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Senate

The Senate met at 12 noon and was called to order by the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina.

PRAYER

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

Let us pray:

Holy God, who takes our guilt away, You are the chief justice of the universe. Thank You that we can do nothing to earn Your forgiveness, so that we need not sink into regrets, shame, and excuses. You have buried our transgressions in the sea of forgetfulness. Wrap us with a robe of righteousness, as a bridegroom dresses for his wedding and as a bride is adorned with jewels. Help us to show our gratitude for our salvation by living for You.

Enable our Senators today to contribute to peace in our world. As they are empowered by You, the Prince of Peace, help these dedicated lawmakers to make Your work their work. Bless our pages who face the challenges of exams. Hasten the day when Your purposes will be done on Earth, even as they are done in heaven. We pray this in Your holy Name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable ELIZABETH DOLE 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 17, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mrs. DOLE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MCCONNELL. Madam President, today the Senate will be in a period of morning business until 2:30. At 2:30, the Senate will begin consideration of the Department of Defense authorization bill. The Chairman and ranking member of the Armed Services Committee will be here to begin working through amendments to that bill. Chairman WARNER and Senator LEVIN have indicated they will have an amendment ready to be voted on around 5:30. This will be the first vote of the day.

It is the majority leader's intention to complete action on the bill by the end of the week. Senators who wish to offer an amendment are encouraged to contact the bill managers as soon as possible so they can schedule floor time for the amendment's consideration. The leader stated that late night sessions are expected this week and Members should plan their schedules accordingly.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2:30 p.m., with the time equally divided between the two leaders or their designees.

The Senator from Kentucky is recognized.

50TH ANNIVERSARY OF BROWN VS. BOARD OF EDUCATION OF TOPEKA

Mr. MCCONNELL. Madam President, I rise this morning to mark the 50th Anniversary of the Supreme Court's historic decision in the case of Brown vs. Board of Education of Topeka.

As I stand at my desk on the Senate floor, my eyes are often drawn to the inscription etched in marble directly above the rostrum.

The inscription reads, ''E Pluribus Unum.'' Translated into English, this means, ''out of many, one.'' The founding fathers selected ''E Pluribus Unum'' to signify the union of our thirteen original colonies into a single cohesive nation—the United States of America. They understood that America's future success, and indeed our strength, would be enhanced through this union.

As our Nation grew in size, population, and diversity, our national motto took on greater meaning.

Today, ''E Pluribus Unum'' reminds us that America is home to a collection of individuals of all races, creeds, and backgrounds. These individuals together make up America's strength and majesty.

I do not believe the architects of this hallowed chamber etched these words into such a prominent place by accident. As you know, Senate rules require every Senator to engage in debate—no matter how heated or contentious—through the presiding officer. These three words, ''E Pluribus Unum,'' inscribed directly above the presiding officer serve to remind us

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

that regardless of the differences that may divide this body on a given day, we will emerge united as a Senate and united as a Nation.

As columnist George Will noted, we are ''a nation defined by our unum, not our pluribus.''

Yet, tragically, for much of our Nation's history, millions of African-Americans were excluded from fully participating in our democracy—first by slavery, and later through a system of State-sponsored segregation.

This system of legalized segregation was sanctioned by the Supreme Court case Plessy vs. Ferguson and its doctrine allowing for ''separate, but equal'' public accommodations, including schools.

It is with some pride that I note that a Kentuckian, Associate Justice John Marshall Harlan, was the lone dissenting voice on the Court in the Plessy case. In his stinging dissent, Justice Harlan argued:

> Our Constitution is color blind and neither knows nor tolerates classes among citizens . . . the destinies of the two races are indissolubly linked together, and the interests of both require the common government of all shall not permit the seeds of race hate to be planted under the sanction of the law.

Justice Harlan also noted, ''the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case''—referring to the case right before the Civil War.

Justice Harlan's words proved prophetic as more and more Americans grew to understand that a nation forcibly separated by law could never fully realize its destiny as a beacon of freedom, nor truly live up to its motto, ''E Pluribus Unum.''

By denying African-American children the equal opportunity to attend the same schools as their fellow citizens, States denied these children the opportunity to fully participate economically, socially, or politically in our society as adults.

Fifty years ago this morning, the Supreme Court agreed when it ruled in favor of the plaintiffs in Brown vs. Board of Education of Topeka. Simply, yet eloquently, a unanimous Supreme Court found, ''We conclude that in the field of public education the doctrine 'separate but equal' has no place. Separate educational facilities are inherently unequal.'' The Court later directed the States to move forward with desegregation ''with all deliberate speed.''

In 1954, Kentucky had already begun taking the first small steps towards integrating the State's schools. While the State's elementary and secondary schools remained segregated in 1954, Kentucky had begun chipping away at our state's infamous 1904 ''Day Law,'' which mandated racial segregation in public education.

On the day following the decision, the Louisville Courier-Journal noted, ''The Supreme Court, in a decision marked by reason and restraint, has enunciated a doctrine of morality.''

Madam President, it is fitting and appropriate that we mark the 50th Anniversary of the Brown decision. However, we must also understand that while Brown opened the schoolhouse doors to all children, it could not guarantee that every child, regardless of race, receives a high quality education.

That task has been left to the generations that have followed.

In the years since, educators have documented an unsettling and persistent achievement gap between minority and non-minority students. A similar gap exists between poor and non-poor students.

For example, in my home state of Kentucky minority students are much less likely to read proficiently at grade level than their non-minority counterparts. Similar results have been documented nationally.

For decades, the Federal Government spent countless billions with the goal of eliminating the achievement gap but without demanding any real accountability for improving results. Since no results were demanded, none were forthcoming.

From 1965 to 2001, the Federal Government spent more than $150 billion to address the achievement gap. Total education spending doubled during that period from 1965 to 2001, even after accounting for inflation. Yet during most of this period, reading and math scores remained flat. If funding were the problem, we would have solved the achievement gap years ago.

During this period too many Americans came to accept the achievement gap as the inevitable result of a student's environment or believe the erroneous claim that a certain percentage of students will not ever be able to meet even basic standards in reading and math. All too often, schools just passed these students along from grade to grade through social promotion policies. While the schools may not have failed students on their report cards, they failed to prepare them for life's challenges.

In his 2000 Presidential campaign, then-Governor Bush described this mistaken attitude as ''the soft bigotry of low expectations.'' Following his election, the President moved quickly with leaders in both parties to attack the achievement gap and enact the No Child Left Behind law.

This historic legislation is grounded in the simple principle that every child can learn and that no child should be left behind. It recognizes the fundamental importance of reading for all children. As the President has explained, ''Literacy is liberation. . . . The ability to read is what turns a child into a student. First we learn to read, and then we read to learn.''

The law sets high standards for all groups of students, and then holds schools accountable for improving academic achievement across the board. For the first time, the No Child Left Behind Act requires States to examine not only an entire school's progress but also the progress of subgroups of students within a school to make sure we do not give up on any child, regardless of their color, language, or economic circumstance.

If any of these subgroups is not meeting the school's goal of adequate yearly progress, then the whole school has failed to meet its goals. The days of spending and education without accountability are over. Setting high standards for all our students is critical to ensuring that every single child receives an equal opportunity for a quality education.

In writing for the unanimous court in the Brown decision, Chief Justice Warren noted:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

Those words were never more accurate than they are today. While we mark the 50th anniversary of the historic Brown decision to opening America's schools to all children, we must also remember that ensuring every child receives a quality education is the ongoing responsibility for each generation of leaders that follows.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair. Madam President, I certainly agree with my friend from Kentucky that there is nothing more important than for us to ensure that our education system is accountable, is working well, and is fair to all students.

CONFERENCING THE HIGHWAY BILL

Mr. THOMAS. Madam President, I wish to take a moment to talk about another topic that I think affects us all. I just came back from my home in Wyoming. I heard a great deal of conversation about highways and the highway bill and the fact that we have not yet been able to pass a highway bill, both in the House and the Senate, and get together. The highway bill, of course, under which we have lived for the last 6 years, has expired, and we are doing a month or two extension of time. The fact is, that does not work very well. With some issues I suppose we could continue to do extensions. Building highways and upgrading highways is all done by contracts. The people responsible for highways need to know what their resources are going to be into the future so they can make those long-term decisions for highway construction contracts. We are unable to do that now.

The highway bill is one of the issues before us that is time imperative. The Environment and Public Works Committee, of which I am a member, has the primary responsibility for putting out a highway bill. We worked on it for a long time. We brought a bill to the floor, and it was passed by this body. It is a very good bill. It is a larger bill

than the one that passed out of the House, and it expends more money than the bill from the White House. The fact is, it is based on the money that is available, that is paid in taxes for highways.

We find ourselves in a strange situation. One of the issues about which all of us continue to be concerned, with a good deal of success, I might add, is working on creating jobs. There is no short-term passage of any bill that would provide more jobs than the highway bill, and these are contracting jobs, of course, in the private sector. It would be helpful for us in terms of getting those jobs in place.

The other is infrastructure. Again, there is nothing more important to the overall economy. Think about what it means in each of our lives, whether it is simply driving home, whether it is the business you are in, whether it is moving products all around the country. All we do is impacted by transportation and by highways.

It seems that this issue of highways is more imperative than most anything before us, and yet we have not been able to move it and get it out where it belongs—out to the States.

I am becoming more and more concerned about the fact that the Federal Government is getting itself involved in a lot of issues that should not be the focus or the role of the Federal Government. I am going to start pressing to see if we cannot develop a criteria as to what the role of the Federal Government ought to be. That is sort of what the Constitution does, but we stretched it out. In fact, I am gathering up a list to talk about one of these days of all the various funding programs in the Federal Government. All of us will be amazed when we see the numbers and the size of the book involved in listing all those programs.

Nothing could be more a function of the Federal Government, since the Federal Government charges a tax on every gallon of gas that we buy, than building an infrastructure system across the country, much of it Federal interstate highways. It is clearly a role for the Federal Government and one for which we are responsible.

As we do that, we need to allow the priorities to be set by the States. I do not agree with the House procedure of assigning all the different specialities before it goes out of here, but rather we ought to decide the formula for the allocation among the States and let the States then set their priorities, along with the Federal Government on Federal highways.

Obviously, highway systems perhaps in some ways are more important in rural States, such as Wyoming where we have one of the lower populations but have more road miles than any other State. So highways become very important. In other words, when those of us who work in Washington, DC, have to face the traffic, that becomes very important as well. In different ways, all of these needs are out there. We have an opportunity to do a great deal. We have the bill ready to go, but we cannot get the bill to conference so that we can begin to work out our differences.

As I mentioned, there are differences among the Senate, the House, and the White House, but that is not the first time that has ever happened. There is a system for putting that together. The system is a conference committee.

We cannot seem to get the contractors. The State workers and local governments deserve to be able to move forward and deserve to have a final bill out so those decisions and that movement can be made and so those jobs can be created and our system can be strengthened.

The conferees need to be appointed so we can get on the bill. That is all that is necessary now. I know some of us would like to have things differently. Naturally, there are disagreements on bills of this kind, particularly when getting into formulas for the distribution of dollars, but that is true with almost everything and that is what conference committees are for.

So we can move forward with that. The benefits that could come from it are second to none.

Pretty clearly, we have to continue to have improvements in the system. We find ourselves with more congestion. As time goes on, we will find ourselves with more safety problems. We need to do these things, as well as stimulate the economy.

So we need this bill. We need it for safety. We need it for the country. We need it for the energy. We need it to be able to conserve energy by having more efficient highways. We need to move forward on a number of the things that are there.

Unfortunately, we have some obstruction going on on the floor. Much of it has to do with seeking to make a point about the election that is coming up. Obviously, caring about elections and politics is not a brandnew thing, but we ought not to have obstruction to moving forward with a system that has been in place for years, a system that does work, a system that does reconcile differences which we always have.

We are held up on the energy policy, one that is very important to us. We are held up on class action reform. We are held up on asbestos legislation. We are held up on the approval of qualified judges. We are held up on medical liability protection. All of these issues are so very important. So it really hits home to us when we find ourselves in this situation.

As we go about talking to people at home, health care insurance, medical liability being part of that, is one of the issues we hear about, as well as the idea of improving education and highways. Those are the issues in which people are interested.

So I urge that we move forward with the system. We have done the work we have to do. In order to get it completed, we have to move on to a conference. We have to move on to reconciliation with the House and with the White House. It is just the system. There is just no reason to hold it up. We need to move forward, and we need to move forward quickly. So I hope we can do that.

I suggest the absence of a quorum.

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

The assistant journal clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. TALENT. Mr. President, I ask unanimous consent that the time spent in the previous quorum call be charged equally to both sides, and all other quorum calls during today's morning business period be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri.

BROWN V. BOARD OF EDUCATION

Mr. TALENT. Mr. President, I wish to take a few moments today—at least a few moments are justified—in offering some words to help the Nation celebrate the Brown v. Board of Education decision that occurred 50 years ago. It is a good thing we remember and honor that decision. That case was the culmination of a strategy by the NAACP and others that attacked racial segregation at its heart and, by the way, also a decision that redeemed the Supreme Court's record in cases of this kind because we should not forget the Court had earlier placed its imprimatur on slavery in 1856 in the Dred Scott decision and had subsequently placed its imprimatur on the Jim Crow decision in Plessy v. Ferguson in 1896. It was, indeed, time in 1954 for the Supreme Court to stand up for the Constitution and live up to the promises of the Declaration of Independence, specifically the promise that all of us are created equal, at least in this sense: that we are equal in our right to enjoy the inalienable rights that Almighty God gives us simply by virtue of the fact that we are people and have human dignity.

The history of the United States is, in one sense, a history of a progressive realization of that promise that in fact had been made in theory in the Declaration and also an understanding by the American people that unless that promise is realized and enjoyed by everybody, it is secure for nobody. Brown v. Board of Education was a milestone in that realization.

I do want to make the point that the Supreme Court's decision in Brown was not an isolated act of courage by nine Justices, although it was certainly a

courageous decision. It was, as I said before, the culmination of a strategy by the NAACP, but also years of advocacy by that group and other groups around the country and thousands of Americans on their own who refused to accept the assumptions underlying racial segregation and, indeed, refused to let the American people go on year after year quietly and in an unthinking way accepting those assumptions.

That activity by thousands and thousands of people in protests, in op-ed pieces, in books they wrote, in appearances on mass media, and just the way they conducted their day-to-day lives changed public opinion, by no means entirely in 1954 but enough so that the Brown v. Board of Education decision became possible, in a way that it would not have been possible—clearly was not possible in 1934 or even 1944.

The same Supreme Court, staffed by the same nine Justices, would not and did not issue a decision such as Brown v. Board of Education 20 years earlier or 10 years earlier because those people had not yet done enough of their work to move enough of the American people toward the right conclusion that that decision became possible.

In that sense, I suggest that people such as Jackie Robinson and others around the country probably did more to desegregate the schools than the Supreme Court did in Brown v. Board of Education, and certainly people such as Rosa Parks and Dr. Martin Luther King did more to ensure the implementation in practice of the Brown v. Board of Education than the Federal courts did.

I want to dedicate this day on which we justly celebrate the decision to the thousands of people, some who are recorded in history and some who have remained anonymous, who made that decision possible and helped correct a tremendous injustice and redeem America's honor before the bar of history.

The Supreme Court, in Brown v. Board of Education, changed laws, and that is hard, as we know in the Senate.

Those other folks, in standing up for the rights of their fellow citizens, changed hearts, and that is even more difficult.

Ms. MIKULSKI. Mr. President, today I rise to commemorate the 50th Anniversary of Brown v. Board of Education. Today, we celebrate the historic and unanimous Supreme Court decision that called for an end to racial segregation in schools throughout the nation. And as we honor those individuals who risked so much to challenge discrimination and establish a constitutional right to an equal education, I am filled with both hope and promise. Hope that the legacy of Brown will endure. Hope that equality and opportunity will soon be the reality for millions of school children who today still face segregation and inequality in their schools. And the promise that today we will renew our commitment to achieving the goal of equality that began 50 years ago with the Brown decision.

I am so proud to honor today the important role that the great state of Maryland played in this history of Brown. Maryland is the birthplace of Thurgood Marshall, the architect of the blueprint to end racial segregation in education. Thurgood Marshall grew up and attended racially segregated schools in Baltimore, he knew the impact of segregation first hand, and he took the fight for racial justice all the way to the Supreme Court. His thoughtful and strategic legal arguments were instrumental in knocking down racial segregation in our country. Maryland is also the home of the National Association for the Advancement of Colored People. Founded in 1909, the NAACP successfully fought to integrate the University of Maryland in 1935 and its leaders painstakingly planned and organized the challenge to racial segregation in public schools.

Brown marks a momentous beginning in American history. For the first time, the Supreme Court recognized a constitutional right to an equal public education for all students. And for the first time, the Supreme Court recognized that separate can never be equal. Brown is the foundation on the road to dismantling segregation in our society. The fight for equality started with the schools and progressed through the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968—all critical steps to rid the nation of segregation and disparities it fostered. Yet 50 years later we're still a long way from the promise of Brown v. Board of Education—equality in public education and opportunity for all students.

Why was the Brown decision so important? Because the Supreme Court said that regardless of race, color, creed or ethnicity education ''is a right which must be made available to all students.'' The Brown Court took the unprecedented step of examining how African-American children were being educated and the environments that they were learning in. And for the first time the Court used social science research to show that learning is compromised by segregation—and as a result Black students were receiving inferior educations. It was clear that poor schools, which invariably lacked resources, resulted in a lower quality of education for Black students than their white counterparts. Most importantly, the Brown decision, with a mighty hand, challenged Americans to confront the discrimination, segregation and inequality that existed in schools and in their communities.

Today, I urge Americans to renew that challenge. We must address the growing disparities in our schools and the re-segregation of students of color in our classrooms. Even a quick glance at our Nation's schools, including schools in Maryland, shows that the promise of Brown has not been realized. We know that students are still segregated—and that schools still are not equal. Students of color and poor students are more likely to be in overcrowded schools, without enough books and computers, in buildings that are often literally falling apart. They are often sidelined into special education classes—when what they really need is special attention.

I don't want the quality of education to depend on a family's income or the location they live in. As the Brown Court understood, having adequate resources and decent facilities matters. We need to make sure we have a public school system that works. That means smaller classes, a good teacher in every classroom, and making sure schools have resources to meet special needs—like bilingual education and special education. We need to keep fighting against the soft bigotry of low expectation.

Today, as we commemorate the Brown decision and the progress that has been made in the past 50 years, we renew our commitment to increase diversity and provide educational opportunities for all children regardless of race, ethnicity, socioeconomic status. We must stand up for what America stands for: opportunity, equality, and empowerment. We must make sure there is no discrimination of any kind, anywhere in the United States of America—whether it is the old fashioned kind or the new fashioned kind. That means saying no to continued racial discrimination in education, and saying no to racial sidelining: pushing children of color into special education. Brown established education as a right to all students. We must continue to fight to protect that right, to make sure that the promise of an equal education is, in fact, a reality for all school children.

Ms. STABENOW. Mr. President, 50 years ago, a third grade girl named Linda walked a full mile each way to school, crossing through a dangerous railroad switchyard to do it. Only five blocks from her home was a very nice local school, but when her father petitioned for her admission, he was denied.

Why?

Because she was not white.

Fortunately, her father would not give up, and because of his tenacity, 50 years later, we can celebrate the landmark decision of Brown v. the Topeka Board of Education.

Since Thurgood Marshall argued his most important case involving over 200 plaintiffs in front of the same bench that he would later sit on, we have made great strides.

We have done away with the ridiculous idea that separate could ever be equal. We have legalized desegregation. Colleges and universities are becoming increasingly more diverse as parents who did not attend college are now able to send their children to institutions of higher education.

But there is so much more still to do. Until children of all backgrounds receive the same quality of teaching, have access to the same quality of

learning resources, and graduate from high school and secondary education at the same rate, our work is not finished.

Despite the Supreme Court's declaration in that landmark decision that education ''is a right which must be made available to all on equal terms,'' our country still remains far from providing an equal education to all.

Fortunately, I know we have the ability to change this and to ensure all children a first-rate education. We are the greatest and richest country in the world. We have the ability to make sure that our elementary and secondary schools are the best in the world.

We also need to make sure the doors to higher education remain open for all. We have the best universities and colleges in the world, and students from all over the globe dream about attending college in the U.S.

The result of the University of Michigan case went a long way towards keeping the hope of higher education open to all Americans. While the Brown case defined our parents' era, the current generation's battle is to move beyond the legalization of desegregation and make sure it actually happens, with the help of affirmative action.

I am pleased the Supreme Court upheld the efforts of the University of Michigan to promote diversity in university admissions. Education is the most effective tool and the critical first step to empowerment. Education is the tool that allows students to comprehend the world around them, and provides them the know-how to provide themselves with a superior quality of life.

We need to keep it going. Marian Wright Edelman, founder of the Children's Defense Fund and the first woman admitted to the Mississippi bar, once remarked, ''A lot of people are waiting for Martin Luther King or Mahatma Gandhi to come back—but they are gone. We are it. It is up to us. It is up to you.''

She is right. It is up to us to continue Dr. King's, Mr. Brown's, and everyone's journey for full equality.

Mrs. MURRAY. Mr. President, today marks the anniversary of one of the most important milestones in American history. Fifty years ago today, on May 17, 1954, the United States Supreme Court ruled unanimously in Brown v. Board of Education that separate was not equal in our schools.

This landmark ruling established the principle of equality in our laws and launched a national wave of racial integration and progress toward racial equality. We are all familiar with the laws that have been erased from the books, mandating separate and inferior facilities, services and treatment for African Americans. Americans can be proud that we have made progress against the evils of segregation. Today African Americans can live in any neighborhood they want, send their children to integrated schools, eat, drink, read, sleep, travel and enjoy recreation and entertainment in all the places every other American can.

These changes mark major progress, but the road to equality has never been quick or easy. James McClinton, the new African American mayor of Topeka, KS where the Brown case originated, was quoted recently in the Washington Post noting that the legacy of the decision is both fragile and incomplete. Just a year after the Brown decision, the Supreme Court issued another case known as Brown II, which led many school districts to drag their feet for years before integrating. We all remember when President Eisenhower had to send the military to Central High School to protect its first African American students, and the sacrifices African American students made to attend formerly all-white colleges and universities. The truth is, we still have a long way to go. Today is a day to celebrate the progress we have made, and the breakthrough Brown v. Board represented for racial and educational equality in America. But we cannot afford to just rest on our accomplishments since 1954. We must also look forward to 2054, and ask ourselves what opportunities we want our children and grandchildren to have then, and what they need us to do now to achieve those goals.

In 2004, African American students—as well as their counterparts in the Hispanic and Native American communities—are not performing as well as white students in our schools. I want to cite some statistics to paint a clear picture of what is going on in our schools. We first must wake up to the established, continuing and disturbing trend of resegregation. Studies have found that our schools have reached their peak of integration and now may be moving back to becoming resegregated. As we commemorate the Brown decision, we cannot afford to ignore this continued segregation. The National Assessment of Educational Progress found that while 74 percent of white fourth-grade students were good readers, barely half that many—39 percent of black fourth-graders earned the same designation. We have school buildings in disrepair and overcrowded classrooms, which not only makes teaching difficult, but sends minority and low-income students a powerful message that we do not value them or their education. Minority students are also much more likely to be in special or remedial education. In 1994, 31 percent of African American, 24 percent of Hispanic and 35 percent of Native American high school graduates took remedial classes, while only 15 percent of white and Asian American high school graduates did. Minority students make up 40 percent of our school-age population but just 14 percent of their teachers are minorities. According to the Leadership Conference on Civil Rights, white students are significantly more likely to have access to advanced academic programs than minority children and children with disabilities in the same school district, regardless of how wealthy or poor the district is. Our national high school graduation rate is an inadequate 69 percent, but when you dig deeper you learn that we are graduating barely half our minority students in this country—just 53 percent of Hispanic students, 51 percent of Native American students, and 50 percent of African American students.

It should surprise no one that if minority students don't perform well in high school, they will perform less well in college. As of 1999, white students were literally twice as likely as Hispanic and African American students to earn a Bachelor's degree. Both minority groups are underrepresented on America's college campuses. Not only is there a racial achievement gap, but that gap has actually widened in the last generation. In the 28 years from 1971 to 1999, the proportion of white high school students who earned at least a Bachelor's degree increased 13 points, to 36 percent. The proportion for African American students increased 5 points to 17 percent, and the share of Hispanic students rose 4 points to 14 percent. Imagine the larger social and economic consequences of these populations not going to or graduating from college, especially when our racial diversity is growing rapidly. We all know that you will earn a lot more money if you have a Bachelor's degree, and that American economic competitiveness in a globalizing economy depends on high-skill, high-wage jobs. We need to keep up our efforts to make sure that the color of someone's skin does not determine their opportunity to succeed.

If we are to ensure that children of color have an equal opportunity to go to college, get their degree and achieve the American dream, we must address the academic deficiencies in our high schools. Roughly half our minority students are graduating from high school, which means that nearly half are also dropping out. The No Child Left Behind Act, which I supported, requires for the first time that much of the academic achievement data we collect on our schools be separated, disaggregated, by race, students with disabilities, limited English proficiency, and students from low-income families. This step forward is critical to track achievement gaps and their trends over time. Disaggregated data is an important tool we need to target assistance and resources to reduce and eliminate racial achievement gaps. Yet currently the Department of Education is not requiring disaggregation of data on dropouts. This information is critical if we really want to reduce dropout rates and improve graduation rates for all students. I strongly urge Secretary Paige and the Department of Education to report disaggregation of dropout data.

We also know from numerous studies that the gaps between test scores of

low-income and middle-income students could be eliminated if all students had highly qualified teachers. If fully funded, the No Child Left Behind Act would put highly qualified teachers in all our classrooms, but, unfortunately, an amendment I offered on the budget resolution earlier this year to fully fund the Act, failed on a party-line vote. But even when No Child Left Behind is fully funded, as I hope it is next year, our work will still not be done with regards to our high schools.

That is why last summer I introduced S.1554, the Pathways for All Students to Succeed—PASS, Act. The PASS Act seeks to eliminate dropout, achievement and graduation gaps among our high school students. The PASS Act does three things. First, it will help students learn to read and write by providing $1 billion to help schools hire literacy coaches. Second, my bill ensures students are taking the classes and getting the support they need to finish school. It provides $2 billion for academic and career counselors to ensure students have a personalized plan for completing high school and going on to college. Finally, my bill provides extra help to schools that need it most. It provides $500 million in grants to help improve low-performing schools improve. I hope that the Senate will pass this bill this year.

The Brown v. Board decision was a momentous achievement for our Nation, and I am honored to mark its 50th anniversary today. At the same time, we must take the momentum of this celebration to fulfill the promise of Brown by ensuring that all our children have access to the highest quality education worthy of our great Nation.

Mr. GRAHAM of South Carolina. Mr. President, I rise today in honor of the fiftieth anniversary of the Supreme Court decision of Brown v. Board of Education which declared separate but equal unconstitutional. I believe that ensuring that our public schools are open to everyone is a great equalizer in America.

I will soon be turning 49, and I know that having an integrated school system has enriched my generation by allowing all of us in South Carolina to learn, socialize, and compete together in a public school setting.

The brave men and women who fought to end the segregation of public schools have done a great service to South Carolina and our nation. It is appropriate they be honored accordingly and all of us should commit ourselves to build upon their legacy.

I join you and my colleagues in the U.S. Senate in commemorating this historic decision.

Mr. LUGAR. Mr. President, today marks the 50th anniversary of Brown vs. Board of Education, a U.S. Supreme Court landmark decision that sent shockwaves through the educational establishment. For the first time, the highest court in the country decided that ''separate educational facilities are inherently unequal'' and a violation of the 14th Amendment.

Before Brown vs. Board of Education, Indianapolis Public Schools had been forced by State law to scrap separate black and white schools. That change, however, did not necessarily result in integrated classrooms. Segregated communities left most of our schools racially homogeneous.

It was in this environment that I was elected to the Indianapolis Public School Board in 1964. Like much of the country, Indianapolis was experiencing the civil rights movement, and the Indianapolis Public Schools were in the middle of it all.

Our meetings were picketed and protested, and citizens staged ''sit-ins'' at the downtown headquarters. The U.S. Supreme Court had ruled on May 17, 1954, that separate but equal could not stand; yet in the 10 years that followed, IPS had not done much to integrate its schools.

To further the discussion, and to seek input on what would later become known as the Shortridge Plan; I held neighborhood meetings in school buildings around Indianapolis to discuss ideas for peacefully integrating the city schools. At one such meeting on the near Westside, participants literally picked up the furniture and threw it at each other. The police had to be called to restore order.

Later, the Shortridge Plan was adopted by the board, but not enthusiastically. Under the Shortridge Plan, IPS was to establish a college preparatory high school that would voluntarily draw the best and the brightest from all over Indianapolis, regardless of race. Some board members, and the community at large, saw this step as far too disruptive. Those individuals felt that the school board should not be involved in matters of race and sociology.

The plan worked because young Hoosiers responded. Before the plan was implemented, Shortridge was 90 percent African American, 10 percent Caucasian. The racial makeup of the applicants to the first entering class under the new plan was astounding: 53 percent Caucasian, 47 percent African American. In a year, the school became a national example of how young African American and Caucasian students could through their own individual choices come together to learn and study.

Unfortunately, in my second year of service on the board, polarization set in. A majority of the Board no longer felt that we should be involved in questions of race. In an election for president of the board, I lost 4–3. The issue of race, however, could not be avoided. Years later, the Federal courts implemented an involuntary busing system that forced our schools to seek some racial balance.

Brown vs. Board of Education set us, and the rest of the Nation, on an important path. While the Court opinion outlawed the notion of ''separate but equal,'' it persuaded us to address the larger issue of living together as one society. Brown v. Board of Education helped us to become a better Nation. But we still have much work to do.

Today, we face a different type of segregation; namely, the gap between those who receive a quality education and those who do not. The gap in reading achievement between blacks and whites is staggering nationally. It is 28 percentage points at the 4th-grade level. The gap in reading achievement between Hispanics and whites is also alarming nationally, 29 percentage points at the 4th-grade level. We are experiencing two education systems—separate and unequal. This is unacceptable.

The Federal Government's first major entry into public education was in 1965 when the Elementary and Secondary Education Act was passed to provide Federal aid to school districts with large percentages of children in poverty. The intent was to help level the playing field—to give extra aid to those children most in need. Despite a discretionary funding amount of $55.6 billion in fiscal year 2004, increased from $35.6 billion in 2000, achievement gaps have remained wide.

To help close these gaps and to help ensure that all children have an equal opportunity to learn, Congress and the Administration worked together to pass the No Child Left Behind education reform act in 2002.

Under No Child Left Behind, States must describe how they will close the achievement gap and make sure that all students, including those who are physically disadvantaged, achieve academic proficiency. In addition, they must produce annual State and school district report cards that inform parents and communities about State and school progress. Schools that do not make progress must provide supplemental services, such as free tutoring or after-school assistance. If corrective actions do not yield adequate progress after 5 years, schools must make dramatic changes in the management.

The idea is not to establish Federal control over the schools, but simply to push States and local school districts to take a hard look at each school's strong and weak points.

In many schools, an overall high performance has often hidden a weak performance by some student sub-groups. Because of this dynamic, the act requires that each sub-group be reported separately. Overlooking the fact that only one in six African Americans graduate with proficient reading skills is simply not acceptable.

Some have complained about the increased focus on school testing. But if we want each child to earn a meaningful high school degree, testing in lower grades is an important tool to reveal the strengths and weaknesses of each school. Testing allows schools to learn which students need help and what subjects must be taught better.

We all have the same goal—to improve our schools. All students must have the opportunity to get ahead, regardless of race or residence. On May

17, 1954, the U.S. Supreme Court unanimously declared that separate but equal could not stand as the law of the land. It is our job—50 years later—to make sure that we are faithful to this principle of equal opportunity. The success of all of our children and the economic future of our country depend on our determination.

Mr. FEINGOLD. Mr. President, I speak today on the 50th anniversary of the U.S. Supreme Court's landmark decision, Brown v. Board of Education. I join with all Americans in celebrating this decision, which, in many ways, inspired the modern civil rights movement.

In Brown, the Supreme Court upheld the right of all children to an equal education in our public schools. In its unanimous opinion, the Court stated ''[w]e conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.'' With these historic words, the doors of public schools were required to be opened to all children, regardless of their race, and efforts to end segregation in other aspects of American society gained momentum.

The slow integration of our public schools has been a difficult and sometimes painful process, with some clinging to any mechanism by which this process could be slowed or circumvented. The promise of children of all races and backgrounds coming together to study and to prepare for their futures has too often been clouded by the prejudices of adults. And while great strides have been made in the last 50 years, much work remains to be done to ensure that the phrase ''separate but equal'' is at long last relegated to the history books.

One of the most serious challenges facing public schools today is the No Child Left Behind, NCLB, Act, which includes a Federal testing mandate that has become an added burden for students and school districts.

Wisconsinites are concerned about this additional layer of testing for many reasons, including the cost of developing and implementing these tests, the loss of teaching time every year to prepare for and take the tests, and the extra pressure that the tests will place on students, teachers, schools, and school districts.

Instead of piling more tests on public school students, concerned parents, teachers and school administrators want to know when the Federal Government is going to provide the funding it promised for education programs. While I have worked with many of my colleagues in the Senate to provide more of this funding, Congress still falls far short of providing the resources that students need. And schools are left to face mandate after mandate without the funding that they need to carry those mandates out.

No Child Left Behind not only adds to that list of Federal mandates, it also can impose harsh sanctions on schools that do not meet yearly goals, even though the programs that would help students and schools to meet those goals are not fully funded. Lagging test scores at a given school may mean that the school is labeled as ''failing,'' which can have serious, negative consequences for a school that may already be struggling.

I support a bill introduced by my colleague Senator DURBIN, which takes a different approach to the issue. This legislation seeks to ensure that schools get the funding they need to implement the mounting Federal mandates they face. The bill sets a minimum amount of funding that the Federal Government must provide for the Title I program, which supports programs for low-income and disadvantaged students. If a school doesn't get the minimum funding, it shouldn't be subject to the penalties that schools can receive under the NCLB law, and the Durbin bill would exempt schools from sanctions in any year that Title I is not funded at this minimum level.

As we saw when nationwide test results came in last fall, the legacy of Brown will not be fulfilled until we can close the gap on the racial disparities that persist in test results and also in graduation rates. Nor will education truly be equal for all students as long as we underfund special education programs and other programs critical to supporting students who are struggling to succeed in the classroom.

If lagging test scores prove that too many children are being left behind, the answer isn't to label them as failures. We must give those students the resources they need to succeed in school. Congress and the administration must do more to ensure that schools have the resources to help these students catch up with their peers before students are required to take additional annual tests required under the No Child Left Behind Act—tests that will have serious consequences for their schools. The legacy of the Brown decision is an education for all children on ''equal terms.'' Either we ensure that great legacy, or we fail the children who need our support the most.

The decision in Brown was one step in the continuing journey to America that Dr. Martin Luther King, Jr., dreamed would be ''a nation where [his children] will not be judged by the color of their skin but by the content of their character.'' A few years after the Brown decision, Congress began to do its part to combat inequality. It passed civil rights laws ensuring the right to vote to all Americans, banning discrimination in employment based on race, ethnicity, religion, national origin or gender, and prohibiting discrimination in public and private housing.

Our Nation has come a long way since 1954, but we still have work to do. Congress and the administration have a particular responsibility to advance the cause of freedom, justice, and equality for all Americans. Congress and the President can demonstrate their support for freedom and justice by supporting civil rights initiatives that have been ignored for far too long.

Perhaps no issue on this agenda is more urgent than racial profiling. Racial profiling is the insidious practice by which some law enforcement agents stop African Americans, Latinos, Asian Americans, Arab Americans and others simply because of their race, ethnicity, or national origin. Reports in states from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are being stopped by some police at rates far in excess of their share of the population and the rate at which they engage in criminal conduct.

