prioritizing the fight against some forms of terror over others.

The message we want to send has to be clear and direct. We will not tolerate any support for terrorism, especially among those who purport to be our friends.

Everyone has seen the Syrian action in Lebanon and we know how treacherous that is. They occupy the country and pretend they want to make peace, but they do not want to. They have not indicated by their actions that they want to.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—CONFERENCE REPORT—MOTION TO PROCEED

Mr. FRIST. Mr. President, it is my hope that we can go next to the Defense authorization conference report. We have some Senators who may want to make closing remarks, and then we would like to adopt this important conference report during today's session. I think it is fitting that the Senate act on this measure today, on Veterans Day.

Having said that, I ask my Democratic colleagues if they are prepared to allow for a 3-hour debate limitation prior to a vote on adoption of the Defense conference report.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have no problem going to the conference report today. We do not need a vote on the motion to proceed. We would go to that. We have our Congressional Medal of Honor winner, Senator INOUYE, who asked to be present when we vote on this conference report, and I think we should do that. He is somebody we all look upon as a hero, and he is doing veterans ceremonies in his State. We have no problem debating the bill today.

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

Senator STEVENS told me he would be back here at about 6:30.

Mr. REID. We would be happy to have 4 hours of debate today, equally divided, and a vote on it early in the morning, but we would rather not vote on the matter today. I would be happy to offer a consent request that we would complete our debate on it today, and vote on it, with maybe 5 minutes equally divided, early in the morning, at whatever time the leader chooses.

Mr. FRIST. Mr. President, we have a number of Senators who believe strongly that we ought to go ahead and bring this bill up, that we should debate it, and that on Veterans Day we should have that opportunity to vote on that bill, if at all possible. Therefore, I will not agree to put the vote off until tomorrow. We will be bringing it to the floor, and I think then we will have discussion, debate today, on this Veterans Day. We will see how it goes, and we may or may not be voting later tonight.

Mr. President, reclaiming the floor, thus, we have Members who would like this rollcall vote. Having said that, I move that the Senate proceed to the consideration of the conference report to accompany H.R. 1588, the National Defense Authorization Act, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER (Mr. CHAFEE). Is there a sufficient second?

Mr. REID. Mr. President, if I could ask a question.

The PRESIDING OFFICER. There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, could we keep this vote open for a little extra time, maybe an extra 20 minutes? We need 30 minutes because we have a Senator who is 30 minutes away. I know it is unusual to have a vote that long, but maybe this one time.

The PRESIDING OFFICER. The motion is not debatable. It would require a unanimous consent.

Mr. REID. I withdraw any request I have.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the consideration of the conference report to accompany H.R. 1588. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. KYL) are necessarily absent.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

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

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

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 446 Leg.]

YEAS—87

Akaka	Carper	DeWine
Alexander	Chafee	Dodd
Allard	Chambliss	Dole
Allen	Clinton	Domenici
Baucus	Cochran	Dorgan
Bennett	Coleman	Durbin
Biden	Collins	Ensign
Bingaman	Conrad	Enzi
Bond	Cornyn	Feingold
Breaux	Corzine	Feinstein
Brownback	Craig	Fitzgerald
Bunning	Crapo	Frist
Burns	Daschle	Graham (SC)
Cantwell	Dayton	Grassley
Gregg	Lott	Sarbanes
Harkin	Lugar	Schumer
Hatch	McCain	Sessions
Hollings	McConnell	Shelby
Hutchison	Mikulski	Smith
Inhofe	Murkowski	Snowe
Jeffords	Murray	Specter
Johnson	Nelson (FL)	Stabenow
Kennedy	Nickles	Stevens
Kohl	Pryor	Sununu
Landrieu	Reed	Talent
Lautenberg	Reid	Thomas
Leahy	Roberts	Voinovich
Levin	Rockefeller	Warner
Lincoln	Santorum	Wyden

NAYS—1

Byrd

NOT VOTING—12

Bayh	Graham (FL)	Kyl
Boxer	Hagel	Lieberman
Campbell	Inouye	Miller
Edwards	Kerry	Nelson (NE)

The motion was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1588), to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the RECORD of November 6, 2003)

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. As chairman of the Committee on Armed Services of the Senate, together with my distinguished colleague from Michigan, the ranking member, we are proud to bring a conference report on national defense authorization for fiscal year 2004 for final passage.

It is fitting that we consider this important legislation on Veterans Day, a day when our Nation pauses to honor those who serve in the Armed Forces, their families, and those who have gone before them, proudly defending our Nation's freedom.

I was deeply moved earlier today by the number of Senators on both sides of the aisle who spoke out with a sense of reverence and respect on this Veterans Day, November 11, 2003.

This bill provides much needed benefits to those now serving, and their families, in the Armed Forces, as well as addressing longstanding needs of military retirees and veterans. This has been an unusually interesting and somewhat lengthy conference. In my 25 years, I think Senator LEVIN and I

would indicate that it was quite a challenge, but I commend the distinguished chairman of the House Armed Services Committee, Mr. HUNTER, his colleague, the ranking member, the gentleman from Missouri, Mr. SKELTON, and above all my own partner of these 25 years, Senator LEVIN.

We had many challenging issues to resolve. Among them, of course, the base closure issues commonly referred to as BRAC; another category of provisions with regard to trade commonly referred to as Buy America, and the concurrent receipt issue which was pioneered in the Senate both last year and again this year.

We did resolve these issues. I say ''we,'' because, again, it was a partnership of the four of us working together for these several months. I am proud that we achieved our goals of concluding a conference which sent a strong message of support to our men and women in uniform and their families, wherever they are in the world today.

An undertaking of this magnitude is ultimately a bipartisan effort. I am proud in my many years on the committee, together with Senator LEVIN we have carried on the tradition of our predecessors, Senators Nunn and Tower and Goldwater and Stennis and Jackson. These were men of enormous distinction. We are proud to have that reputation as a committee. It prevails to this day and I hope on into the future.

I especially thank those who worked with me, all the members of the committee, not only my distinguished ranking member but the chairmen of the subcommittees and their ranking members. They all put in tireless efforts to make this bill possible. It is probably one of the largest, if not the largest money bill passed by the Senate, in terms of authorization. I readily salute and thank them for their many hours of work to make it possible.

No committees succeed without a dedicated professional staff. I think the staff of the Armed Services Committee is envied throughout the Senate, again, for its bipartisanship, for its long hours and, in many instances, for its original thinking which Members accept and incorporate into their legislative creations.

I especially want to recognize the efforts of the staff director of the Armed Services Committee, Mrs. Judy Ansley, and the Democratic staff director, Richard DeBobes, veterans of many years on the staff of Armed Services. Mrs. Ansley was my staff director when I was ranking member of the Intelligence Committee. She is an extraordinarily accomplished woman who proudly but humbly holds the title of the first woman in the history of the Senate to be the chief of staff of the Armed Services Committee. They have led a great staff of their subordinates, all of whom deserve—I wouldn't say equal credit, but nearly equal credit to the staff director and the Democratic staff director.

