MARYLAND
KEISHA P. NEAMO, OF THE DISTRICT OF COLUMBIA
AARON C. OLSA, OF VIRGINIA
BRYAN OLTHOF, OF VIRGINIA
LESLIE T. ORDEMAN, OF NEW YORK
ANDRES PAZ, OF THE DISTRICT OF COLUMBIA
ROBERT P. PECK, OF FLORIDA
DEBORAH Y. PEDROSO, OF CALIFORNIA
MARY ANN PEFFER, OF VIRGINIA
MAURA VAUGHAN PELLET, OF NEVADA
AARON MICHAEL PERRINE, OF WASHINGTON
JENNIFER PETERSON, OF FLORIDA
RICHARD J. PETERSON, OF UTAH
JOSHUA WILEY POLACHECK, OF ARIZONA
ROBERT JASPER POPE, OF MINNESOTA
JENNIFER KATHLEEN PURL, OF CALIFORNIA
SARAH MORRIS RADT, OF VIRGINIA
MARION HEYNA RAM, OF CALIFORNIA
LARILYN L. REFFETT, OF ILLINOIS
CHERYL I. RICE, OF THE DISTRICT OF COLUMBIA
BRUCE O. RIEDEL, OF VIRGINIA
JASON B. RIEFF, OF THE DISTRICT OF COLUMBIA
SCOTT ASHTON ROBINSON, OF CALIFORNIA
RUSSELL C. ROBY, OF VIRGINIA
JENNIFER LEE ROQUE, OF MASSACHUSETTS
ADAM DOUGLAS ROSS, OF CONNECTICUT
ERIC A. SALZMAN, OF NEW MEXICO
BRIANA L.M. SAUNDERS, OF MINNESOTA
CAROLYN A. SCHERER, OF FLORIDA
TAMER SHARKAWY, OF VIRGINIA
MARILYN D. SIRI, OF VIRGINIA
DEMIAN SMITH, OF VIRGINIA
TIMOTHY G. SMITH, OF WASHINGTON
AARON DAVID SNIPE, OF NEW YORK
CHRISTOPHER KIRKLAND SNIPES, OF CALIFORNIA
STEVE J. SO, OF VIRGINIA
MARGARET A. SORENSON, OF VIRGINIA
DEREK SPEAKMON, OF THE DISTRICT OF COLUMBIA
MARK EMANUEL STROH, OF PENNSYLVANIA
SUZANNE M. SUMMERS, OF THE DISTRICT OF COLUMBIA
DOUGLAS MICHAEL SWIGERT, OF VIRGINIA
OSMAN N. TAT, OF MARYLAND
KATYA THOMAS, OF MARYLAND
PAUL STERLING THOMAS, OF COLORADO
KRISTIN L. WESTPHAL, OF NEW YORK
JOHN D. WILCOCK, OF CONNECTICUT
JAMES BENTON WILLIAMS, OF MARYLAND
CHRISTOPHER J. YOUNG, OF VIRGINIA
STACIE ZERDECKI, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBERS OF FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

VAN S. WUNDER III, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

LAWRENCE C. MANDEL, OF MASSACHUSETTS

CONFIRMATIONS

Executive nominations confirmed by the Senate May 22, 2003:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STEVEN B. NESMITH, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

NATIONAL INSTITUTE OF BUILDING SCIENCES

LANE CARSON, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2004.

JAMES BROADDUS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2004.

JOSE TERAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2005.

MORGAN EDWARDS, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2005.

EXECUTIVE OFFICE OF THE PRESIDENT

NICHOLAS GREGORY MANKIW, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF STATE

JEFFREY LUNSTEAD, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

JAMES B. FOLEY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

STEVEN A. BROWNING, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

HARRY K. THOMAS, JR., OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

RICHARD W. ERDMAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

MICHAEL B. ENZI, OF WYOMING, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PAUL SARBANES, OF MARYLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAMES SHINN, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CYNTHIA COSTA, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RALPH MARTINEZ, OF FLORIDA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

UNITED STATES SENTENCING COMMISSION

MICHAEL E. HOROWITZ, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2007.

RICARDO H. HINOJOSA, OF TEXAS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2007.

THE JUDICIARY

CONSUELO MARIA CALLAHAN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

DEPARTMENT OF JUSTICE

MARK MOKI HANOHANO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

L. SCOTT COOGLER, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.