I might add that the urgency for banning racial profiling is compounded by concerns post-September 11 that racial profiling—instead of good police work and following up on legitimate leads—is being used more frequently against Arabs, Muslims, or Americans perceived to be Arab or Muslim.

President Bush pledged to end racial profiling over 3 years ago during his first address to a joint session of Congress. Attorney General John Ashcroft also has acknowledged the damage caused by racial profiling and called for an end to the practice. It is time for the administration to move this effort forward.

Representative JOHN CONYERS, the distinguished ranking member of the House Judiciary Committee, and I have reintroduced our bill, the End Racial Profiling Act. Our bill bans racial profiling and requires Federal, State, and local law enforcement agencies to take steps to prevent the practice. This bill should be one of the top agenda items this Congress and the Administration should follow through on its promise to address this issue.

The vast majority of law enforcement agents fulfill their duties professionally and without bias and we are all indebted to them for their courage and dedication. Racial profiling is ineffective and undermines their efforts to serve and protect all Americans.

In addition to passing the End Racial Profiling Act, Congress and the President should also address a range of civil rights-related issues in this Congress—from education, to welfare, to a fair wage for an honest day's work, to improving our criminal justice system.

Congress should do more to ensure that federally funded programs comply with civil rights and other laws. In particular, we must improve the Federal welfare law to require that each State's program treats all applicants and clients fairly. While Congress rightly encouraged state-level innovation with the 1996 welfare law, we should use the pending reauthorization of that law as an opportunity to ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

Congress should ensure that all Americans get a fair wage for an honest day's work. Too often, parents work double shifts or more than one job for low wages in order to make ends meet and to provide the basic necessities for their families. We must at last increase the Federal minimum wage. We must work to close the wage gap between women and men.

Congress should also take action to ensure fairness and justice in the administration of the death penalty. We know that the administration of the death penalty at the Federal and State levels is flawed. With over 100 innocent people on death row later exonerated in the modern death penalty era, any reasonable person can see that the current system risks executing the innocent. That is why Congress should pass the National Death Penalty Moratorium Act. Congress and the President should support a moratorium on executions while a national, blue ribbon commission reviews the fairness of the administration of the death penalty.

Congress can also do more to protect hardworking Americans from discrimination in the workplace. We should pass the Employment Non-Discrimination Act. I have been pleased to join my colleague Senator KENNEDY in sponsoring this important bill that will ensure that Americans are not discriminated against by employers based on their sexual orientation. It is time that we take this step on behalf of equal opportunity and equal rights.

Congress should also take another step to ensure that all Americans have the right to vote and to be represented in their Congress. We meet today in a jurisdiction where over a half a million people are denied the right to fully participate in their Government. The majority of the people in this jurisdiction, the District of Columbia, are African American. Shutting them out of our Government is a continuing moral stain on our nation that must be addressed. We should take action on legislation sponsored by Senator LIEBERMAN and myself, under DC Delegate Eleanor Holmes Norton's leadership, to grant full congressional representation for the District of Columbia.

Congress and the administration must take concrete steps to protect Americans' civil rights.

As Dr. King said, ''This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy.''

Mr. President, let us make real the promises of democracy and of Brown—a nation with liberty, justice, and equality for all. Let's begin that work in this Congress, in this body, and let's begin now.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes.

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

Mr. ALEXANDER. Thank you, Mr. President.

PELL GRANTS FOR KIDS

Mr. ALEXANDER. Mr. President, a half century after Brown v. Board of Education, education on equal terms still eludes too many African-American schoolchildren. Secretary of Education Rod Paige has called America's persistent racial achievement gap ''the civil rights issue of our time.''

By the 12th grade, only one in six Black students and one in five Hispanic students are reading at their grade level. Math scores are equally as disturbing. Only 3 percent of Blacks and 4 percent of Hispanics test at proficient levels by their senior year. By another standard, about 60 percent of African-American children read at or below basic level at the end of the fourth grade while 75 percent of White students read at basic or above at the end of the fourth grade.

There is still a huge achievement gap among African-American children and White children. The No Child Left Behind Act's system of standards and accountability is creating a foundation for closing the gap. But funding disparities between rich and poor—too often minority children attend poorer schools—school districts remain a stubborn contributor to inequality. Between 1996 and 2000, poor students fell further behind their wealthier peers in seven out of nine key indicators, including reading, math, and science.

These outcomes cry out for a different model, one that helps address funding and equality without raising property taxes; that introduces entrepreneurship and choice into a system of monopolies; and that offers school districts more Federal dollars to implement the requirements of No Child Left Behind with fewer strings—in other words, more Federal dollars, fewer Federal strings, and more parental say over how the Federal dollars are spent.

Does this sound too good to be true? I would suggest it is not. Look no further than our Nation's best-in-the-world higher educational system. There we find the Pell Grant Program, which has diversified and strengthened America's colleges and universities by applying the principles of autonomy and competition. This year, $13 billion in Pell grants and work study and $42 billion in student loans will follow America's students to the colleges of their choice. This is in sharp contrast to the local monopolies we have created in kindergarten through the 12th grade education, where dollars flow directly to schools with little or no say from parents.

That is why I have proposed Pell Grants for Kids, an annual $500 scholarship that would follow every middle- and low-income child to the school or other accredited academic program of his or her parent's choosing. These are new Federal dollars, so no district would see a cut in its share of Washington's $35 billion annual appropriations for K through 12, and increases in funding for students with disabilities would continue. Armed with new purchasing power, parents could directly support their school's priorities, or they could pay for tutoring, for lessons and other services on the private market. Parents in affluent school districts do this all the time. Pell Grants for Kids would give less wealthy families the same opportunities—an example of such a family are the Holidays in Nashville, TN.

Raymon Holiday is a sixth grader who recently won the American Lung Association of Tennessee's clean air poster contest. I was there when he won the 10-speed bicycle you get for winning this poster competition. I met his father, an art major, and his grandfather, a retired art teacher. They told me his great-grandfather was a musician. So you can see where Raymon Holiday gets his instincts. His grandfather, the retired art teacher, lamented to me that art classes are usually the first to go when school budgets are cut. With Pell Grants for Kids, a typical middle school of 600 students where Raymon might be 1 of 500 middle- or low-income students who qualify to receive a $500 Pell Grant. His middle school would see a $250,000 increase in funding. Raymon would be assured of art lessons.

The Pell grant model also encourages great American entrepreneurship. Enterprising principals, like Raymon's principal, might design programs to attract parental investment: advanced math classes, writing workshops, after-school programs, English lessons—whatever is lacking due to funding constraints.

Surveys continue to show that while Americans are concerned with the state of public education, most support their own child's public school.

Herman Smith, superintendent of schools in Bryan, TX, would welcome the $6 million that would accompany 13,500 eligible Bryan students—90 percent of his district. Bryan is right next door to College Station, home of Texas A&M where, according to Smith, their budget cuts are larger than Bryan dreams of spending for new programs and personnel. Property values there are double those in Bryan, as is the per-pupil expenditure. Not surprisingly, Bryan's population is almost half African American or Latino, while College Station is three-quarters white.

With 30 million American schoolchildren eligible for Pell Grants for Kids, my fellow fiscal conservatives are probably raising an eyebrow. But please listen. Every year, Congress appropriates increases in funding for kindergarten through the 12th grade. What I am offering here is a plan to earmark most of these new dollars—aside from increases for spending for children with disabilities—for parents to spend on educational programs of their choice. Otherwise, we will continue to invest in the same bureaucracies that have disappointed poor and minority families for too long.

Pell Grants for Kids could be implemented gradually, starting with kindergarten and first grade at an initial

cost of $2.5 billion. If the program had been in place during President Bush's first 2 years in office, the extra $4.5 billion spent on K-through-12 education—again, not counting another $3 billion for children with disabilities—would have created $500 scholarships for all 9 million middle- and low-income students through the third grade.

We have had 50 years to deliver an American education on equal terms to all students. But a baffling commitment to the status quo has prevented us from living up to Brown's noble legacy. This anniversary presents the perfect opportunity to inaugurate a new era, one that uses the strategy that helped to create the best colleges to help create the best schools. Let us start with Pell Grants for Kids and move on from there ''with all deliberate speed.''

I would like to make two or three additional remarks about Pell Grants for Kids.

As I mentioned, the idea is a pretty simple one—significantly new Federal dollars, fewer Federal strings, and more say by parents about how the money is spent.

To give you an idea of how much money that would be, I have taken a quick look in my home State of Tennessee. Tennessee has 938,000 students in kindergarten through the 12th grade. Pell Grants for Kids would be eligible to all those students who are from families below the state median income. The state median income for a family of four in Tennessee is about $56,000. So for families who have an income of $56,000 or below, each of their children would have a $500 scholarship that would follow that child to the school or other approved academic program of their parents' choice. We estimate about 60 percent of all of Tennessee students would be eligible for a $500 Pell grant. In some of the rural counties where there are a great many poor children, it might be 90 percent of the students. In other counties—Davidson, Maryville, Oak Ridge—it might be a smaller percentage.

But all in all, there should be about 562,000 students in Tennessee who would be eligible. This would bring an additional $281 million to Tennessee for K–12 education, and parents would have a say over how that money is spent.

Often when this issue comes up and we talk about spending more Federal dollars for local schools, the Senators on my side of the aisle get a little hot under the collar. We do not want to spend any more Federal money for local schools. On the other hand, when we say let's give the parents more say on how the money is spent, the collars get a little hot on the other side of the aisle because they are reluctant to give parents more choice.

This is a conflict of principles. It is the principle of equal opportunity—giving parents more choices. But there is another valid principle on the other side. It is called E pluris unum. We have public schools, common schools, to teach our common culture, and we do not want to harm them. It is a proper debate in this body to say let's ask questions if we are giving parents more say, more choices. Will that harm our common schools? And there is a proper way to ask in this Senate: Can we wisely spend that much more money? This is quite a bit more money. Fully funded Pell grants for kids programs would cost 15 billion in new Federal dollars a year. It would add about $500 to the $600 we now spend on each of the children in America today from the Federal Government. Only about 7 or 8 percent of the dollars we spend on children comes from the Federal Government. So it would be about a 70-percent increase in Federal funding for every middle- or low-income child fully funded.

We are proposing to do this over a long period of time. Basically, to add to the new money that we would appropriate every year for K–12, and give most of that to Pell grants for kids. This would create more equality in funding for poor districts. It would especially help African-American and minority kids. It would provide extra dollars to implement the standards of No Child Left Behind, and it would introduce for the first time into our K–12 system the principle that has created the best colleges in the world, the idea of letting money follow students to the institution of their choice.

Over the next several weeks, I will be discussing this with individual Senators. I have not prepared a piece of legislation yet because I don't want to stand up and say: Here it is, take it or leave it. Let's say one team says no choice and one team says no money, then we are back where we were. I am looking for ways to advance the debate. I don't believe we are going to be spending much more money through the Federal Government in the same way we are doing it today. A lot of Senators, and I am one of them, do not want to spend more Federal dollars through programs that have lots of Federal controls. We have seen the limit of command and control from Washington, DC, with No Child Left Behind. That program will work. But I don't believe we can expect to give many more orders from Washington to make schools in Schenectady, Nashville, and Anniston, AL, and Sacramento, better. That has to happen in local communities.

The right strategy is significantly new Federal dollars with fewer Federal strings and more parental say about how those dollars are spent. This does not have to be a Republican versus Democrat idea. I am not the author of this idea.

In 1947, the GI bill for veterans was enacted. Since that time, Federal dollars have followed students to the colleges of their choice. Today, 60 percent of America's college students have a Federal grant or loan that follows them to the college of their choice.

When I was president of the University of Tennessee, it never occurred to me to say to the Congress: I hope you do not appropriate any money for children to go to Howard University or Notre Dame or Brigham Young or Vanderbilt or Morehouse or the University of Alabama. We give people choices. Or put it another way, in my neck of the woods we told everyone where they had to go to college. We said, Senator SESSIONS, you have to go to the University of Tennessee. We said to young LAMAR ALEXANDER: You have to go to University of Alabama. Civil wars have been fought over such things.

That is exactly what we do in K–12. We give people choice and have created the best colleges in the world. We give them no choices and we have schools that we wish were better. So the idea would be to try what worked for colleges here in K–12.

I said I was not the only one to think of this. There was the GI bill for veterans—that was bipartisan—after World War II, maybe the best piece of social legislation we ever passed in the history of our country.

In 1968, Ted Sizer, perhaps the most renowned educator in America today, proposed a poor children's bill of rights, $5,000 for every poor child to go to any school of their choice, an LBJ power-of-the-people, liberal, Democratic idea at the time. In 1970, President Nixon proposed, basically, giving grants to poor children to choose among all schools. The man who wrote that speech for President Nixon was a man named Pat Moynihan. He was a U.S. Senator. In 1979, he and Senator Ribicoff, two Democrats, introduced essentially exactly the idea I am proposing today. In fact, in 1979 Senator Ribicoff and Senator Moynihan proposed amending the Federal Pell Grant Act and simply applying it to elementary and secondary students.

At that time, when the Pell grant was $200 to $1,800, a third grader could get a Pell grant, or if you were a high school student and you were poor, you could get a Pell grant.

Senator Moynihan said to this body in 1979:

> Precisely the same reason ought to apply to elementary and secondary schooling—if, that is, we are serious about education and pluralism and providing educational choice to low- and middle-income families similar to those routinely available to upper income families.
>
> This was the impulse behind the basic educational opportunity grants program as enacted by Congress in 1972.

He was talking about Pell grants.

> It was the impulse by the Presidential message to Congress which I drafted in 1970 which proposed such a program. It is the impulse to provide equality of educational opportunity to every American, and it is as legitimate and important an impulse at the primary and secondary school level as it is at the college level.

I am going to strongly urge my colleagues not to make a reflexive reaction to this idea because, on the one hand, it has too much money, or on the other hand, it has some choice. Think back over our history and think of our

future and realize we have the best colleges and we do not have the best schools. Why don't we use the formula that created the best colleges to help create the best schools?

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks Senator Moynihan's statement in the Senate in 1980, and following Senator Moynihan's remarks, an article which I wrote for the publication Education Next, which is being published this week, entitled ''Putting Parents in Charge.''

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

(See exhibit No. 1.)

Mr. ALEXANDER. This article goes into some detail about the Pell grants for kids proposal.

I look forward over the next several weeks to working with my colleagues, accepting their ideas and suggestions about how we improve our schools.

In June sometime I hope to introduce a piece of legislation, hopefully with a bipartisan group of Senators. In July, Senator GREGG and I have already discussed a hearing which we will have in the Health, Education, Labor, and Pensions Committee. And then perhaps next year, the President of the United States might want to make this a part of his budget.

I believe it is time in this country to recognize we need to give poor and middle-income parents more of the same choices of educational opportunities wealthier families have, that we may be able to do this without harming our public schools. We have had, since World War II, scholarships that have followed students to the educational institutions of their choice, and they have done nothing but help to create opportunity and create the best system of colleges and universities in the world. I think we ought to use the same idea to try to create the best schools in the world.

EXHIBIT 1

Mr. MOYNIHAN. Mr. President, I am today introducing a bill to make basic educational opportunity grants available to needy elementary and secondary school students. This complements the tuition tax credit bill that we recently introduced and in no way substitutes for it. Just as I believe that both need-based grant aid and tuition tax credits should be available to assist with the costs of college education, so also should the two alternatives be available for needy students with tuition costs at the elementary and secondary level.

As amended by the Middle Income Student Assistance Act of 1978, the basic grants program covers students from families with income up to $25,000; the grants range from $200, for students near the upper end of that scale, to $1,800 for students from very low-income families. Many students are not eligible for grant aid, and for them we have proposed tax credits. Some students would be eligible for grant aid, and they will presumably choose the one that suits them best. This will not necessarily be the form that produces the most assistance; for some, the simplicity of the tax credit may make it more attractive than the complex forms required to apply for a basic grant, particularly where the respective amounts of aid are not much different. Others, particularly the neediest, will plainly fare better under the grant program. But there is no redundancy or overlap between the two forms of aid: The tax credit would be available only for tuition which the student or his family actually pays; insofar as a basic grant (or other aid) covers tuition expenses, those expenses would not be eligible for a tax credit.

Precisely the same reasoning ought apply to elementary and secondary schooling—if, that is, we are serious about educational pluralism and about providing educational choices to low- and middle-income families that are similar to those routinely available to upper income families.

This was the impulse behind the basic educational opportunity grants program as enacted by Congress in 1972. It was the impulse behind the Presidential message to Congress that I drafted in 1970 which proposed such a program. It is the impulse to provide equality of educational opportunity to every American, and it is as legitimate and important an impulse at the primary and secondary school level as it is at the college level.

The basic grants program, and the other major student aid programs authorized under title IV of the Higher Education Act, will expire during the 96th Congress, and one of our important responsibilities in the next 18 months is to reform and extend them. I shall have more to say on that subject on other occasions. But it is none too early to introduce the idea that one reform that must be seriously considered is the inclusion of needy elementary and secondary school students.

It will doubtless be argued by some that this legislation is unconstitutional, inasmuch as many students with tuition costs at the elementary and secondary level are enrolled in church-related schools. I see no distinction of constitutional significance between the aid we already provide to students in church-related colleges and that which I propose to provide at the primary and secondary level, but I do not assert that the Supreme Court will necessarily agree with me. As with tuition tax credits, however, this question can only be resolved by the Supreme Court, and that can only happen if the authorizing legislation is passed by the Congress.

[From Education Next, Summer, 2004]

PUTTING PARENTS IN CHARGE

(By Lamar Alexander)

In 1990, as the new president of the University of Tennessee, I was trying to understand what had made American colleges and universities the best in the world. I asked David Gardner, then the president of the University of California, why his university has such a tradition of excellence. ''First, '' he said, ''autonomy.'' The California constitution created four branches of government, with the university being the fourth. The legislature basically turns over money to us without many rules about how to spend it.

''The second is excellence. We were fortunate, at our beginning, to have a corps of faculty dedicated to high standards. That tradition has continued. And third, generous amounts of federal—and state—money have followed students to the schools of their choice. That has increased opportunity for those who couldn't afford college, created choices that made good fits between the student and the school, and stimulated competition that encouraged excellent programs.''

Autonomy. High standards. Government dollars following students to the schools of their choice. That was the formula for the GI Bill, passed by Congress in 1944. The program gave World War II veterans scholarships redeemable at any accredited institution, public or private. Those veterans who didn't hold a diploma could even use the scholarships at Catholic high schools. With these scholarships came few federal rules, thus preserving the universities' autonomy. And by allowing students to choose their college, the GI Bill encouraged excellence and discouraged weak programs.

Not all university leaders welcomed the program. ''It will crate a hobo's jungle,'' warned legendary University of Chicago president Robert Hutchins. Instead, the GI Bill became the most successful piece of social legislation Congress ever enacted. It became the model for the federal grants and loans that today follow 58 percent of America's college students to the schools of their choice. In 1972, when Congress debated whether future federal funding for higher education should go directly to institutions or be channeled through students, the model of the GI Bill helped carry the day for the latter approach, which was surely the right one. Pell Grants (named for Sen. Claiborne Pell, D–R.I.), Stafford Loans, and other forms of financial assistance to students followed. This year the federal government will spend nearly $17 billion on grants and work-study programs and will provide an additional $52 billion in student loans.

Rarely has the federal taxpayer gotten so much bang for the buck. These federal vouchers trained the ''greatest generation'' and made it possible for a greater percentage of Americans to continue into higher education than in any other country. At the time of the GI Bill's passage in 1944, only about 6 percent of Americans held a four-year college degree. Today that figure stands at 26 percent.

Moreover, these scholarships have strengthened public institutions. At the end of World War II, 50 percent of American college students were attending public institutions. Today 76 percent choose to attend public colleges and universities. So many foreign students want to attend American university that some institutions impose caps in order to make room for lower-achieving homegrown students. British prime minister Tony Blair is overhauling his nation's system of higher education because he sees a growing gap between the quality of American and British universities. Likewise, former Brazilian president Fernando Henrique Cardoso recently told a small group of U.S. senators that the most important thing he would remember about his residency at the Library of Congress is ''the uniqueness, strength, and autonomy of the American university.''

Meanwhile, federal support for elementary and secondary education has taken just the opposite approach—with opposite results. Instead of allowing tax dollars to follow students to the schools of their parents' choice, the federal government gives $35 billion directly to the schools themselves (or to the states, which then give it to schools). In addition, thousands of pages of federal and state regulations govern how these funds are spent, thereby diminishing each school's autonomy. Measured by student learning, rarely has the taxpayer gotten so little bang for so many bucks. In 1999, 8th-grade students in this country were ranked 19th in math and 18th in science compared with 38 other industrialized nations. The National Assessment of Educational Progress, known as the nation's report card, shows other alarming trends. For example, between 1996 and 2000, the gap between affluent and poorer U.S. students actually widened in seven out of nine key indicators—like reading, math, and science. Two out of every three African-American and Hispanic 4th graders could barely read. Seventy percent of children in

high-poverty schools scored below even the most basic level of reading.

ENHANCING LOCAL CONTROL

It is time to try a different funding approach, and Pell Grants, the college scholarships offered to low-income students, provide a useful model. Congress should enact ''Pell Grants for Kids,'' which would provide a $500 scholarship to each middle- and low-income child in America. Children could use these scholarships at any public or private school or for any educational program, such as private tutoring. Homeschooled children would also be eligible for the scholarship, as long as the money was spent on an accredited educational program. Overall, the grant would be available to about 60 percent of America's 50 million primary and secondary school students, those whose families earn $53,000 or less. It would put the parents of approximately 30 million children directly into the education marketplace, each of them armed with a $500 grant, thereby encouraging choice and competition.

This idea has a distinguished lineage. In the late 1960s, Theodore Sizer, then at the Harvard Graduate School of Education, proposed a ''Poor Children's Bill of Rights'' that would have supplied scholarships of $5,000 per child to the poorest half of children in the United States, for use at any accredited school, public or private. In 1992, while I was serving as secretary of education under President George H.W. Bush, the president asked Congress to appropriate a half billion dollars to create a pilot ''GI Bill for Kids.'' The program would have awarded $1,000 scholarships to 500,000 children in states and cities that wanted to try the idea, but the Democrat-controlled Congress refused to enact it.

The most important point to make here is that most of this new scholarship money is likely to be used at the public schools that nine out of ten students now attend. I believe parents are likely either to give the money to their school to meet its general needs or to seek the school's advice on how best to spend the money to help their child. Surveys show that while many Americans are discouraged about the state of education generally, most parents support their own child's public school. Parents in affluent school districts regularly augment their schools' budgets with contributions for extra programs, particularly in the arts. Pell Grants for Kids would give children of low- and middle-income parents the same opportunity.

Pell Grants for Kids would provide more federal dollars for schools while also encouraging more local control—I mean more control by parents and teachers—over how that money is spent. Once parents make the decision about where the $500 will be spent, the principal and teachers in that school or program decide how it will be spent. For example, in a public middle school with 600 students, if two-thirds of the children are eligible for the grant, that's $200,000 in new federal dollars each year following those children to that school. This would be manna from heaven for schools, many of which engage in time-consuming charity sales to net $500 or $1,000 for needed programs and projects. Enterprising principals surely would design programs to attract parents' investment—perhaps an after-school program, an extra math teacher, or an intensive language course. And if they didn't, parents would have the option to spend the money on another accredited educational program that suited their child's needs, such as tutoring.

Aside from stimulating competition, these new federal funds would help to narrow the gaps in spending between wealthy and poor districts and make more real the promise that no child will be left behind. For example, in Bryan, Texas, property values average about $128,000 per student. Next door is College Station, home of Texas A&M University, where property values are $305,000 per student. As a result, College Station is able to collect far more in property taxes and its schools thus spend twice as much per student as those in Bryan. Last year Herman Smith, superintendent of schools in Bryan, told me, ''College Station is talking about cuts in programs and personnel that we could only dream of.''

About 90 percent of Bryan's 13,500 students would be eligible for the $500 Pell Grants for Kids, putting more than $6 million in new federal dollars into the hands of Bryan parents. They could then provide more funds to Bryan's public schools, as is likely, or use the scholarship to help pay for enrichment programs or private school tuition. Bryan would still have fewer dollars to spend than College Station, but the gap would narrow.

OVERCOMING OBJECTIONS

Let's consider some questions and criticisms that might accompany the Pell Grant for Kids proposal:

In a time of tight budgets, can the nation afford to offer $500 scholarships to 30 million schoolchildren? If it were enacted today, Pell Grants for Kids would cost $15 billion a year. A number of measures could be taken to ease the burden. First, implement the program gradually, providing $500 scholarships only to kindergarten and 1st graders in the initial year. This would cost just $2 billion. Second, over the next several years, devote most of the new appropriations for K–12 education (not related to children with disabilities) to Pell Grants for Kids. Done this way, it would not take many years to fully fund the scholarships while staying within a reasonable budget. For instance, if Congress had allocated two-thirds of all new federal spending (non-disability related) on K–12 education since 1992 to this program, $10 billion would have been available for scholarships this year—enough to provide full $500 scholarships to all middle- and low-income children in kindergarten through the 8th grade.

Or consider this: In just the first two years of the current administration, Congress appropriated $4.5 billion in new dollars for K–12 education (not counting another $3 billion more for children with disabilities). That $4.5 billion would have been enough to fully fund $500 scholarships for all nine million low- and middle-income children in kindergarten through 3rd grade.

Aren't K–12 schools and colleges so different that the Pell Grant analogy is invalid? It is true that schools and colleges sometimes emphasize different public purposes. For example, schools are asked to teach children what it means to be an American, to inculcate moral values, and to make up for poor parenting. Universities have research and public service missions that schools don't share. But the core mission of both schools and colleges is the same: teaching and learning. Most high schools teach some college courses. Most community colleges teach some high-school students. That is why it is so odd that the way the federal government funds K–12 education is so different from the way it funds colleges.

Aren't you overlooking some real problems that colleges have? No doubt universities have significant problems. Some college students don't pay back their loans. Some for-profit institutions are shams. Some courses are weird. Some tenured faculty members are worthless. In the context of rising tuition costs, there is too little interest in creating a less leisurely university calendar, in proposals such as requiring professors to work over the summer. Such abuses are the price of institutional autonomy and choice. Overall, however, American colleges and universities are by far the best in the world—and therefore useful models for how to improve our other educational institutions.

Can we trust middle- and low-income parents to spend $500 wisely on their child's education? I would remind those who make this condescending argument that Congress currently appropriates $8 billion each year to provide childcare vouchers to 2.3 million low-income parents. These parents may use the voucher at any licensed center, public, private, or religious. Likewise, 9.5 million low-income students may spend their federal student aid dollars at any accredited college. If Congress trusts low-income citizens to choose childcare and higher education providers for themselves, why not trust them to spend $500 on K–12 education programming for their children? In addition, because of our experience using established accrediting agencies to monitor Pell Grants for colleges, it should be relatively easy to create a similar system to make sure that Pell Grants for Kids are not spent on fly-by-night operations.

Will more federal funding mean more federal control over education? Pell Grants for Kids would actually reduce federal control over education. The current funding process dictates how federal dollars are to be spent and imposes heavy regulations on local schools. Letting federal dollars follow children to the school of their parents' choice would put control back into the hands of parents and teachers.

Would Pell Grants for Kids violate the principle of separation of church and state? Federal grants have followed students to parochial colleges since World War II and to parochial daycare centers since 1990.

Will giving individual schools so much autonomy leave some mired in mediocrity? Autonomy need not mean a lack of accountability. The No Child Left Behind Act requires states to establish tough academic standards and to measure students' and schools' performance on an annual basis. With these accountability systems in place, the argument for choice is that much stronger. Parents will have the knowledge of school performance to make informed choices about where to spend their new federal dollars. For this reason, students who decide to use their $500 scholarships at private schools would still be required to participate in their state's testing program.

Why not let all Title I money follow children to the schools of their choice? For now, I believe a gradual approach is warranted. The nation should begin by letting parents control how most, not all, of newly appropriated federal dollars for K–12 education are spent. Let's monitor parents' spending patterns and school performance for a while and then evaluate whether to expand the program.

But private school tuition costs far more than $500. Correct. So those who worry that vouchers will hurt public schools should relax. But six hundred parents armed with $500 each can exercise $300,000 in consumer power at a public middle school. Five hundred dollars can also help pay for language lessons or remedial help. At Puente Learning Center in South Los Angeles, Sister Jennie Lechtenberg teaches students of all ages English and clerical skills at an average cost to the center of $500 per year.

TOWARD BETTER SCHOOLS

Of course by themselves Pell Grants for Kids would not create the best schools in the world. As David Gardner said, it took autonomy and high standards in addition to generous funding following students to schools of their choice to help create the finest university system in the world. To increase schools' autonomy, Congress should provide generous support to the charter school movement, offer waivers from federal rules to successful school districts, and use its oversight power to simplify federal laws and regulations. To help schools aspire to the excellence most colleges enjoy, Congress needs to give schools more flexibility in administering the mandates of No Child Left Behind. To make it easier for schools to pay teachers more for teaching well, just as colleges do, Congress should encourage the National Board for Professional Teaching Standards and other efforts to reward outstanding teachers. These organizations, in turn, must make the measure of students' progress a key ingredient in a teacher's evaluation.

It is a mistake to expect that merely switching to the higher education model for funding is all Congress needs to do to help transform public schools. To help children arrive at school ready to learn, Congress should heed President Bush's challenge to strengthen Head Start by improving coordination, emphasizing cognitive skills, increasing accountability, and involving governors. So that state and local governments can remain financially sound enough to support good schools, Congress should keep its promise to end unfunded federal mandates. So that children can learn what it means to be an American, Congress should help states put the teaching of American history and civics back in its rightful place in school curricula.

Finally, no plan for better schools is complete without better parenting. In his research James Coleman found that, until a child is 14, parents are twice as important as school for the child's learning. Yet the United States has gone from a society that values the job of being a parent to one that has been waging a war on parents. Liberal divorce laws and the diminished importance of marriage, higher taxes, poor schools, trash on television, unsafe streets, uncontrolled illegal drugs, and inflexible work arrangements have all made it harder for parents raising children. No part of American society has paid a higher price for this than our schools. Giving every middle- and low-income child a $500 scholarship to help encourage choice within education is a start, but only a start, toward putting government and society squarely on the side of parents raising children.

Nonetheless, enacting Pell Grants for Kids should be the next central thrust of federal efforts to improve the nation's schools. For the past half century, the United States has actively supported the expansion and improvement of higher education through a generous funding system that encourages autonomy, choice, and competition. Our institutions of higher education have helped produce the research that has been responsible for creating half our new jobs since World War II. They have sculpted an educated leadership and citizenry that have made our democracy work and made it possible to defend our freedoms. It is past time to take the formula that has worked so well to help create the best colleges in the world and use it to help create the best schools for our children.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation to Senator ALEXANDER of Tennessee for his wise remarks. Listening to the Senator, it reminded me of that advertisement: When E.F. Hutton speaks, you should listen. When Senator ALEXANDER talks on education, we ought to listen, and, indeed, when he speaks on a lot of subjects. He has served as Secretary of Education for the United States. He has been the president of the University of Tennessee. He has also been the Governor of Tennessee who had to run their school systems. He brings tremendous wisdom and experience and insight to this issue.

It must be our goal to improve the quality of education for children in America today. We have to work on that issue. We are not where we ought to be. There is too much inequality today.

I also think about Brown v. Board of Education, as we celebrate that historic decision today, and that Senator ALEXANDER clerked for Judge John Minor Wisdom, one of the judges who is famous in the old Fifth Circuit for enforcing Brown v. Board of Education.

Brown v. Board of Education had more impact than most decisions have ever had from the Supreme Court. As a young student in school, I rode a bus every day 15 miles to school. As we went north on the road to my school, we would pass a bus with African American children heading south. So the white kids went to the school up in the northern end of town, and we would pass one another. I went further than I should have traveled to get to school, and they went further than they should have traveled to get to their school.

In addition, the schools of the African-American community were not as good, and their schoolbuses were not as good, for the most part, either. It was not an equal system.

The Supreme Court of the United States considered the issue in 1954, and they evaluated what was happening. They said the laws of the United States should treat people equally, and that it is not equal treatment to say to a person: You cannot go to this school, although you may live quite close to it, simply because of the color of your skin. We had grown up with that situation. People did not give it much thought. They accepted it as the way things were. The Supreme Court ruled differently, and people complained about it. Some even said it was activism and the Supreme Court was overreaching. But if you read the Constitution and the law, it seems to me the Supreme Court at that point was not an activist court, it was not an overreaching court; it was a court founded on law, and they went back and read the plain language of the Constitution, and they said this process of denying one person the right to attend a school simply because of the color of their skin violated our Constitution. I think that was a plain ruling, a fair ruling, and a good ruling.

I know we are about to take up the defense bill in a few minutes, but I would say this: Things have changed in many different ways. My two daughters grew up in Mobile, AL, not too far from Murphy High School. Murphy is one of the oldest, largest schools in Mobile. The Mobile County school system is a very large system. I believe they have 60,000 students. It is a great historic school. Fifty years ago, it was an all-white school. There were all-African-American schools in the community. They have, as a result of Brown, integrated the school system. My daughters went to that school, and the racial mix was almost exactly 50–50. They enjoyed their time at Murphy High School. It is an excellent high school. In fact, I remember Secretary Bill Bennett, when he was Secretary of Education, came down and gave them a blue-ribbon, topflight national school award for the excellence in education there. They loved that school. They had friends who were White, friends who were African American, friends who were Asian, and friends who were from India. They were all in that school system. They benefited from that experience and did well as a result of it.

I believe the decision was beneficial legally. I believe the decision was beneficial for the children. It made a statement, with crystal clarity, that people could not be denied the right to public activities simply because of the color of their skin.

That is an important principle in this country. We were very slow to recognize it. The South was openly segregated in so many different ways, and this decision broke it down. It took many years before the decision would be fully implemented, but it has been implemented, and much good has come from it.

President Bush has said in his philosophy of education that we must not let children fall behind. He has used the phrase ''the soft bigotry of low expectations.'' What he means is, if our children are going to a public school that is doing pretty well, and they are doing fine, and minority students are going to a school that is not doing so well, we should not have the attitude, well, we are not too concerned about that.

In fact, more dangerous than that is a philosophy that we have low expectations, and we are not going to demand the same quality in all school systems in America. That is not acceptable. Our children can learn. All children of all races can learn. We need to challenge all students to be their very best. We cannot allow children to fall behind. We need to identify children who are falling behind early.

If you love children, if you care about the poor, if you care about minority students, and you want them to succeed, you will find out how they are doing. That is why the President said we want to test. The Government plan of No Child Left Behind is not to test to punish or to put down a child; it is to find out how they are doing in school. If they are falling behind, we need to intervene promptly and quickly to lift them up so they can reach their fullest potential.

Secretary Rod Paige, our Secretary of Education today, is an experienced educator who was the dean of a school and was the superintendent of the huge school system in Houston, TX—he has said by the time children get to the ninth grade, if they are not up to speed, if they are substantially behind in reading and math and cannot compete, that is when they drop out.

So the President's legislation—what we worked on—is designed to find out much earlier if children are falling behind, to give them that intensive support and extra resources necessary to have them catch up so they will no longer be behind, so when they get to the 8th grade, the 9th grade, or the 10th grade, they will be able to function and do high school work and go on and

complete their degree and be successful in the world rather than becoming frustrated or becoming a discipline problem, and maybe even dropping out of school because they know they are so far behind they cannot keep up.

That is what we focused on when we crafted the No Child Left Behind Act. That is ultimately one of the keys to American movement in this new century; and that is, are our children reaching their highest possible level of achievement. The more children who achieve their highest and greatest potential, the greater the benefit will be for our country.

I see my time is up. We are about ready to go to the defense bill. I again express my appreciation to Senator ALEXANDER for his insights and commitment to education. There is much we can do to make our system better.