This staff worked long hours and helped Members reach the agreements that are contained in the conference report before us. It is always a challenge to the staff when it comes to conference. They are always ready to step up and accept that challenge and help us produce this conference report.

I believe it is a strongly bipartisan bill that serves the best interests of the men and women of our armed services and of our Nation today. I urge its swift passage to my colleagues.

As we stand here today beginning this conference report debate, hundreds of thousands of soldiers, sailors, airmen, and marines, active and reserve, guard, and countless civilians who have worked for many years in the Department of Defense and who support the troops—they collectively are serving bravely around the world, from the Persian Gulf region in Afghanistan, to Europe, North Korea, and on down as far as Australia, New Zealand, and that part of the world. All Americans are justifiably proud of what the U.S. Armed Forces and their coalition partners have accomplished in Iraq, Afghanistan, and in the global war on terrorism. It is far from over. But never let it be said those in uniform and their civilian counterparts have not done their duty.

We are ever mindful the defense of our homeland begins on the distant battlefields. To the extent that we can contain the threats on those battlefields or those areas which are not battlefields but are potential battlefields, the less likely that we would experience a problem here at home—as we reverently refer to 9/11 in our history.

As we begin this debate, we must pause and remember that military success is not achieved without sacrifice. Thankfully, Operation Iraqi Freedom and Enduring Freedom were remarkably swift in terms of days, weeks, and months. But no matter how well conducted those operations were, and are continuing, military victory does not come without sacrifice and loss. We extend our heartfelt sympathies to the families and loved ones of those who have lost their lives in these operations and in other military operations to make America and the world safe.

I also pause to say we think foremost about those who have given their lives, but many have given their limbs. They have bodies which have been wounded. Those wounds, in some instances, are carried for the rest of their lives. So let us keep in mind those who suffer the scars of war and those families which lovingly nourish and care for them and will in the years to come.

We mourn the loss of all of our soldiers and resolve to forever remember their service. In this month of Thanksgiving it is especially appropriate that we give thanks to those who serve and have served their Nation with distinction throughout its history.

I wear the poppy in my lapel today. It is now distributed all across America for veterans organizations. It reflects on the sacrifices of World War I—the enormity of the casualties this Nation suffered in that war. I am always especially proud of my father, a young doctor who served in that conflict in France, in the trenches, and cared for the wounded.

We are blessed to have this new generation of great Americans, so committed to American traditions, values, and ideals, carrying on the traditions of those who preceded them, with equal dedication, with equal valor. Without a doubt, the U.S. military is the most capable military force in the world today. We don't say that boastfully; we say it factually. It is a model of excellence and the standard by which others are measured. The provisions in this conference report sustain and improve on that excellence.

Throughout its history, America has never gone forward from our shores, in harm's way, to try to take the land, the possessions from others. There have been instances where we have had to occupy for a period. But by and large, we have always gone, and most certainly in two of these conflicts today, the two principal ones—Iraq and Afghanistan—we are there solely in the cause of freedom.

We must send a strong message of support to these men and women in uniform serving on the distant posts throughout the world, indeed the battlefields. They are bravely protecting our Nation here at home. By passing this important legislation today, we send that message. This conference report contains much deserved pay and benefits for military personnel and 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 successfully counter future threats. We must always be looking, not 1 year, not 2, but decades in the future, to try as best we can to ascertain what is the threat to freedom here at home, to freedom abroad, and to fashion those weapons to enable the Armed Forces of the United States, together with coalition forces with which we have fought in World War I and World War II and on the battlefields of Korea and in the battlefields today, to give those weapons to those brave persons to use them in the cause of freedom.

The conference report also makes significant improvements in the benefits for disabled veterans, as well as an important new benefit for members of the Reserve component who play such an important role in our national security.

When I use the word ''Reserve,'' I include the reservists equally as the National Guard. Sometimes it is a confusing term for those who are listening. By no means do I exclude either the Guard or Reserve. It is a total force.

I remember so well when I was privileged to serve in the Pentagon as Navy Secretary when Melvin Laird, the Secretary of Defense at that time, coined

the idea of having a ''total force'' and to discontinue the draft. It was a calculated risk, but we did it. It succeeded largely because there are many men and women of the Armed Forces today who are proud to say, ''We are volunteers'', or ''all volunteers.'' Fortunately, the National Guard and the Reserve have established themselves as a strong and equal partner in this total force concept.

This conference report endorses the President's budget request for defense in fiscal year 2004. And I wish to commend the President and the Secretary of Defense and all of those who prepared this budget that came to the Congress. It is largely incorporated in the conference report before us today. That report continues the momentum of recent years in making real increases in defense spending to sustain readiness, enhance the quality of life of our military personnel and their families, modernize and transform the U.S. Armed Forces to meet current and future threats, and take care of our retirees and veterans.

The conference report before us provides $401.3 billion for defense, including $74.2 billion for procurement, $63.4 billion for research and development, and $114.4 billion for current readiness. This is in addition to the $65.5 billion for the Department of Defense contained in the supplemental we just passed to sustain our forces in Iraq and Afghanistan and elsewhere in the world during fiscal year 2004. This conference report will authorize the Department's portion of the supplemental.

I once again commend the very brave and courageous and determined President of the United States in going to the American people and saying these funds are necessary not only to protect our freedom but the freedom of peoples throughout the world wherever we can work with our coalition partners in achieving those goals.

There are many provisions of this report that are important and of which I am very proud. I want to highlight just a few.

First and foremost is the 4.1 percent pay raise for the men and women in uniform, and the extension of special imminent danger pay, family separation allowances, and other benefits for those in harm's way. We are asking a lot of our men and women in uniform and their families in these challenging times, and they have never failed to respond. Their pay raise and extension of combat benefits contained in this conference report signal our strong support to those troops and their families.

For years, we here in Congress have been grappling with how to resolve the problem with concurrent receipts—an inequity that many use in our compensation system for disabled military retirees. By law, military retirees are prohibited from collecting both their hard-earned military pay and their disability pay. Last year, we were able to establish a new form of special compensation for military retirees with combat-related disabilities—so-called Purple Heart Plus. It was really conceived right in this very Chamber by a number of individuals, including Senator LEVIN, Senator HARRY REID of Nevada, Senator MCCAIN, and a number of other veterans who recognized that this was needed and that it was time. That was a start. We called it a beachhead. I am very pleased we have been able to expand on that beachhead in this conference report by extending the special compensation for combat-related disabilities to military retirees with disabling conditions due to combat or combat-related operations, and by phasing in full concurrent receipt over 10 years for those retirees with disabilities rated at 50 percent or greater. This is a major step forward.