I yield the floor and 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. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

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

Mr. WARNER. Mr. President, in connection with the work on this bill, which is scheduled for this week, Senator LEVIN and I ask unanimous consent that the staff members of the committee on the Armed Services, those names appearing on the list which is attached to this request, be extended the privilege of the floor during consideration of S. 2400, the National Defense Authorization Act for fiscal year 2005.

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

The list is as follows:

Judith A. Ansley, Richard D. DeBobes, Charles W. Alsup, Michael N. Berger, June M. Borawski, Leah C. Brewer, Alison E. Brill, Jennifer D. Cave, L. David Cherington, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Kenneth M. Crosswait, Marie Fabrizio Dickinson, Regina A. Dubey, and Gabriella Eisen.

Evelyn N. Farkas, Richard W. Fieldhouse, Andrew W. Florell, Brian R. Green, Creighton Greene, William C. Greenwalt, Jeremy L. Hekhuis, Bridget W. Higgins, Ambrose R. Hock, Gary J. Howard, Jennifer Key, Gregory T. Kiley, Maren R. Leed, Gerald J. Leeling, and Peter K. Levine.

Thomas L. MacKenzie, Sara R. Mareno, Michael J. McCord, Elaine A. McCusker, William G.P. Monahan, Lucian L. Niemeyer, Cindy Pearson, Paula J. Philbin, Lynn F. Rusten, Arun A. Seraphin, Joseph T. Sixeas, Scott W. Stucky, Diana G. Tabler, Richard F. Walsh, Bridget E. Ward, Nicholas W. West, and Pendred K. Wilson.

Mr. WARNER. Mr. President, it is my privilege to again address the Senate on this bill, which I commend the Committee on the Armed Services for marking up in a record period of time. I first wish to thank my distinguished colleague, these now 26 years working together, the senior Senator from Michigan, Mr. LEVIN, and his staff who worked very diligently, such that the two of us together, with the tremendous support of each and every member of the Armed Services Committee, were able to proceed through the year with our series of hearings and to do a very thorough and expeditious markup.

So we bring to the floor the National Defense Authorization Act for fiscal year 2005 for the Senate's consideration. This bill was unanimously reported out of committee on May 6. I believe it is a testament to the strong support of our men and women in uniform by the Senate if adopted.

As we begin debate on this bill today, over 300,000 soldiers, sailors, airmen, and marines, Active and Reserve, and countless civilians are serving bravely around the world, including the Persian Gulf region, Iraq, and Afghanistan, in the cause of freedom. All Americans are proud of what the U.S. Armed Forces and their coalition partners have accomplished thus far in Iraq and in the global war on terrorism. We are ever mindful that the defense of our homeland begins on the distant battlefields of the world.

As we begin this debate, we must pause to remember that military success is not achieved without significant sacrifice. We, the members of the committee—indeed, all Members of the Senate—extend our sympathies to the families and the loved ones of those who sacrificed their lives or were injured in operations to make America and the world safer. We will forever honor their service.

The military successes in Operation Enduring Freedom and Operation Iraqi Freedom are a testament to the dedication and professionalism of the U.S. Armed Forces and to the support and sacrifice of their families. It is also a tribute to American technology and ingenuity. The U.S. military is the most capable military force in the world today, a model of excellence, and the standard by which others are to be measured.

As I have said repeatedly over the past few weeks, the horrific evidence of abuse of Iraqi prisoners perpetrated by a small number—and I repeat, thus far to the comparison of the totality of our Armed Forces, a very small number of our Armed Forces—together with a number of civilian contractors, is an aberration, a total departure from the high standards and the professionalism that we have in our U.S. military. That series of incidents must never be permitted to happen again.

I am very proud of what the Committee on the Armed Services has done thus far by way of its oversight responsibilities of this tragic situation, and we will continue, in consultation with my distinguished ranking member and all the members of the committee, to pursue the facts.

These incidents are counter to every human value that every American has been taught. It is counter to what this country stands for, and it is counter to what the U.S. Armed Forces are fighting to protect. These acts of a few in some respect diminish us all. Nonetheless, we must not permit these acts to tarnish the honor of the many dedicated men and women in the Armed Forces, the 99.99 percent who are vigilantly upholding the values for which this country stands, and who are doing a great mission, wherever it is in the world, often at high personal risk.

With Senate passage of the bill before us, we have the opportunity to send a strong message of support to our men and women in uniform. The bill contains much deserved pay raises and benefits for our military personnel and their families, much needed increases in family housing, and quality-of-life projects on military installations, as well as prudent investments in the equipment and technology our military needs to address future threats. I urge my colleagues to debate this bill in a constructive spirit and to support its rapid adoption.

The President's budget for defense for fiscal year 2005 continues a momentum of recent years in providing real increases in defense spending to combat terrorism and secure the homeland, to enhance the quality of life of our military personnel and their families, and to modernize and transform the U.S. Armed Forces to meet current and future threats.

The bill before us provides $422.2 billion for the Department of Defense and the defense programs of the Department of Energy, an increase of $20.9 billion, or 3.4 percent in real terms, over the amount authorized in fiscal year 2004.

This bill reflects six priorities we established to guide our work on the National Defense Authorization Act for fiscal year 2005.

First, our committee wanted to provide our men and women in uniform with the resources, training, and technology and equipment they need.

Second, enhance stability of the Department of Defense to fulfill its homeland defense responsibilities.

Third, continue to improve the quality of life for the men and women of the Armed Forces—Active, Reserve, Guard, and Retired—and their families.

May I say at this point, having had many an association with the Armed Forces—and I use that term collectively to include the Guard and Reserve—they have performed magnificently, the Guard and Reserve, and

have earned the respect of the regular forces who look upon them now as co-equal partners.

Fourth, sustain the readiness of our Armed Forces to conduct a full spectrum of military operations against current and anticipated threats.

Fifth, support efforts to develop the innovative capabilities necessary to modernize and transform the Armed Forces.

And sixth, continue active oversight of Department programs and operations, particularly in the areas of acquisition reform and contract management, to ensure proper stewardship of the taxpayers' hard-earned dollars.

The committee's first priority was to provide the Department of Defense with the resources it needs to combat terrorism and win the war on global terrorism. This bill authorizes a temporary increase in the active-duty end strength of the Army of up to 30,000 soldiers from the 2005 through 2009 fiscal years. This authorization is consistent with the manpower plans of the Army.

In addition, the bill authorizes an increase of almost $1.2 billion over the budget request for programs to help our troops in the field. Funding highlights include, for the Army: $1.2 billion for helicopters to support Army aviation and modernization, in order to get needed airlift and attack helicopters to troops in the field; $272.2 million for aircraft survivability equipment to ensure all aircraft used in combat operations have the best possible protection; $905 million to continue procuring the Stryker armored vehicles that are already proving valuable in military operations in Iraq; and almost $1.1 billion for up-armored HMMWVs, including an increase of $925 million to accelerate procurement of up-armored HMMWVs, as well as add-on ballistic armor for medium and heavy trucks, to protect our troops on patrol in hostile environments.

To improve the ability of special operations forces, a major component of the war on terror, the bill authorizes an increase of $65.4 million above the President's budget request to accelerate the availability of important new capabilities.

For naval forces, the bill authorizes an increase of $150 million to accelerate fielding of an amphibious assault ship that will greatly improve the mobility and lethality of the U.S. Marine Corps operations, increases the amount requested for amphibious assault vehicles by $23.2 million, and it adds almost $50 million for personal protection equipment for the Army, Navy, Air Force, and Marines.

Overall, the bill adds over $600 million for force protection gear and combat clothing, such as improved body armor, to meet urgent requirements of the Armed Forces. The committee fully supports the budget request of $2.9 billion for C–17 new aircraft, to add to the existing fleet which is performing magnificently all over the world. This will improve the global mobility of our U.S. forces.

To enhance the Department's homeland defense capabilities, the bill fully supports the President's budget request of $8 billion and authorizes an additional $46.9 million for seven additional weapons of mass destruction civil support teams. With this increase, the committee has reached the goal of funding 55 teams which will support local and regional first responders in every State and territory of the United States. May I add, our committee has had a long history of strong support for this program and increases the budget amounts each of the fiscal years to make certain that all 50 States are given this capability.

In addition, the committee has added an additional $33.9 million for innovative technologies to combat terrorism and defeat emerging asymmetric threats, and $26.5 million for the development of chemical and biological agent detection and protection technologies. To protect America from ballistic missile threats, the bill authorizes $10.2 billion for missile defense.

This bill continues our commitment to improve the quality of life of our men and women in uniform, and their families, by authorizing a 3.5-percent across-the-board pay raise for all uniformed service personnel, as well as increases in housing allowances that will eliminate average out-of-pocket expenses for off-base housing for service members. The bill authorizes a permanent increase in the monthly family separation allowance from $100 per month to $250 per month, and a permanent increase, from $150 a month to $225 a month, for special pay for duty subject to hostile fires or imminent danger. The bill also supports the initiatives taken by the Department to increase the pay of troops whose tours of duty have been extended for more than 12 months in the Iraq theater.

In a significant health care initiative for members of the Reserves and National Guard, this bill authorizes permanent increases in coverage before and after mobilization, and a new health care option which would make TRICARE coverage available to all members of the Select Reserve and their families, in an affordable way. I urge my colleagues to support this innovative approach to enhancing health care benefits for members of the Reserve and National Guard and their families.

The administration requested $9.4 billion for military construction and family housing. The bill before the Senate includes an overall increase of $342.4 million in military construction, including increases of more than $100 million in critical unfunded projects identified by the military services, and an additional $172 million to fund improvements to the facilities supporting our National Guard and Reserve Forces.

Over the past several years, the Armed Services Committee has worked with the Department of Defense to ensure that necessary modernization, transformation, and long-range research are maintained, even in times of high operational tempo.

This bill continues support for these transformational activities, for example, by authorizing $131.1 million for tactical UAVs that have proven so valuable in recent military operations, an increase to $30.6 million above the budget request; and more than $11 billion for cutting-edge science and technology programs, an increase of $445 million above the budget request. These increases are in the critical areas of force protection equipment and devices, counterterrorism technologies, information assurance unmanned systems, and training innovations for the future defense force.

With our Armed Forces deployed on distant battlefields and countless others standing watch at home, we are committed to providing the resources needed for the men and women of the Armed Forces, and their families. The Congress's past support for increased defense spending has proven to be a wise investment. There is no greater evidence than the successes witnessed on the battlefields, where the courage of our men and women are displayed in Afghanistan and Iraq, and elsewhere in the world.

This National Defense Authorization Act for the year 2005 builds on the advances made in recent years. I urge my colleagues to join me and send a strong message of bipartisan support for our troops at home and abroad. We honor your service. We stand with you now and we will stand with you always in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I join with our chairman of the Senate Armed Services Committee, Mr. WARNER, in bringing S. 2400, the National Defense Authorization Act for fiscal year 2005 to the Senate floor. This bill is the product of 45 hearings, 3 days of markup, and countless hours of hard work by the members and the staff of the Armed Services Committee.

Throughout this process, Senator WARNER has led the committee with his usual fairness and graciousness. There was a unanimous vote of our members in support of this bill, which is a tribute to the able leadership of my dear friend and the balanced approach which Senator WARNER takes always in matters under consideration by our committee. He chairs this committee in the finest tradition of the Senate Armed Services Committee, and I commend him for it. I wish every Senator could see him in action as he chairs our committee.

Senator WARNER has balanced the committee's legislative and oversight responsibilities over the last several weeks so there has been an additional challenge that Senator WARNER has had to face as we have worked to report out this bill while at the same

time beginning vital oversight over the abuses of Iraqi detainees at Abu Ghraib prison. Without delaying the markup schedule, Senator WARNER promptly scheduled a series of briefings and hearings on the prison abuse issue, with more to come. That means more work for all of us, for our staff, but it was the right and the necessary thing to do.

Senator WARNER has an equal determination, which I join, to have a comprehensive and prompt, hopefully, series of hearings into all aspects of this issue.

The bill reported by the Senate Armed Services Committee will promote the national defense, improve the quality of life of our men and women in uniform, and make the investments we need to meet the challenges of the 21st century.

First and foremost, the bill before us continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For instance, the bill authorizes a 3.5-percent increase across the board for military personnel in terms of their pay, and it authorizes a permanent increase in the rate of special pay for duties subject to hostile fire and imminent danger. We authorize a permanent increase in the rate of family separation allowance.

The bill authorizes a new benefit option under TRICARE which makes available for the first time an opportunity for all members of the selected Reserve and their families to participate in TRICARE. The bill authorizes an increase of $400 million over the President's budget request for enhanced health benefits for reservists.

Second, the bill would make key investments that are needed to help address the challenges our military faces today and will continue to face in the future. I am particularly pleased that the bill would add $900 million to the President's budget to fund additional up-armored Humvees and add-on ballistic protection to provide force protection for our soldiers in Iraq and Afghanistan. The bill adds $600 million to the President's budget for additional force protection gear and combat clothing for service members. Our bill adds $450 million to the President's budget for advanced research that will help enhance force protection, combat terrorism, and counter the threat of proliferation of weapons of mass destruction. The bill adds $47 million to the President's budget to field an additional seven weapons of mass destruction civil support teams, which fulfills a requirement established in last year's bill.

Third, our bill contains a number of important provisions designed to improve the efficiency and the transparency of the operation of the Department of Defense. For instance, the bill would direct the Secretary of Defense to develop comprehensive DOD policy and procedures for the prevention of and response to incidents of sexual assault involving military members. The bill requires the Secretary to take specific steps to improve the management and oversight of contractors performing security, intelligence, law enforcement, and criminal justice functions in Iraq and other areas where U.S. forces are engaged in military operations. The bill establishes a commission on the National Guard and Reserve which will study the roles and missions of the Reserve components, and the bill strengthens the framework for oversight for addressing the Department's continuing financial management problems.

Finally, the bill before us appropriately does not include two particularly troublesome legislative proposals. It does not include a provision that would delay or water down the base closure process. The committee continues to support the senior military and civilian leadership of the Department of Defense in concluding that another round of base closures is critical to meeting our future national security needs, and the bill does not include proposals advanced by the administration that would exempt certain military activities from key environmental requirements, including the Clean Air Act, the Resource Conservation and Recovery Act, and the Superfund law.

There are, of course, provisions in this bill on which there are disagreements, as we would expect. I would like to mention a few areas in which I have serious concerns. I am disappointed that the bill, like the President's initial budget submission, fails to provide the money that we all know will be needed to support our day-to-day military operations in Iraq and Afghanistan. From the beginning of this year, the administration insisted that because we do not yet know the exact cost of our operations in Iraq and Afghanistan next year, that it would be premature to include any cost for those operations in the budget. The exact costs of a military operation, or even the normal operations of the Department of Defense, for that matter, are never known. That is not an adequate reason for not submitting a budget, and it is an inadequate reason for failing to include in that budget costs that we believe can be reasonably estimated and that we believe will be incurred in the next fiscal year.

If Congress does not act to provide substantial funding for ongoing military operations this year, there is a significant risk that the military services will find themselves in serious financial difficulty earlier next year. The Pentagon has some flexibility to move funds to pay for ongoing operations, but shifting funds away from other priorities can only take the military so far. That is why the Senate Budget Committee included $30 billion for ongoing military operations in the Senate budget resolution earlier this year, and that is why the administration finally has acknowledged the problem, a week and a half ago, and agreed to submit a proposal for a $25 billion budget amendment. This money is needed to support our troops in the field, and they deserve more than just an IOU.

I commend our chairman for holding a hearing in this matter. I think it was a very useful hearing. There was almost a consensus in our committee, or close to it, that there should be an amendment which would be offered, hopefully on this bill, which would provide the funds that are necessary for our troops for the operations we know will be taking place next year but to do it in a responsible manner where the Congress carries out its role of being a check and a balance on the executive branch and not just issuing a blank check. The chairman's initiative in holding this hearing and having the witnesses there who were called I believe will lead to the proper resolution of this matter—hopefully in an amendment that everybody can support.

Mr. WARNER. Mr. President, if the Senator will yield?

Mr. LEVIN. I am happy to.

Mr. WARNER. I thank him for his full cooperation. We are now studying a draft by which the two of us would put forward to the committee a suggested amendment on this full amount of $25 billion.

Mr. LEVIN. I thank the chairman. We are indeed doing that.

Another thing the bill does that it should not do, in my judgment, is to provide more than $10 billion for missile defense, including more than a half billion dollars for additional interceptors, without imposing basic ''fly before you buy'' requirements on the program.

In the course of the markup, an amendment was offered that would have required the missile defense program to comply with the same operational testing requirements that are applicable to other acquisition programs of the Department of Defense. It was defeated. Another amendment was offered that would have cut the funding for the production of additional interceptors or to fence that funding, restrict that funding until operational testing and evaluation of these interceptors is completed. That amendment was also defeated, as was the first, on a closely divided vote.

It is unfortunate that the administration is so insistent on deploying a missile defense system as soon as possible that it is unwilling to comply with even the most basic operational test and evaluation requirements. If we want a missile defense that works rather than one that sits on the ground and soaks up money, we should not shy away from realistic testing requirements. The law and common sense require realistic testing requirements. Right now, they are not going to be followed.

Another problem: The bill contains full funding of $27 million for the robust nuclear earth penetrator and the

advanced nuclear weapons concept initiative, an increase of over $7.5 million authorized for these programs last year. The administration's budget for the outyear reflects a commitment to developing an earth penetrator, which is likely to cost on the order of $1 billion to produce and deploy. The bill also includes $9 million—a 50-percent increase over fiscal year 2004—for the advanced nuclear weapons concepts initiative to look at new options for nuclear weapons.

By pursuing this earth penetrator and the new nuclear weapons concepts, the administration continues to send the wrong message about weapons proliferation. At a time when the United States is trying to dissuade other countries from going forward with nuclear weapons development—we oppose North Korea's pulling out of the nuclear nonproliferation treaty, and we are spending over $1 billion to prevent the spread of nuclear weapons material and technology—these actions that are proposed by the administration send a terrible message.

We are telling others not to go down the road to more and more nuclear weapons. But instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we are recklessly driving down that same road. In short, the United States is following a policy we would not tolerate and do not accept in others.

I hope the Senate will reverse the administration's proposals as leaving us and the world less secure and more likely to face the proliferation of nuclear weapons, and the proliferation of those weapons is the greatest threat we face.

Finally, the bill contains two troubling provisions that would erode more than 30 years of congressional policy relative to high-level radioactive waste. These provisions were adopted on closely divided votes. One provision provides that the Department of Energy will have virtually unchecked discretion to reclassify or decree that high-level radioactive waste in South Carolina is not high-level radioactive waste. This ability to reclassify the waste opens the door to the Department of Energy to leave high-level radioactive waste in the ground in South Carolina and could lead to the same result in other States. That is because the second provision I referred to would require the States of Idaho and Washington to acquiesce in the Department of Energy's desire to reclassify high-level radioactive waste as they want to do in South Carolina before Idaho and Washington could continue to receive money to pump liquid high-level radioactive waste out of the tanks that are present in those States.

Taken together, these two provisions begin to undo years of effort to make sure high-level radioactive waste will be disposed of safely to protect the public and the environment. It is disingenuous to pretend that high-level radioactive waste is anything other than high-level radioactive waste. The cavalier treatment of high-level radioactive waste could pose a very real risk environment to the health of our citizens down the line.

As we begin consideration of this bill, the men and women of our Armed Forces—both Active and Reserve—remain deployed in harm's way in many areas of the globe and are being subjected to almost daily arms attacks in Iraq and Afghanistan. We join together—every Member of this body—in standing behind our troops and expressing pride in their extraordinary accomplishments on the battlefield. This bill will help provide them with the equipment they need and the compensation and benefits they deserve.

Let me again conclude by thanking Senator WARNER for the leadership he has shown in bringing this bill to the floor, and I know we look forward to receiving amendments and considering amendments on this bill as the week progresses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we welcome other Senators coming to the floor and discussing this bill. The bill is now open for amendment. We anticipate the senior Senator from Texas will come forward shortly with a very important amendment which is subject to leadership concurrence and which could be the subject of the vote that is now, according to leadership, scheduled for around 5:30. Senator HUTCHISON will probably be on the floor shortly after 4 o'clock to discuss that.

As we commence the floor debate this afternoon, I think we are obligated to bring to the attention of the American public who haven't already heard it the disturbing news about a threat posed to our forces in the Iraqi region. Indeed, it could be elsewhere in the world but for the moment in this particular region; that is, the use of a weapon which would fall within the definition of a weapon of mass destruction and used in Iraq on Saturday.

News reports from Baghdad, confirmed by the Iraqi Survey Group—as you know, that is a group which was specifically tasked by the Secretary of Defense and specifically budgeted by the Congress of the United States to work on weapons of mass destruction issues. The report today, confirmed by the Iraqi Survey Group, indicated that on Saturday a roadside bomb was implanted on the road by terrorists who obviously attempted to use an artillery shell filled with deadly Sarin gas as an improvised explosive device. They are referred to as IEDs. This shell had no distinctive marks. Fortunately, the device only partially operated. There was an explosion, but fortunately only a small amount of the deadly nerve gas agent was produced by the explosion.

Two U.S. demolition experts were treated for exposure to Sarin, and the reports are they are, fortunately, recovering.

It is important to note, however, that this was an Iraqi military round. In other words, it was apparently identified clearly as one made some years before or sometime before our invasion. Its origin is unclear. What is clear is it was part of the Iraqi military arsenal that was not declared as required by the United Nations inspectors and that regime when they were operating in that region.

We all know Saddam Hussein's regime had chemical weapons in the early 1990s. We also know his regime continued the aggressive development activities on chemical and biological weapons. David Kay confirmed that as he reported to the Congress. Under the terms of the 1991 gulf war cease-fire, some chemical weapons were destroyed but tons of chemical and biological agents remain unaccounted for as to whether they were destroyed or are still in existence. Apparently, Iraq did have undeclared weapons as well.

The discovery of this weapon is troubling and begs the question: How many more chemical weapons—weapons of potential mass destruction—are in Iraq and could fall into the hands of terrorists and other antagonists to the coalition forces named to bring freedom to the people of Iraq? Where are these various caches of weapons hidden? The question must be answered. It is the reason the important work of the Iraq Survey Group must go on.

It has certainly been my opinion throughout that weapons of mass destruction materials and technology is the greatest threat to our Nation, and indeed all nations in the free world today. But materials or technology in the hands of terrorists could bring unimaginable destruction.

Winning the global war on terrorism depends on stopping this proliferation. We have taken an important step forward in Afghanistan and an important step forward in Iraq.

I hope that rapid passage of this bill will send a strong message because it reinforces our efforts worldwide to interdict weapons of mass destruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me say that the remarks of the distinguished chairman of the Armed Services Committee, the senior Senator from Virginia, are indeed disturbing because it would be the first evidence in this conflict that the chemical weapons Saddam Hussein once had and which we had no evidence of destruction might now be surfacing and might be used against our troops. It is, as he said, important that we continue to pursue this. We hope it is a single event rather than something that will repeat itself. But in any event, it brings home the seriousness of the proposition.

I commend him for not only bringing it to our attention today but also for the work he and the committee have put into bringing this Defense authorization bill to the floor.

It is a difficult time. We are not only focusing on the multiyear transition of our force structure but also the bringing of new technology to our military in an evolutionary way at the same time we are trying to provide the resources necessary to fight the war in Iraq and Afghanistan and other resources for the war on terror and building up our intelligence capabilities through the Defense Intelligence Organization and others.

This is a very complicated and difficult time in defense planning. The bill the committee has put together is a very well-structured and a very forward-leaning bill, as well as a bill that takes care of the troops who are being put in harm's way today. I commend the chairman and members of the committee for the fine product they have put before us.

I will speak today primarily about one aspect. It is not the war on terror but rather the way in which at least an element of high technology is being integrated into our forces to meet a different kind of challenge. It illustrates the fact that at the same time we are fighting this war on terror and the action in Iraq, we also have to think about the other challenges we are going to be facing in the future and be prepared to deal with them at that time.

It is unfortunate but true that the sophisticated weapon systems that are available to our troops today were on the drawing boards maybe 20 years ago and did not go into production until a few years ago because of all of the work that has to go into their development and their testing and their ultimate deployment. We do not have the ability to simply snap our fingers when we need a new weapons system and bring it online immediately. It takes years of work to get it to that point.

A good example is, and a system we had to rely on to some extent in the first gulf war, in the area of missile defense. Missile defense has been with us ever since the pronouncement of President Reagan in his great announcement in the early 1980s that with the advent of ballistic missiles, a genie that would never be put back into the bottle, we were going to have to develop effective defenses against them or they would be the weapon of choice in the future for the delivery of high explosive but potentially nuclear weaponry, as well as chemical or biological weaponry. As a result, President Reagan embarked upon a scientific venture to find a way to intercept missiles. There was a great deal of research that went into this. Frankly, we came close during the end of the Reagan administration and first part of the first Bush administration of actually being able to deploy missile defenses.

But one of the arguments opponents always made was more testing was necessary and we should not actually go to the deployment of the system until we could better prove it could defeat any conceivable threat. At the time, the potential enemy was the Soviet Union. The Soviet Union did, indeed, have a sophisticated intercontinental ballistic missile system, one that required us not only to defeat a rudimentary kind of missile but one that might have decoys, that might have other kinds of penetration aids, ways defensively to throw our interceptor missiles off course.

So there was always a game being played between perfection being the enemy of the good versus actually getting something deployed that would take care of most of the threat. At the end of the day, there was not sufficient support in the Congress to actually deploy a system, as a result of which a great deal of time and money was spent on ballistic missiles but nothing was ever produced.

Along came the Clinton administration. The Clinton administration also understood that especially with the rise of the threat from North Korea, Iran, and China, as well as the leftover threat from the Soviet Union, but in a much more benign setting now that Russia was emerging as the power out of the ashes of the Soviet Union, there was still going to be a need to deploy some kind of system. As a result, the Clinton administration decided upon a ground-based system of 100 interceptors primarily potentially at a site partially, at least, in Alaska that would be our basic way of beginning to deal with ballistic missile threat.

Even the Clinton administration understood this was not the be-all and end-all. This would not necessarily be the end of the development of ballistic missile interceptors because as the offense became more sophisticated, so, too, the defense would have to become more sophisticated. But it was a way to begin the deployment and deal with the threat from a rogue nation, a nation like North Korea or Iran, for example, which would not have the sophisticated penetration aids of a nation like the Soviet Union.

The question then came when the second Bush administration came to power, would it be possible for us to move away from the constraints of the ballistic missile treaty, the ABM treaty, to actually think about deploying more sophisticated and capable systems that were not permitted under the ABM treaty. It was agreed with the Russians that a new treaty would replace the ABM treaty, a treaty which would permit both countries to get rid of most of their offensive weapons, their nuclear weaponry, and much of this was to be delivered on top of ballistic missiles, as a result of which the means for delivery of those nuclear weapons would be eliminated as well as the nuclear weaponry itself.

That decision was made and an agreement was entered into between the United States and Russia, and as a result, the United States began to think about a more creative way to actually deploy a rudimentary missile defense system. By then, the threat from Russia had eroded and we saw primarily the threat from the so-called axis-of-evil countries as the one we were going to have to deal with.

The decision was made, since we wanted to put something into place quickly, that what we would do is combine the initial deployment of the system with continued testing so we would actually have a test bed available to us to provide the real conditions for a real test; have a real missile defense system in place to actually do the testing that would be the most sophisticated and end part of the testing program.

We went through a series of tests that were highly scripted, that told us what we needed to know about the component parts of the system, and it was time to put it in operational mode to test it in that mode.

GEN Ron Kadish, the general in charge of the Ballistic Missile Defense Organization, put it very interestingly:

> The criticism we get is that we are not operationally testing the system before we put it in place. My response to that, which people don't seem to want to accept, is you can't operational test the system until you put it in place.

Of course, General Kadish is exactly right. You can only do so much hypothetical testing. There is a point at which you need to put it in place so you can go forward with the operational testing. This was the concept the Bush administration decided to pursue.

It is strange that very concept now is being criticized and presumably will be the subject of amendments that will be offered in the Senate to take away from funding for the ballistic missile defense system. It will generally contend that more testing is required; that in effect we need to test this until we are absolutely certain it can do everything it needs against every potential adversary without question, by which time many years will have passed, much more money will have been spent, and we still will not have anything to show.

It might be interesting to note that during the first gulf war we were actually exposed to the rationale for proceeding as we are proceeding with the missile defense system. At that time, Saddam Hussein launched Scud missiles at Saudi Arabia, at Kuwait, at the U.S. forces there, at the country of Israel, and there was no missile defense system in place at that time. The Israelis did not have the Arrow missile which they now have and which we hope will provide an effective missile defense system against something like the Scud missile for the state of Israel. What we had was an anti-aircraft missile called the Patriot. It was a very capable system. But we needed something to defend against the Scuds.

Very hurriedly we sent to the theater batteries of Patriot missiles. Literally, on the way, as they were being prepared for transit and in transit and as

they were being set up, we were adjusting the computer components, the radar connections and tracking systems and the like, to try to make these Patriot systems more robust, more capable, faster acting, more discerning, so they might actually hit a ballistic missile rather than an airplane, which is what they were designed to be against in the first instance.

Lo and behold, it turned out through the ingenuity of people literally on the ground, the Patriot missile system was made to be somewhat effective against some of these Scud missiles. Certainly not as effective as a finely developed missile defense system would have been, but the point was we made do with what we had because we did not have a choice. We were in the middle of a conflict and we had to come up with some way to defend our troops and defend our friends.

Lest my colleagues forget, remember, the single largest number of casualties in the first gulf war against Americans, 28 were killed when a Scud missile hit an Air Force base with American airmen and others present. It demonstrates you cannot wait until you have the perfect

system. When you are in a conflict with people and they are working as fast as they can, it helps to have something ready to go even if it is not perfect.

That was the reasoning behind the Bush administration's decision to move forward with the development of the system and not wait until every conceivable aspect of testing could be done, but to actually get it up to the point where it could be deployed for operational testing, and at that point we would be able to literally kill two birds with one stone.

We would not only have an operational test bed capable of continuing to perform the tests necessary, but we would also have an operational capability of some robustness, probably not enough to defeat a Russian missile, should one be launched by accident, for example, but certainly one that might be sufficient to take out a North Korean missile.

The thinking was that not only would you serve these two purposes, but you would also serve another very important purpose; and that was to discourage the countries that were beginning to proliferate weapons of mass destruction, and the missiles to deliver them, from developing these missile systems because of the notion that whatever they did, however much effort and time and money they put into it, we would have a way of defeating it, so it would not be worth their while—in effect, a deterrent, to say: The United States will not permit you to have an effective missile against us, so do not bother to try to develop and deploy it.

We believe that could be important because of some things I will say in a moment relating to the exchange of information between countries such as China and Pakistan and North Korea and Iran and other countries that began to proliferate components and technology for the trading of these missiles. So the threat would not be just from one country but would be from several countries. We have to nip this in the bud, and developing a good missile defense would be one way to do that.

So from the original notion, which, as I said, was to have 20 missiles in combination between a site in California and a site in Alaska, to the development of another 10, which would be put in Alaska, and then another 10, following that, at a site to be determined—and this is the so-called missiles numbered 31 through 40. These are not yet funded. They are part of a long leadtime funding that is the subject of this bill and which might be the subject of an amendment.

Let me go back and put all this into perspective. The Defense bill itself is just a little over $10 billion for ballistic missile defense research and development. It is key to the development and deployment of this capability about which I have been speaking. The threat from ballistic missiles is not waning; it is growing.

Today there are nearly three dozen countries, according to our intelligence, that have or are developing ballistic missiles of increasing range and sophistication. It includes the two remaining ''access of evil'' members, Iran and North Korea, as well as their fellow terrorist regime Syria.

Some of the latest developments, which unless indicated otherwise, are all taken from the DCI's most recent semiannual ''Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Conventional Munitions,'' are as follows:

First, North Korea: It continues its development of long-range missiles. Its Taepo Dong 2 missile, which is capable of reaching the United States with a nuclear weapon-sized payload, may now be ready for flight testing. So this is not a hypothetical threat.

The Channel NewsAsia reported earlier this month that Pyongyang is nearing formal deployment of the Taepo Dong 2 and is now gearing up to test engines for the missile.

Recent press accounts have also raised the possibility that North Korea is working on new intermediate-range ballistic missiles. According to a May 6 Los Angeles Times article, the South Korean press has reported that two new missile bases are under construction in North Korea. These bases would reportedly be used for a new missile capable of reaching U.S. bases in Guam and possibly Hawaii.

North Korea not only presents a problem because of its own capabilities but also because of its proliferation of ballistic missiles and related technologies to potential adversaries of the United States.

According to the DCI report:

Throughout the first half of 2003, North Korea continued to export significant ballistic missile-related equipment, components, materials and technical expertise to the Middle East, South Asia, and North Africa.

Recent press reports indicate that Kim Jong Il has been negotiating with the Iranian regime on the sale of the long-range Taepo Dong 2.

Iran: The DCI report says:

Ballistic missile-related cooperation from entities in the former Soviet Union, North Korea, and China over the years has helped Iran move toward its goal of becoming self-sufficient in the production of ballistic missiles.

Iran's ballistic missile inventory is among the largest in the Middle East.

Last June, Iran made some significant advances in its program, conducting a successful test of the 800-mile-range Shahab-3 missile. If operational, this weapon could alter the strategic balance in the Middle East, placing Israel and U.S. bases in Turkey within Iran's reach. Iran is also seeking to produce a 1,200-mile Shahab-4 missile.

According to CIA Director George Tenet's recent testimony to the Senate Intelligence Committee, Iran, as North Korea, has been willing to supply missile-related technology to countries of concern.

The PRC, the People's Republic of China: In addition to the threat posed by the development of ballistic missiles by terrorist-sponsored regimes that I have noted, we should not forget about the improving capabilities, as well as the WMD and ballistic missile proliferation, of the People's Republic of China.

The intelligence community's most recent report on foreign ballistic missile development assessed that China could begin deploying its 5,000-mile-range DF–31 missile during the first half of this decade. China's even longer range ballistic missile, the DF–41, could be deployed in the latter half of the decade. I remind my colleagues this is now 2004.

China also has approximately 500 shorter range missiles aimed at Taiwan.

According to an article in today's Washington Post, the Chinese Government warned Taiwan's President to pull back from ''a dangerous lurch toward independence''—their words—''or face''—and I am again quoting their word—''destruction.''

Given that warning, as well as numerous others like it, the United States should take very seriously not only the missile threat posed to Taiwan but also that posed to the United States.

Finally, despite relatively new missile-related export regulations, Chinese entities continued, during the first half of 2003, to work with Pakistan and Iran on ballistic missile projects. Additionally, during that same time, Chinese firms continued to provide materials or assistance to the ballistic missile programs in Iran and North Korea.

So you see a combination of countries willing to work with each other

toward the development of these missiles, all of which could be threatening to the United States and our interests.

So what will missile defense deployment accomplish? Well, as I said, both defense and deterrence.

Deployment of the layered missile defense system will permit the United States freedom of action by eliminating the possibility that we would be susceptible to nuclear blackmail by a country such as North Korea.

Missile defense will also reduce the incentives for proliferation by devaluing offensive missiles. If a rogue actor views missiles as less likely to be effective because of our defenses, he will also be less inclined to spend as much time or money trying to acquire them.

Finally, missile defenses, in a worst case scenario, will save Americans lives.

This is worth doing. I would like to quote again General Kadish, who made this point earlier this year. He said:

> We should not choose to be vulnerable. We have proven that from a technological standpoint and a practical standpoint we can intercept ballistic warheads in flight. And to say now that we can technologically defend ourselves and then choose not to is, in my view, a recipe for failure.

The first obligation we have as legislators, as opinion leaders, as leaders in this country, is to ensure the defense of the United States of America and American citizens. We have to do that with the development of ballistic missile defenses because it is the one threat that exists against us which we do not yet have a capability of defeating. But we are on the verge of deploying that capability. We have to proceed with it and not retrench under the rubric of ''more testing is necessary.''

There are challenges. The ideological opposition to missile defense, unfortunately, still exists. Last year was the first year that the President's overall request for missile defense was met. In the previous years it had not been. In fiscal year 2003, ballistic missile defense research and development had been reduced by $80 million, and the year before that by $530 million.

In addition to that, restrictive language has been adopted by this body, creating a false choice between two alternatives, which I will speak to in a moment.

Last year's authorization for the fiscal year 2003 Defense authorization bill required the administration to decide whether $814 million would be spent on missile defense or terrorism. This was money that the administration had requested for its missile defense organization, and it was spent on that. But the President, in effect, was faced with a false choice. Which one, in effect, critics were asking, was more important? Of course, the bottom line is, they are both important. In the United States, we have the capability of doing both. Indeed, we have no choice but to do both. In fact, we have no choice but to do several things in this defense budget. You cannot decide that one is more important than the other and, therefore, you have to forego spending on one for the benefit of the other, if you have the capability of funding them all. So missile defense versus the war on terror would, indeed, be a false choice.

It is clear that we have needs in Iraq and Afghanistan and the war on terror, but we don't have the luxury of confronting those needs while at the same time overlooking or ignoring the ballistic missile threat from a country such as North Korea or Iran. I ask my friends, who were so shocked that something like 9/11 could happen, what their response would be if one of those missiles were launched against the United States, if we had no defense against them landing on one of our cities. I would hope those who have been opposing the deployment of missile defenses would acknowledge responsibility in that environment.

Let me respond to one potential amendment that might come up and then conclude my remarks. I have talked about the fact that there may be an effort to cut money from the Missile Defense Program to fund some other program such as armor for Humvees or vests for our soldiers or something of that sort. All of these things are being fielded as quickly as we can field them, as my colleagues well appreciate. In other words, diverting money now from missile defense to more body armor or armor for Humvees won't speed up 1 minute the deployment of that particular defensive equipment in Iraq.

For whatever reasons, there will be an effort to take money from the ballistic missile program and apply to it those kinds of programs, I suppose, because they would presumably have a great deal of public support. I reiterate, those programs are totally funded today and are being provided, and we do not need to take money from the ballistic missile defense program as part of this Defense authorization bill.

The funding that is provided in the bill will allow the construction and implementation of the ballistic missile defense test bed that will be used to conduct more realistic system-wide tests at the same time that it provides a near-concurrent initial operational capability in case of an attack. As I said, it is consistent with President Clinton's proposal for national missile defense that planned to deploy 100 ground-based interceptors. This will provide for the addition to the initial 20 interceptors at Fort Greely and Vandenberg Air Force Base, of 20 additional ground-based interceptors at Fort Greely, at sea, and perhaps even at some overseas location to be determined.

The budget request specifically in the chairman's bill makes a downpayment on the ground-based interceptors Nos. 21 through 40. It is the long lead funding to provide: No. 1, additional test articles necessary to conduct planned future integrated flight tests—and I pause here to say, for those critics who say we need more testing, this is the money for the testing; so if you vote to cut this money, you are actually cutting the money for more testing; No. 2, an expanded interceptor inventory to address estimated growth in foreign ballistic missile threats; No. 3, maintain steady industrial base production lines for the interceptors and kill vehicles in the event an expanded inventory is deemed necessary; and, No. 4, ground-site preparation activities for interceptors Nos. 21 through 30.

Any cuts to the ground-based missile defense deployment that is contemplated will cripple effective deployment of the initial test bed system that itself will allow for more realistic testing.

So if you accept the notion of and assumption inherent in capabilities-based acquisition and spiral development, then criticisms about insufficient testing before initial deployment of this ballistic missile system are simply invalid.

I commend the chairman and the committee for their great work in bringing this bill to the floor and finally funding our missile defense system so that we can not only continue the testing that is so important, but also at the same time provide some initial capability should we need that capability.

I hope my colleagues will join together, support the chairman, support the committee, support the President in what he is trying to do, and not engage in a thousand cuts that could end up crippling this program yet once again, getting us to the point of deployment but no further than that point.

I urge my colleagues to support the chairman and the committee and defeat such amendments.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Arizona. He has been in the very forefront of these issues regarding missile defense for many years. He has spent much of his time, and he speaks of his knowledge. I assure him that our committee, in the course of its markup, stood steadfast on these issues. I am hopeful we can continue to do so in the event such amendments as the Senator from Arizona contemplated would be brought to the floor. We would hope that he would find time to engage with us in support of the mark as it now stands.

Earlier today the distinguished Senator from New Jersey advised the managers of the bill that he has an amendment. I also see the distinguished Senator from Maine. I would think as a matter of comity, we would hear from our distinguished colleague from New Jersey. It is my understanding that the managers of the bill will make a request that this matter be laid aside, after, in fact, he offers the amendment. The bill is open for amendment. The

parliamentary situation affords the Senator from New Jersey this opportunity, and we welcome amendments being brought up. We anticipate a second amendment to be brought forward this afternoon. So at some point, there will be a vote, but that is subject to the leadership. I also have just seen the amendment. We will need time on both sides to study it. I anticipate we will ask the Senator to lay it aside at the conclusion of his remarks. Then the distinguished Senator from Maine would be recognized next.

I yield the floor.

AMENDMENT NO. 3151

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the manager of the bill for his courtesy and understand that when my remarks are finished, a request will be made to lay the amendment aside. For now, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 3151.

Mr. LAUTENBERG. 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:

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Provisions Relating To Certain Sanctions

SEC. 856. CLARIFICATION OF CERTAIN SANCTIONS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with that foreign government, as a result of a determination by the Secretary of State that the government has repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person as defined in paragraph (2).

(2) DEFINITIONS.—In this section:

(A) PERSON.—The term ''person'' means an individual, partnership, corporation, or other form of association, including any government or agency thereof.

(B) UNITED STATES PERSON.—The term ''United States person'' means—

(i) any resident or national (other than an individual resident outside the United States and employed by other than a United States person); and

(ii) any domestic concern (including any permanent domestic establishment of any foreign concern) or any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern, which is controlled in fact by such domestic concern.

(C) CONTROLLED.—The term ''is controlled'' means—

(i) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(b) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

SEC. 857. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) NOTIFICATION REQUIREMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.''.

Mr. LAUTENBERG. Mr. President, I rise today to introduce an amendment that is vital to the purpose of this Defense authorization bill. This bill supports our men and women who are on the front lines of the war on terrorism throughout the world. They are paying a terrific price. They are doing it bravely and courageously. We want to make sure there are no opportunities to circumvent rules that would permit any business to go on with terrorist countries.

My amendment focuses on a key component of the war on terror; that is, to deny terrorists funding and support. My amendment will close a loophole that allows U.S. companies to do business with terror-sponsoring nations such as Iran. Senators FEINSTEIN, CLINTON, CORZINE, and FEINGOLD are cosponsors of the amendment.

As my colleagues know—and we just heard from the Senator from Arizona about his concern with the behavior of some of the rogue nations, including Iran, who are planning terrible things in their public statements for the United States—American companies are supposed to be prohibited from doing business with Iran. But by creating shell companies as foreign subsidiaries, these companies are making a mockery of our sanctions laws and providing revenue for the financing of terrorist acts. It is wrong. It has to stop, and this amendment would do just that.

Immediately after the attacks of September 11, 2001, President Bush told the world, ''You are either with us or against us.'' Pretty clear. That same message should apply to people in our own country, including those in our corporate world.

We know many companies find tax loopholes or regulatory loopholes they exploit from time to time. But in this case, we found U.S. companies exploiting loopholes so they could do business with terrorists.

President Bush also said, ''Money is the lifeblood of terrorist operations.'' He is right.

If U.S. companies do business with rogue states like Iran, they are generating revenue for those who supply money and other resources to terrorists. They are also sending a message to these countries that they are not really isolated, as they should be, and that the United States, in some form, finds their behavior acceptable.

We have passed laws, such as the International Emergency Economic Powers Act, which make it clear U.S. companies must not do business with terrorist states. The vast majority of American companies abide by that law. However, a few companies have exploited a loophole that allows them to do business with Iran and other rogue nations.

If we look at this chart, we see the structure or format that permits this to happen. Once they form a subsidiary company that doesn't have the same restrictions on doing business with Iran we have, that money can be earned, revenues can be generated that help these countries, help Hezbollah and Hamas, and they brag about it constantly.

This placard demonstrates how companies utilize this loophole.

U.S. companies often have several subsidiaries. Most American companies and their subsidiaries do not cross the lines that prevent business with terrorist states. But some do, and here is how they do it.

Some U.S. companies set up a foreign subsidiary for the specific purpose of gaining revenues from terrorist states. The reason is the sanctions laws prohibit the parent company and its foreign branches from doing business with terrorist states. Foreign subsidiaries, however, are not mentioned in the law. This omission has not gone unnoticed by corporate lawyers. It has been identified as a major loophole that allows companies to do business with rogue states.

We know a few American companies are using this loophole to do business with the Iranian Government. This is the same Iranian Government President Bush said is part of the axis of evil. This is the same Iranian Government that directly funds organizations

like Hamas, Hezbollah, and Islamic Jihad—all terrorist organizations, according to the State Department.

Now, for a moment, I ask my colleagues to look at the young faces in this photograph. One of these young women is Sara Duker, a young woman who lived in New Jersey until her death. The other is Abigail Litle. Sara was a constituent of mine. She was a 22-year-old from the town of Teaneck, NJ; a summa cum laude graduate of Barnard College. Sara was killed with her fiance when the bus she was riding in Jerusalem was blown up in 1996 by Hamas. Hamas receives funding and support from the Iranian Government. Iranian terrorists caused the deaths of many American citizens abroad, including the 240 Marines who were brutally murdered in their sleep in 1983 in Beirut. They also took the lives of these two young American women, Sara Duker and 14-year-old Abigail Litle.

Iran sponsors terrorism. The terror they help fund has killed hundreds of Americans. Yet American companies—it is hard to believe this—are flaunting the law in order to do business with the Iranian Government. It is wrong, but it is not technically illegal yet. This amendment would change that.

I say to my colleagues this is a loophole we must close. We have to tell both our friends and those who continue to sponsor terrorism we are serious in our efforts to battle this evil.

It is inexcusable for American companies to engage in any business practice that provides revenues or profits to terrorism. We have to stop them. We have a chance to do that today with this amendment.

The bottom line is big businesses, even those with financial ties to top members of our Government, do not get a free pass in this war on terrorism. No one in America wants to give these countries any advantage they could restrict them from.

I urge my colleagues to support the amendment, close the terror-funding loophole, pass this legislation, and send out the message we are against any help for terrorist nations that might occur.

I understand the request I agreed to earlier is to permit another amendment to be considered. I will honor that commitment, and I want to make sure we have an understanding that at an appropriate time we will have a discussion and further review of my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the distinguished colleague from New Jersey. I want to confer with the distinguished ranking member, who will soon be back. In the meantime, if it is agreeable with the Senator, we will lay his amendment aside. I so request that.

The PRESIDING OFFICER. The amendment will be laid aside.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise today in support of the fiscal year 2005 National Defense Authorization Act. As a member of the Senate Armed Services Committee, I especially commend the able leadership of our chairman, Senator JOHN WARNER. Under his leadership and that of the distinguished ranking member, Senator LEVIN, the Senate Armed Services Committee has delivered to the full Senate a vital piece of legislation for our security now and in the years to come.

This legislation provides vital resources for the men and women in our military, resources they require in defending our Nation and in carrying out the operations overseas.

I am proud that the legislation before us builds on the efforts we have made in previous years to ensure that our troops are the best paid, the best trained, and best equipped in the world. It includes, for example, a 3.5-percent across-the-board pay raise for military personnel. It authorizes the permanent increase in the rate of family separation allowances from $100 per month to $250 per month. It also authorizes a permanent increase in the rate of special pay for duties subject to hostile fire or imminent danger from $150 per month to $225 per month. These provisions, in a small way, help to recognize the sacrifices of those who are deployed in Afghanistan and Iraq.

One of the greatest obligations we have is to provide the best protection possible to our troops who are being sent into harm's way. Therefore, the committee added $425 million for additional force protection equipment, such as up-armored Humvees, ballistic equipment kits to fortify Humvees, and combat clothing for service members, such as body armor.

With 60 percent of its National Guard personnel deployed, Maine has the second highest deployed ratio in the Nation. There is only one other State that has deployed more of its National Guard than the State of Maine. I am very grateful for the service of our Guard and Reserve members, but I am also very concerned about the heavy burden we are imposing on our Guard members and reservists, their families, and their employers.

Many of my colleagues know of the experience, for example, of one of the military police companies from Maine which was on its way home on Easter weekend when it received orders to extend its deployment and return to Kuwait and Iraq. This news was demoralizing for some of the soldiers in this unit who had already been in Iraq for more than a year, and it was devastating to the family members who were ready to welcome them home on Easter Sunday.

Thankfully, this bill begins to address the many significant contributions and sacrifices being made by our guardsmen and reservists in the global war on terrorism. It authorizes a new benefit option under the military health care program known as TRICARE.

TRICARE Reserve Select would be offered for the first time to members of the selected Reserve and Guard and their families who could participate in TRICARE for a premium. It authorizes more than $400 million above the President's budget request for enhanced health benefits for reservists, which will improve mobilization readiness and ensure the continuity of health care services.

The legislation focuses on other areas in need of reform as well. Earlier this year, the committee held a hearing on sexual assaults in the military. We heard very disturbing testimony about sexual assaults and the inadequate response to victims. This legislation directs the Secretary of Defense to develop a comprehensive policy and procedures for the prevention of and response to incidents of sexual assault involving military members.

As a member of the Seapower Subcommittee under the able chairmanship of Senator JIM TALENT, I am particularly pleased that this authorization bill provides significant funding for our naval forces. We continue to marvel at the capabilities and the commitment of our Navy. At the start of Operation Iraqi Freedom, for example, 70 percent of our surface fleet and 50 percent of our submarine fleet were deployed in Iraq, the highest deployment rate since World War II.

This Defense authorization includes $6.7 billion for the procurement of seven ships. These include three DDG–51 Arleigh Burke class destroyers, two of which will be constructed at the famous Bath Iron Works in Maine. While this shipbuilding budget represents considerable progress, I want to note for my colleagues that we need to be vigilant about the number of ships we are building to ensure that our fleet can meet our national security requirements.

Our Navy now has fewer than 300 ships, and the current rate of production, unfortunately, will not allow that number to increase. This could place our shipbuilding industrial base at risk. To avoid that unacceptable outcome, the Senate Armed Services Committee added report language at my request that directs the Navy to take all actions necessary to ensure the viability of the second shipyard—that is Bath Iron Works—in order to maintain a healthy and competitive industrial base.

We have a responsibility to ensure that our Navy is well prepared to fight today and tomorrow. Part of that involves designing and developing the next generation of ships. The last three destroyers of the Arleigh Burke class are funded in this fiscal year 2005 Defense authorization. They will be followed by a new class of destroyers, a destroyer designed to meet the challenges of the 21st century, the DDX. One of the two builders of the DDX, I am proud to say, is Bath Iron Works in the State of Maine.

I am pleased to state to the distinguished Presiding Officer, my colleagues, the citizens of Maine, and the fine employees of Bath Iron Works that this bill represents important progress in securing the future of our Navy and the future of Bath Iron Works. It will help to preserve America's proud maritime tradition and our shipbuilding industrial base.

I have been extremely concerned about the fiscal year 2006 gap in the production of surface combatants in the administration's proposed budget. If permitted, this would be the first time in 20 years that no surface combatant would be built.

Moreover, the Navy's analysis of the impact on the industrial base indicates that if the DDX schedule were to slip, the shipyard that is scheduled to build the follow ship—in this case Bath Iron Works—could experience significant workload issues.

Fortunately, there is good news in this bill. I have worked very hard with my colleagues on the Armed Services Committee in an effort to maintain some stability in the shipbuilding industrial base. At my request, the committee added $99.4 million to begin the construction of a second DDX to be built in Bath in fiscal year 2006, thus accelerating the start of construction by 1 year and helping to partially fill that very dangerous gap in our shipbuilding budget. This funding will help to ensure a more stable workload for Bath Iron Works and, thus, to preserve the skilled workers essential to our national security.

We only have two shipyards left that now build surface combatant ships. We need to make sure that we sustain the highly skilled workforce in both of those yards so that we have a competitive environment for the Navy.

This bill has a number of other very important provisions for new weapon platforms and systems. It also recognizes that our Nation cannot maintain its technological superiority over potential adversaries without investing in emerging capabilities.

The legislation authorizes $11 billion for the Defense Science and Technology Program, including an additional $450 million for transformational basic and applied research activities, bringing the Department closer to its goal of investing 3 percent of its budget in such programs.

Finally, I am also very pleased that this legislation includes provisions that I authored allocating $3 million to establish a U.S. Army Center of Excellence at the University of Maine. I know from my conversations with Army officials and generals that they are very excited about the possibility of a Center on Advanced Structures and Composites in construction. The center will focus on addressing the Army's needs in fundamental and applied research related to the use of advanced composite materials and structures.

These are a few of the reasons why this Senate should strongly support the fiscal year 2005 National Defense Authorization Act.

I again want to commend the chairman and ranking member of the committee for their hard work, working with all of us on the committee, as well as with the administration and one another, in bringing forward this vital legislation.

I yield the floor.

Mr. WARNER. Mr. President, I wish to thank our distinguished colleague from Maine for all of her hard work on the Armed Services Committee. I very much enjoyed her strong remarks in support of this bill.

I believe the distinguished Senator from Texas is now ready to present an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. LEVIN. Mr. President, will the Senator yield while I add my thanks to the Senator from Maine for the contribution she makes to the committee. She highlighted a number of initiatives she has undertaken on the committee. In addition to those very strong efforts on the part of the Senator from Maine, she has been such a major contributor in the strength of the committee over the years that I wanted to acknowledge that along with our chairman of the committee.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3152

Mrs. HUTCHISON. Mr. President, I am going to offer an amendment, but I first want to commend the committee for producing a very good bill. I cannot think of anything more important while our troops are in harm's way. We see on television and read in the newspapers every day about what our troops are doing for our country. Now they know they are going to be fully funded. The priorities in this bill are the right priorities.

I commend the distinguished chairman, the Senator from Virginia, and the distinguished ranking member, the Senator from Michigan, for producing this bill. Sometimes producing this bill has been very difficult, but it looks as though the committee came together knowing how important this was for our military to see that it would not be minor skirmishes that would submarine this very important legislation. So I commend the committee.

I say on a couple of points with which I am particularly involved that I think the committee has done a terrific job. First, I am chairman of the Military Construction Subcommittee, which is part of the Appropriations Committee. The administration requested approximately $9.5 billion for military construction and family housing, and the committee went up to $9.82 billion, increasing the administration's request, because family housing is so very important right now.

We are beginning to give a better quality of life to all of our military personnel. Whether they are single and live in barracks or whether they have family housing requirements, they are getting better quality. I am very pleased about that, and particularly that the committee also fully funded all of the requirements of the very critical military construction of the Department of Defense for overseas locations.

As we look at our military construction budget, we are making sure the military construction we do overseas, not counting in our combat zones, but in places where we have facilities, that we are focusing now on only putting money in facilities we know are going to endure. Part of the overseas basing commission Senator FEINSTEIN and I passed, along with the help of the authorization committee, to assure that we look at all of those bases, that we not put one military construction dollar where we do not know absolutely that is going to be an enduring facility so our taxpayers know we are not going to be building some big cafeteria, fitness center, or headquarters in a place we are going to abandon in the next 2 to 3 years. So we are trying to spend wisely and the authorization committee did an excellent job of funding the military construction authorization, working with our subcommittee that will be appropriating funds.

The second area they should be commended for addressing is our military compensation. Certainly increasing our military pay by 3.5 percent, which the President requested, it will be fully funded and assure everyone in the military. Then adding to the combat pay and adding to the separation allowance, these are very important items to increase the quality of life for those serving our country today, and their families.

It was mentioned earlier by the Senator from Maine that there should be an addressing of the issue of sexual assault in our military. It is important that there will be a comprehensive policy and procedure for prevention and response to incidents of sexual assault involving military members. It is required that that be done in the next year. I am very pleased the committee chose to do this because we have been reading disturbing reports about this subject. All of us are concerned that our young women who agree to serve in our military and who are performing so well be able to serve knowing they will be protected from any kind of physical assault.

Last, I want to mention the Joint Strike Fighter, which is a very important future fighter airplane I am very excited about and have been involved in as it has evolved from the drawing board. It will be made in Texas, so I am more familiar with it. I am very pleased the committee chose to fully fund the research, development, and testing of future fighter planes that will give us the total dominance of the air in future years. I think the committee did an outstanding job.

Before I go to my amendment, there is one area I also want to bring up with

the chairman. I would like to try to come up with an appropriate amendment, working with the committee, that deals with reaching the cap on privatized housing for our military personnel. We have been able to do so much more by having an association with private housing builders and contractors. We could never, ever have put the housing we have on the ground if we had had to fully fund this from our Department of Defense funds.

We have been able to have partnerships with private companies where they would do the building and we would lease back those facilities through the years. We have been able to increase the quality of housing in that respect. We are soon going to reach the $850 million cap. We were very concerned we would be bumping against that, and stopped some of the projects that are on the drawing boards today, projects our military personnel have looked forward to coming to fruition, places like Fort Hood where we have severe housing shortages.

The military personnel have been relying on the family housing projects that have been built by private companies and now we are looking at hitting that cap and not being able to go forward with those projects. I would like to ask the distinguished chairman of the committee if he would work with me and see if we could come up with some appropriate language that would raise that cap maybe by $300 million, $400 million, or $500 million, so we would not have any danger of bumping against the cap before we have the opportunity to address it in the next authorization appropriations bill.

I ask the distinguished chairman if this is also a concern of his and if he would try to work with me, if there is an amendment we could offer together or somehow assure that we will not stop the planning that is going on now for some very important military housing projects.

Mr. WARNER. I thank the distinguished Senator for her inquiry. I will give her assurance that we will take it into consideration. For the moment, though, we are on this amendment. To my understanding it is now pending at the desk?

Mrs. HUTCHISON. I was going to send my amendment to the desk, and I am now prepared to do that.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3152.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize medical and dental care for cadets and midshipmen, and to authorize disability benefits for cadets and midshipmen of the service academies)

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

SEC. 717. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR MEDICAL AND DENTAL CARE AND DISABILITY BENEFITS.

(a) MEDICAL AND DENTAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

''§ 1074b. Medical and dental care: cadets and midshipmen

''(a) ELIGIBILITY.—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

''(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

''(2) Each member of, and each designated applicant for membership in, the Senior Reserve Officers' Training Corps who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties under section 2109 of this title.

''(b) BENEFITS.—A person eligible for benefits in subsection (a) for an injury, illness, or disease is entitled to—

''(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

''(2) meals during hospitalization.

''(c) EXCEPTION.—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074a the following new item:

''1074b. Medical and dental care: cadets and midshipmen of the service academies.''.

(b) ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.—(1)(A) Section 1217 of title 10, United States Code, is amended to read as follows:

''§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter

''(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the United States Naval Academy.

''(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.''.

(B) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

''1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2004.

Mrs. HUTCHISON. Mr. President, this amendment attempts to solve a problem facing not this generation of military leadership but our future generation of military leadership.

Current law established in the Career Compensation Act of 1949 denies cadets and midshipmen the disability benefits that would be provided to any other member of the Armed Forces, especially when they are injured in the line of duty. With respect to health benefits, cadets and midshipmen who are separated for medical disability after being injured during military training now face unnecessary and unfair burdens in maintaining the continuity of their health care.

In addition, Reserve Officer Training Corps, ROTC cadets are in many cases required to pay for their own medical care after being injured during military training. Even though ROTC cadets are covered under the Office of Workers Compensation within the Department of Labor, medical care providers, many of whom have not been compensated for their prior work, decline to treat ROTC patients unless they use private medical insurance.

This is not something that we should allow to remain a problem. In 2001, when I became aware of the plight of some seriously disabled cadets and midshipmen from the service academies, I asked for a study. These cadets were discharged from the Armed Forces without any entitlement to future medical care or disability benefits. In each of these cases, the cadets and midshipmen had been injured in the line of duty.

I asked for a report, and the Department of Defense did find that the ROTC also had examples of how the health care system, which currently operates under the Department of Labor, does not adequately serve these former cadets whose care was under their charge.

In one case, a ROTC cadet received dental injuries during training at the Fort Lewis advanced camp for the U.S. Army. As a result of his injuries, he received emergency medical treatment at Fort Lewis but required followup treatment at a civilian treatment facility. The only dentist who would see the cadet treated him and received $13 on the $1,200 bill that was submitted. The dentist attempted to work in conjunction with the cadet and the ROTC unit for nearly a year to receive full payment for his work, and he never did.

So the amendment I offer today would include academy cadets and midshipmen in the military disability discharge and retirement system so that they can also receive necessary health and dental benefits, and for ROTC cadets it would transfer responsibility for medical claims from the Department of Labor to the Department of Defense, authorizing the use of supplemental health care programs in the TRICARE management agency. While no additional benefits would be provided to ROTC participants, the change would ensure a better quality of health care.

This amendment is fair to academy cadets, midshipmen, and ROTC cadets

who are injured while in the performance of military training. It would provide health and disability benefits to those who currently receive none if they are midshipmen and academy cadets. It also ensures a credible health care system widely accepted by health care providers for those currently covered under the less effective OWC program.

The Congressional Budget Office and Department of Defense estimate these changes will cost approximately $460,000 a year. So this is a very small amount of money required to provide care for those who are in training to serve our country.

The bottom line is these ROTC cadets who are injured in military training would be able to receive health care if they need it as a followup, after the emergency treatment from that training accident. This provides that they can go from the Department of Labor to the Department of Defense to receive better quality and more experienced health care coverage.

Regarding those midshipmen and cadets in our military academies, it would allow those who have to be severed from the academies because of their injuries, because they are no longer physically able to become members of the armed services, if they are injured in military training, that they would be able to receive the health care and the disability payments to which they would be entitled. It would go to the Veterans Affairs Department for them to determine what kind of disability and how much of a disability, just as those in the armed services do today. I think it is the fair thing.

It is the result of a study that I requested. So I believe it is my responsibility to try to correct the problems that were found in the study and treat these young ROTC cadets and those wonderful young people who are in our military academies and in the Naval Academy and Coast Guard—that they would also be able to receive health care if they are injured and would be able to receive a disability payment if they are severed from the academy.

I ask at the appropriate time I have a vote on my amendment.

Mr. WARNER. Shall we ask for the yeas and nays?

Mrs. HUTCHISON. Mr. President, 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. WARNER. Mr. President, so I understand it, I would like to hear again from the distinguished proponent of the amendment. Clearly, the midshipmen at the Naval Academy, cadets at West Point and the Air Force Academy, get very clear treatment. I want to clarify exactly what the college ROTC, NROTC, Air Force ROTC—what is it they get? Is it less than the midshipmen?

Mrs. HUTCHISON. Yes. First, let me say with regard to the academy——

Mr. WARNER. This bill goes a long way to improve it, as I read it. I want to make it clear. I don't want to raise expectations too high.

Mrs. HUTCHISON. Let me say, as regards the academy members first——

Mr. WARNER. The three service academies.

Mrs. HUTCHISON. Of course they get health care—treatment for their injury. But assume their injury then keeps them from being able to stay at the academy; they have to be let go because they no longer can perform the physical functions. Then they go into the private sector and their health care continuity would be assured under this amendment as they would get a small disability as well because they were in training.

ROTC, today, does give health care benefits if they are injured in training, but it is under the Department of Labor, and it is under workers' compensation. There has been a dissatisfaction with the kind of treatment they have been able to receive, and the Department of Labor and workers' compensation doesn't have the same understanding of a military injury. All we are doing—and this costs absolutely nothing—we are just transferring the benefit from the Department of Labor to the Department of Defense so these young people would be able to get continued health care for whatever their injury was when it was in the line of duty.

Mr. WARNER. Mr. President, I think that is exceedingly helpful. I commend the distinguished Senator. My notes show she started back in 2001 on this issue, and at that time we reached a consensus that we would let the Department of Defense issue a report. That comprehensive report was issued the 1st of May in 2003.

Again, I thank the Senator for bringing it to the Senate's attention. I urge all Senators to support this amendment.

Mrs. HUTCHISON. I thank the chairman. I appreciate that very much. I appreciate very much the ability to work with his staff and with the minority staff as well to assure that we were doing exactly what we wanted to do in the narrow area to which this corresponds. I thank the chairman and look forward to having a favorable vote on my amendment.

Mr. WARNER. Mr. President, I thank our distinguished colleague.

I would like to say a few additional words, but I will defer to our distinguished colleague from Michigan if he would like to speak.

Mr. LEVIN. Mr. President, I commend the Senator from Texas for her leadership. She has been very patient and has allowed us to be very thorough. As a result, I think the amendment which she sponsors is very valid, and not only will pass overwhelmingly, hopefully for the good it does, but also will make it through conference. I commend her for her tenacity on this issue. I hope it is successful. It fills some gaps which need to be filled.

Mrs. HUTCHISON. Mr. President, I very much appreciate the remarks of the distinguished Senator from Michigan. I also commend the distinguished Senator from Michigan as well as the distinguished chairman of the committee for producing an excellent bill.

Mr. WARNER. Mr. President, I have gone through the report in support of this amendment issued by the Department of Defense. I find the history very interesting. There are four academies because the Coast Guard is very much included.

Until the enactment of the Career Compensation Act of 1949, disability retirement was a prerequisite of commissioned officer services. The most significant reform of the provisions of this legislation was the inclusion of enlisted personnel within the group eligible for benefits. Prior to 1949, cadets and midshipmen, as well as the enlisted personnel in the Armed Forces, were denied disability benefits. It is amazing to think back about how that could have been possible.

There is no record of cadet disability being seriously considered until the review of pay and benefits that led to the Career Compensation Act of 1949. At that time, however, it is clear that Congress established a policy that exists today. During the hearings on H.R. 5007, which became the act of 1949, the following colloquy occurred before the Senate Armed Services Committee.

Senator Baldwin asked:

On page 63, in the provisions of the law as written here, with reference to retirement for disability, does service at the Coast Guard Academy, Annapolis, and West Point—is that included in the period of service?

Admiral FECHTELER. Now——

The CHAIRMAN. Suppose a man is disabled while he is at the Naval Academy or the Coast Guard Academy or at West Point; suppose he breaks his leg in such a fashion that he cannot walk well any more, and you gentlemen decide that he is unfit? What happens to him if he is in one of the three academices?

Admiral FECHTELER. He is just discharged.

The CHAIRMAN. Does he get any severance pay?

Admiral FECHTELER. No, Sir.

The CHAIRMAN. He is just out of luck?

Admiral FECHTELER. That is right.

The CHAIRMAN. Through no fault of his own, while actively engaged in the curriculum prescribed for these men?

Admiral FECHTELER. He still gets nothing.

Senator BALDWIN. I would hat to see a good back for the Navy going around an Army end for a touchdown, break his leg and come to such an end.

Senator CHAPMAN. That is the present law?

Admiral FECHTELER. That would continue under this.

The CHAIRMAN. That is an interesting observation, nevertheless.

For some reason, they went ahead and exempted these young men, the midshipmen in the ROTC. And now, many years later, the Senator from Texas very wisely has corrected our predecessors, I say to Senator LEVIN, who allowed this to slip these many years. I think it is an interesting chapter in history.

Mr. President, on behalf of the leadership, I ask unanimous consent that at 5:30 today the Senate proceed to a vote in relation to the Hutchison amendment with no amendments in order to the amendment prior to the vote; I further ask unanimous consent that the time until 5:30 be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection.

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

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I see no Senator at this time seeking recognition. 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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. ALLEN. Mr. President, I ask unanimous consent to speak up to 17 minutes as in morning business provided that the time be charged against the Republican-controlled time.

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

BROWN V. BOARD OF EDUCATION

Mr. ALLEN. Mr. President, I rise today to commemorate the 50th anniversary of the U.S. Supreme Court ruling in Brown v. Topeka Board of Education.

I wish to take this opportunity to honor two outstanding Virginians who played key roles in this historic decision. Those two men are Spottswood W. Robinson III and Oliver W. Hill.

It is hard to imagine that only fifty years ago separate but equal under the 1896 Supreme Court decision, Plessy v. Ferguson, was allowed to be the law of the land in the United States. It is hard to imagine that not so long ago, in many States, Black children and White children were forbidden from learning in the same classroom or even the same school. It is regretful to think that only fifty years ago there were still those who believed people should be judged by the color of their skin rather than the content of their character.

In the historic Supreme Court decision of Brown v. Board of Education, the highest court in the United States ruled unanimously that ''separate but equal'' education facilities for African-American children were a violation of the United States Constitution. This single decision opened the door for equal treatment of all Americans, regardless of race; an idea enshrined in the spirit of our Constitution, but, at the time, not properly reflected in our laws.

Eight year-old Linda Brown surely did not know how historic her actions would be—she simply wanted to attend the nearby school with her friends. But instead, she was forced to attend a ''separate'' facility with Topeka's other African-American children.

Chief Justice Earl Warren's decision for the Court was eloquent:

> Today, education is perhaps the most important function of State and local governments. . . . It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. The Court concluded that ''in the field of public education, the doctrine of 'separate but equal' has no place; separate educational facilities are inherently unequal.

So here we are on the occasion of the 50th anniversary of the Court's decision and I would like to honor these two great Virginians, Judge Spottswood Robinson III and Mr. Oliver W. Hill. Both of these valiant gentlemen devoted their lives, energy, and resources to ensure that all Americans are afforded an equal opportunity in every aspect of American life.

My predecessor, as Governor of the Commonwealth of Virginia, the Honorable L. Douglas Wilder, rightfully described Judge Spottswood Robinson as ''one of those unsung and little noticed giants'' of the civil rights movement. Born in Richmond, VA, on July 26, 1918, to a middle-class African-American family known for its presence in the business community, Spottswood Robinson learned from his father and his grandfather that honesty and hard work lead to success.

Spottswood Robinson was an academic leader at segregated Armstrong High School, excelled as an undergraduate at Virginia Union University, a historically Black college and Howard University, another historically Black college. He graduated from the Howard School of Law in 1937.

One might ask, ''why did he go to Howard University? Howard University is in Washington, DC.'' The sad fact was, he could not get a legal education in his home Commonwealth of Virginia. There were no legal or law opportunities for Blacks in Virginia. At Howard, though, he excelled and scored the highest scholastic average ever achieved at the school. He later stated that ''one of the things drilled into my head was . . . this legal education that you are getting is not just for you, it was for everybody. So when you leave here, you want to put it to good use.''

Spottswood Robinson certainly did put his knowledge to good use. Spottswood Robinson was considered the architect of the legal plans to overcome the closing of public schools in Prince Edward County, VA. He also used his knowledge to lay the groundwork for the monumental case of Morgan v. Commonwealth of Virginia. In this case involving segregation on the Greyhound buslines, Robinson advocated a unique legal proposition that segregation imposed by the Greyhound Bus Company violated the Commerce Clause of the Constitution which was a departure from the legal theory that the 14th amendment due process clause would be invoked. His deft use of the Commerce Clause gave the Civil Rights cause a historic success.

After Judge Spottswood Robinson gave up his law practice in 1960, he was asked to be the Dean of the Howard University School of Law. In 1964, President John F. Kennedy selected Judge Robinson to be the first African American to be appointed to the U.S. District Court for the District of Columbia. In 1966, Judge Robinson became the first African American to be appointed to the U.S. Court of Appeals for the District of Columbia Circuit when he was appointed by then-President Johnson. On May 7, 1981, Judge Robinson became the first African American to serve as chief judge of the Circuit Court of District of Columbia. He retired in 1992 and he died in 1998 at the age of 82 in his Richmond, Virginia home.