I remember the day when there were three Senators standing right there in the well—Senator REID of Nevada, my distinguished ranking member, Senator LEVIN, and myself—and at that time the Senate bill had a concurrent receipt provision in it; the House bill did not. By voice vote, we passed that amendment and put it in this bill. By virtue of that action—not just the three of us; I happened to be here at that moment, but many others who had worked this issue—that was the beginning, that was the engine that finally drew this train out of the barn and down the tracks to where we are today. I think it is a successful achievement. And many in this Chamber made it possible. The Senate had that provision in its bill.

With respect to the controversial ''Buy America'' provisions, I believe the conferees reached a balanced compromise that shows our support for a strong U.S. industrial base without undermining our important defense cooperation and defense trade relationships with our allies.

The conference agreement also removes several unnecessary barriers to defense trade which are contained in current law. The ''Buy America'' provisions have the full support of all relevant agencies and the administration. The final version went through many iterations.

I commend the Director of the Office of Management and Budget who, working with the Chief of Staff of the White House, put this bill together in final form at the request of myself and others. With the President's goals clearly in mind, this revision was incorporated in this conference report.

My colleagues and the distinguished chairman of the House Armed Services Committee did a great deal of work on this provision. He was tenacious in his desire to see that this bill contained provisions important to the preservation of our industrial base, and those goals were achieved at the same time in a manner that is consistent with our goals as a nation of free trade.

A part of this conference report of which I am particularly proud is the provision which authorizes a program to begin replacing our aerial tanker fleet with new aircraft through a lease of no more than 20 KC–767 aircraft and a multi-year procurement of an additional 80 aircraft. Extensive analysis by the General Accounting Office and the Congressional Budget Office indicated the multi-year lease pilot program proposed by the Air Force would be significantly more expensive than a traditional procurement. After a hearing before the Committee in September 2003, the Department was asked to examine alternatives where a fewer number of aircraft were leased, with the rest of the 100 aircraft purchased under a multi-year procurement program. This examination confirmed that the fewer aircraft leased and the more aircraft purchased, the greater the savings. These findings have resulted in a conference agreement that will give the Armed Forces the modern equipment they need, but will save the American taxpayer over $4.0 billion over original proposals. This is a win for the Air Force and a win for the American people.

The civilian personnel system of the Department of Defense has been in need of reform for some time. The Secretary of Defense had the vision to determine that this had to be revised subsequent to the just earth-shaking, dramatic event of 9/11. He made a very strong personal effort to achieve it, and I think this bill reflects upon his great credit and tenaciousness and those of his colleagues.

We have included provisions in the conference report that will provide expansive new civilian personnel authorities for the Department of Defense. I am pleased we were able to provide the Secretary of Defense with the increased flexibility necessary to allow the DOD to respond to the new threats of the new century and the demands of the war on terrorism. While providing the new authorities, the conferees were sensitive to the concerns and the rights of the vital civilian employees of the Department of Defense. I have spoken on this floor many times, and rarely if ever have I omitted direct reference, because they are teammates—full teammates and partners—to the men and women who serve in uniform.

The establishment of a national security personnel system which is authorized in this conference report gives the Secretary of Defense the flexibility he needs to manage the current civilian workforce and to transform—and I underline the word ''transform''; it is essential. The Secretary of Defense has been unfailing in his efforts to look into the future and to transform the Department of Defense to meet those changing threats that are on the rise and needs to do so to manage his workforce for the future while providing appropriate protections and appeals processes for the employees.

I recognize the very hard work of my colleague, Senator COLLINS, my longtime friend in the House, Congressman TOM DAVIS, and indeed Senator LEVIN, who, together with Senator COLLINS in

the Governmental Affairs Committee, crafted a piece of legislation which was largely drawn as a model to follow in this instance. We did not measure up to all the goals in the Collins-Levin bill, but, in fact, we in large measure achieved a number of the goals of that piece of legislation.

Balancing the readiness needs of the Armed Forces with the critical need to protect the environment is always a challenge and a risk. We have included provisions in the conference report to make modifications to both the Endangered Species Act and the Marine Mammal Protection Act which ensure realistic training opportunities for our military without unnecessarily endangering environmentally sensitive areas.

There are many other important items in the conference report that deserve mention, from enhanced access to TRICARE for certain Reserve component members, and I particularly thank the distinguished Senator from South Carolina, who is a leader on this issue. We needed increased spending for our special operation forces to continue investment in important homeland defense initiatives.

The bottom line is this conference report is an extremely important piece of legislation that provides the resources to continue the global war on terrorism while safeguarding Americans here at home. It sustains the current readiness of the Armed Forces and provides resources to prepare them for the future.

This conference report sends a clear signal to our citizens throughout the world, to nations all over, that the United States is committed to a strong national defense and to the freedom so richly deserved by nations throughout the world. More importantly, it sends a clear signal to our men and women in uniform, from the newest private to the most senior flag and general officer, that they have the support of the Congress and of the American people.

I urge my colleagues to support this conference report legislation that upholds the President's fundamental national security priorities and makes the right investments in future capabilities. It is imperative we send our President, our fellow citizens, and the world a message of resolve from the Congress—a national defense authorization conference report that provides authority to our Nation's leaders and our Armed Forces to protect our Nation and our vital interests around the world. It takes care of the troops, their families, and our veterans, who have all served so well in the defense of freedom.

I yield the floor.

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

Mr. LEVIN. Madam President, I ask the chairman if it might be all right, and Members of his side, as well as other Members on this side, if I give my remarks—they are fairly lengthy—and if I proceed for 5 or 10 minutes and then yield to Senator JEFFORDS for his comments.

Mr. WARNER. I readily accede to the request of my full partner in working on these matters for these 25 years. We will do that and that will accommodate colleagues who are waiting to speak, if you do not mind that the chairman was rather lengthy in his remarks. It was important that be done.

Mr. LEVIN. I may actually be lengthier than the chairman.

First, I thank the chairman for his brevity. I would then be happy before I complete my remarks to yield to other Senators who may be waiting. Since I will be here all the time, I can complete my remarks.

I am pleased to join the chairman of the Armed Services Committee, and my dear friend, Senator WARNER, in urging the adoption of this conference report. The conference on this bill took 147 days to conclude, making it the longest conference on a defense authorization bill in the history of our committee. The agreement would not have been possible without the strength and the perseverance of Senator WARNER.

This is a historic bill for another reason as well. This conference report includes two key Senate provisions that serve the fundamental needs of the men and women upon whom we now call and upon whom we have called in the past to fight our Nation's wars. These two provisions are the concurrent receipt provision added by the amendment of Senator HARRY REID on the Senate floor and the TRICARE provision added by the amendment of Senator DASCHLE on the Senate floor. Senator WARNER's strong support was instrumental to the success on both of these issues. They simply could not have been achieved without the support of our chairman.