Another key Virginian in the civil rights movement was Oliver W. Hill. His life story is one of endless pursuit of justice and fairness. Mr. Hill was also born in Richmond, VA, in 1907. From the start, Mr. Oliver Hill epitomized excellence in all endeavors. He also attended Howard University where he received his undergraduate and law degrees, graduating second only to the future Supreme Court Justice, Thurgood Marshall. In 1948, Mr. HILL was elected the first African-American member of the Richmond City Council since reconstruction.

As part of the NAACP Legal Defense Fund, these two gentlemen, Spottswood Robinson and Oliver Hill, played instrumental roles in litigating cases that resulted in the Supreme Court's decision in Brown v. Board of Education. They were the two key litigators for the Virginia portion of this case which was styled Davis v. County School Board of Prince Edward County. They joined other civil rights attorneys Justice Thurgood Marshall and Mr. Jack Greenberg in representing those who firmly believed that ''Separate but Equal'' was not the American way.

The historic efforts of these men positively changed our nation. In 1999, the United States Congress recognized Oliver Hill's efforts by awarding him the Nation's highest civilian honor, the Presidential Medal of Freedom. Mr. Hill's medal reads:

> A courageous civil rights advocate, Oliver Hill has devoted his life to building a more just and inclusive America. As a trial lawyer, he won landmark cases that secured equal rights for African-Americans in education, employment, housing, voting and jury selection. Successfully litigating one of the school desegregation cases later decided by the Supreme Court in Brown v. Board of Education, he played a key role in overturning the ''separate but equal'' doctrine.

In addition to being awarded the prestigious Presidential Medal of Freedom, Mr. Hill's efforts have been recognized by organizations and institutions in Virginia and across the nation. In 1983, students at my alma mater, the University of Virginia, founded the Oliver W. Hill Black Pre-Law Association. In 1992, Mr. Hill was honored with Dominion Power's ''Strong Men and Women'' award. Each year the Virginia State Conference of the NAACP awards the ''Oliver W. Hill Freedom Fighter Award'' to an outstanding civil rights advocate. In 2001, the American College of Trial Lawyers presented Mr. Hill with the ''Award for Courageous Advocacy.'' Each year the Old Dominion Bar Association awards the Oliver W. Hill Scholarship to outstanding Virginians entering Virginia law schools. A bronze bust of Mr. Hill is proudly displayed at the Black History Museum and Cultural Center of Virginia.

As with Spottswood Robinson, these honors and eminent awards were rightly bestowed on a man who exemplified character and perseverance in the face of adversity and injustice.

Mr. President, our Nation has progressed in large part due to brave, tenacious and brilliant individuals like Spottswood Robinson and Oliver Hill. I believe that I speak for the entire nation in saying to Oliver Hill and the family of Judge Spottswood Robinson, how grateful we are for their commitment to the American ideals of equality, fairness and justice.

As we commemorate the 50th anniversary of this historic decision, we must always remember that our Nation was founded upon the idea and proposition that ''all men are created equal,'' and we must ensure that our Nation's policies properly reflect this commitment to equality of opportunity ''regardless of one's race, ethnicity, gender or religious beliefs.''

''For his unyielding efforts to improve the lives of his fellow Americans and his unwavering dedication to justice for all, our Nation honors Oliver Hill.''

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Our Nation has progressed in large part due to brave, tenacious, brilliant, and principled individuals like Spottswood Robinson and Oliver Hill.

I believe I speak for the entire Nation in saying to Oliver Hill and to the family of Judge Spottswood Robinson how grateful we are for their commitment to the American ideals of equality, fairness, and justice.

As we commemorate the 50th anniversary of this historic decision, we must always remember our Nation was founded upon the idea and proposition that ''all men are created equal,'' and we must ensure that our Nation's policies properly reflect this commitment to equality of opportunity regardless of one's race, ethnicity, gender, or religious beliefs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business and the time be charged to our side.

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

COMPENSATION FOR NEGRO LEAGUE BASEBALL PLAYERS

Mr. NELSON of Florida. Mr. President, on the occasion of the 50th anniversary of Brown v. Topeka Board of Education, I am happy to announce to the Senate I have come from Tampa, FL, where I made an announcement of some significance today. Seated with two Negro League ballplayers—a pitcher from the Kansas City Monarchs, Bob Mitchell, and a pitcher from the Indianapolis Clowns, Mr. Maddox—we were happy to announce, with a representative of Commissioner Bud Selig present, the first compensation for the Negro League players who were kept out of the Major Leagues, because segregation did not end with Jackie Robinson breaking the color barrier in 1947. Indeed, Major League Baseball was not integrated until the late 1950s.

When Commissioner Selig, in 1997, decided to do something about the inequity of the Negro League players never having been compensated—but the criteria was based on the principle they would be compensated if they had played in the Negro Leagues before 1947 and in the Majors after—today the principle was established by Major League Baseball that, in fact, the Majors were not integrated until the late 1950s. The compensation plan we announced will be for the Negro Leaguers who still played the same amount of time—4 years—but played 4 years in the Majors before the end of the 1958 season. Therefore, they, too, will be compensated.

Why is this important? It is important because of the sad fact of our Nation's history of segregation. There was tremendous talent in the Negro Leagues. We know of those such as Hank Aaron who came out of the Negro Leagues, and Jackie Robinson, the first to come out of the Negro Leagues into the Majors. We know of the home-run king, Hank Aaron, and what all he has meant to the game. But there were many other players who had fantastic talent but who were never able to break into the Major Leagues after Jackie Robinson because of the color barrier.

So with this announcement today, it is giving new life to those players who are now quite elderly. Also, Major League Baseball has been kind enough to recognize there will be a survivor benefit since many of these players are now getting on to the age of the twilight of their lives. For the period of time in which this compensation is available, it will also be available to their surviving spouse.

It has been such a privilege, and it is interesting, one of the great joys of public service is sometimes you are in the right place at the right time. I found myself in that position, having been elected to the Senate in the 2000 election. In 2001, I got a letter from Mr. Mitchell. He was asking for help, so we went to work on it. I met with him and a group of a half dozen of the old Negro League players. I told them I was going to go to work on this issue. And I say that with a great sense of personal satisfaction of knowing sometimes you are in the right place at the right time, to kind of move the ball along toward progress.

I have given several speeches on the floor of this Senate. I have brought it up in several committee hearings, more recent of which was about 2 months ago, with Commissioner Selig sitting there, of where we could discuss Major League Baseball's intent to provide for this compensation.

So one thing after another, with a lot of people working together, this is a happy day. I say it is coincidental, but it is a significant coincidence that it happens on the day of the 50th anniversary of the Brown v. Board of Education landmark Supreme Court decision.

As I have met with these baseball players who played in the old Negro Leagues, I have asked them: How good were you? And I would talk to the shortstops, but it was most revealing when I would talk to the pitchers, just like Mr. Mitchell and Mr. Maddox, who stood up with me today in making this announcement in Tampa. I asked: How good were you? They would look at me, and that big smile would break out on their face, and they would say: Senator, listen, we would smoke 'em. They couldn't hold a candle to us.

And I would say: Give me an example. And they would say: Today, they pitch four, five, maybe six innings. We would pitch nine straight innings, and we would still have the reserve to keep going.

Finally, what a happy day this is for a lot of them who are now eligible to receive this compensation. What a happy day it is for me and my staff, who have worked so hard people over the past 3 years. What a happy day it is for Commissioner Bud Selig, who has wanted to do the right thing because he knew it was the right thing.

I am glad to bring a little bit of good news to this august body of which I am very privileged to be a Member.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, at this time I see no one on either side of the aisle seeking recognition. 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.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3152, offered by the Senator from Texas, Mrs. HUTCHISON.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Oklahoma (Mr. INHOFE) would each vote ''yea.''

Ms. MIKULSKI. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Ms. BOXER), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. MILLER), the Senator from Nevada (Mr. REID), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Ms. BOXER), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Michigan (Ms. STABENOW) would each vote ''yea.''

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

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—82

Akaka	Allard	Baucus
Alexander	Allen	Bayh
Bennett	Enzi	McConnell
Bond	Feingold	Mikulski
Breaux	Feinstein	Murray
Bunning	Fitzgerald	Nelson (FL)
Burns	Graham (FL)	Nelson (NE)
Byrd	Graham (SC)	Nickles
Campbell	Grassley	Pryor
Cantwell	Gregg	Reed
Carper	Hagel	Rockefeller
Chafee	Harkin	Santorum
Clinton	Hatch	Sarbanes
Cochran	Hollings	Schumer
Coleman	Hutchison	Sessions
Collins	Johnson	Shelby
Conrad	Kennedy	Smith
Cornyn	Kohl	Snowe
Craig	Kyl	Specter
Crapo	Landrieu	Stevens
Dayton	Lautenberg	Sununu
DeWine	Leahy	Talent
Dodd	Levin	Thomas
Dole	Lieberman	Voinovich
Domenici	Lincoln	Warner
Dorgan	Lott	Wyden
Durbin	Lugar	
Edwards	McCain	

NOT VOTING—18

Biden	Daschle	Kerry
Bingaman	Ensign	Miller
Boxer	Frist	Murkowski
Brownback	Inhofe	Reid
Chambliss	Inouye	Roberts
Corzine	Jeffords	Stabenow

The amendment (No. 3152) 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.

Mr. DURBIN. Mr. President, the Senator from South Dakota, Mr. DASCHLE, has advised me that his flight to Washington was delayed due to weather conditions. His flight was scheduled to arrive earlier this afternoon, but the delay resulted in his unavoidable absence during the previous vote on the Hutchison amendment. Senator DASCHLE has advised me that had he been here he would have voted ''yea.''

MORNING BUSINESS

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

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

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 10, 2003, Bart Browne approached several men congregating outside an Albany, NY, gay bar. It is alleged that Browne hated gays and thus felt justified in sucker-punching one of the gay men in the face. The force of the single strike broke the 28-year-old victim's jaw, caused a permanent loss of feeling in his left cheek and eradicated the sense of smell in that nostril, prosecutors said. Fearing further assaults for being gay, according to prosecutors, the victim moved away from the area. Browne faces a hate crimes sentence of up to 4 years in state prison.

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

HARKIN-HAGEL IDEA MANDATORY FULL FUNDING AMENDENT

Mr. REED. Mr. President, I rise in strong support and as a cosponsor of the Harkin-Hagel amendment to provide mandatory full funding for the Individuals with Disabilities Education Act, IDEA.

This amendment will provide mandatory increases in funding of $2.2 billion per year for the next 6 years and help us meet the needs of the approximately 6.5 million children served under IDEA.

Without full funding, we cannot realize the true promise of this law—a free, appropriate public education for all children with disabilities.

Living up to this commitment is not just an important goal; it is a necessity if we are to ensure that all children have an opportunity to succeed. Likewise, we must provide schools with the resources they need to make this happen.

When IDEA was first adopted in 1975, Congress committed to paying 40 percent of the cost of providing special education services. Sadly, after 28 years, we are only at 19 percent.

The President's fiscal year 2005 budget fails to fully fund IDEA, proposing to increase IDEA by only $1 billion—an amount that falls far short of our commitment. Across this country, there is growing frustration over the lack of education resources. The No Child Left Behind Act has only exacerbated such frustrations.

Our school districts are striving to provide a high quality education for all children but don't have the adequate resources to do the job.

As a result, parents of children with disabilities, who only want to ensure their child gets the education they deserve and need, are forced to fight for the very programs and services to make that possible.

For too long, we have forced school districts and schools to pit children against children.

For too long, we have forced parents of children with disabilities to battle principals, schools districts, and other parents for limited educational resources.

Schools urgently need the resources to fulfill the promise of IDEA, and they deserve better than this.

Our schools—and the students with disabilities that they teach—also deserve highly qualified and skilled educators.

For special educators, regular educators, principals, and others who provide education and related services to students with disabilities the need for action is clear:

47 percent of students with disabilities, ages 6–21, spend 79 percent or more of their time in regular classes.

98 percent of school districts report meeting the growing demand for special education teachers as a top priority.

An estimated 600,000 special education students are taught by unqualified or underqualified teachers nationwide.

Each year about one-third of special education program faculty openings are unfilled.

The Personnel Excellence for Students with Disabilities Act, which I introduced last year, seeks to address this critical area of need—ensuring that all students with disabilities are served by highly qualified and skilled teachers, education personnel and related service providers.

I am pleased that many of the provisions of my bill have been incorporated into S. 1248.

Together, we can ensure that children with disabilities have access to a high-quality, free, appropriate public education, and that the law truly reflects the needs of parents, teachers, principals, and related personnel.

Governors, State legislators, superintendents, principals, teachers, and parents are all unified in support of mandatory full funding of IDEA.

Now, instead of the empty votes and broken promises of the past, another opportunity to meet our commitment is upon us. I urge my colleagues to vote for the Harkin-Hagel amendment.

CONFLICT IN DARFUR, SUDAN

Mr. DURBIN. Mr. President, I rise today to call attention to the devastating conflict in the Darfur region of Western Sudan. Over the past 14 months more than 1 million people have been displaced by the scorched earth campaign waged by the Sudanese armed forces and 'janjaweed' militia. The number of refugees grows daily. The situation is hardly improving, despite recent attention.

I am pleased that earlier this month the Senate was able to agree to S. Con. Res. 99, which condemns the Government of the Republic of Sudan for its participation and complicity in the attacks against innocent civilians in the Darfur region. But I must caution my colleagues that we cannot consider this matter over and dealt with. We must keep abreast of ongoing developments in Darfur and continue to look for ways to bring an end to the conflict.

With that goal in mind, I would like to draw to the attention of my colleagues an enlightening article by Laurie Garrett, published in the May 10 edition of the Los Angeles Times. The op-ed focuses on possible consequences of the Darfur conflict which have largely been overlooked. Ms. Garrett explains that along with the horrid campaign of rape and murder perpetrated by the militia, those rapists and murderers are likely spreading disease among their victims and themselves.

When Ms. Garrett speaks of disease, she does not mean the common cold. She is talking about the most vicious and deadly infections known to man. Darfur is located in a region of Africa believed to be the origin of diseases like HIV, ebola, and West Nile virus, to name only a few. The reason we know the names of these diseases is not because they stayed confined to remote villages and tribes of Africa. These are diseases which grew rampant and spread across deserts and oceans to reach the farthest outposts of our Nation and the rest of the world.

While some may have difficulty imagining the horrors of a conflict far away in a remote part of Sudan, it is much easier to imagine consequences on our home soil. The possibility is very real that the rape campaign in Darfur could take a disease, previously confined to a single remote village, and spread it throughout the militia, their victims, and the rest of the world. This is a possibility which should not be ignored.

Along with many of my colleagues, I have worked very hard to combat the global epidemic of AIDS and will continue to do so until we have conquered that horrible disease. Laurie Garrett's warning is that our AIDS effort is not enough. We must do everything we can to prevent another AIDS or another West Nile from ravaging people around the world. Bringing a swift end to the conflict in Sudan will reduce the chance of a new and devastating infection being introduced into the international population.

I praise Ms. Garrett for bringing attention to the role of disease in the Darfur conflict and I hope that her article serves as yet another reminder that we must continue to push for peace in Sudan.

I ask unanimous consent that Laurie Garrett's op-ed in the May 10 edition of the Los Angeles Times be printed in the RECORD.

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

[From the Los Angeles Times, May 10, 2004]

THE MICROBES OF MAYHEM

(By Laurie Garrett)

As the horrors of Sudan's ethnic conflict mount, opportunities for pathogenic microbes—germs that could threaten people all over the world—rise in tandem. War and disease are often a matched set in Africa, with terrifying results: If the fighting doesn't kill you, disease very well could. And without outside help to stop the cycle, the devastating results will only spread.

In the Darfur region of western Sudan, an estimated 1 million ethnic-African Sudanese are refugees, the targets of government troops and horseback janjaweed militia—ethnic Arabs—who are torching and raping their way across hundreds of miles of poor farmland.

It is almost impossible to overstate how remote this region is. Permission to legally visit the area is rarely granted by the Sudanese government. So scientists know very little about the area's plants and animals, much less its microbes. But what they can surmise is frightening.

Darfur is just 500 miles north of N'zara, where scientists believe the often lethal West Nile virus (which has now spread to nearly every state in the United States) resides. In 1976, N'zara also was the site of a major outbreak of the deadly Ebola virus. And across Sudan's southern border, Uganda is believed to be ground zero for the global AIDS epidemic. The circumstances of West Nile's spread remain a mystery, but the Ebola outbreak and the AIDS epidemic owe a great deal to the treacherous mixing of war, refugees and microbes.

In 1976, an international team of scientists was in Yambuku, Zaire, doing battle with the world's first known epidemic of Ebola, a virus that causes uncontrollable bleeding. Ebola was rare, to say the least, so the scientists were stunned to hear rumors of another outbreak in N'zara.

American disease detective Dr. Joe McCormick drove a Land Rover across more than 400 miles of unmarked terrain to confirm the outbreak. To this day, however, scientists have no idea exactly how Ebola emerged in N'zara, or whether the virus normally inhabits the area. But they do know that ethnic warfare was underway in the region.

Most likely, infected animals—bats, perhaps—had taken up residence inside buildings in the area, probably as a result of human encroachment into the animals' normal habitat and changes in local weather patterns. It is believed that starving local residents hunted and ate infected animals, and once humans were infected, Ebola spread swiftly, thanks to the dire conditions in the region's war-torn hospitals and clinics, where needles were reused and sterile techniques were virtually unheard of.

As for HIV, it also can be traced to the 1970s and another ethnic-cleansing campaign in the same region of Africa. Ugandan strongman Idi Amin set his soldiers against tribes in the Rakai district, with rape as a primary weapon. When the conflict spilled over into Tanzania, so did the rape, and when Tanzania's army repulsed Amin's forces, it carried out its own campaign of rape in turn. As it happened, however, another form of revenge spread along with the rape: HIV.

The genetic history of HIV shows that the virus made its first leap to our species from a primate—probably a chimpanzee—some seven decades ago. But in traditional village settings across Africa, the virus did not readily spread, and less than 1% of any society is thought to have been infected before the mid–1970s. It took a catastrophic event, like Amin's brutal campaign, to amplify the rare virus into a pandemic.

Today, as then, a chief horror of the Darfur campaign is the militias' raping of women and girls. They brand their victims' foreheads so that all will know that the women and their potential offspring are tainted. Nobody knows how prevalent HIV is in the Darfur region (Khartoum has never allowed surveys of the area). In the Muslim north, surveys of pregnant women four years ago revealed that 3% of them were HIV–positive; a N'zara-area survey found infection rates twice as high. It isn't unreasonable to suspect that the current Darfur ''ethnic cleansing'' campaign is spreading the disease, not only among the people of Darfur and their

janjaweed rapists but also among refugees in camps in neighboring Chad. It is equally reasonable to posit that some other previously obscure sexually transmitted disease could be amplified to epidemic proportions via the bodies of the women of Darfur.

And there is yet another chapter in the region's disease history that has a bearing on what's happening in Darfur. Ten years ago, the world stood by as hundreds of thousands were murdered in Rwanda and thousands more died in the refugee camps. Initially, overwhelmed local medical workers believed that the disease causing many of the deaths was cholera. But it wasn't chiefly cholera that ravaged the refugee camps; it was shigella, bacteria that cause dysentery. Amid the ongoing violence and the chaos of the camps, black market antibiotics were taken indiscriminately. Instead of curing the bacteria, the uncontrolled use of antibiotics created a brand new fully drug-resistant strain that still plagues Africa.

Surely it is in our collective interest, in light of this sorry history, to pay heed to those who implore us to save Darfur, to stop the rape, to resettle the refugees, to end the chaos that breeds disease. Even if we cannot find Sudan on a map or have no room left in our hearts to bear witness to another war, we surely understand that deadly microbes are our problem, as well as theirs.

IN SUPPORT OF S. 2420

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the following letters in relation to the May 13, 2004 introduction of the SCHIP Expansion Act, S. 2420, be printed in the RECORD.

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

CHILDREN'S DEFENSE FUND,
Washington, DC, May 13, 2004.

The Hon. BOB GRAHAM,
Senate Hart Office Building 524, Washington, DC.

DEAR SENATOR GRAHAM: The Children's Defense Fund shares your goal of strengthening the State Children's Health Insurance program (SCHIP). The SCHIP program provided coverage to 5.8 million children in 2003, but the latest data indicate that there are still approximately 8–9 million uninsured children, the majority of whom are currently eligible for Medicaid or SCHIP.

To cover these eligible, uninsured children states will need to further simplify their Medicaid and SCHIP enrollment and especially retention processes. They will also need additional federal resources. The SCHIP Expansion Act of 2004 would provide $18 billion in additional federal SCHIP funds and would also encourage states to adopt important Medicaid and SCHIP improvements such as continuous eligibility and passive renewal. In addition, your bill would, appropriately, prevent states with unspent federal SCHIP funds from capping or freezing program enrollment.

We look forward to working with you to enact legislation that will provide strong incentives for states to elect currently available options to streamline Medicaid and SCHIP enrollment and retention, and will discourage states from restricting enrollment in the SCHIP program.

Thank you for your leadership on this important issue.

Sincerely,

EMIL PARKER,
Director of Health, Children's Defense Fund.

CATHOLIC CHARITIES USA,
Alexandria, VA, May 13, 2004.

DEAR SENATOR GRAHAM: As a strong supporter of Medicaid and the State Children's Health Insurance Program (SCHIP), Catholic Charities USA would like to express our support for the SCHIP Expansion Act of 2004. We thank you for sponsoring this vital piece of legislation that we believe represents a critical step in providing coverage to all uninsured children.

We are especially pleased that the SCHIP Expansion Act of 2004 directly addresses the problem of health care access that millions of uninsured children face by providing new state options to expand SCHIP to all uninsured children regardless of income. This legislation will help ensure children's access to primary and preventive health care, enabling them to grow up healthy and participate in their communities.

We also support the provisions in the SCHIP Expansion Act of 2004 that would provide a higher federal SCHIP match to those states who streamline the enrollment process by implementing presumptive eligibility, twelve-month continuous enrollment, elimination of the asset test, and passive renewal. These simplification measures will allow families to gain quicker access to the health care they need.

In addition, we are pleased that this legislation restores federal funding allotments to pre-2002 SCHIP funding levels, which will enable states to continue to enroll and cover even more uninsured children.

Catholic Charities agencies work nationally and at the state level to ensure as many eligible children as possible are enrolled in Medicaid and SCHIP. We believe that it is critically important to ensure that poor and low-income children and families have access to the health care they so vitally need.

We thank you for introducing this legislation as we believe it represents an important step towards reducing the number of uninsured children in country and reducing the barriers to health care that many families face.

Sincerely,

SHARON DALY,
Vice President, Social Policy.

ADDITIONAL STATEMENTS

COASTAL WETLANDS EROSION IN LOUISIANA

● Mr. JEFFORDS. Mr. President, I thank the children of the Terrebonne Parish School System in Houma, LA, for writing to me about the dire effects of coastal erosion on their State. As part of the Houma-Terrebonne Chamber of Commerce's Save Our Soil Campaign, students from the Terrebonne Parish are writing letters to important State and Federal officials regarding the coastal land loss crisis in Louisiana. I truly appreciate their efforts and will do my part to support restoration in all of our Nation's coastal States.

Coastal erosion is an urgent problem in the United States, costing hundreds of millions of dollars a year, including damage caused by storms and flooding, costs of erosion prevention, and expenses to dredge channels and harbors. In Louisiana alone, wetland loss could cost the Nation $36.6 billion. The Atlantic and Gulf coasts account for 45 percent of the U.S. coastline and they are home to 63 percent of the structures within 500 feet of the shoreline. According to the Federal Emergency Management Agency, FEMA, the Nation's highest average erosion rates—up to 6 feet or more per year—occur along the Gulf of Mexico coastline, while the average erosion rate on the Atlantic coast is about 2 to 3 feet per year. A hurricane or other major storm can cause the coast to erode 100 feet or more in a single day.

This rate of erosion is unacceptable. As the Terrebonne students know, wetlands and barrier islands provide natural protection from strong winds and hurricanes. Coastal zones are ecologically significant, providing safe and healthy habitat for an abundance of migratory birds and other wildlife. Our Nation's commercial and recreational fisheries are dependent on the many species of fish and other aquatic organisms that spawn and nest in this delicate web of marshes, wetlands, and estuaries.

It is my sincere hope that through the Water Resources Development Act we will be able to conserve our remaining wetlands and restore many acres of precious coastline in Louisiana. I am grateful to the citizens of Terrebonne Parish for educating their children and fighting for the coastal restoration of Louisiana. We cannot stand to lose more of this previous natural resource.●

MESSAGES FROM THE PRESIDENT

Mesages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 77

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a

notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2004, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 19, 2003.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 17, 2004*.

MESSAGE FROM THE HOUSE

At 1:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4275. An act to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

H.R. 4279. An act to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees.

H.J. Res. 91 Joint resolution recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

The message further announced that pursuant to 22 U.S.C. 276h, the order of the House of December 8, 2003, and clause 10 of rule I, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. KOLBE of Arizona, Chairman, Mr. BALLENGER of North Carolina, Vice Chairman, Mr. DREIER of California, Mr. BARTON of Texas, Mr. MANZULLO of Illinois, Mr. WELLER of Illinois, and, Mr. STENHOLM of Texas.

MEASURES REFERRED

The following joint resolution was read the first and the second times by unanimous consent, and referred as indicated:

H.J. Res. 91. Joint resolution recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944; to the Committee on the Judiciary.

The following concurrent resolution was read the first and the second times by unanimous consent, and referred as indicated:

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4275. An act to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

PETITIONS AND MEMORIALS

POM–433. A joint resolution adopted by the House of Representatives of the Legislature of the State of Maine relative to the Farm-to-Cafeteria Projects Act; to the Committee on Agriculture, Nutrition, and Forestry.

JOINT RESOLUTION

Whereas, in the past 30 years childhood obesity rates in the United States have doubled in our children and tripled in our adolescents due to poor eating habits, and obesity can contribute to increased likelihood of developing diabetes, high blood pressure, high blood cholesterol and clogging of the arteries; and

Whereas, school cafeterias serve millions of children breakfast, snacks and lunch every day and struggle to maintain services in light of diminished budgets at the local, state and federal levels; and

Whereas, in May of 2003, the Economic Research Service of the United States Department of Agriculture released an evaluation of the Fruit and Vegetable Pilot Program, which, according to the report, worked to change immediately children's fruit and vegetable consumption, improve children's health, create a healthier school environment and supply a positive model for children's diets; and

Whereas, agriculture sustains rural communities, protects open space, creates scenic vistas and protects water recharge areas; and

Whereas, the northeastern states have a traditional system of small and midsized producers of agricultural products located close to the towns, villages and urban centers where the majority of the 58 million consumers reside;

Whereas, programs that link local farms to school cafeterias are reconnecting urban American with local agriculture in every state where they operate and providing a unique opportunity to make local agriculture relevant to the majority of the American population that now resides in urban and suburban

Resolved, That We, your Memorialists, respectfully urge passage of the Farm-to-Cafeteria Projects Act and any other legislation that will accomplish these goals: to assist schools in purchasing locally grown food, to provide more healthy and fresh foods for schoolchildren, to educate children and their families about the foods that are grown in their own communities and to expand market opportunities for local farms, ensuring that regional agriculture continue to be viable and available to provide a safe, secure food supply to all consumers; and be it further

Resolved, That suitable copies of this resolution, duly authenticate by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture and the Northeast States Association for Agricultural Stewardship and to each Member of the Maine Congressional Delegation.

POM–434. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky relative to First Lieutenant Garlin Murl Conner; to the Committee on Armed Services.

CONCURRENT RESOLUTION

Whereas, Lieutenant Garlin Murl Conner was a native of Clinton County, Kentucky, who served with distinction and valor in the United States Army during World War II; and

Whereas, Kentucky Congressman Ed Whitfield introduced H.R. 327 to the 108th Congress to bestow this highly deserved honor on Lieutenant Garlin Murl Conner; and

Whereas, Lieutenant Garlin Murl Conner is Kentucky's most decorated war hero, who served on the front lines for over eight hundred days in eight major campaigns; he was wounded seven times but returned to combat and continued to fight on the front lines after each wound; and

Whereas, during World War II, over forty 3rd Division soldiers received Medals of Honor, more than any other Division; however, Lieutenant Garlin Murl Conner was not awarded the medal of Honor due to an oversight and failure to process the paperwork;

Whereas, Lieutenant Conner served in the 3rd infantry Division with Audie L. Murphy, America's most decorated hero of all wars; as compared to Audie L. Murphy, Lieutenant Conner was awarded more Silver Stars for acts of valor, fought in more campaigns, served on the front lines longer, and was wounded more times; he was awarded many honors including the Distinguished Service Cross, the Silver Star with three Oak Leaf Clusters, the Bronze Star, the Purple Heart with six Oak Leaf Clusters, and other medals; and

Whereas, on June 20, 1945, Lieutenant Conner was awarded the Croix de Guerre, the French Medal of Honor, that was also awarded to Sergeant Alvin C. York, America's most decorated World War I soldier, who was a friend of Lieutenant Conner and lived a few miles from Lieutenant Conner's home on the Kentucky-Tennessee border; and

Whereas, Major General Lloyd B. Ramsey (Ret.), who was Lieutenant Conner's battalion commander during combat in World War II, is still living and has signed the necessary documents for awarding the Medal of Honor to Lieutenant Conner; in 1945, Major General Ramsey wrote that Lieutenant Conner was ''one of the outstanding soldiers of this war, if not the outstanding. . . . I've never seen a man with as much courage and ability as he has''; and

Whereas, Stephen Ambrose, America's foremost World War II historian, founder of the D-Day Museum in New Orleans, Louisiana, and author of many books, wrote on November 11, 2000, ''I am in complete support of the effort to make Lieutenant Garlin M. Conner a Medal of Honor recipient. What Lieutenant Conner did in stopping the German assault near Houssen, France in January 1945 was far above the call of duty. I've met and talked at length with many Medal of Honor recipients and am sure they would all agree that Lieutenant Conner more than deserves the honor of joining them''; and

Whereas, on April 3, 2001, 3rd Infantry Division leaders named the new EAGLE BASE in Bosnia-Herzegovina after Lieutenant Conner because of his gallantry in World War II and because ''It's a company-grade forward operating base named after a soldier with a company-grade rank''; and

Whereas, Richard Chilton, a former Green Beret from Genoa City, Wisconsin, has been on a mission since 1996 to have the Medal of Honor awarded to Lieutenant Conner; his research has documented the Lieutenant Conner is one of the great combat heroes of World War II, equal in every way to Audie L. Murphy; Chilton has made presentations to dozens of schools about Lieutenant Conner's war record and has copies of over 2,500 letters written by students to President George W. Bush requesting the Medal of Honor be awarded; after reviewing Chilton's information, a host of former war veterans have written Congress requesting passage of H.R. 327 to award the Medal of Honor to one of America's greatest citizen soldiers, Lieutenant Garlin Murl Conner: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The General Assembly of the Commonwealth of Kentucky urges the House Armed Services Committee as well as the entire United States Congress to adopt H.R. 327 awarding a Medal of Honor posthumously to First Lieutenant Garlin Murl Conner.

Section 2. The Clerk of the House of Representatives shall send a copy of this Resolution to: Congressman Duncan Hunter, Chairman of the Armed Services Committee; the Clerk of the House of Representatives of the United States; the Clerk of the Senate of the United States; each member of the Kentucky Congressional Delegation; and to the widow of 1st Lieutenant Garlin Murl Conner, Mrs. Pauline W. Conner, Route 1, Box 208, Albany, Kentucky 42602.

POM–435. A joint resolution adopted by the Legislature of the State of Maine relative to military bases in Maine; to the Committee on Armed Services.

JOINT RESOLUTION

Whereas, within the year, Secretary of Defense Donald Rumsfeld, through the Base Realignment and Closure (BRAC) Commission, will make recommendations about which military installations are to be considered for closure in cost-cutting measures for the military and has indicated that reductions may total 25% or an estimated 100 bases; and

Whereas, the State of Maine has 3 distinct and important military installations that are potentially at risk for closure: the naval shipyard in Kittery, the Naval Air Station Brunswick and the Naval Computer and Telecommunications Area Master Station, Atlantic Cutler Detachment; and

Whereas, the naval shipyard in Kittery is one of only 4 public shipyards in the Nation, is vital to our maritime strength and is of major importance to 2 states' local economies; and

Whereas, Naval Air Station Brunswick is the only fully capable air base in the northeastern United States, does not encroach on the civilian community and has plenty of space for expansion, even for housing other branches of the military. Naval Air Station Brunswick is on the coast, and aircraft can take off and land without flying over major centers of population; and

Whereas, the Cutler detachment's primary mission is Very Low Frequency communications with submarines in the Atlantic Ocean and Mediterranean Sea; the installation has the most powerful radio transmitter in the world and is staffed with 84 civilian service workers, who ensure the signal stays in the wind to the submarine fleet; and

Whereas, the people of the State of Maine have long been at the forefront of our Nation's defense, are first to join and send troops in any conflict and have a strong tradition of support and appreciation for the bases within our borders; now, therefore, be it

Resolved, That We, your Memorialists, take this opportunity to convey our appreciation for the advocacy and support for our 3 basses that the Congress of the United States and the Maine Congressional Delegation have provided over the years, and we strongly urge the Congress of the United States to consider the importance of these installations in this time of war on terrorism and the vital need to protect our Nation; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–436. A resolution adopted by the Legislature of the State of Maine relative to emergency responders; to the Committee on Banking, Housing, and Urban Affairs:

JOINT RESOLUTION

Whereas, after September 11, 2001, the Federal Emergency Management Agency, under the Department of Homeland Security, administered grants to assist local fire departments and emergency responders across the Nation with necessary funds to upgrade and prepare; and

Whereas, last year, Maine emergency responders received $10.3 million in grants and hundreds of thousands of dollars have been provided to 23 Maine communities for their fire departments, which have purchased new protective fire-fighting clothing, training programs and materials, air compressors, vehicles and computers; and

Whereas, the current proposed federal budget calls for a reduction in funding of the grants from $750 million to $500 million, which will adversely affect communities throughout the State at a time when fire departments are still greatly in need of support; and

Whereas, these proposed cuts come at a time when safety and security concerns in Maine and in the Nation are still at a very high level, and the proposed cuts come at a time when we should be remaining vigilant in preparing for emergencies; now, therefore, be it

Resolved, That We, your Memorialists, urge the President of the United States and the Congress to work together on this budget and to not cut the Federal Emergency Management Agency's funding source; and be it further

Resolved, That We, your Memorialists, urge the President of the United States and the Congress to work together to help ensure that the emergency responders in the State of Maine and throughout the Nation are fully equipped, trained and funded and ready to face all emergencies; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–437. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to DNA identification information; to the Commission on the Judiciary.

HOUSE RESOLUTION NO. 585

Whereas, DNA technology is increasingly vital to ensuring accuracy and fairness in the criminal justice system; and

Whereas, In the late 1980s the Federal Government laid the groundwork for a system of national, state and local DNA databases for the storage and exchange of DNA profiles, known as the Combined DNA Index System (CODIS); and

Whereas, CODIS maintains DNA profiles in a three-tiered distributed database which is available to law enforcement agencies across the country for law enforce purposes; and

Whereas, In order to take advantage of the investigative potential of CODIS, in the late 1980s and early 1990s states began passing laws requiring offenders convicted of certain offenses to provide DNA samples; and

Whereas, Currently all 50 states and the Federal Government have laws requiring DNA samples to be collected from specified categories of offenders; and

Whereas, The statute governing the national DNA index currently authorizes the inclusion in the index of profiles of ''persons convicted of crimes,'' which is narrower than the scope of DNA collection under existing legal authorities in most jurisdictions within the United States, including the Commonwealth of Pennsylvania; and

Whereas, As a result of the narrow Federal statutory language, states cannot enter into the national DNA index all the information they collect from their investigations, including DNA information from specified categories of adjudicated juvenile delinquents; and

Whereas, As a further result of the narrow Federal statutory language, the Commonwealth of Pennsylvania cannot enter certain DNA information that may lead to capture or exoneration for crimes such as murder and rape; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to amend 42 U.S.C. §14132(a)(1) to allow the inclusion in CODIS of DNA profiles of ''other persons, whose DNA samples are collected under applicable legal authorities''; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of the Pennsylvania congressional delegation.

POM–438. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Kentucky relative to the Lewis and Clark National Historic Trail; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, in 1803, President Thomas Jefferson gained approval to form an expeditionary group to explore the Western territory of the United States; and

Whereas, the ''Corps of Discovery,'' led by Meriwether Lewis and William Clark, embarked upon its epic adventure in April, 1805, which at its conclusion returned invaluable information relative to the peoples, wildlife,

flora, and geography of the Western territory; and

Whereas, 2003 marked the bicentennial celebration of the embarkation of the Lewis and Clark Expedition; and

Whereas, Congress has seen fit to create the Lewis and Clark National Historic Trail; and

Whereas, H.R. 2327 introduced by United States Representative Goode and S. 2018 introduced by United States Senator BUNNING, now pending in the 108th Congress of the United States, seek to extend the boundaries of the Lewis and Clark National Historic Trail; and

Whereas, the extension of the Lewis and Clark National Historic Trail would make the trail the largest in the national parks system; and

Whereas, an extended Lewis and Clark National Historic Trail would serve to continue the celebration of the Lewis and Clark bicentennial celebration; and

Whereas, the extension of the Lewis and Clark National Historic Trail Would provide enhanced educational possibilities for all; and

Whereas, the extension of the Lewis and Clark National Historic Trail would generate an increase in tourism and tourism revenue in the states where the trail runs; and

Whereas, the proposed extension of the Lewis and Clark National Historic Trail would include specific sites in the Commonwealth of Kentucky: Now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Senate hereby acknowledge the historical importance of the Lewis and Clark National Historic Trail and encourages each and every member of the respective chambers of the Congress of the United States to cosponsor H.R. 2327 and S. 2018 of the 108th Congress of the United States to extend the length of the trail.

Section 2. The Senate encourages the subsequent passage of H.R. 2327 and S. 2018 of the 108th Congress of the United States.

Section 3. The Clerk of the Senate is directed to transmit a copy of this Resolution to Jeff Trandahl, Clerk of the House of Representatives, United States Capitol, Room H154, Washington, D.C. 20515–6601 and to Emily Reynolds, Secretary of the Senate, United States Senate, Washington, D.C. 20510, for distribution to the members of the United States Senate and the United States Senate, respectively.

POM–439. a resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to a comprehensive energy plan; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 24

Whereas, a comprehensive plan for energy independence is a vital component of the United States' national security strategy; and

Whereas, it is prudent for both national security and environmental concerns to promote energy independence for our country, and promote efficiency and conservation to develop cleaner technologies; now, therefore, be it

Resolved by the House of Representatives, That the New Hampshire house of representatives urges the President of the United States and the Congress of the United States to develop and work to implement a comprehensive plan to promote these states' goals; and

That this plan should include a plan to modernize our electricity system, promote conservation, and improve the United States' air quality; and

That this plan should promote economic incentives for the utilization of renewable energy sources; and

That this plan should promote increased energy production at home so the United States is less dependent on foreign oil; and

That this plan should promote the development of alternative energy technologies, such as hybrid, hydrogen, electric or natural gas powered vehicles; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the United States Secretary of Energy and the New Hampshire congressional delegation.

POM–440. A resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the State Waste Empowerment and Enforcement Provision Act of 2003; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 79

Whereas, recent reports issued by the Department of Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states, second only to Pennsylvania, and is currently importing approximately 5.5 million tons annually of municipal solid waste from other states; and

Whereas, the amount of municipal solid waste being imported into Virginia is expected to increase in the coming years due to the closure of the Fresh Kills Landfill in New York and increased volumes from other states; and

Whereas, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

Whereas, the negative impact of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occurs at the location of final disposal and along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

Whereas, under current federal law, Virginia cannot regulate the amount of solid waste brought into the Commonwealth each year; and

Whereas, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination for tourism and high-tech economic development; and

Whereas, the Commerce Clause of the United States Constitution and its interpretation and application by the United States Supreme Court and other federal courts regarding interstate solid waste transportation has left Virginia and other states with limited alternatives to regulate, limit, or prohibit the importation of municipal solid waste; and

Whereas, the General Assembly of Virginia believes that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; and

Whereas, although state laws governing the importation of municipal solid waste have been ruled to violate the Commerce Clause of the United States Constitution, the enactment of the State Waste Empowerment and Enforcement Provision Act of 2003 would protect states from constitutional challenges to common sense regulation of trash haulers, and empower states to require inspectors at landfills, incinerators, and transfer stations that accept out-of-state municipal solid waste; and

Whereas, it is the consensus of the General Assembly of Virginia that state and local governments should be given more authority to limit, reduce, and control the importation of solid waste into their jurisdictions through several provisions, including percentage caps, calendar year freezes, the regulation and restriction of certain modes of transportation, the requirement of state inspectors at facilities handling out-of-state waste, and the assessment of fees for the receipt or disposal of out-of-state municipal solid waste that are different than fees assessed for the receipt or disposal of municipal solid waste generated within the Commonwealth; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123). The Congress is urged to authorize local and state governments to regulate the importation of municipal solid waste into their respective jurisdictions; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–441. A resolution adopted by the Board of the Town of New Castle of the State of New York relative to the Indian Point Nuclear Plants; to the Committee on Environment and Public Works.

POM–442. A resolution adopted by the Senate of the Legislature of the State of Hawaii to prices of prescription drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 24

Whereas, the Medicare Drug Benefit law recently enacted by Congress and signed into law by the President prohibits the government from negotiating prescription drug prices with the manufacturers; and

Whereas, the pharmaceutical companies have been negotiating with other governments such as Canada and Mexico, offering citizens of those countries substantial discounts on prescription drugs, while still generating profits from the discounted prices; and

Whereas, news articles have documented that many Americans travel to Canada to purchase their prescription drugs; and

Whereas, there is a growing momentum to allow individuals, as well as state and local governments, to lower health care costs by purchasing prescription drugs from Canada; and

Whereas, allowing the American government to negotiate prescription drug prices would reduce their costs, as since our purchasing power covers approximately 270 million Americans, which is the largest economy in the world, our government can negotiate lower prices than Canada and other countries and pass on the savings to our citizens; and

Whereas, all Americans will be the beneficiaries of discounted prescription drugs, especially those who need prescription drugs for serious health conditions, all group prescription drug programs provided by employers and union agreements, and the state and federal programs that provide prescription drugs to veterans, Medicaid recipients, and others who qualify for government supported programs; and

Whereas, substantial savings can be used for other healthcare needs or expenses and reducing co-payments; and

Whereas, every other developed country has the power to negotiate the costs of prescription drugs: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, That the President and Congress

are urged to repeal the restriction on government to negotiate reductions in prescription drug prices with manufacturers; and be it

Further resolved, That certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and the members of Hawaii's Congressional delegation.

POM–443. A resolution adopted by the House of Representatives of the Legislature of the State of Florida relative to the distribution of Medicaid funds; to the Committee on Finance.

HOUSE MEMORIAL NO. 25

Whereas, Florida is the fourth most populous state, with 16.4 million residents, and

Whereas, more than 2 million Floridians live in poverty and approximately 2.8 million Floridians have no health insurance whatsoever, and

Whereas, it is a moral incumbency that every Floridian have access to quality, affordable health care, and

Whereas, impoverished Floridians have more difficulty securing quality, affordable health care, especially if they are uninsured, and

Whereas, Florida participates in the Federal Government's Medicaid program to support those impoverished citizens and ensure their access to health care, and

Whereas, when Medicaid was created in 1965, one of its purposes was to reduce the differences among the states regarding their respective abilities to fund medical services for the impoverished, and

Whereas, federal funds for Medicaid are distributed to the states based on a funding formula that uses per capita income as a key indicator of a state's ability to support its impoverished population, and

Whereas, numerous reports from the United States General Accounting Office dating back to the early 1980s demonstrate that per capita income is a poor indicator of a state's funding ability, and

Whereas, the use of per capita income assumes that states with lower per capita incomes have higher rates of poverty, which is a false assumption based on data from the United States Census of 2000, and

Whereas, the funding formula does not account for states' respective populations in poverty, the wealth distribution of larger states, or the costs to serve Medicaid populations in respective states, and

Whereas, the use of per capita income in the funding formula fails to accurately reflect the needs of the more populous states, and

Whereas, the use of a state's total taxable resources in the formula, as recommended by the General Accounting Office, would result in Florida receiving hundreds of millions of dollars more of federal funds in distribution, which amounts to its fair share, and

Whereas, according to the 2002 financial data of the Agency for Health Care Administration, uncompensated care in Florida's hospitals is growing at the rate of 12 to 13 percent per year, Medicaid caseloads grew almost 7 percent in the last fiscal year, and the costs of the Medicaid program continue to grow at an alarming rate, and

Whereas, because of the poor reimbursement rates offered to Florida's physicians due to the disparity created by the funding formula, many doctors have limited their provision of services for Medicaid patients and some have stopped treating Medicaid patients altogether, and

Whereas, this decline in the number of physicians who will treat Medicaid patients threatens the quality and availability of health care to impoverished Floridians: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to pass legislation to change the existing formula for the distribution of Medicaid funds from a formula based on per capita income to one based on total taxable resources and the poverty rate, thereby providing a more equitable distribution of Medicaid funds to the states and bringing the Medicaid program closer to compliance with its stated legislative goal; and be it

Further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. NELSON of Nebraska (for himself and Ms. COLLINS):

S. 2426. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2427. A bill to amend title 10, United States Code, to improve transition assistance provided for members of the armed forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. BINGAMAN, Mrs. CLINTON, Mr. SARBANES, Mr. REID, Mr. AKAKA, Mr. JOHNSON, Ms. STABENOW, Mr. CORZINE, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2428. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for Mr. DASCHLE (for himself and Mr. JOHNSON)):

S. 2429. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. INOUYE (for himself, Mr. HARKIN, and Mr. WARNER):

S. Con. Res. 109. A concurrent resolution commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to international conflict resolution; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. Con. Res. 110. A concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself and Mr. FEINGOLD):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued in honor of the centennial anniversary of Rotary International and its work to eradicate polio; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. INHOFE, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 641

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 641, a bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department of Defense that is suitable to be loaned to rural fire departments.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1614

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1614, a bill to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1630, a bill to facilitate nationwide

availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1666

At the request of Mr. COCHRAN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1733

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1733, a bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs.

S. 1957

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1957, a bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 2175

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2175, a bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes.

S. 2179

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2249

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2249, a bill to amend the Stewart. B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. 2262

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2262, a bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom.

S. 2324

At the request of Mr. CHAMBLISS, the names of the Senator from Nevada (Mr. REID) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2324, a bill to extend the deadline on the use of technology standards for the passports of visa waiver participants.

S. 2336

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2336, a bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions.

S. 2363

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2406

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2406, a bill to promote the reliability of the electric transmission grid through the Cross-Sound Cable.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 103

At the request of Mr. WARNER, his name was added as a cosponsor of S. Con. Res. 103, a concurrent resolution honoring the contribution of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and for other purposes.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Nebraska (for himself and Ms. COLLINS):

S. 2426. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I introduce legislation that will overturn a new regulation that is putting critical access hospitals (CAH) at risk by arbitrarily lowering the Medicare reimbursement for laboratory services. Sixty rural hospitals in Nebraska will be negatively impacted unless this legislation is reversed.

This legislation would repeal a Center for Medicare and Medicaid Services' (CMS) regulation that would prohibit critical access hospitals from being reimbursed at-cost for laboratory services, unless patients are ''physically present in a critical access hospital'' when laboratory specimens are collected. Many CAHs provide laboratory services in rural health clinics (RHCs) and nursing homes in smaller, neighboring communities, as well as in home-health settings; however, the elimination of cost-based reimbursements may make it prohibitive for them to continue offering off-site laboratory testing. In short, under the new regulation, lab services would not be reimbursed by CMS unless the patient is at the facility where testing will occur.

This change jeopardizes rural Americans' access to care by imposing an additional burden on the frail elderly by requiring them to visit the hospital to get simple lab tests done. The additional time and expense incurred by the patient is unnecessary if the CAH is willing and able to conduct tests at the point of patient care and transport it back to the hospital for analysis.

Congress created the CAH program in 1997 to ensure that those in isolated, rural communities have access to health care. To protect the viability of these hospitals, often a community's only source of vital health care services, Congress established cost-based reimbursement for Medicare inpatient and outpatient services—regardless of where the services are provided. The new regulation would fundamentally alter this well-established practice.

We have tried to work with CMS to change the rule. In November of 2003, I was joined by 28 Senators in a bipartisan letter to the Administrator of CMS asking for his assistance in constructing a rule that does not penalize CAHs for offering off-site laboratory services. Unfortunately, CMS responded that the rule would stay intact.

I am pleased to be joined in this effort by Senator SUSAN COLLINS. Senator COLLINS has been a strong advocate for rural health care, and I look forward to working together on this legislation.

The Nebraska critical access hospitals affected by the regulation are:

Harlan County Health System in Alma, Fillmore County Hospital in Geneva, Pawnee County Memorial Hospital in Pawnee City, Niobrara Valley Hospital Corporation in Lynch, Thayer County Health Services in Hebron, Kimball County Hospital in Kimball, Kearney County Health Services/Hospital in Minden, Saunders County Health Services in Wahoo, Henderson Health Care Services in

Henderson, Community Memorial Hospital in Syracuse, Garden County Hospital & Nursing Home in Oshkosh, Franklin County Memorial Hospital in Franklin, Genoa Community Hospital in Genoa.

Gothenburg Memorial Hospital in Gothenburg, Annie Jeffrey Memorial County Health Center in Osceola, Brodstone Memorial Nuckolls County Hospital in Superior, Webster County Community Hospital in Red Cloud, Tilden Community Hospital in Tilden, Morrill County Community Hospital in Bridgeport, Jefferson Community Health Center in Fairbury, Memorial Hospital in Aurora, Oakland Memorial Hospital in Oakland, St. Francis Memorial Hospital in West Point.

Alegent Health Memorial Hospital in Schuyler, Nemaha County Hospital in Auburn, Brown County Hospital in Ainsworth, Antelope Memorial Hospital in Neligh, Cozad Community Hospital in Cozad, Litzenberg Memorial County Hospital in Central City, Avera St. Anthony's Hospital in O'Neill, Warren Memorial Hospital in Friend, Creighton Area Health Services in Creighton, Butler County Health Care Center in David City, Rock County Hospital in Bassett, Boone County Health Center in Albion, Callaway District Hospital in Callaway, York General Hospital in York.

Howard County Community Hospital in St. Paul, Memorial Hospital CAH in Seward, Dundy County Hospital in Benkelman, Chadron Community Hospital Health Services in Chadron, St. Mary's Hospital in Nebraska City, West Holt Memorial Hospital in Atkinson, Cherry County Hospital in Valentine, Providence Medical Center in Wayne, Plainview Public Hospital in Plainview, Osmond General Hospital in Osmond, Tri Valley Health System in Cambridge, Pender Community Hospital in Pender.

Johnson County Hospital in Tecumseh, Chase County Community Hospital in Imperial, Community Medical Center in Falls City, Valley County Hospital in Ord, Crete Area Medical Center in Crete, Ogallala Community Hospital in Ogallala, Perkins County Health Services in Grant, Memorial Health Center in Sidney, Gordon Memorial Hospital District in Gordon, Memorial Community Hospital in Blair, Box Butte General Hospital in Alliance.

By Mr. FEINGOLD:

S. 2427. A bill to amend title 10, United States Code, to improve transition assistance provided for members of the armed forces being discharged, release from active duty, or retired, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that will enhance and strengthen transition services that are provided to our military personnel.

This past weekend, people around our country honored our military personnel by marking Armed Forces Day. That day was even more poignant this year as we recognize the service and sacrifice of the thousands of brave men and women who are currently in harm's way in Iraq, Afghanistan, and elsewhere around the globe. These men and women serve with distinction and honor, and we owe them our heartfelt gratitude.

We also owe them our best effort to ensure that they receive the benefits to which their service in our Armed Forces has entitled them. I have heard time and again from military personnel and veterans who are frustrated with the system by which they apply for benefits or appeal claims for benefits. I have long been concerned that tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible, and I have undertaken numerous legislative and oversight efforts to ensure that the Department of Veterans Affairs makes outreach to our veterans and their families a priority. Our brave veterans have earned these benefits, and VA outreach regarding health care and other benefits is especially important as we welcome home a new generation of veterans who are serving in Iraq and in the fight against terrorism. Our veterans and their families have made great personal sacrifices to protect our freedoms. We owe them a great debt of gratitude. Making sure that our veterans know about the benefits that they have earned is an important first step in starting to repay this debt.

While we should do more to support our veterans, we must also ensure that the men and women who are currently serving in our Armed Forces receive adequate pay and benefits, as well as services that help them to make the transition from active duty to civilian life. I am concerned that we are not doing enough to support our men and women in uniform as they prepare to retire or otherwise separate from the service or, in the case of members of our National Guard and Reserve, to demobilize from active duty assignments and return to their civilian lives while staying in the military or preparing to separate from the military. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not forgotten once the battles have ended and our troops have come home.

My bill, the Veterans Enhanced Transition Services Act (VETS Act), will help to ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active duty assignments and return to their civilian lives and jobs or education while remaining in the military.

I have heard from a number of Wisconsinites and military and veterans service organizations that our men and women in uniform do not all have access to the same transition counseling and medical services as they are demobilizing from service in Iraq, Afghanistan, and elsewhere. I have long been concerned about reports of uneven provision of services from base to base and from service to service. All of our men and women in uniform have pledged to serve our country, and all of them, at the very least, deserve to have access to the same services in return.

My bill will help to ensure that all military personnel receive the same services by making a number of improvements to the existing Transition Assistance Program/Disabled Transition Assistance Program (TAP/DTAP) and to the Benefits Delivery at Discharge program, by improving the process by which military personnel who are being demobilized or discharged receive medical examinations and mental health assessments, and by ensuring that military and veterans service organizations and state departments of veterans affairs are able to play an active role in assisting military personnel with the difficult decisions that are often involved in the process of discharging or demobilizing.

Under current law, the Department of Defense, together with the Departments of Veterans Affairs (VA) and Labor, provide pre-separation counseling for military personnel who are preparing to leave the service. This counseling provides service members with valuable information about benefits that they have earned through their service to our country such as education benefits through the GI Bill and health care and other benefits through the VA. Personnel also learn about programs such as Troops to Teachers and have access to employment assistance for themselves and, where appropriate, their spouses.

My bill would ensure that members of demobilizing National Guard and Reserve personnel are able to participate in this important counseling prior to being demobilized. In addition, my bill would require state-based follow-up within 180 of demobilization to give demobilized personnel the opportunity to follow up on any questions or concerns that they may have during a regular unit training period. Currently, most of the responsibility for getting information about benefits and programs falls on the military personnel. The Department of Defense should make every effort to ensure that all members participate in this important program, and that is what my bill would do.

My bill would help to improve the uniformity of services provided to personnel by directing the Secretary of Defense to ensure that consistent Transition Assistance Program/Disabled Transition Assistance Program briefings occur across the services and at all demobilization/discharge locations and to ensure that there are programs that are directed to the specific needs of active duty and National Guard and Reserve personnel as appropriate. It also includes a provision to ensure that personnel who are on the temporary disability retired list and who are being retired or discharged

from alternate locations will have access to transition services at a location that is reasonably convenient to them.

In addition, my bill would enhance the information that is presented to members by requiring that pre-separation counseling include the provision of information regarding certification and licensing requirements in civilian occupations and information on identifying military occupations that have civilian counterparts.

In response to concerns I have heard from a number of my constituents, the bill also directs the Secretaries of Defense and Labor to jointly explore ways in which DoD training and certification standards could be coordinated with state laws relating to the training and certification standards for corresponding civilian occupations.

Participation in pre-separation counseling through a TAP/DTAP program is a valuable tool for personnel as they transition back to civilian life. My bill is in no way intended to lengthen the time that military personnel spend away from their families or to provide them with information that is not relevant to their civilian lives or that they otherwise do not need. In order to ensure that this information remains a valuable tool and does not become a burden to demobilizing members of the National Guard and Reserve who experience multiple deployments for active duty assignments, my bill clarifies that participation in the Department of Labor's transitional services employment will not be required if a member has previously participated in the program or if a member will be returning to school or to a job that he or she held before being called to active duty.

My bill would make similar improvements to the joint DoD-VA Benefits Delivery at Discharge program, which assists personnel in applying for VA disability benefits before they are discharged from the military, to cover all discharging military installations and military hospitals to ensure that all personnel with service-connected disabilities have the same opportunity to receive this important service. This very successful program has helped to cut the red tape and to speed the processing time for many veterans who are entitled to VA disability benefits.

I have long been concerned about the immediate and long-term health effects that military deployments have on our men and women in uniform. I regret that, too often, the burden of responsibility for proving that a condition is related to military service falls on the personnel themselves. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the VA for benefits that they have earned through their service to our nation.

For example, since coming to the Senate in 1993, I have worked to focus attention on the health effects that are being experienced by military personnel who served in the Persian Gulf War. More than ten years after the end of the Gulf War, we still don't know why so many veterans of that conflict are experiencing medical problems. Of the nearly 700,000 U.S. military personnel who served in the Persian Gulf War in 1990 and 1991, more than 100,000 have suffered from an array of symptoms that have become known as Gulf War Syndrome. Military personnel who are currently deployed to the region face many of the same conditions that existed in the early 1990s. I have repeatedly pressed the Departments of Defense and Veterans Affairs to work to unlock the mystery of this illness and to study the role that exposure to depleted uranium may play in this condition. We owe it to these personnel to find these answers, and to ensure that those who are currently serving in the Persian Gulf region are adequately protected from the many possible causes of Gulf War Syndrome.

Part of this process is to ensure that the Department of Defense carries out its responsibility to provide post-deployment physicals for military personnel. I am deeply concerned about stories of personnel who are experiencing long delays as they wait for their post-deployment physicals and who end up choosing not to have these important physicals in order to get home to their families that much sooner. I am equally concerned about reports that some personnel who did not receive such a physical—either by their own choice or because such a physical was not available—are now having trouble as they apply for benefits for a service-connected condition.

For these reasons, my bill would require that the Department of Defense abide by current law and provide post-demobilization physicals to all military personnel, and would prohibit any waiver of these physicals. I firmly believe, as do the military and veterans groups that support my bill, that our men and women in uniform are entitled to a prompt, high quality physical examination as part of the demobilization process. These individuals have voluntarily put themselves into harm's way for our benefit. We should ensure that the Department of Defense makes every effort to determine whether they have experienced—or could experience—any health effects as a result of their service.

In light of concerns raised by many that each service and each installation uses a different process for demobilization physicals, my bill would require the Secretary of Defense to set minimum standards for these important medical examinations and to ensure that these standards are applied uniformly at all installations and by all branches of the Armed Forces.

My bill also would strengthen current law by ensuring that these medical examinations also include a mental health screening and assessment. Our men and women in uniform serve in difficult circumstances far from home, and too many of them witness or experience violence and horrific situations that most of us cannot even begin to imagine. These men and women, many of whom are just out of high school or college when they sign up, may suffer long-term mental and physical fallout from their experiences and may feel reluctant to seek counseling or other assistance to deal with their experiences.

My bill would improve mental health services for demobilizing military personnel by requiring that the content and standards for the mental health screening and assessment that are developed by the Secretary include content and standards for screening acute and delayed onset post-traumatic stress disorder (PTSD), and, specifically, questions to identify all stressors experienced by military personnel that have the potential to lead to PTSD. Some Wisconsinites have told me that they are concerned that the multiple deployments of our National Guard and Reserve could lead to chronic PTSD, which could have its roots in an experience from a previous deployment and which could come to the surface by a triggering event that is experienced on a current deployment. The same is true for full-time military personnel who have served in a variety of places over their careers.

We can and should do more to ensure that the mental health of our men and women in uniform is a top priority, and that the stigma that is too often attached to seeking assistance is ended. One step in this process is to ensure that personnel who have symptoms of PTSD and related illnesses have access to appropriate clinical services, either through DoD or through the VA, which is required in my bill.

My legislation also requires the Secretaries of Defense and Veterans Affairs to report to Congress on planning for identification, intervention, and treatment of personnel with PTSD and related conditions and for appropriate training of DoD, military, and VA personnel with respect to PTSD and related conditions.

My bill will also ensure that the DoD and the VA take appropriate actions to ensure that personnel receive appropriate follow-up care for any other physical or mental conditions that are found—or suspected to have been found—as a result of a post-deployment medical examination, including care and treatment at a DoD or VA facility and any other care, treatment, or services that are required.

In addition, in order to ensure that all military personnel who are eligible for medical benefits for the VA learn about and receive them, my bill requires that, as part of the demobilization process, assistance be provided to eligible members to enroll in the VA health care system.

My bill also requires that the medical records of all separating service members be transmitted to the VA and that DoD and the VA conduct a study

on how to improve coordination and cooperation between the two Departments to support the provision of benefits to members and veterans, including: compatibility of health care filing systems, consistency of claims forms, consistency of medical examination forms, and creating shared electronic database with appropriate privacy protections.

My bill would also make improvements to the DoD demobilization and discharge processes by ensuring that members of military and veterans service organizations (MSOs and VSOs) are able to counsel personnel on options for benefits and other important questions. The demobilization and discharge process presents our service members with a sometimes confusing and often overwhelming amount of information and paperwork that must be digested and sometimes signed in a very short period of time. My bill would authorize a ''veteran to veteran'' counseling program that will give military personnel the opportunity to speak with fellow veterans who have been through this process and who may be able to offer important advice about benefits and other choices that military personnel have to make.

Under current law, the Secretary of Defense may make use of the services provided by MSOs and VSOs as part of the transition process. But these groups tell me that they are not always allowed access to transition briefings that are conducted for our personnel. In order to help facilitate the new veteran-to-veteran program, my bill would require the Secretary to ensure that representatives of MSOs, VSOs, and state departments of veterans affairs are invited to participate in all TAP/DTAP and BDD programs. In addition, my bill requires that these dedicated veterans, who give so much of their time and of themselves to serving their fellow veterans and their families, are able to gain access to military installations, military hospitals, and VA hospitals in order to provide this important service. By and large, Mr. President, these groups are able to speak with our military personnel at hospitals and other facilities. But I am disturbed by reports that some of these groups were having a hard time gaining access to these facilities in order to visit with our troops. For that reason, I have included this access requirement in my bill.

I want to stress that my bill in no way requires military personnel to speak with members of MSOs or VSOs if they do not wish to do so. It merely ensures that our men and women in uniform have this option.

Finally, my bill would authorize the Secretary of Defense to create a program to help military personnel get college credit for applicable military training. The Wisconsin State Department of Veterans Affairs has such a program, called the Academic Credit for Military Experience (ACME) program. The National Veterans Training Institute cites ACME as a national model for helping veterans to obtain college credit for training that they received while in the military. Such a program would help our veterans to maximize their GI Bill benefits, to avoid taking classes that repeat their military training, and to earn their degrees that much faster.

I am pleased that this legislation is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families. These groups include: the American Legion, the Enlisted Association of the National Guard of the United States; the Paralyzed Veterans of America; the Reserve Officers Association; the Veterans of Foreign Wars; the Wisconsin Department of Veterans Affairs, the Wisconsin National Guard; the American Legion, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 2427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Enhanced Transition Services Act of 2004''.

SEC. 2. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) TRANSMITTAL OF MEDICAL RECORDS OF ALL MEMBERS SEPARATING FROM ACTIVE DUTY TO DEPARTMENT OF VETERANS AFFAIRS.—Chapter 58 of title 10, United States Code, is amended—

(1) by inserting before subsection (c) of section 1142 the following:

''§ 1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs'';

(2) by striking ''(c) TRANSMITTAL OF MEDICAL INFORMATION TO DEPARTMENT OF VETERANS AFFAIRS.—''; and

(3) by striking ''a member being medically separated or being retired under chapter 61 of this title'' and inserting ''each member who is entitled to counseling and other services under section 1142 of this title''.

(b) PRESEPARATION COUNSELING.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ''shall provide for individual separation counseling'' and inserting ''shall provide individual separation counseling'';

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

''(4) For members of the reserve components being separated from service on active duty for a period of more than 30 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

''(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''.

(2) Subsection (b)(4) of such section 1142 is amended by striking ''(4) Information concerning'' and inserting the following:

''(4) Provide information on civilian occupations and related assistance programs, including information about—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''.

(3) Section 1142 of such title is further amended by adding at the end the following new subsections:

''(c) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

''(A) preseparation counseling under this section includes material that is specifically relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

''(B) the locations at which preseparation counseling is presented to eligible personnel include—

''(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

''(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

''(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

''(D) followup counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

''(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

''(d) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard being separated from long-term duty to which ordered under section 502(f) of title 32 shall also be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

''(2) The Secretary of Defense shall prescribe in regulations the standards for determining long-term duty for the purposes of paragraph (1).''.

(4)(A) The heading for section 1142 of such title is amended to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(B) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new items:

''1142. Members separating from active duty: preseparation counseling.

''1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—(1) Subsection (c) of

section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

''(2) The Secretary of Defense and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

''(A) Each member who has previously participated in the program.

''(B) Each member who, upon discharge or release from active duty, is returning to—

''(i) a position of employment previously held by such member; or

''(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.''.

(2) Subsection (a)(1) of such section is amended by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (6)(A)''.

(d) STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that apply under State laws to the training and certification of persons in corresponding civilian occupations.

SEC. 3. BENEFITS DELIVERY DISCHARGE PROGRAM.

(a) ACCESSIBILITY OF INFORMATION.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1154. Requirements applicable to all benefits delivery at discharge programs

''(a) LOCATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that the benefits delivery at discharge programs for members of the armed forces are provided—

''(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

''(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(b) PARTICIPATION OF MILITARY AND VETERANS' SERVICE ORGANIZATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States are invited to participate in the benefits delivery at discharge programs at the locations where assistance under the programs is provided.

''(c) BENEFITS DELIVERY AT DISCHARGE PROGRAMS DEFINED.—In this section, the term 'benefits delivery at discharge programs' means the programs under sections 1142 and 1144 of this title and any similar programs administered by, in conjunction with, or in consultation with the Secretary of Defense or the Secretary of a military department.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1154. Requirements applicable to all benefits delivery at discharge programs.''.

SEC. 4. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''(including an assessment of mental health'' and inserting ''(which shall include mental health screening and assessment'';

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following new subsections:

''(c) MEDICAL EXAMINATIONS.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under this section. The Secretary shall ensure that the content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

''(2) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include content and standards for screening acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, and shall specifically include questions to identify all stressors experienced by members that have the potential to lead to post-traumatic stress disorder.

''(3) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements of this subsection for a medical examination and does not meet the requirements of this section for an assessment.

''(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

''(d) FOLLOWUP SERVICES.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a medical examination carried out under the system established under this section, is identified or suspected as having an illness (including any mental health condition) or injury.

''(2) Assistance required to be provided a member under paragraph (1) includes the following:

''(A) Care and treatment and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide such member under any other provision of law, as follows:

''(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

''(ii) Any other care, treatment, and services.

''(B) Assistance to enroll in the Department of Veterans Affairs health care system for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include a discussion of the policies, plans, and procedures of the Department of Defense and the Department of Veterans Affairs for—

(A) the identification of cases of persons experiencing post-traumatic stress disorder or related conditions, intervention in such cases, and treatment of such persons; and

(B) the training of Department of Defense personnel and Department of Veterans Affairs personnel regarding such disorder and conditions.

(c) STUDY ON DOD-VA COORDINATION AND COOPERATION.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a study to identify ways to improve the coordination and cooperation between the two departments to support the provision of veterans' benefits to members and former members of the Armed Forces who have been deployed as described in section 1074f(a) of title 10, United States Code, as well as to other members and former members of the Armed Forces.

(2) The study under paragraph (1) shall, at a minimum, address the following matters:

(A) Compatibility of health care filing systems.

(B) Consistency of claims forms.

(C) Consistency of medical examination forms.

(D) Shared electronic database with appropriate privacy protections.

SEC. 5. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—(1) Chapter 58 of title 10, United States Code, as amended by section 3(a), is further amended by adding at the end the following new section:

''§ 1155. Veteran-to-veteran preseparation counseling

''(a) COOPERATION REQUIRED.—The Secretary of Defense shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

''(b) ELEMENTS OF PROGRAM.—The program under this section shall include the following elements:

''(1) Invitation to representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title.

''(2) Support for the outreach programs of such organizations and agencies by providing the organizations and agencies with the names and addresses of members of the armed forces described in subsection (a), including, in particular, members who are being separated from active duty upon return from a deployment in support of a contingency operation.

''(c) LOCATIONS.—The program under this section shall provide for access to members—

''(1) at each installation of the armed forces;

''(2) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

''(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(d) WAIVER OF ACCESS RESTRICTIONS.—To carry out elements of the program under subsection (b), the Secretary of Defense may waive the applicable provisions of the regulations promulgated under section 264(c) of

the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to members and former members of the uniformed services in medical treatment facilities of the uniformed services.

''(e) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.''.

(2) The table of sections at the beginning of such chapter, as amended by section 3(b), is amended by adding at the end the following new item:

''1155. Veteran-to-veteran preseparation counseling.''.

(b) DEPARTMENT OF VETERANS AFFAIRS.—(1) Subchapter 1 of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1709. Veteran-to-veteran counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

''(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department or non-Department facility at which the Secretary furnishes care and services under this chapter.

''(c) WAIVER OF ACCESS RESTRICTIONS.—To carry out the program under this section, the Secretary may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to veterans described in subsection (a) at the facilities referred to in subsection (b).

''(d) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1708 the following new item:

''Veteran-to-veteran counseling.''.

SEC. 6. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—Chapter 58 of title 10, United States Code, as amended by section 5(a), is further amended by adding at the end the following new section:

''§ 1156. College credit for training in the armed forces

''The Secretary of Defense shall carry out a program to assist members of the armed forces being discharged, released from active duty, or retired to obtain college credit for training received as a member of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 5(a)(2), is amended by adding at the end the following new item:

''1156. College credit for training in the armed forces.''.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. BINGAMAN, Mrs. CLINTON, Mr. SARBANES, Mr. REID, Mr. AKAKA, Mr. JOHNSON, Ms. STABENOW, Mr. CORZINE, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2428. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators KENNEDY, REED, BINGAMAN, CLINTON, SARBANES, REID, AKAKA, JOHNSON, STABENOW, CORZINE, LAUTENBERG and DURBIN to introduce the ''Student Bill of Rights.'' This bill is critical to ensuring that every child in America receives the educational opportunity that is the foundation of America's promise of equal opportunity for all.

The Student Bill of Rights attempts to ensure that every American child has an equal opportunity to receive a good education—including, highly qualified teachers, challenging curricula, small classes, current textbooks, quality libraries, and up-to-date technology—to all students in all schools in a State. Current law requires that schools within the same district provide comparable educational services. This bill would extend that basic protection to the State level by requiring comparability across school districts. And, this bill would help ensure that States comply with State or Federal court orders concerning the fairness of their public school systems.

Fifty years ago, Brown vs. Board of Education struck down segregation in law. Fifty years later, we know that just because there is no segregation in law does not mean that it does not persist in fact. Fifty years after Brown v. Board of Education, our education system remains largely separate and unequal.

All too often, whether an American child is taught by a high quality teacher in a small class, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education, still depends on where the child's family can afford to live. In fact, the United States ranks last among developed countries in the difference in the quality of schools available to wealthy and low-income children. This is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to achieve academically, to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

Of course, factors besides resources are also important to academic achievement—supportive parents, motivated peers, and positive role models in the community, just to name a few. But at the same time, we also know that adequate resources are vital to providing students with the opportunity to receive a solid education.