On concurrent receipt, the conference report would phase in full concurrent receipt of military retiree pay and veterans disability compensation for all retirees with disability ratings of 50 percent or greater. Currently, military retirees who receive VA disability compensation have their military retired pay offset by the amount of their VA disability compensation. The conference report would also expand the combat-related special compensation we enacted last year to reimburse all veterans for combat-related disabilities for any retired pay forfeited because of the prohibition on concurrent receipt.

I continue to believe it is unfair to require our disabled military retirees to forfeit earned retired pay in order to receive VA compensation for their service-connected disabilities. According to the Congressional Budget Office, the conference provision on concurrent receipt will benefit approximately 225,000 disabled retirees.

On TRICARE, the conference report would provide enhanced access to health care for members of the Guard and Reserve and their families, including TRICARE coverage that begins upon notification that a member of the Reserve component has been activated, TRICARE coverage that extends 6 months after release from active duty, and extended TRICARE benefits on a cost-share basis for members of the Reserve components and their families who do not have access to other health insurance coverage.

The citizen soldiers of our Guard and Reserve willingly place themselves in harm's way for their country. This is the least we can do to recognize their courage and their patriotism.

These two provisions address the fundamental needs of the men and women whom we now call upon and we called upon in the past to serve our country in uniform. They have something else in common, as well. Both of these provisions were included in the conference report despite the veto threat from the administration. On July 8th, the Secretary of Defense wrote to the conferees to state that providing these vital benefits to our veterans and to our Guard and Reserve would ''drain resources from important programs benefiting our military.'' The Secretary's letter stated if the President is presented with a bill ''authorizing concurrent receipt of military retirement pay and veterans disability compensation benefits or expands TRICARE, then I would join other senior advisers to the President in recommending that he veto the bill.''

As a matter of fact, as many will remember, the administration held up the enactment of last year's Defense authorization bill for several months and nearly stymied the bill because of the administration's opposition to concurrent receipt proposals similar to the language included in this year's bill.

The conference report before the Senate today contains both of these Senate provisions. This year, as last year, Senate conferees stood up for what they believed in despite the opposition of the administration. This year, as last year, we stood with America's disabled veterans, we stood with America's Guard and Reserve. Unlike last year, the House conferees agreed to go along with us. It was the right decision. I do not believe the President would have vetoed our conference report over these issues last year and I am confident he will not do so this year.

Again, I pay my respects to the chairman of our committee, because even though, as always, he is generous in giving credit to others for provisions in the bill, including his reference to Senator REID which he accurately made, without his leadership these provisions simply would not be in this conference report. All of our veterans and all the men and women in our military are and should be in his debt for his leadership in this and so many other ways.

This bill contains a number of other important provisions for our men and women in uniform. These include provisions that would increase military pay by 3.7 percent across the board,

with targeted pay raises for midcareer personnel, raising the average increase to 4.1 percent.

It extends increased imminent danger pay and family separation allowances, authorizing a high tempo allowance of up to $1,000 per month for active and Reserve personnel who experience unusually high tempo. It doubles the death benefit to $12,000. It authorizes survival benefit plan annuities for surviving spouses of Guard and Reserve personnel who die during inactive duty training.

It removes skill requirement limitations for reenlistment bonuses for members who reenlist in Afghanistan, Iraq, or Kuwait. It authorizes full replacement for household goods lost or damaged during military moves. It expands commissary use privileges for Guard and Reserve members and their families. It provides supplemental impact aid to assist schools with large numbers of children of military families.

I am pleased the bill would increase authorized active duty end strength for the Army.

Madam President, I now ask unanimous consent that I be able to yield to our good friend from Vermont, and then I would offer others the opportunity to follow him if they wish. I can complete my statement at a later time.

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

The Senator from Vermont.

Mr. JEFFORDS. Madam President, I thank the Senator from Virginia, Mr. WARNER, and the Senator from Michigan, Mr. LEVIN, for the good work they have done in crafting this important piece of legislation.

Mr. WARNER. Madam President, will the Senator indulge the manager for a moment to make an inquiry?

Mr. JEFFORDS. Please do.

Mr. WARNER. To accommodate other Senators, I ask the Senator about how much time he wishes to speak.

Mr. JEFFORDS. I say 5 or 6 minutes.

Mr. WARNER. Ten minutes.

Mr. JEFFORDS. Fine.

Mr. WARNER. We may have differences of views, but it is important.

Mr. JEFFORDS. I thank the chairman and also Mr. LEVIN, the Senator from Michigan, for the good work they have done. I appreciate the hard work that goes into these issues which I will be discussing.

This bill provides important support for the men and women of our Armed Forces who are subject to hostile attack while attempting to bring stability and democracy to the people of Iraq.

While I was strongly opposed to the invasion of Iraq, I believe that this Defense authorization bill is very necessary. If I had my way I would have changed some of its provisions, but on balance the Senate negotiators have done a very admirable job of crafting an acceptable compromise on most of the defense issues.

I am, however, quite displeased that the administration insisted on asking for language in this bill exempting the Department of Defense from provisions of the Endangered Species Act and the Marine Mammal Protection Act.

First of all, the Defense authorization bill is not the proper place to have this debate. Discussions about these landmark environmental laws ought to take place in the broader context in our environmental protection legislation. However we made a good effort at crafting compromise legislation in the Senate bill. I was quite distressed that the House conferees refused to go along with this reasonable approach.

In the 1950s, I was a gunnery officer on the USS *McNair*, a destroyer that participated in operations off the coast of Lebanon and had participated in actions to train our men in the service.

I retired from the Naval Reserves as a captain. I am a veteran, and I am also an environmentalist. The two are not mutually exclusive.

I understand firsthand that to be effective in the field, our soldiers, marines, pilots, and sailors must have the best possible training. I also understand that our country has an invaluable natural environment that we must protect as best we can.

As part of the 2004 Department of Defense authorization bill, the Department of Defense submitted the Range Readiness Preservation Initiative.

The RPPI created broad statutory exemptions for ''training activities'' of the DOD from five environment and resource laws: the Clean Air Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the Resource Conservation and Recovery Act; the Endangered Species Act; and the Marine Mammal Protection Act.

All of these laws, with the exception of the Marine Mammal Protection Act, fall under the jurisdiction of the Environment and Public Works Committee, of which I am the ranking member.

The EPW Committee held hearings on this proposal, in this Congress and in the 107th Congress, and found that the provisions of this proposal were unnecessary because the DOD had authority for seeking exemptions from these laws for national security reasons under existing law.

In particular, section 7–J of the ESA allows the law's requirements to be waived, at the request of the Secretary of Defense, for national security concerns.

To date, no Secretary of Defense has ever needed to utilize this provision of the ESA. Despite this, the DOD authorization bill reported by the Armed Services Committee contained a provision amending the ESA to provide that an Integrated Natural Resources Management Plan prepared by the Department of Defense could take the place of a critical habitat designation on DOD lands.

The Endangered Species Act has dramatically protected the diversity of our Nation's natural environment. Many species, including the bald eagle, the symbol of the United States, simply might not be in existence today other than for the ESA. Each year, since 1999 the annual list of endangered plant and animal species has exceeded 1,200.