This bill does not represent a radical notion. Last Congress, 42 Senators and 183 Representatives voted for similar legislation that Mr. FATTAH offered in the other body and I offered here in the Senate. A radical notion is the idea that a country founded on the principle of equal opportunity for all can continue to accept an educational system that provides real educational opportunity for just a select few.

When he signed the No Child Left Behind Act two years ago, President Bush promised that the Federal Government would make sure schools have the resources necessary to meet the new law's requirements. This year alone, the President's budget resolution underfunds the law by $9.4 billion. The President's budget also fails to fully funding the Federal Government's commitment to special education—leaving families and local communities struggling to make up the difference. We will never close the achievement gap as long as our nation's most disadvantaged students in the neediest schools are forced to make do with far less than other students. The Federal Government needs to become a more equal partner in funding education.

States need to do more, too. At the federal level we have created programs to help ensure that students from low-income communities start school healthy and ready to learn and to succeed in school once they get there. Programs such as Head Start, the School Lunch Program, The Children's Health Insurance Program and Title I, all assist in meeting the needs of low-income kids from their very first days.

In the end, this bill is about the simple fact that the quality of a child's education should not be determined by their zip code. The Student Bill of Rights will help ensure that each and every child's school has the resources to provide them with a decent education, and in turn, an equal opportunity for a successful future.

I urge my colleagues to join me in supporting the Student Bill of Rights, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Bill of Rights''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(vi) Job placement and retention rates and indices of job quality.

(3) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(4) Since 1785, Congress, exercising the power to admit new States under section 3 of article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(5) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that ''the opportunity of an education . . . , where the State has undertaken to provide it, is a right which must be made available to all on equal terms'', courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(6) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(7) In 1999, the National Research Council of the National Academy of Sciences published a report entitled ''Making Money Matter, Financing America's Schools'', which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(8) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, ''A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity.'' (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001))

(9) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including ''experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as . . . the funding necessary to secure these resources''; and

(B) these inadequacies are ''particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.''.

(10) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001–2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(11) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(12) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(13) According to the World Economic Forum's Global Competitiveness Report 2001–2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(14) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(15) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(16) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 111(a)(1)(A) to students

at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

Subtitle B—State Accountability

SEC. 111. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of the fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2001–2002 school year, each public elementary or secondary school in the State shall have high access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) DISAPPROVAL.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) WAIVER.—

(1) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 112. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For a fiscal year and a State described in section 111(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) DEFINITION.—In this subsection, the term ''covered goal'', used with respect to a fiscal year, means an interim yearly goal described in section 111(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) CONSEQUENCES OF NONREMEDIATION.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 111(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 111(b)(2), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) CONSEQUENCES OF NONCOMPLIANCE WITH COURT ORDERS.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs.

(d) DISPOSITION OF FUNDS WITHHELD.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

Subtitle C—Report to Congress and the Public

SEC. 121. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 111(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 111(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 111(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 111(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

Subtitle D—Remedy

SEC. 131. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUCTIVITY.

(a) STUDY.—The Commissioner for Education Statistics, in consultation with the Secretary of Commerce, Secretary of Labor, Secretary of the Treasury, and the National Research Council of the National Academy of Sciences, shall conduct a comprehensive

study concerning the effects on economic growth and productivity of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the economic costs to the Nation resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a);

(2) the economic gains to be expected from States' compliance with the requirements of section 101(a); and

(3) the costs, if any, of ensuring that each State maintains a public school system that meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner for Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

SEC. 202. EFFECTS ON NATIONAL DEFENSE.

(a) STUDY.—The Commissioner for Education Statistics, in consultation with the Secretary of Defense, shall conduct a comprehensive study concerning the effects on national defense of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the detriments to national defense resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a), including the effects on—

(A) knowledge and skills necessary for the effective functioning of the Armed Forces;

(B) the costs to the Armed Forces of training; and

(C) efficiency resulting from the use of sophisticated equipment and information technology; and

(2) the gains to national defense to be expected from ensuring that each State public school system meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner for Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', ''highly qualified'', ''core academic subjects'', ''parent'', and ''average per-pupil expenditure'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term ''Federal elementary and secondary education programs'' means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term ''public school system'' means a State's system of public elementary and secondary education.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 302. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

SEC. 303. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

By Mr. DURBIN (for Mr. DASCHLE (for himself and Mr. JOHNSON)):

S. 2429. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Energy and Natural Resources.

S. 2429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pactola Reservoir Reallocation Authorization Act of 2004''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 3. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)), the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 109—COMMENDING THE UNITED STATES INSTITUTE OF PEACE ON THE OCCASION OF ITS 20TH ANNIVERSARY AND RECOGNIZING THE INSTITUTE FOR ITS CONTRIBUTION TO INTERNATIONAL CONFLICT RESOLUTION

Mr. INOUYE (for himself, Mr. HARKIN, and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 109

Whereas the United States Institute of Peace (the Institute) was established by Congress in 1984 as an independent, nonpartisan Federal institution dedicated to the prevention, management, and peaceful resolution of international conflict;

Whereas the Institute fulfills its mandate from Congress through programs and projects that support peacemaking and the peaceful resolution of conflict abroad;

Whereas the Institute's broad congressional mandate has allowed the Institute to become a valued source of innovative ideas and practical policy analysis on peacemaking in zones of conflict around the world, thereby enhancing United States foreign policy;

Whereas the Institute is the result of long-term public interest and dedication from Senator Spark Matsunaga of Hawaii, Senator Jennings Randolph of West Virginia, Senator Mark Hatfield of Oregon, Senator Nancy Kassebaum of Kansas, Senator Claiborne Pell of Rhode Island, Representative Pat Williams of Montana, Representative Dante Fascell of Florida, Representative Dan Glickman of Kansas, Representative John Porter of Illinois, as well as Members of Congress today;

Whereas the Institute trains thousands of government officials, military and law enforcement personnel, humanitarian workers, and civic activists from the United States and abroad in the skills of professional peacemaking;

Whereas the Institute works to alleviate religious and ethnic strife through mediation, training programs, research, and opening of dialogue between and among religious factions;

Whereas the Institute promotes the development of the rule of law in post-conflict and transitional societies and provides assistance on constitution-drafting, judicial and police reform, law revision, and war crimes accountability;

Whereas the Institute examines the role of the media in international conflict including incitement and freedom of the press;

Whereas the Institute attracts new generations to the practice of peacemaking and has funded more than 150 graduate students as Peace Scholars specializing in the resolution and management of international conflict;

Whereas the Institute brings together practitioners and scholars from around the world as fellows in the distinguished Jennings Randolph Fellows Program to advance knowledge and to publish reports and books on topics related to the peaceful resolution of international conflict;

Whereas the Institute has trained hundreds of teachers and enhanced curricular materials related to international conflict, and has conducted educational seminars for thousands of educators at schools and universities around the country;

Whereas the Institute is strengthening curricula and instruction, from high school through graduate school, on the changing character of international conflict and nonviolent approaches to managing international disputes and has inspired the creation of dozens of courses and programs dedicated to these topics;

Whereas the Institute has made more than 1,500 grants totaling nearly $50,000,000 to individuals and nonprofit organizations in 48 States in support of educational, training, and research projects that have helped define and build the field of conflict prevention and conflict management in more than 64 foreign countries;

Whereas the Institute contributes to the advancement of conflict resolution education by awarding college scholarships to high school students through the annual National Peace Essay Contest, training and developing teaching guides for high school teachers, awarding grants to university students pursuing doctoral degrees in international conflict resolution, and awarding grants to universities and professors in the United States researching international conflict resolution;

Whereas the Institute works to bridge the divide with the Muslim world and facilitate cross cultural dialogue around the world, including in Russia and China;

Whereas the Institute's Balkans Initiative has made positive contributions to peacebuilding in that region including the facilitation of the Roundtable on Justice and Reconciliation in Bosnia and Herzegovina wherein key officials of the 3 ethnic groups—Croats, Serbs, and Muslims—came together to discuss war crimes;

Whereas the Institute has provided assistance to the Afghan judicial system by helping to locate, reproduce, translate, and distribute copies of Afghanistan's legal code, which was destroyed by the Taliban and facilitated discussions among the key institutions in the administration of criminal law and justice in Afghanistan;

Whereas the Institute assisted President Nelson Mandela with the development of South Africa's Truth and Reconciliation Commission that was instrumental in preventing post-apartheid bloodshed;

Whereas the Institute developed a detailed plan to handle accountability in the wake of the 1994 genocide in Rwanda, which became the basis for Rwandan Genocide Law, and assisted the Government of Rwanda in the implementation of the Law;

Whereas the Institute continues to work on the formation of a formal Israeli-Palestinian Joint Legal Committee to address legal issues and develop common approaches between the 2 different legal systems;

Whereas the Institute is committed to supporting religious coexistence and understanding in the Middle East, and elsewhere in the world;

Whereas the Institute has served as advisor and principal financial supporter of the Alexandria process, a group of prominent Muslim, Jewish, and Christian leaders from Israel, the Palestinian Authority, and Egypt, who in January 2002 produced the ''Alexandria Declaration'', a 7-point statement that calls, in the name of the 3 Abrahamic faiths, for the end to bloodshed in the Holy Land;

Whereas the Institute uses its convening power to bring together policymakers and experts on North Korea to discuss issues of security and proliferation on the Korean peninsula and develop policy recommendations;

Whereas the Institute is facilitating peace negotiations between the Government of the Philippines and the Moro Islamic Liberation Front—a Muslim insurgent group operating in the southern island of Mindanao;

Whereas the Institute is organizing programs in Iraq to strengthen the pillars of civil society and to contribute to stabilization and post-conflict peacebuilding, including training in conflict resolution for Iraqi security officials, orientation training for personnel from the United States, grantmaking to Iraqi organizations, collaboration with Iraqi universities, support for interethnic and interreligious dialogue, and assistance with rule of law issues; and

Whereas the Institute endeavors with the support of Congress in a public-private partnership to build a permanent headquarters on the National Mall as a working center on peace, education, training in conflict management skills, and the promotion of applied programs dedicated to resolution of international conflict: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of the founding of the United States Institute of Peace (the Institute) as a national and international resource for peaceful conflict management and looks forward to continuing to gain from its knowledge, teaching, and practical applications of conflict management as a way to promote United States security and peace in the world;

(2) recognizes that the Institute has become an important national resource for educational, training, and applied programs in the prevention, management, and resolution of international conflict;

(3) acknowledges the Institute's contribution to building the Nation's capabilities for the prevention, management, and resolution of international conflict and the advancement of peace and conflict resolution education;

(4) expresses appreciation to the founding men and women of the Institute and the support from the people of the United States;

(5) congratulates the Institute on its 20th anniversary and on its achievements in fulfilling its mandate from Congress; and

(6) directs the Secretary of the Senate to make available an enrolled copy of this resolution to the Institute.

Mr. INOUYE. Mr. President, I rise to submit a resolution with my colleagues, Senators HARKIN and WARNER, commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to our Nation's capacity to manage international conflict by peaceful means. Since its founding by Congress, the Institute has been a pioneer in promoting the study and application of non-military approaches to the prevention, management, and resolution of conflict.

The Congress established the Institute as an independent, nonpartisan Federal institution dedicated to strengthening our national capabilities for conflict management and resolution. The resolution we are submitting today recognizes the importance of the Institute as a national and international resource for peaceful conflict management. It stresses that Congress looks forward to continuing to gain from the Institute's knowledge, teaching, and practical applications of conflict management as a way to promote the security interests of the United States and peace around the world. The resolution also expresses appreciation to the founding men and women of the Institute and support for the Institute from the American people. Finally, the resolution congratulates the Institute on its 20th anniversary and on its achievements in fulfilling its mandate from Congress.

Many in the Senate recall the personal dedication and efforts of our predecessors, led by Senators Spark Matsunaga and William Jennings Randolph who played essential roles in establishing the Institute. While Senator Matsunaga's bravery on the battlefield led to our country's awarding him a Bronze Star and two Purple Hearts, he was also a man who knew the importance of peace. In 1979 he set in motion many of the critical events that eventually led Congress to create the U.S. Institute of Peace. Senator Matsunaga's unyielding commitment to peace began long before he arrived in this chamber. In 1938, as a student at the University of Hawaii, he wrote an essay that included the sentence: ''If we want peace we must educate people to want peace.''

The founders of the Institute and the countless Americans who supported elevating the importance of peace education in our national dialogue would be proud of the way the Institute has grown and adapted to the ever-changing world. Today, the Institute is a national resource for education, professional training, and applied programs in peaceful conflict management and the practical application of conflict management strategies as a way to promote United States security and peace in the world.

Some of the vital work currently being undertaken by the Institute of Peace includes helping countries break out of cycles of violence and peacefully resolve their conflicts. At the same time, the Institute is educating new generations of Americans about novel approaches to conflict management, and enhancing curricular materials related to the changing character of international conflict and nonviolent approaches to resolving international disputes. Over the past twenty years, the Institute has used its knowledge and expertise to train American and foreign government officials, military and law enforcement personnel, humanitarian aid workers, and civic activists in the skills of professional peacemaking. It has awarded numerous grants and fellowships to individuals, universities, and non-governmental organizations of many nations to deepen the field of conflict resolution education and ensure its application to conflict situations abroad.

In its twenty year history, the Institute has played key roles in facilitating the management of critical conflict situations, such as assisting then President Nelson Mandela in the development of South Africa's Truth and Reconciliation Commission, and developing a detailed plan to handle accountability in the wake of the 1994 genocide in Rwanda, which became the basis for Rwandan Genocide Law. More recently, the Institute has taken an active role in facilitating peace processes in Bosnia, Kosovo, Macedonia, Afghanistan, and the Philippines. The Institute is using its expertise in Iraq in specialized areas where conflict resolution programs play a key role in stabilizing peace and nation building, such as training new ministries about conflict resolution techniques, working with the emerging judicial system to develop a reconciliation tribunal for former war criminals and human rights violators, facilitating inter-religious and inter-ethnic dialogue, and working with Iraqi universities to promote peace and conflict education. The Institute is also anticipating new opportunities for peace and conflict resolution activities on the Korean peninsula and in Sudan. In the years to come, Congress will be looking to the Institute to focus its skills and resources on peacemaking in the greater Middle East and throughout the Muslim world.

The Institute is a unique national treasure. We hope that our fellow Senators will join us in cosponsoring this resolution and stressing the United States commitment to peace.

SENATE CONCURRENT RESOLUTION 110—EXPRESSING THE SENSE OF CONGRESS IN SUPPORT OF THE ONGOING WORK OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE) IN COMBATING ANTI-SEMITISM, RACISM, XENOPHOBIA, DISCRIMINATION, INTOLERANCE, AND RELATED VIOLENCE

Mr. CAMPBELL submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 110

Whereas anti-Semitism is a unique evil and an affront to human rights that must be unequivocally condemned, and a phenomenon that, when left unchecked, has led to violence against members of the Jewish community and Jewish institutions;

Whereas racism, xenophobia, and discrimination are also pernicious ills that erode the dignity of the individual and such intolerance undermines the achievement and preservation of stable democratic societies;

Whereas to be effective in combating these phenomena, governments must respond to related violence while seeking to address the underlying sources of anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence through public denouncements by elected leaders, vigorous law enforcement, and education;

Whereas all Organization for Security and Cooperation in Europe (OSCE) participating states must confront acts of anti-Semitism and intolerance, and must deal effectively with acts of violence against Jews and Jewish cultural sites, as well as against ethnic and religious minority groups, in keeping with their OSCE commitments;

Whereas education is critical in overcoming intolerance and it is essential that those responsible for formulating education policy recognize the importance of teaching about the Holocaust and intolerance as a tool to fight anti-Semitism, racism, xenophobia, and discrimination among young people;

Whereas ensuring proper training of law enforcement officers and military forces is vital in keeping alive the memory of the Holocaust and to the importance of understanding and responding to incidents of anti-Semitism and intolerance;

Whereas OSCE participating states have repeatedly committed to condemn anti-Semitism and intolerance, foremost in the historic 1990 Copenhagen Concluding Document that, for the first time, declared ''participating [s]tates clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone,'' and stated their intent to ''take effective measures . . . to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-Semitism'';

Whereas the OSCE Parliamentary Assembly has demonstrated leadership by unanimously passing resolutions at its annual sessions in 2002 and 2003 that condemn anti-Semitism, racial and ethnic hatred, xenophobia, and discrimination and call upon participating states to speak out against these acts and to ensure aggressive law enforcement by local and national authorities;

Whereas the 2002 Porto OSCE Ministerial Council Decision committed participating states to ''take strong public positions against . . . manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism,'' specifically condemned the ''recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom,'' and urged for the ''convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia'';

Whereas the 2003 OSCE Vienna conferences on anti-Semitism and racism, xenophobia, and discrimination were groundbreaking, as the OSCE and its participating states met to discuss ways to combat these destructive forces;

Whereas the 2003 Maastricht Ministerial Council approved follow-up OSCE conferences on anti-Semitism and on racism, xenophobia and discrimination, and encouraged ''all participating [s]tates to collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination, and anti-Semitism,'' as well as to inform the OSCE Office of Democratic Institutions and Human Rights (ODIHR) ''about existing legislation regarding crimes fueled by intolerance and discrimination'';

Whereas at the 2004 OSCE Conference on Anti-Semitism, hosted in the German capital, the Bulgarian Chairman-in-Office issued the ''Berlin Declaration'' which stated unambiguously that ''international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism'';

Whereas the Berlin Declaration advances the process of monitoring of anti-Semitic crimes and hate crimes, as all OSCE participating states committed to ''collect and maintain'' statistics about these incidents and to forward that information to the ODIHR for compilation;

Whereas during the closing conference plenary, the German Foreign Minister and others highlighted the need to ensure all participating states follow through with their commitments and initiate efforts to track anti-Semitic crimes and hate crimes; and

Whereas the Government of Spain offered to hold a follow-up meeting in Cordoba in 2005 to review whether OSCE participating states are making every effort to fulfill their OSCE commitments regarding data collection on anti-Semitic crimes and hate crimes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Government and Congress should unequivocally condemn acts of anti-Semitism and intolerance whenever and wherever they occur;

(2) officials and elected leaders of all Organization for Security and Cooperation in Europe (OSCE) participating states, including all OSCE Mediterranean Partner for Cooperation countries, should also unequivocally condemn acts of anti-Semitism, racism, xenophobia, and discrimination whenever and wherever they occur;

(3) the participating states of the OSCE should be commended for supporting the Berlin Declaration and for working to bring increased attention to incidents of anti-Semitism and intolerance in the OSCE region;

(4) the United States Government, including Members of Congress, recognizing that the fundamental job of combating anti-Semitism and intolerance falls to governments, should work with other OSCE participating states and their parliaments to encourage the full compliance with OSCE commitments and, if necessary, urge the creation of legal mechanisms to combat and track acts of anti-Semitism and intolerance;

(5) all participating states, including the United States, should forward their respective laws and data on incidents of anti-Semitism and other hate crimes to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) for compilation and provide adequate resources for the completion of its duties;

(6) the United States should encourage the Bulgarian Chairman-in-Office, in consultation with the incoming Slovenian Chairman-in-Office, to consider appointing a high level ''personal envoy'' to ensure sustained attention with respect to fulfilling OSCE commitments on the reporting of anti-Semitic crimes;

(7) the United States should urge OSCE participating states that have not already done so to join the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research; and

(8) all OSCE participating states should renew and revitalize efforts to implement their existing commitments to fight anti-Semitism and intolerance, and keep sharp focus on these issues as part of the usual work of the OSCE Permanent Council, the Human Dimension Implementation Review Meeting, the Ministerial Council and summits.

Mr. CAMPBELL. Mr. President, I rise today to submit a resolution supporting the ongoing important work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance and related violence. As Co-Chairman of the Helsinki Commission, I remain concerned over manifestations of anti-Semitism that prompted me to introduce S. Con. Res. 7, a bipartisan initiative that unanimously passed the Senate last May. That measure provided impetus to efforts to confront and combat anti-Semitic violence in the OSCE region, the subject of a May 2002 Helsinki Commission hearing.

The resolution I submit today is aimed at building upon these efforts. The OSCE and its participating States have done much to confront and combat the disease of anti-Semitism and intolerance, and I urge our government and all other OSCE countries to continue their efforts with vigor and determination. Much of what has been accomplished can be attributed to U.S. leadership, especially to the work of U.S. Ambassador to the OSCE, Stephan M. Minikes, and his team in Vienna.

Last month the OSCE convened an historic conference in Berlin focused on anti-Semitism and violence against Jews and Jewish institutions and tools to combat this age old problem. The U.S. delegation was represented at the highest level with the participation of Secretary of State Colin L. Powell. The conference brought together elected officials and NGOs from around the globe in common support of efforts to fight anti-Semitism.

The resolution I am submitting today follows up on several of the initiatives from Berlin. The conference was punctuated with the ''Berlin Declaration,'' a statement given by the Bulgarian Chairman-in-Office, Foreign Minister Solomon Passy, during the closing plenary session. In addition to declaring that ''international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism,'' the Declaration advanced efforts to monitor anti-Semitic crimes and hate crimes, as all OSCE participating States committed to ''collect and maintain'' statistics about these incidents and to forward that information to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) for compilation. The resolution urges all participating States to ensure these promises are fulfilled, and calls upon the Bulgarian Chairman-in-Office to designate a ''personal envoy'' to monitor compliance with these commitments.

The resolution also speaks to the importance of confronting instances of racism, discrimination and xenophobia wherever it occurs. It is important to note that in September, the OSCE will convene a meeting on these matters, the Brussels Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination. This meeting is very important, as no OSCE participating State is immune from these evils.

As Co-Chairman of the Helsinki Commission, I have been impressed by the efforts of the OSCE and its participating States to address issues of anti-Semitism and intolerance. However, the time for words has passed, and I urge all OSCE countries, including the United States, to take real action. This resolution highlights several areas where steps can and should be taken. I urge bipartisan support and speedy passage of this measure.

SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE STAMP SHOULD BE ISSUED IN HONOR OF THE CENTENNIAL ANNIVERSARY OF ROTARY INTERNATIONAL AND ITS WORK TO ERADICATE POLIO

Mr. LUGAR (for himself and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

Whereas Rotary International, founded on February 23, 1905, is a worldwide organization of business and professional leaders that provides humanitarian service, encourages high ethical standards in all vocations, and helps build goodwill and peace in the world;

Whereas approximately 1,200,000 Rotarians belong to more than 31,000 Rotary clubs located in 166 countries;

Whereas the Movement for Volunteer Community Service, initiated by Rotary, has been described as one of the major developments of the 20th century, and provides a formalized spirit of community voluntarism in the United States;

Whereas Rotarians are committed to the position that their efforts to provide educational opportunities and to meet basic human needs are essential steps to greater world understanding, goodwill, and peace;

Whereas Rotary's PolioPlus program to eradicate the dreaded disease of polio throughout the world has helped to vaccinate more than 2,000,000,000 children against the disease;

Whereas Rotary is the only nongovernmental organization working in partnership with the World Health Organization, UNICEF, and the Centers for Disease Control and Prevention to achieve the goal of the total eradication of polio by 2005;

Whereas the work of Rotary International in the eradication of polio is one of the finest humanitarian efforts by a nonprofit organization;

Whereas there are more than 7,500 Rotary clubs in the United States, with nearly 400,000 members, who voluntarily support thousands of humanitarian and educational projects to benefit our communities; and

Whereas Rotary International will celebrate its centennial anniversary in 2005: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued in honor of the centennial anniversary of Rotary International and its effort to eradicate polio;

(2) the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that such a stamp be issued; and

(3) the Rotary Clubs of the United States are to be commended for 100 years of volunteer service.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3151. Mr. LAUTENBERG proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3152. Mrs. HUTCHISON proposed an amendment to the bill S. 2400, supra.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3154. Mr. FEINGOLD (for himself, Mrs. MURRAY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3155. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3156. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3151. Mr. LAUTENBERG proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Provisions Relating To Certain Sanctions

SEC. 856. CLARIFICATION OF CERTAIN SANCTIONS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with that foreign government, as a result of a determination by the Secretary of State that the government has repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person as defined in paragraph (2).

(2) DEFINITIONS.—In this section:

(A) PERSON.—The term ''person'' means an individual, partnership, corporation, or other form of association, including any government or agency thereof.

(B) UNITED STATES PERSON.—The term ''United States person'' means—

(i) any resident or national (other than an individual resident outside the United States and employed by other than a United States person); and

(ii) any domestic concern (including any permanent domestic establishment of any foreign concern) or any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern, which is controlled in fact by such domestic concern.

(C) CONTROLLED.—The term ''is controlled'' means—

(i) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(b) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

SEC. 857. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) NOTIFICATION REQUIREMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the

termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.''.

SA 3152. Mrs. HUTCHISON proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

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

SEC. 717. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR MEDICAL AND DENTAL CARE AND DISABILITY BENEFITS.

(a) MEDICAL AND DENTAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

''§ 1074b. Medical and dental care: cadets and midshipmen

''(a) ELIGIBILITY.—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

''(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

''(2) Each member of, and each designated applicant for membership in, the Senior Reserve Officers' Training Corps who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties under section 2109 of this title.

''(b) BENEFITS.—A person eligible for benefits in subsection (a) for an injury, illness, or disease is entitled to—

''(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

''(2) meals during hospitalization.

''(c) EXCEPTION.—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074a the following new item:

''1074b. Medical and dental care: cadets and midshipmen of the service academies.''.

(b) ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.—(1)(A) Section 1217 of title 10, United States Code, is amended to read as follows:

''§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter

''(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the United States Naval Academy.

''(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.''.

(B) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

''1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2004.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, after line 24, insert the following:

SEC. 364. CONSOLIDATION AND IMPROVEMENT OF AUTHORITIES FOR ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS.

(a) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.—Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4544. Army industrial facilities: public-private partnerships

''(a) PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.—A working-capital funded Army industrial facility may enter into cooperative arrangements with non-Army entities to carry out military or commercial projects with the non-Army entities. A cooperative arrangement under this section shall be known as a 'public-private partnership'.

''(b) AUTHORIZED PARTNERSHIP ACTIVITIES.—A public-private partnership entered into by an Army industrial facility may provide for any of the following activities:

''(1) The sale of articles manufactured by the facility or services performed by the facility to persons outside the Department of Defense.

''(2) The performance of—

''(A) work by a non-Army entity at the facility; or

''(B) work for a non-Army entity by the facility.

''(3) The sharing of work by the facility and one or more non-Army entities.

''(4) The leasing, or use under a facilities use contract or otherwise, of the facility (including excess capacity) or equipment (including excess equipment) of the facility by a non-Army entity.

''(5) The preparation and submission of joint offers by the facility and one or more non-Army entities for competitive procurements entered into with a department or agency of the United States.

''(6) Any other cooperative effort by the facility and one or more non-Army entities that the Secretary of the Army determines appropriate, whether or not the effort is similar to an activity described in another paragraph of this subsection.

''(c) CONDITIONS FOR PUBLIC-PRIVATE PARTNERSHIPS.—An activity described in subsection (b) may be carried out as a public-private partnership at an Army industrial facility only under the following conditions:

''(1) In the case of an article to be manufactured or services to be performed by the facility, the articles can be substantially manufactured, or the services can be substantially performed, by the facility without subcontracting for more than incidental performance.

''(2) The activity does not interfere with performance of—

''(A) work by the facility for the Department of Defense; or

''(B) a military mission of the facility.

''(3) The activity meets one of the following objectives:

''(A) Maximize utilization of the capacity of the facility.

''(B) Reduction or elimination of the cost of ownership of the facility.

''(C) Reduction in the cost of manufacturing or maintaining Department of Defense products at the facility.

''(D) Preservation of skills or equipment related to a core competency of the facility.

''(4) The non-Army entity partner or purchaser agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of the activity, including any damages or injury arising out of a decision by the Secretary of the Army or the Secretary of Defense to suspend or terminate an activity, or any portion thereof, during a war or national emergency or to require the facility to perform other work or provide other services on a priority basis, except—

''(A) in any case of willful misconduct or gross negligence; or

''(B) in the case of a claim by a purchaser or articles or services under this section that damages or injury arose from the failure of the Government to comply with quality or cost performance requirements in the contract to carry out the activity.

''(d) METHODS OF PUBLIC-PRIVATE PARTNERSHIPS.—To conduct an activity of a public-private partnership under this section, the approval authority described in subsection (f) for an Army industrial facility may, in the exercise of good business judgment—

''(1) provide a service or article without advertisement;

''(2) enter into a firm, fixed-price contract (or, if agreed to by the purchaser, a cost reimbursement contract) for a sale of articles or services or use of equipment or facilities;

''(3) enter into a multiyear partnership contract for a period not to exceed five years, unless a longer period is specifically authorized by law;

''(4) charge a partner, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs associated with providing the articles, services, equipment, or facilities;

''(5) authorize a partner to use incremental funding to pay for the articles, services, or use of equipment or facilities;

''(6) accept payment-in-kind; and

''(7) perform a reasonable amount of work in advance of receipt of payment.

''(e) DEPOSIT OF PROCEEDS.—The proceeds derived from sales of articles and services under this section shall be credited to the working-capital fund that incurs the costs of manufacturing the articles or performing the services. Notwithstanding section 3302(b) of title 31, a reasonable portion of the proceeds (from sources other than appropriated funds) derived from the sale of articles or services under this section may be retained in a separate account of the applicable fund to be available for paying design costs, planning costs, procurement costs, promotional or marketing costs, and other costs associated with articles and services sold. Amounts retained in such separate account shall remain

available, without further appropriation, until expended. In addition, consideration for lease or facility use agreements may be accepted by the applicable fund of the facility concerned.

''(f) APPROVAL OF SALES.—The authority of an Army industrial facility to conduct a public-private partnership under this section shall be exercised at the level of the commander of the major subordinate command of the Army that has responsibility for the facility. The commander may approve such partnership on a case basis or a class basis.

''(g) COMMERCIAL SALES.—Except in the case of work performed for the Department of Defense, for a contract of the Department of Defense, for foreign military sales, or for authorized foreign direct commercial sales (defense articles or defense services sold to a foreign government or international organization under export controls), a sale of articles or services may be made under this section only if the approval authority described in subsection (f) determines that either—

''(1) the articles or services are not available from a commercial source located in the United States in the required quantity or quality, or within the time required; or

''(2) a commercial source has requested the articles be made or the services be performed by the facility.

''(h) EXCLUSION FROM DEPOT-LEVEL MAINTENANCE AND REPAIR PERCENTAGE LIMITATION.—Amounts expended for depot-level maintenance and repair workload by non-Federal personnel at an Army industrial facility shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by a non-Army entity pursuant to a public-private partnership established under this section.

''(i) PROMOTION OF USE OF PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary of the Army shall ensure that, in a solicitation for the award of a production or support contract for a major system, each person include in its offer a proposal to conduct a fair share, as determined by the Secretary, of the maintenance, repair, or sustainment work on the major system at an Army industrial facility pursuant to a public-private partnership established under this section.

''(j) RELATIONSHIP TO OTHER LAWS.—(1) Nothing in this section shall be construed to affect the application of—

''(A) foreign military sales and the export controls provided for in sections 30 and 38 of the Arms Export Control Act (22 U.S.C. 2770 and 2778) to activities of a public-private partnership under this section; and

''(B) section 2667 of this title to leases of non-excess property in the administration of a public-private partnership under this section.

''(2) Section 2304e of this title does not apply in the case of a transaction entered into under the authority of this section for an activity of a public-private partnership.

''(3) Section 1341 of title 31 does not apply in the case of a transaction entered into under subsection (d)(7).

''(k) DEFINITIONS.—In this section:

''(1) The term 'Army industrial facility' includes an ammunition plant, an arsenal, a depot, and a manufacturing plant.

''(2) The term 'non-Army entity' includes the following:

''(A) An executive agency (other than the Department of the Army).

''(B) An entity in industry or commercial sales.

''(C) A State or political subdivision of a State.

''(D) An institution of higher education or vocational training institution.

''(3) The term 'incremental funding' means a series of partial payments that—

''(A) are made as the work on manufacture or articles is being performed or services are being performed or equipment or facilities are used, as the case may be; and

''(B) result in full payment being completed as the required work is being completed.

''(4) The term 'variable costs' means the costs that are expected to fluctuate directly with the volume of sales or services provided or the use of equipment or facilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4544. Army industrial facilities: public-private partnerships.''.

SA 3154. Mr. FEINGOLD (for himself, Mrs. MURRAY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 17 and 18, insert the following:

Subtitle F—Leave for Military Families

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Military Families Leave Act of 2004''.

SEC. 662. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

''(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

''(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.''.

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

SEC. 663. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

''(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.''.

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be

supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SA 3155. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 14 and 15, insert the following:

TITLE XIII—VETERANS' ENHANCED TRANSITION SERVICES

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Veterans' Enhanced Transition Services Act of 2004''.

SEC. 1302. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) TRANSMITTAL OF MEDICAL RECORDS OF ALL MEMBERS SEPARATING FROM ACTIVE DUTY TO DEPARTMENT OF VETERANS AFFAIRS.—Chapter 58 of title 10, United States Code, is amended—

(1) by inserting before subsection (c) of section 1142 the following:

''§ 1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs'';

(2) by striking ''(c) TRANSMITTAL OF MEDICAL INFORMATION TO DEPARTMENT OF VETERANS AFFAIRS.—''; and

(3) by striking ''a member being medically separated or being retired under chapter 61 of this title'' and inserting ''each member who is entitled to counseling and other services under section 1142 of this title''.

(b) PRESEPARATION COUNSELING.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ''shall provide for individual separation counseling'' and inserting ''shall provide individual separation counseling'';

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

''(4) For members of the reserve components being separated from service on active duty for a period of more than 30 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

''(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''.

(2) Subsection (b)(4) of such section 1142 is amended by striking ''(4) Information concerning'' and inserting the following:

''(4) Provide information on civilian occupations and related assistance programs, including information about—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''.

(3) Section 1142 of such title is further amended by adding at the end the following new subsections:

''(c) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

''(A) preseparation counseling under this section includes material that is specifically relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

''(B) the locations at which preseparation counseling is presented to eligible personnel include—

''(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

''(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

''(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

''(D) followup counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

''(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

''(d) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard being separated from long-term duty to which ordered under section 502(f) of title 32 shall also be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

''(2) The Secretary of Defense shall prescribe in regulations the standards for determining long-term duty for the purposes of paragraph (1).''.

(4)(A) The heading for section 1142 of such title is amended to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(B) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new items:

''1142. Members separating from active duty: preseparation counseling.

''1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—(1) Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

''(2) The Secretary of Defense and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

''(A) Each member who has previously participated in the program.

''(B) Each member who, upon discharge or release from active duty, is returning to—

''(i) a position of employment previously held by such member; or

''(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.''.

(2) Subsection (a)(1) of such section is amended by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (6)(A)''.

(d) STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that apply under State laws to the training and certification of persons in corresponding civilian occupations.

SEC. 1303. BENEFITS DELIVERY DISCHARGE PROGRAM.

(a) ACCESSIBILITY OF INFORMATION.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1154. Requirements applicable to all benefits delivery at discharge programs

''(a) LOCATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that the benefits delivery at discharge programs for members of the armed forces are provided—

''(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

''(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(b) PARTICIPATION OF MILITARY AND VETERANS' SERVICE ORGANIZATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States are invited to participate in the benefits delivery at discharge programs at the locations where assistance under the programs is provided.

''(c) BENEFITS DELIVERY AT DISCHARGE PROGRAMS DEFINED.—In this section, the term 'benefits delivery at discharge programs' means the programs under sections 1142 and 1144 of this title and any similar programs administered by, in conjunction with, or in consultation with the Secretary of Defense or the Secretary of a military department.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1154. Requirements applicable to all benefits delivery at discharge programs.''.