The grizzly bear, eastern cougar, bighorn sheep, whooping crane, American crocodile, and five species of sea turtle are some of the more recognizable mammals, birds, and reptiles that are endangered but have been protected and need protection.

The ESA protects these animals and their habitats, and the hundreds of other animal and plant species that are threatened or endangered across the 50 States. This past May, the Senate stood up for the ESA—the Endangered Species Act—and changed the provision of the DOD authorization bill. We did that. We did our job. A majority of the Senate adopted an amendment to keep a balance between the needs of the Department of the Interior to protect species under the ESA and the Department of Defense's need to give our men and women in uniform the best and most realistic training possible.

The amendment required the Secretary of the Interior to make a written determination that the management activities identified in the INPRM would effectively conserve the species within the lands covered by the plan, and the plan assured that adequate funding would be provided for the management activities.

The day after that vote, the Senate overwhelmingly passed S. 1050, only to have its will overturned in this conference report. Supporters of the ESA exemption in this conference report will argue that the Pentagon's hands are tied when military training comes into contact with critical habitats of endangered species.

This is not the case. As I stated earlier, exemptions exist under current law. In this conference report, the exemption of DOD from the critical habitat designations of the ESA will not allow for case-by-case decisions and will make it give the Pentagon a waiver from endangered species protections, even when more conservation-friendly options may exist.

The ESA provision in this conference report provides no assurance that the INRMP will provide conservation benefits to species.

There is no definition about the kind of benefit that needs to be included in the plan or a requirement that the benefit be in some way equal to a critical habitat designation.

Critical habitat designations are intended to protect habitat, address habitat threats and pave the way for future recovery of the species. None of those requirements are contained in the word benefit. I can only hope that is how the Secretary of the Interior will define benefit in the written determinations required under this new language.

In addition, this conference report weakens the protections for marine

mammals. The conference report provides a weaker definition of ''harassment'' of marine mammals that is the trigger for needing a Marine Mammal Protection Act authorization from the National Oceanic and Atmospheric Administration and the Fish and Wildlife Service. This weaker provision is extended beyond military readiness to ''a scientific research activity conducted by or on behalf of the Federal Government.'' These activities do not have to be necessary for military readiness.

Also, the requirement under the MMPA that any takings of marine mammals be limited to ''small numbers'' of marine mammals, or limited to a ''specified geographical region'' where similar impacts are to be expected has been removed. Another weakening of protections for species.

My reasons for concern over the degree of DOD sensitivity to environmental dangers has been heightened by my recent work on behalf of Marines and their families from Camp Lejeune, North Carolina.

Thousands of retired and ex-Marines and their families were exposed to highly contaminated drinking water over 20 years ago for long periods. It is now coming to light that this contamination caused many birth defects and childhood cancers. The extent of this tragedy could have been significantly lessened if the DOD had been more sensitive to environmental concerns.

Therefore, I think it is a mistake to allow the Department of Defense to regulate its own environmental activities.

When an endangered species becomes extinct, it is lost forever. That is a very serious and eternal consequence of poor, shortsighted environmental policy. National security is more tightly tied to environmental security than many in the Pentagon would acknowledge. We cannot afford to try out a bad policy when the consequences are irrevocable.

I am opposed to changing the present requirement that DOD be concerned with both our national security and our environmental health. Because of my deep concern over these provisions, I must vote against this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I listened carefully to my colleague. I have the privilege of having served on the Environment and Public Works Committee for many years. The Senator referred to action taken by the committee when this issue was before it. Could he be more specific? I don't recall. He said the committee took certain actions. I am having difficulty recalling that the committee took an action.

We had a hearing. I remember consulting with my colleague about the essential need to have the Vice Chiefs of Staff of all the three military departments which came before the Environment and Public Works Committee. And to the individual, they were consistent in their urging that the Endangered Species Act be changed in such a way to permit—and this is the key—only this amendment to apply to Government-owned land on military reservations. I remember that. But does he recall the committee having taken action?

I think if you look back through your words, I listened very carefully.

Mr. JEFFORDS. Madam President, I will get back to the Senator from Virginia on that and provide him the information. I can't articulate it specifically right now, but I will get back to him with that information.

Mr. WARNER. I thank my friend.

Mr. LEVIN. Madam President, if the chairman will yield on that point.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. My recollection is that on the Senate floor we did add a significant protection, a criteria before the Endangered Species Act would be ignored. That was under the Lautenberg amendment that we would require there be a conservation benefit provided as well as adequate funding provided if the Department of Defense was going to proceed.

The Senator from Vermont's recollection relative to the committee perhaps refers to what we did on the Senate floor, which he also referred to in his remarks, where we did add important protection that was missing when the bill came to the floor, but a very close vote on the floor added that protection.

Mr. JEFFORDS. That is correct. That protection was added.

Mr. LEVIN. I am not sure if that is what the Senator was referring to.

Mr. WARNER. I listened to the ranking member, the Senator from Vermont. The ranking member said that the committee decided thus and so. I don't recall an action having been taken by the committee on which I am privileged to serve with my distinguished colleague.

Mr. JEFFORDS. I will get back to you on that.

Mr. LEVIN. Again, if the Senator will yield, I think actually in the committee we were unable to do what the Senator from Vermont had actually urged us to do and which I totally agree with. I thank him for his comments, which I share.

I reach a different conclusion on how I will vote on the whole bill because of the other provisions in it, but I happen to agree with him in terms of his analysis on the Endangered Species Act and on the Marine Mammal Protection Act and the damage that I believe we have needlessly done to those statutes when we could have done some things which would have protected both the environment and the training of our forces.

But in any event, I think that probably is what the Senator from Vermont is referring to, although I am not sure.

Mr. WARNER. Madam President, he has offered to clarify the record. I believe at this time if we go from side to side, would that be agreeable to the Senator from Illinois? Could I inquire of the Senator from Texas the amount of time he desires to speak.

Mr. CORNYN. If I may have 10 minutes.

Mr. ALLARD. Madam President, I would like to have an opportunity to speak.

Mr. WARNER. Then I ask unanimous consent that the Senator from Texas have 10 minutes and the Senator from Illinois have 10 minutes, and that is to be followed by the Senator from Colorado for 10 minutes.

Mr. ALLARD. I appreciate that.

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

The Senator from Texas.

Mr. LEVIN. If the Senator will yield, Senator AKAKA has been here as well. Perhaps after the Senator from Colorado, then the Senator from Hawaii would be recognized for 15 minutes.

Mr. WARNER. Absolutely.

Mr. LEVIN. If we could add that.

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

The Senator from Texas.

Mr. CORNYN. Madam President, I extend my thanks and appreciation to the Senator from Michigan for yielding and allowing me to say a few words during his comments. Particularly I express my appreciation to the chairman of the Armed Services Committee, the distinguished Senator from Virginia. The manner in which we have seen them navigate the traffic jam here on the floor this afternoon on this important legislation is indicative of the cooperative and collaborative effort that both the ranking member and the chairman have demonstrated throughout this lengthy process of reconciling not only coming up with a bill but reconciling the differences between the House and Senate on this important legislation.

I rise to say a few words about the Defense authorization conference report that is before the body today. On Veterans Day in 1954, President Eisenhower called upon all Americans to not only remember the sacrifices of those who fought so valiantly but to rededicate themselves to the task of promoting an enduring peace.

Today, almost 50 years later, we recall the dedication of all our veterans as we honor them on Veterans Day 2003. We take this time to honor them because they gave so much to all of us and to say a prayer for the men and women laboring overseas even now to spread the light of freedom to a land that was previously cloaked in darkness.

We must always remember the old adage which is still true that freedom is not free but was bought and paid for by the sacrifices of generations that have gone before us and, indeed, even the present one.

I can't help but think about my own father when I think about the sacrifices of generations that have gone

before, because he was a member of that greatest generation who at a young age flew in the Army Air Corps in a B–17 over Nazi Germany. On his 13th mission, he was shot down and captured by the enemy and imprisoned for 4 months in a German prison camp.

Later, when General Patton and his troops came through and liberated him and his colleagues, my dad would return to this country, to Corpus Christi, Texas, where he met my mother and where they married and raised a family and really became, as I said a moment ago, what we have come to know as the greatest generation. We owe, indeed, everything we have to the contributions and the preservation of our freedoms that they made. It is they and others like them who, since that time, have fought in the cause of freedom that we honor today.

I think it is altogether fitting that we consider this bill on Veterans Day because it accomplishes great things for all of the members of our Armed Forces, both active and retired, as well as their families. I have been amazed at how the senior Senator from Virginia, Chairman WARNER, has navigated this important legislation through the difficult conference committee process. I know it was not easy. It has been my pleasure to work with and learn from him during the course of my service on the Armed Services Committee.

This legislation authorizes more than $400 billion in budget authority for defense programs in fiscal year 2004. I strongly believe it is our duty to ensure that the U.S. military has the resources they need, whether it be the equipment, the facilities, or the training to do the job we have asked them to do, and to win the war on terror.

In short, we must do whatever is required to maintain our military's status as the greatest fighting force on the face of the planet, even as we transform the nature of that force to face the challenges of the future.

I am proud of the work that has been accomplished here in terms of providing an expanded entitlement to concurrent receipt to include thousands of more veterans. I believe it is indeed a major step in the right direction. Our veterans have more than earned this; they deserve it. I am glad this bill will expand the special compensation for the combat-related disabilities program to include all veterans whose disabling condition was due to combat or combat-related operations.

I strongly believe we are honor-bound to keep our commitment to our men and women in uniform and that our support of them will not end when they leave active duty and go into retirement. No veteran should ever be left behind. I will continue to work in this body to make sure that Texas veterans, indeed all veterans, receive the benefits they so richly deserve.

Our men and women in uniform, whether they be active duty or reservists, or members of the National Guard, are all doing a tremendous job fighting the war on terror. So I am especially glad to see that this bill provides for an average pay raise of 4.1 percent, provides enhanced access to TRICARE for members of the Reserves, and authorizes increased hostile fire pay and family separation allowances to continue.

When someone leaves their home to fight for the cause of freedom abroad, we know it affects not just that soldier, or that sailor, or that marine, or that airman; it affects their entire community, it affects their friends, and it affects their families. So we must not think only of the service of the brave men and women who fight on the battlefield, but the sacrifices their families make at home. Of course we must remember, above all, those whose loved ones will not be coming back, who paid the ultimate price so others may live free.

I especially acknowledge the hard work Chairman WARNER and the senior Senator from Arizona did on the Boeing tanker lease. I believe they were able to achieve an excellent compromise, one that will save the taxpayers more than $4 billion. It is critical that, while we allocate needed funds to ensure our Nation's defense, we also spend the money in a careful and fiscally responsible manner. I believe they have accomplished that, and we will accomplish that by approving the bill today.

Finally, I thank the conferees, and particularly the leadership, the chairman and ranking member, and others who have worked so hard, for including the bulk of the Military Citizenship Act, a bill I introduced, which will expedite the naturalization process for nearly 37,000 men and women serving in our Armed Forces who are not U.S. citizens. It will reduce waiting times, waive normal fees, and require the Secretary of Defense to enact a policy that facilitates the opportunity for a member of the armed services to finalize naturalization, including the granting of high priority for emergency leave and transportation on military aircraft. I believe there is no better way for us to honor the heroism and sacrifice of those who risk their lives for our fundamental national values than to offer them a full opportunity to enjoy the blessings of American citizenship.

In 1944, Winston Churchill spoke in the Royal Albert Hall to the veterans of another war, and he reminded them of the great and just cause they served. He said:

> We are joined together in this union of action which has been forced upon us by our common hatred of tyranny. Shedding our blood side by side, struggling for the same ideals, until the triumph of the great causes which we serve shall be made manifest. . . . Then, indeed, there will be a day of thanksgiving, one in which all the world will share.

Coming up to the current time in Iraq, of course, we know the fight is ongoing and there is still much to be done. But the difference our Armed Forces have made in such a short time is undeniable.

Less than a year ago, the idea that the Iraqi people could ever live in freedom was nothing but a dream. Now the vision of a free, prosperous, and peaceful Iraq is in sight. The day of thanksgiving is not here yet, but it is coming.

Thanks to the leadership of President Bush and the professionalism and patriotism of our Armed Forces, and the sacrifices of their families, it is coming soon.

One out of every 10 active-duty military personnel calls Texas home. I am honored to represent them, along with the senior Senator from Texas, Mrs. HUTCHISON. I am proud—and I know we are both proud—of the work that has been done on this Defense authorization bill to serve their needs while enhancing our national security. I wish our brave men and women in uniform godspeed and look forward to the day when these young men and women can stand beside veterans of past wars as living examples of selflessness and courage for the cause of freedom.

Madam President, I yield the floor.

Mr. WARNER. Madam President, I compliment the Senator from the Lone Star State, Texas, who rightfully can take pride in his services on the Armed Services Committee. He was most eloquent on behalf of the men and women of the Armed Forces, and indeed I appreciate his comments. I thank the Senator.

I believe we are under an order to proceed to the Senator from Illinois.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. WARNER. Madam President, first, may I say to the Senator that he has been working with me on a rather serious problem in the military regarding a helicopter. I commend him on taking those initiatives.

Mr. DURBIN. Madam President, I express my gratitude to the chairman for those remarks and also for his service to the Senate and the country. As chairman of the committee, with his able ranking member, Senator LEVIN of Michigan, they have produced an extraordinary bill at an extraordinary time.