SEC. 1304. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''(including an assessment of mental health'' and inserting ''(which shall include mental health screening and assessment'';

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following new subsections:

''(c) MEDICAL EXAMINATIONS.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under

this section. The Secretary shall ensure that the content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

''(2) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include content and standards for screening acute posttraumatic stress disorder and delayed onset post-traumatic stress disorder, and shall specifically include questions to identify all stressors experienced by members that have the potential to lead to post-traumatic stress disorder.

''(3) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements of this subsection for a medical examination and does not meet the requirements of this section for an assessment.

''(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

''(d) FOLLOWUP SERVICES.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a medical examination carried out under the system established under this section, is identified or suspected as having an illness (including any mental health condition) or injury.

''(2) Assistance required to be provided a member under paragraph (1) includes the following:

''(A) Care and treatment and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide such member under any other provision of law, as follows:

''(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

''(ii) Any other care, treatment, and services.

''(B) Assistance to enroll in the Department of Veterans Affairs health care system for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include a discussion of the policies, plans, and procedures of the Department of Defense and the Department of Veterans Affairs for—

(A) the identification of cases of persons experiencing post-traumatic stress disorder or related conditions, intervention in such cases, and treatment of such persons; and

(B) the training of Department of Defense personnel and Department of Veterans Affairs personnel regarding such disorder and conditions.

(c) STUDY ON DOD-VA COORDINATION AND COOPERATION.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a study to identify ways to improve the coordination and cooperation between the two departments to support the provision of veterans' benefits to members and former members of the Armed Forces who have been deployed as described in section 1074f(a) of title 10, United States Code, as well as to other members and former members of the Armed Forces.

(2) The study under paragraph (1) shall, at a minimum, address the following matters:

(A) Compatibility of health care filing systems.

(B) Consistency of claims forms.

(C) Consistency of medical examination forms.

(D) Shared electronic database with appropriate privacy protections.

SEC. 1305. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—(1) Chapter 58 of title 10, United States Code, as amended by section 1303(a), is further amended by adding at the end the following new section:

''§ 1155. Veteran-to-veteran preseparation counseling

''(a) COOPERATION REQUIRED.—The Secretary of Defense shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

''(b) ELEMENTS OF PROGRAM.—The program under this section shall include the following elements:

''(1) Invitation to representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title.

''(2) Support for the outreach programs of such organizations and agencies by providing the organizations and agencies with the names and addresses of members of the armed forces described in subsection (a), including, in particular, members who are being separated from active duty upon return from a deployment in support of a contingency operation.

''(c) LOCATIONS.—The program under this section shall provide for access to members—

''(1) at each installation of the armed forces;

''(2) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

''(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(d) WAIVER OF ACCESS RESTRICTIONS.—To carry out elements of the program under subsection (b), the Secretary of Defense may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to members and former members of the uniformed services in medical treatment facilities of the uniformed services.

''(e) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.''.

(2) The table of sections at the beginning of such chapter, as amended by section 1303(b), is amended by adding at the end the following new item:

''1155. Veteran-to-veteran preseparation counseling.''.

(b) DEPARTMENT OF VETERANS AFFAIRS.—(1) Subchapter 1 of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1709. Veteran-to-veteran counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

''(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department or non-Department facility at which the Secretary furnishes care and services under this chapter.

''(c) WAIVER OF ACCESS RESTRICTIONS.—To carry out the program under this section, the Secretary may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to veterans described in subsection (a) at the facilities referred to in subsection (b).

''(d) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1708 the following new item:

''1709. Veteran-to-veteran counseling.''.

SEC. 1306. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—Chapter 58 of title 10, United States Code, as amended by section 1305(a), is further amended by adding at the end the following new section:

''§ 1156. College credit for training in the armed forces

''The Secretary of Defense shall carry out a program to assist members of the armed forces being discharged, released from active duty, or retired to obtain college credit for training received as a member of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1305(a)(2), is amended by adding at the end the following new item:

''1156. College credit for training in the armed forces.''.

SA 3156. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. POSTHUMOUS COMMISSION OF WILLIAM MITCHELL IN THE GRADE OF MAJOR GENERAL IN THE ARMY.

(a) AUTHORITY.—The President may issue posthumously a commission as major general, United States Army, in the name of the

late William ''Billy'' Mitchell, formerly a colonel, United States Army, who resigned his commission on February 1, 1926.

(b) DATE OF COMMISSION.—A commission issued under subsection (a) shall issue as of the date of the death of William Mitchell on February 19, 1936.

(c) PROHIBITION OF BENEFITS.—No person is entitled to receive any bonus, gratuity, pay, allowance, or other financial benefit by reason of the enactment of this section.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a meeting on May 19, 2004 in SH–216 at 10:30 a.m. The purpose of this meeting will be to mark up legislation to reauthorize child nutrition programs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGING

Mr. WARNER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Monday, May 17, 2004 from 2 p.m–5 p.m., in Dirksen 628 for the purpose of conducting a hearing.

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

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Chistine Dodd, my staff member, be allowed the privilege of the floor.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Christopher Povak of Senator LIEBERMAN's staff during consideration of S. 2400.

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

Mr. WARNER. Mr. President, I ask unanimous consent that a member of Senator MCCAIN's staff, Mr. Frederick Latrash, be granted the privileges of the floor during consideration of S. 2400.

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

Mr. WARNER. Mr. President, I ask unanimous consent that Tranche Montague, from my staff, be granted the privileges of the floor during consideration of S. 2400.

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

Mr. WARNER. Mr. President, on behalf of Senator KENNEDY, I ask unanimous consent that Chris Alexander be granted floor privileges during the consideration of S. 2400.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, as if in morning business, I would like to turn to the Executive Calendar.

I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's calendar:

Calendar No. 692, the nomination of MG David H. Petraeus.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officer for appointment in the United States Army 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. David H. Petraeus, 0000

Mr. WARNER. Mr. President, for the benefit of all Members, I have known this fine officer for many years. He served a tour in Iraq with great distinction and returned. I think he then offered his services to go back over to help with the rebuilding of various sections of the Iraqi Army and offered other services to try to build up that nation's ability to defend itself internally as well as in many external affairs.

GENERAL PETRAEUS

• Mr. FRIST. Mr. President, I rise today to say a few words in support of my good friend, Major General David Petraeus. On May 4, the President nominated General Petraeus for appointment to the grade of lieutenant general and assignment as chief of the Office of Security Transition—Iraq.

As head of the Office of Security Transition, General Petraeus will be charged with demobilizing militias and organizing and training the Iraqi military, civil defense force, police, and protective services. His mission is a vital part of helping Iraqis come together as a nation.

General Petraeus embodies all the values of a true soldier serving his country. Leadership, bravery, duty, honor. Indeed, he is one of our most talented soldiers.

I first met General Petraeus in 1991, while I was serving as a heart surgeon at the Vanderbilt University Medical Center in Nashville. I got an afternoon call from the emergency room that a person with a gunshot wound was being rushed to the hospital. I knew the person had been shot in the chest and at close range with an M–16.

When General Petraeus arrived, he was bleeding faster than the blood could be replenished so I put in a chest tube and we headed to the operating room. On the way to the operating room, I remember explaining to him the risk of infection from the bullet. I didn't get more than halfway through my explanation before he responded with, ''Doctor, let's go get this over with; you need to tell me nothing more.''

Very few people would have been out of bed within 12 hours of surgery. But General Petraeus is a strong and determined man.

Anyone who has ever seen him with his soldiers can see his dedication and commitment to those he leads.

The record of the 101st Airborne and the leadership of General Petraeus speaks for itself.

Over a year ago, General Petraeus and the 101st Airborne Assault Division, along with the 160th SOAR and Fifth Special Operations Group, departed Fort Campbell for action in Iraq and to engage hostile forces in the War on Terror in Afghanistan. This past year the Screaming Eagles lived up to the division's motto of ''rendezvous with destiny.'' They endured untold hardships, confronted incredible obstacles, and completed their mission with astounding results.

They began with a grueling and dangerous trek north from Kuwait in which they liberated countless Iraqis. Arriving in Northern Iraq on April 22, 2003, the division conducted the longest air assault in history, and quickly assumed responsibility for the ancient city of Mosul and the security of its citizens. Within 2 weeks of arriving in Mosul, the division rebuilt Khazir Bridge and facilitated the first free election in Iraq since the rise of the oppressive Baathists, allowing local leaders to elect the city's new mayor and regional governor.

In late July, acting on the word of a number of Iraqi citizens, the 101st was successful in locating Uday and Qusay Hussein. These two brutal thugs, along with their father, were symbols of an oppressive, evil regime that millions of Iraqis were forced to endure for decades.

Having successfully contained much of the remaining threat, the Screaming Eagles wasted no time in distinguishing themselves not only as liberators, but as partners in Iraq's reinvention. General Petraeus acted as a civil administrator by overseeing projects restoring electricity and water services, replenishing the area's supply of cooking oil, digging new wells, refurbishing over 500 schools, and building new health clinics. All of these projects were major successes.

I commend General Petraeus for his service and devotion to our Nation. I greatly respect his leadership. I applaud the good work that the 101st has been able to accomplish for the Iraqi people and in the war on terrorism. I can think of no better individual to

take on this important and difficult duty. I urge my colleagues to approve General Petraeus' promotion to the rank of lieutenant general.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE PLACED ON THE CALENDAR—H.R. 4275

Mr. WARNER. Mr. President, under rule XIV, I understand that H.R. 4275 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate, and for other purposes.

Mr. WARNER. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

NATIONAL SAFETY MONTH

Mr. WARNER. Mr. President, I turn to calendar 512, S. Res. 331, National Safety Month.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 331) designating June 2004 as National Safety Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the bill appear in the appropriate place in the RECORD.

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

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 331

Whereas the mission of the National Safety Council is to educate and influence society to adopt safety, health, and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic losses arising from preventable causes;

Whereas the National Safety Council works to protect lives and promote health with innovative programs;

Whereas the National Safety Council, founded in 1913, is celebrating its 91st anniversary in 2004 as the premier source of safety and health information, education, and training in the United States;

Whereas the National Safety Council was congressionally chartered in 1953, and is celebrating its 51st anniversary in 2004 as a congressionally chartered organization;

Whereas even with advancements in safety that create a safer environment for the people of the United States, such as new legislation and improvements in technology, the unintentional-injury death toll is still unacceptable;

Whereas citizens deserve a solution to nationwide safety and health threats;

Whereas such a solution requires the cooperation of all levels of government, as well as the general public;

Whereas the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution; and

Whereas the theme of ''National Safety Month'' for 2004 is ''Crash-Free June'', a national initiative intended to reduce motor vehicle crashes, which are the leading cause of injury death in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2004 as ''National Safety Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities that promote acknowledgment, gratitude, and respect for the advances of the National Safety Council and its mission.

HONORING THE CONTRIBUTION OF WOMEN ON THE HOMEFRONT DURING WORLD WAR II

Mr. WARNER. Mr. President, I ask consent that the Health, Education, Labor, and Pensions Committee, be discharged from further action on S. Con. Res. 103 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

The concurrent resolution (S. Con. Res. 103), honoring the contribution of the women, symbolized by ''Rosie the Riveter,'' who served on the home-front during World War II, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 103) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 103

Whereas during World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory;

Whereas women worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men;

Whereas these women demonstrated great skill and dedication in the difficult and often dangerous jobs they held, which enabled them to produce urgently needed military equipment at recordbreaking speeds;

Whereas the need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace;

Whereas the service of women on the homefront during World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs;

Whereas these women devoted their hearts and souls to their work to assure safety and success for their husbands, sons, and other loved ones on the battle front;

Whereas the needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home;

Whereas the needs of women on the homefront led to employer-sponsored prepaid and preventative health care never before seen in the United States; and

Whereas in 2000, Congress recognized the significance to the Nation of the industrial achievements on the homefront during World War II and the legacy of the women who worked in those industries through the establishment of the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California, as a unit of the National Park System: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving an Allied victory;

(2) recognizes the lasting legacy of equal employment opportunity and support for child care and health care that developed during the ''Rosie the Riveter'' era; and

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served the Nation as ''Rosies'' during World War II.

Mr. WARNER. I ask unanimous consent that the Senator from Virginia be made a cosponsor of that resolution.

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

ORDERS FOR TUESDAY, MAY 18, 2004

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Tuesday, May 18; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the second 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate begin consideration of H.R. 3104, providing medals for our service men and women as provided under the previous order.

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

Mr. WARNER. I ask consent the Senate recess from 12:30 to 2:15 for the party luncheons.

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

PROGRAM

Mr. WARNER. Mr. President, tomorrow, following morning business, the Senate will begin consideration of the service medals legislation. Under the previous order, there will be a short period of debate prior to a vote on passage. If all time is used, that vote will occur at approximately 11:15 a.m. The vote on the service medals bill will be the first vote of the day.

The Senate will then resume consideration of the Department of Defense authorization bill. We are prepared to consider amendments and I encourage Senators to notify us of their intent to offer amendments so we can begin to schedule for their consideration. It is the leader's intention to complete action on this bill by the end of the week.

Following the party luncheons, the Senate is scheduled to proceed to a cloture vote on the nomination of Marcia Cooke to be a district judge for the Southern District of Florida. Discussions on the state of judicial nominations are ongoing, and it is possible we may not require this cloture vote.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:13 p.m., adjourned until Tuesday, May 18, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 2004:

THE JUDICIARY

MICHAEL H. SCHNEIDER, SR., OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE JOHN H. HANNAH, JR., DECEASED.

DEPARTMENT OF STATE

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, 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 ZIMBABWE.

INTER-AMERICAN FOUNDATION

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE FRANK D. YTURRIA, TERM EXPIRED.

JACK VAUGHN, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE PATRICIA HILL WILLIAMS, TERM EXPIRED.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT

To be assistant surgeon

DANIEL MOLINA
JAMES D. WARNER

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

SONGHAI BARCLIFT
ANTHONY DUNNIGAN
DAISY ENG
RICHARD HEDLUND
MITCHELL MATHIS
MATTHEW OLNES
TOBE PROPST
GREGORY WOITTE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT

To be medical director

ALVIN ABRAMS
KELLY J. ACTON
ROBERT F. ANDA
JON K. ANDRUS
ROBERT J. BERRY
SUZANNE BINDER
EDWARD A. BRANN
RICHARD T. CALDWELL
VITO M. CASERTA
KENNETH G. CASTRO
ROBERT T. CHEN
THOMAS J. CREELMAN
JEFFREY A. CUTLER
DEAN F. EFFLER
DELORES A. ENDRES
RUTH A. ETZEL
MARIO E. FAJARDO
JOHN T. FRIEDRICH
HELENE D. GAYLE
THOMAS P. GROSS
DOUGLAS H. HAMILTON
HARRY W. HAVERKOS
BARBARA L. HERWALDT
SCOTT D. HOLMBERG
JOSEPH P. ISER
JOSEPH M. KACZMARCZYK
JONATHAN E. KAPLAN
CAROLYN V. LEE
SCOTT R. LILLIBRIDGE
NEIL J. MAKELA
THURMA MCCANN GOLDMAN
RICHARD J. MILLER
MELINDA MOORE
THOMAS R. NAVIN
RICHARD W. NISKA
STEPHEN M. OSTROFF
THOMAS A. PETERMAN
FRANK O. RICHARDS JR.
LAWRENCE D. ROBERTSON JR.
WILLIAM M. SAPPENFIELD
PAUL J. SELIGMAN
MARY K. SERDULA
PHILLIP L. SMITH
MICHAEL E. ST LOUIS
LOIS F. STEELE
RICHARD W. STEKETEE
ROBERT V. TAUXE
HUGH K. TYSON
WILLIAM C. VANDERWAGEN
DONNA L. VOGEL
RONALD J. WALDMAN
JOHN W. WARD
JAY D. WENGER
SCOTT F. WETTERHALL
STEFAN Z. WIKTOR
ALLEN J. WILCOX
LYNNE S. WILCOX
RAY YIP

To be senior surgeon

STEVEN B. AUERBACH
MARGARET C. BASH
RALPH T. BRYAN
JAY C. BUTLER
GEOFFREY M. CALVERT
RICHARD J. CALVERT
GRANT L. CAMPBELL
ARTURO H. CASTRO
DONALD W. CLARK
GEORGE A. CONWAY
ROBERT L. DANNER JR.
MARK E. DELOWERY
LUIS G. ESCOBEDO
ARTHUR J. FRENCH III
AURELIO GALATI
STEVEN K. GALSON
MARTA L. GWINN
DAVID M. HARLAN
GEORGE H. HAYS JR.
RICHARD L. HAYS
CLARE HELMINIAK
BRADLEY S. HERSH
PAUL J. HIGGINS
NOREEN A. HYNES
KATHLEEN L. IRWIN
WILLIAM J. KASSLER
VIRGINIA B. KOPELMAN
SANDRA L. KWEDER
EVE M. LACKRITZ
WILLIAM C. LEVINE
JAMES A. LEWIS
RONALD LIEBERMAN
BORIS D. LUSHNIAK
FRANK J. MAHONEY
WILLIAM J. MARX JR.
ELAINE MILLER
JOHN S. MORAN
PHUC NGUYEN-DINH
MANETTE T. MALACANE NIU
ELIZABETH ORTIZ-RIOS
BRADLEY A. PERKINS
ROGER D. PROCK
ROBERT E. QUICK III
STEPHEN J. RITH-NAJARIAN
EVELYN M. RODRIGUEZ
LISA S. ROSENBLUM
ANNE SCHUCHAT
STEVEN G. SCOTT
DONALD J. SHARP
SAM S. SHEKAR
MITCHELL SINGAL
LAURENCE M. SLUTSKER
DANIEL M. SOSIN
THOMAS K. STEMPEL
DAVID L. SWERDLOW
JORDAN W. TAPPERO
JACK A. TAYLOR
JUDITH THIERRY
THOMAS J. WALSH
WALTER W. WILLIAMS
JESSIE S. WING

To be surgeon

H. ALAN ARBUCKLE
SUSAN BLANK
KIM C. BROWNELL
D. W. CHEN
SCOTT F. DOWELL
ROSEMARIE HIRSCH
SARAH R. LINDE-FEUCHT
KAREN L. PARKO
MARY C. PORVAZNIK
STEVEN G. SCOTT
KENNETH SOWINSKI
STEVE J. TIERNEY

To be senior assistant surgeon

WILLIAM H. DUNN JR.
DIANA L. DUNNIGAN
DAVID R. GAHN
JOHN M. HARDIN
TANIA A. HURLBUTT
DOROTHY A. JENSEN
PAUL D. MAHER
MARIE A. RUSSELL
JOHN W. VANDERHOOF
JULIA C. WATKINS

To be dental director

VICTOR R. ALOS
MICHAEL J. ALPERT
WILLIAM D. BAILEY
BARBARA B. BEACH
ROBERT A. BEST
STEVEN M. BOE
FRED E. COY III
ALAN R. DEUBNER
M. ANN DRUM
WILLIAM E. EVANS
MICHAEL R. FOUNTAIN
RICHARD T. HIGHAM
BENJAMIN F. HOWARD
JAMES J. JAN
JAN T. JOSEPHSON
GARY J. KAPLOWITZ
JAMES M. LOGAN
MICHAEL L. MARK
RAY M. MCCULLOUGH
GENE J. MCELHINNEY
MARIAN P. MEHEGAN
ROBERT J. MORK
MARK E. NEHRING
STEVEN R. NEWMAN
MIGUEL RICO
JOHN L.M. ROBINSON
RAUL A. ROMAGUERA
ROBERT H. SELWITZ
JAMES E. SHEATS
SANDRA L. SHIRE
JEANINE R. TUCKER
BARRY H. WATERMAN
CLIFFORD D. WHITE
RICHARD H. WHITE
RUSSELL C. WILLIAMS JR.

To be senior dental surgeon

JEROME B. ALFORD
WILLIAM E. ATWOOD
RONALD E. BAJUSCAK
STEVEN J. BAUNE
THOMAS L. BERMEL
MITCHEL J. BERNSTEIN
SAMUEL L. BUNDRANT
APRIL C. BUTTS
ROBERT A. CABANAS
WILLIAM L. CANADA
ROGER L. CHO
DAVID L. CLEMENS
MICHAEL E. CRUTCHER
SCOTT K. DUBOIS
JEROME S. HOLBROOK
NORMAN W. JAMES
RODNEY F. KIRK
RAYMOND F. LALA
MARGARET L. LAMY
LAWRENCE B. LANE

JAMES E. LEONARD
TIMOTHY L. LOZON
NICHOLAS S. MAKRIDES
DAVID M. MCCOLLOUGH
STEVE J. MESCHER
LYNN G. PRICE
THOMAS A. REESE
JOSEPH P. ROSE JR.
RICHARD G. SCHRAGE
LEE S. SHACKELFORD
LARRY D. SHAPIRO
DARLENE A. SORRELL
SAUNDERS P. STEIMAN
ADELE M. UPCHURCH
MARK J. VANELLS
WALTON L. VANHOOSE
WILLIAM D. WOOD
JOHN T. ZIMMER

To be dental surgeon

THOMAS B. BREWER
ANITA L. BRIGHT
KATHERINE T. COTTON
GLEN A. EISENHUTH
STEVEN A. JOHNSON
RONALD D. SHEPHERD II

To be nurse director

MELISSA M. ADAMS
MICHAEL B. ANDERSON
BRUCE C. BAGGETT
MARTINA P. CALLAGHAN
MARTHA J. COURY
JANICE A. DRASS
SUSAN L. FIFER
KATHLEEN E. HASTINGS
NORMA J. HATOT
GALE L. HEAVNER
ROBERTA A. HOLDER-MOSLEY
MARY D. HUTTON
NANCY E. MILLER-KORTH
STEVEN E. NESSELER
DEBORAH L. PARHAM
MERIBETH M. REED
CRISTIN O. RODRIGUEZ
CAROL A. ROMANO
ANDREW C. STEVERMER
JOHN J. TUSKAN JR.
CHARLES R. VANANDEN III
KATHLEEN L. WALKER

To be senior nurse officer

MARY C. AOYAMA
FAY E. BAIER
WERNER H. BECKERHOFF JR.
LINDA S. BROPHY
MICHAEL D. BROWN
SHARLENE L. BRYANT
JOANN G. BURTON
JANICE M. CARICO
MARY CHAMBERS
MICHAEL W. CHANEY
BETTY L. CHERN-HUGHES
GAYLE N. CLARK
CLARA HENDERSON COBB
MARY P. COUIG
PETER L. CUEVA
DAVID A. FORSYTHE
DAVID P. FREETH
RUSSELL L. GREEN
KAREN D. HENCH
BYRON N. HOMER JR.
KIRK L. HOPINKA
BARBARA L. HSU-TRAWINSKI
ELLEN J. KING
ANN R. KNEBEL
KATHLEEN M. KOBUS
ARMANDO S. LEDESMA
CAROL L. LINDSEY
ROY C. LOPEZ
KITTY R. MACFARLANE
RUSS P. METLER
HELEN L. MYERS
MELVA V. OWENS
NANETTE H. PEPPER
BONITA S. PYLER
CAROLYN K. RILEY
DEBORAH C. ROMERO
CHERYL A. SEAMAN
NADINE M. SIMONS
CYNTHIA G. WARK
HARLEN D. WHITLING
ELLEN E. WOLF

To be nurse officer

VICTORIA L. ANDERSON
MARY L. ARNOLD
DOLORES J. ATKINSON
DEBORAH K. BURKYBILE
SANDRA A. CHATFIELD
MARY L. CLIFT
JOHN M. FRAMSTAD
BUCKY M. FROST
JOAN F. HUNTER
BRADLEY J. HUSBERG
LENORA B. JONES
LANCE L. POIRIER
TERRY L. PORTER
PRISCILLA J. POWERS
MARY F. ROSSI-COAJOU
SYLVIA TRENT-ADAMS
PAUL R. VARNEY
THERESA B. WADE

To be senior assistant nurse officer

DEBRA D. AYNES
AKILAH K. GREEN
MICHAEL J. LACKEY
JUDY L. PEARCE

To be engineer director

STEPHEN S. AOYAMA
GERALD V. BABIGIAN
CURTIS C. BOSSERT
DANIEL J. CARPENTER
KEVIN S. CHADWICK
JOSEPH C. COCALIS
JOHN T. COLLINS
THOMAS H. COOLIDGE
JOSE F. CUZME
JAMES A. DINOVO
ROBERT M. HAYES
WILLIAM A. HEITBRINK
WILLIAM B. KNIGHT
GARY A. MCFARLAND
RICHARD D. MELTON
DOUGLAS C. OTT
SVEN E. RODENBECK
CARL E. SULLENGER JR.
RODNEY VYFF
MARVIN WEBER
RANDY N. WILLARD
ROBERT C. WILLIAMS
KIM A. YALE

To be senior engineer officer

TIMOTHY G. AMSTUTZ
ROBERT E. BIDDLE
EZIO E. BORCHINI
THOMAS A. BURNS
RANDY J. CORRELL
KENNETH J. FISHER
STEVEN J. FORTHUN
KENNITH O. GREEN
DANIEL L. HEINTZMAN
DONALD J. HUTSON
PAUL A. JENSEN
CRAIG W. LARSON
KENNETH D. LINCH
KENNETH F. MARTINEZ
JEFFREY B. MASHBURN
DAVID I. MCDONNELL
ROBERT B. MCVICKER
RONALD L. MICKELSEN
RUSSEL D. PEDERSON
GEORGE D. PRINGLE JR.
JOHN P. RIEGEL
STEVEN H. RUBIN
ROGER G. SLAPE
GREGORY A. STEVENS
GEORGE W. STYER
RICHARD W. THAYER
KELLY R. TITENSOR
FRED E. WISEMAN JR.

To be engineer officer

SAMIE NIVER ALLEN
MATTHEW N. DIXON
GARY S. EARNEST
CHERYL FAIRFIELD ESTILL
RANDALL J. GARDNER
BRADLEY K. HARRIS
JAMES H. LUDINGTON
KENNETH R. MEAD
DANIEL D. REITZ
PAUL G. ROBINSON
ANTHONY T. ZIMMER

To be senior assistant engineer officer

MICHAEL S. COENE
NATHAN C. TATUM

To be scientist director

DAVID L. ASHLEY
ALEJO BORRERO-HERNANDE
LESLIE P. BOSS
WILLIAM G. BROGDON
DONALD H. BURR
SUSANNE M. CAVINESS
GREGORY M. CHRISTENSON
SUSAN M. CONRATH
ANN M. HARDY
GEORGE B. JONES
ALAN C. SCHROEDER
JOHN M. SPAULDING
CHING-LONG J. SUN
CHUNG-YUI B. TAI
ARMEN H. THOUMAIAN
RICHARD W. TRUMAN

To be senior scientist

MARY E. BIRCH
DEBRA G. DEBORD
LEMYRA M. DEBRUYN
JOHN A. ELLIOTT
MICHELE R. EVANS
ANNE T. FIDLER
BARRY S. FIELDS
G. SHAY FOUT
ANGELA M. GONZALEZ
DAVID HUSSONG
MAHENDRA H. KOTHARY
ROBERT W. LINKINS
WILLIAM G. LOTZ
JACQUELINE M. MULLER
CARL A. OHATA
MARK L. PARIS
ROGER R. ROSA
JOHN M. RUSSO
GLENN D. TODD
MILDRED M. WILLIAMS-JOHNSON

To be scientist

BRUCE H. GRANT
WILLIAM J. MURPHY
RICHARD P. TROIANO

To be sanitarian director

RANDY E. GRINNELL
JOHN J. HANLEY
RICHARD W. HARTLE
GREGORY M. HECK
GARY P. NOONAN
JON S. PEABODY
PAUL D. PRYOR
CHARLES D. STANLEY
JOHN A. STEWARD
RALPH T. TROUT

To be senior sanitarian

STEVEN M. BREITHAUPT
RICHARD W. DURRETT
RICHIE K. GRINNELL
CHARLES L. HIGGINS
BRUCE W. HILLS
BRENDA J. HOLMAN
KATHY L. MORRING
DAVID H. PEDERSEN
DOUGLAS C. PICKUP
CARL T. RYBAK
ALAN R. SCHROEDER
CRAIG A. SHEPHERD
JAMES S. SPAHR
PETER P. WALLIS

To be sanitarian

ERIC J. ESSWEIN
DEBRA M. FLAGG
MICHAEL P. KEIFFER
DIANA M. KUKLINSKI
JOE L. MALONEY
SUSAN D. MCCRACKEN
DAVID H. MCMAHON
DAVID M. MOSIER
DANIEL C. STRAUSBAUGH
KELLY M. TAYLOR

To be veterinary director

ROBERT J. CAROLAN
MARGUERITE PAPPAIOANOU
CYNTHIA L. POND
LINDA R. TOLLEFSON

To be senior veterinary officer

RICHARD F. CULLISON
JUDITH A. DAVIS
RONALD B. LANDY
DOUGLAS D. SHARPNACK
WILLIAM S. STOKES
AXEL V. WOLFF

To be veterinary officer

KRISTINE M. BISGARD
TRACEY C. BOURKE

To be pharmacist director

ELAINE G.E. ABRAHAM
RUSSELL E. ALGER
TIMOTHY W. AMES
JANET L. ANDERSON
JOHN T. BABB
ANTHONY J. BROOKS
JAMES P. COBB
PATRICK O. COX
ROGER D. EASTEP
BEVERLY J. FRIEDMAN
ROGER A. GOETSCH
ARDEN H. HANSON
PAUL L. HEPP
WILLIAM A. HESS
TRUMAN M. HORN
PAUL F. JAROSINSKI
ALLAN S. JIO
MAX LAGER
KEVIN M. LEMIEUX
RICHARD S. LIPOV
JON A. MCARTHUR
THOMAS J. MCGINNIS
YANA R. MILLE
JUSTINA A. MOLZON
THOMAS H. PEREZ
NICHOLAS P. PROVOST
DONOVAN J. SAUTER
CATHIE L. SCHUMAKER
LELAND R. STERN
GREGORY D. THOMAS
PAUL D. THOMAS
JAMES M. THOMPSON
THERESA A. TOIGO
CHARLES A. TRIMMER
NORMAN J. TURNER
DENNIS J. VETTESE
JEANNETTE Y. WICK
STEPHEN W. WICKIZER

To be senior pharmacist

RODNEY M. BAUER
GARY W. BLAIR
MICHAEL F. BRECKINRIDGE
RANDY W. BURDEN
GEORGE B. CARPENTER
MARK L. DEMONTIGNY
DARYL A. DEWOSKIN
JOHN A. ELTERMANN JR.
THOMAS J. FISCHBACH

PAUL D. GAILARD
CAROL E. GOODIN
MARIE B. GREENWOOD
JAMES R. HUNTER
ANTHONY R. KUYPER
ALVIN J. LEE
MICHAEL E. MARCARELLI
L. GLENN MASSIMILLA
JAMES C. MCCAIN
SHEILA M. OKEEFE
RICHARD R. POTTER
DANIEL P. RILEY
WILLIAM M. SINGLETON JR.
JAMES P. STABLES
JAMES P. STUMPFF
JOSLYN R. SWANN
TIMOTHY P. UTKE
CHARLES C. WATSON
JAMES W. WILSON III
CATHY PIERCE ZEHRUNG

To be pharmacist

ROBERT D. BRADY JR.
JOHN M. COLEMAN
WESLEY G. COX
DOUGLAS P. HEROLD
GRADY H. JAMES JR.
VALERIE E. JENSEN
NANCY E. LAWRENCE
JILL D. MAYES
SHARON J. MCCOY
PAUL J. NA
SHARON L. OESTEREICH
ROBERT G. PRATT
KURT M. RILEY
DONNA A. SHRINER
MATTHEW J. TAROSKY
LISA L. TONREY
JEFFREY W. WALLING
TRAVIS E. WATTS

To be senior assistant pharmacist

DAVID A. BATES
JAMES E. BRITTON JR.
STEVEN DITTERT
ELIZABETH A.D. GIRARD
DANA L. HALL
SHARON L. OESTEREICH
ERIC J. POLCZYNSKI

To be dietitian director

SHIRLEY BLAKELY
SANDRA D. ROBINSON
JANET M. TAYLOR

To be senior dietitian

KAREN M. BACHMAN-CARTER
TAMMY L. BROWN
LAURA A. MCNALLY
MIRANDA S. YANG-OSHIDA

To be dietitian

SILVIA BENINCASO
JULI M. HAWS
YOUNG S. SONG

To be therapist director

CHARLES L. MCGARVEY
MARIE A. SCHROEDER
THOMAS J. STOLUSKY

To be senior therapist

DOMINICK C. ARETINO
MARK W. DARDIS
MICHAEL P. FLYZIK
JOHN T. HURLEY
FRANCES M. OAKLEY
REBECCA A. PARKS

To be therapist

NANCY J. BALASH
BART E. DRINKARD
JESSIE WHITEHURST LIEF
JAMES W. STANDISH

To be senior assistant therapist

GRANT N. MEAD

To be health services director

ANNA J. ALBERT
TERRY L. BOLEN
PATRICIA E. BROOKS
HAMILTON L. BROWN
STEPHANIE D. BRYN
GUY E. BURROUGHS JR.
THOMAS F. CARRATO
ROBERT J. CARSON
VIVIAN T. CHEN
RAYMOND L. CLARK
CAROL A. COLEY
ROCHELLE E. CURTIS
ROBERT I. DAVIDSON
MICHAEL L. DAVIS
RONNIE L. DAVIS
CAROL A. DELANY
JEAN D. DOONG
JOHN D. DUPRE
JOHN M. GARBER
JAMES W. GARVIE
JESSE L. GLIDEWELL
TERENCE M. GRADY
NANCY A. HAZLETON
ELLEN M. HUTCHINS
KENT E. JAFFE
THOMAS M. JAKUB
GREG J. KULLMAN
DEBRA Y. LEWIS
HECTOR LOPEZ
ARNULFO MANANGAN
VON NAKAYAMA
MARTIN A. OBERLY
MARY S. PASTEL
CAROL REST-MINCBERG
JERRY L. SHERER
STEPHEN A. SOUZA
EDWIN S. SPIRER
WENDELL E. WAINWRIGHT
NANCY A. WILLIAMS

To be senior health services officer

VAL J. ALLEN
RONDA A. BALHAM
REGINA A. BRONSON
CHARLES J. BRYANT
NORMAN CAVANAUGH
RUST D. COREY
ELEANOR A. CROCKER
PETER A. DEMONTE JR.
MICHELE M. DOODY
EPIFANIO ELIZONDO
CLIFFORD D. EVANS
JOHN D. FUGATE JR.
JANET E. JOHNSON-LECLAIR
LAWRENCE E. KUCKEN
CHERYL A. LAPOINTE
STEVEN A. LEE
VIRGINIA M. MAHADY
ANN G. MAHONY
LLEWELLYN H. MASON JR.
LAWRENCE F. MAZZUCKELLI
LAWRENCE C. MCMURTRY
JAMES C. PORTT
JAMES M. RUCK
THOMAS R. TAHSUDA
ALBERT R. TALLANT
ROBERT G. TONSBERG
RICHARD C. VAUSE JR.
RICHARD C. WHITMIRE
WILHELMINA WILSON

To be health services officer

BRADLEY L. AUSTIN
CAROL E. AUTEN
JOSE H. BELARDO
PAMELA G. CONRAD
MICHAEL J. FLOOD
STEVE GURSKI III
MARK S. HOSS
R. ANDREW HUNT
RICHARD R. KAUFFMAN
DOREEN M. MELLING
NANCY A. NICHOLS
LARRY E. RICHARDSON

To be senior assistant health services officer

MONTA A. BREEDEN
ARIEL E. VIDALES

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BRUCE A. CARLSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. MICHAEL W. WOOLEY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BENJAMIN S. GRIFFIN, 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. JAMES F. AMOS, 0000

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

LT. GEN. HENRY P. OSMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES M. ZORTMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES G. STAVRIDIS, 0000

CONFIRMATION

Executive nomination confirmed by the Senate May 17, 2004:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. DAVID H. PETRAEUS