To think we are now appropriating record amounts for our military defense is appropriate as America faces an act of war in Iraq and Afghanistan and literally commitments around the world. I know this bill is controversial in some respects. It includes in it a provision which I urged in the earlier debate on another bill. That is an increase in the combat pay and family separation allowance for those currently in harm's way, those involved in fighting and waging these wars.

I think that is the right thing to do. This committee was doing the right thing by including it so our men and women in uniform at least have some peace of mind that they know while they are facing imminent danger, while

they are separated from their families, we are going to try to give them additional assistance.

I join the Senator from Vermont in his earlier remarks. There are elements about this bill that trouble me. I understand by his remarks that they were elements urged by the House conferees, not the Senate conferees. I honestly agree with him. There is no reason why we should ever have to sacrifice our environment or the treasures of nature to protect America. In those rare situations where national security demands it, there is a law that allows for it. But this bill, unfortunately, goes a step too far, allowing the Department of Defense, I am afraid, to have a waiver from environmental requirements that is not necessary and, frankly, could endanger the environmental security in the name of national security. We could have done better. I hope we address this issue in the future.

There are two specific areas I would like to address that are touched by this bill, but not directly. They relate to the men and women who are currently fighting for this country and risk their lives even as we meet. It is appropriate on Veterans Day that we would be debating this bill. Our hearts go out to not only the men and women in uniform, but to all their families who worry and pray and hope the day will soon come when their loved ones return home.

I worry about what is becoming of the profile of America's military because it is changing. This bill acknowledges it, but we have to continue to acknowledge it. More and more we are dependent on the Guard and Reserve to perform important military functions of our Government.

Currently, about one out of every five fighting persons in Iraq is a member of a Guard or Reserve unit. With the callup that is anticipated in just a few months, that percentage will change dramatically. Over 40 percent of the people on the ground in Iraq fighting for America will be members of Guard and Reserve units. That is a dramatic departure from where we were just a few years ago in the Persian Gulf war when the Guard and Reserve played an important, but limited, role. Now the Guard and Reserve play a much larger role. Senator WARNER of Virginia alluded earlier to the concern I have, about the equipment and treatment of the Guard and Reserve who are activated, particularly in light of the tragic incident just a few days ago when an Army Chinook helicopter was shot down, killing 16 of our soldiers. Included among them was the pilot Brian Slavenas of Genoa, IL, who will be buried tomorrow.

I looked into this and was concerned that the appropriate equipment had not been committed to this Guard helicopter unit, a unit which comes from both my State of Illinois and the neighboring State of Iowa.

What I learned after an extensive investigation is that, in fact, when the 106th unit was activated to be sent overseas, it was represented they were fully operational and ready to fight. In fact, only 3 of the 14 helicopters had the necessary equipment to defend against shoulder-fired missiles.

When this was discovered, efforts were made to equip the other helicopters as they were being sent overseas, with some success but not complete. In fact, once they arrived in Kuwait in position to go into Iraq, further efforts were made by their commanding officer, Colonel Palumbo, and others to make certain they had the appropriate equipment.

During that period of time when equipment was being secured for these helicopters, they were flying dangerous missions. It troubles me. First, they should not have been activated fully operational when they were not. It should have been discovered at an early point. Second, it troubles me that they were flying on dangerous missions without the necessary protective equipment.

I understand the requirement of war sometimes makes those risks necessary, but considering what we know now about the shoulder-filed missiles and the ordnance ammunition on the ground in Iraq, I think extra precautions should have been taken to equip all of these helicopters before they were put in harm's way.

I trust that will be the standard to follow in terms of helicopters and that literally all Guard and Reserve units will receive the necessary equipment, the same equipment as Regular Army, before they are called into action.

That will be my standard and one I would like to hold this Department of Defense to, in cooperation with this committee.

The last point I wish to make is this: Several weeks ago this Senate considered an amendment I offered to the $87 billion emergency supplemental bill asking the Federal employees who are activated in the Guard and Reserve be held harmless in terms of their salary and income while they serve; that we at least provide for them as much money from the Federal agencies they are leaving as they would have made if they had stayed home.

This is not a radical idea. Dozens of States, local units of government, and private companies do this already across America, but we don't do it for Federal employees, despite the fact that of the over 1.2 million Guard and Reserve people in America today, 10 percent work for the Federal Government. Of those who are currently activated, 23,000 are Federal employees called away from their jobs and away from their families and homes to serve overseas.

By a vote of 96 to 3, we accepted this provision saying that, yes, the Federal Government would treat our activated Guard and Reserve employees the same as State and local governments already do. Then the bill went to conference. Sadly, on a partisan rollcall vote that provision was stripped out of the bill. Many of the same Senators who have come to the floor talking about their devotion to our veterans were not there when we needed them to keep this provision in our conference on the $87 billion appropriations.

I say to my colleagues on the floor, I am going to offer this Reservist Pay Security Act of 2003 again and again. To all my colleagues who stand proudly behind the men and women in uniform, let their votes reflect it. Let their votes reflect that we will treat our Federal employees as State and local government already treat their own. That is only fair.

As America becomes more dependent on the Guard and Reserve, it is only right and just that we stand behind not only the men and women in uniform, but their families so that their income is sustained while they are serving our country and risking their lives.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I understand the Senator from Delaware has a comment. He is trying to catch a train this evening and wants to take 1 or 2 minutes to comment. I ask unanimous consent that we let him speak, if it is OK with the chairman.

Mr. WARNER. Madam President, I certainly want to accommodate our colleague from Delaware. He has been a stalwart on defense. He was a naval aviator when I was privileged to be Secretary of the Navy. I am happy to accommodate him, I say to my Senator from Michigan.

Mr. LEVIN. I think we all appreciate that accommodation. I ask that accommodation be made without taking time away from the Senator from Colorado.

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

Mr. WARNER. Madam President, I inquire of my colleague from Delaware, how much time does he desire?

Mr. CARPER. Two minutes.

Mr. WARNER. Take up to 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I thank the chairman, and I thank Senator LEVIN and my other colleagues who graciously have given me a few moments.

We have been reminded during the course of the Afghanistan war and the conflict in Iraq of the need for our ability to deliver large numbers of personnel, equipment, and weaponry to the front. We deliver a lot of those items by sealift, and we deliver a good deal of it by air. Some 30 percent of the equipment going into Iraq comes through Dover Air Force Base. The aircraft that fly a lot of that equipment are C–5As and C–5Bs.

Several of us on the floor this evening have facilities that either have C–5s already operating out of them or will. There is a provision that has been agreed to in this conference report

which I think is worth touching on because I think it is of critical importance. The issue is how do we best provide for cost-effective airlift in the 21st century.

We have created an air bridge between this country and other fronts, including Iraq and Afghanistan. The air bridge includes C–5As and B's, it includes C–17s, and it includes C–130s in the theater. C–5As were built in the 1970s. C–5Bs were built in the 1980s, and the C–17s are literally being built today. The C–130s, some are old and some actually quite new. The C–5As that were built in the 1970s are believed to have a useful life on their wings and their fuselages for probably another 40 years. The same is true of the C–5Bs which are somewhat newer than the C–5As.

The House of Representatives had language that said that before we retire indiscriminately, prematurely, C–5As, we should allow a process to go forward which was agreed to in the earlier Defense authorization bills. In those earlier Defense authorization bills, we said we wanted the Air Force to install avionics modernization packages in three C–5s, along with reengining three C–5s, the hydraulic systems, new landing gear systems, new engines in one C–5A and two C–5Bs, and before we retire prematurely any more C–5As we should first go through that process on those three planes and flight test them in order to find out if those changes to the aircraft actually raise the aircraft readiness performance of C–5As and C–5Bs.

I thank the chairman and Senator LEVIN for agreeing to the House language, so that now we will go forward. The Air Force will have the opportunity to install both the avionics modernization package and the reengining package in one C–5A and two C–5Bs. The Air Force will have a chance to fully test those packages before we retire any additional C–5As.

There is report language in the Senate version of this bill that also says we need to update our estimate for what we need for airlift going forward in this 21st century. I think when we take that language and put it with the provision that says we are not going to prematurely retire any C–5As beyond the initial 14 that have been earmarked for early retirement, that gives us a very good package and one that I think enables us to better determine how do we cost-effectively provide airlift in the 21st century.

Again, I express my thanks to the committee and to our friends in the House for agreeing to this compromise. I think it is a good position for us, for the Air Force. I think it is a very good position for us who are interested in trying to find out how do we provide cost-effective airlift in the 21st century.

Again, I thank my friend from Colorado, Senator ALLARD, for yielding and the chairman and ranking member for allowing me to speak these words.

Mr. LEVIN. If Senator ALLARD would yield for 15 additional seconds.

Mr. ALLARD. I would be glad to yield for 15 seconds.

Mr. LEVIN. I commend the Senator from Delaware. His leadership on this issue is what really led to the result which was achieved, which he so accurately described. We have taken a logical step. The House approach to it was surely the lift that was needed, but the Senator from Delaware added a great deal to it and brought to our attention repeatedly this issue. I am glad the result is as satisfactory as it is.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I thank the Chair and note in a public way that it is an honor and privilege to serve with the Chair on the Armed Services Committee. I think it is entirely appropriate that the Chair is having an opportunity to preside in the Senate at the time when we have this important legislation affecting the armed services personnel. The Chair is a hard worker on the Armed Services Committee.

I rise to discuss the conference report for fiscal year 2004, the Department of Defense authorization bill. Before I discuss those provisions that I think deserve this body's attention, I believe it is important to note how difficult this particular conference was.

In fact, it is only because of the patience and perseverance exhibited by the distinguished senior Senator from Virginia that we even have an authorization bill. Senator WARNER has worked tirelessly over the last 4 months to come up with a compromise bill that this body could approve. He acted with integrity and poise despite the difficulties. I commend him for his efforts and thank him for his commitment to the Armed Services Committee and to our men and women in uniform.

I believe it is appropriate for this body to consider this important legislation today. The soldiers, sailors, airmen, and marines who have kept this country free and preserved the peace are owed a debt of gratitude by all others who have the privilege of living in America.

We in America are blessed with freedoms unattainable in any other countries, rights inconceivable elsewhere, and liberties guaranteed by our way of life. Our grandfathers fought in World War I hoping their sons would never have to. Our fathers again fought in World War II, Korea, and Vietnam keeping the same hope alive. We have recently fought in Iraq, Somalia, Kosovo, Afghanistan, and now again in Iraq. We hope that as we battle the war against terrorism, we can see the end of war as we know it and never have to send our sons and daughters into harm's way again.

Until that time, though, the least we can do to respect their service is honor them on Veterans Day. The least the Senate can do is approve this legislation which will do much to ensure our men and women in uniform are well equipped, well trained, and well provided for.

The conference report before us authorizes $401 billion for the Department of Defense and Department of Energy nuclear weapons programs. It also authorizes multiyear incremental procurement funding for the Air Force's planned acquisition of 100 tanker aircraft, which I will discuss in greater detail momentarily.

The first priority of this bill is to address many of the quality-of-life issues facing our troops today. It includes an average 4.1 percent pay increase and provides higher targeted raises for midcareer service members. The agreement also expands the benefits provided for disabled military retirees. Veterans who are more than 50 percent disabled or receive their disability during combat operations will now be able to currently receive retirement pay and disability compensation.

On top of this, the bill authorizes certain special imminent danger and separation pay through next year. I support these benefits and believe they will greatly assist those who are courageously serving our country.

Now I will turn to provisions in this bill relating to our country's military service academies. Since last January, I have been heavily involved in addressing the allegations of sexual assault at the U.S. Air Force Academy. This fine institution, which has produced thousands of outstanding Air Force officers, has been seemingly besieged by a culture of indifference.

Over the last 10 years, dozens of female cadets have been sexually assaulted but only a few have reported the crime and even fewer have received the kind of support and assistance needed to overcome such a traumatic experience.

In fact, some victims said they were punished for reporting a sexual assault and many feared they would be punished if they did report the crime. Nearly 65 female cadets came to my office and met with me and my staff. I cannot express enough my admiration for their willingness to tell their stories and for their determination to change the climate at the academy.

I have also been very pleased by the Air Force's response to these allegations. Immediately after I notified the Air Force, Secretary Roche and General Jumper ordered a comprehensive investigation. This investigation discovered a systemic lack of coordination of activities and information, inadequate command involvement, considerable cadet reluctance to report sexual assaults, and failed gender climate surveys.

The investigation led to the Air Force's agenda for change, new leadership at the academy, and a renewed emphasis on sexual assault prevention and response. Earlier in the year, Congress also created an independent panel to look into these allegations. That

panel, headed by former Congresswoman Tillie Fowler, found that Air Force headquarters needed to better oversee the activities of the academy, that the board of visitors needed to be more involved, and that the Department of Defense inspector general's office should fully investigate the role former academy and Air Force headquarters officials played in creating the climate that permitted these assaults.

Both the Air Force's investigation and the Fowler Commission recommended a number of important legislative changes. I am pleased many of these changes have been incorporated in the legislation before us. For example, each service Secretary must now prescribe a policy on sexual assault that promotes awareness of the crime, informs cadets of procedures for reporting, and describes procedures for disciplinary action. Perhaps more importantly, each service is now required to conduct an annual assessment on the effectiveness of the school's sexual assault program.

These assessments will help academy and headquarters leaders, as well as the Board of Visitors of each academy, in their effort to measure whether these programs are working.

The bill also includes a requirement for an Air Force study on the permanent professors and gives the Air force the authority to appoint a dean from an expanded pool of candidates.

I would like to take a moment to thank the chairman, Senator WARNER, for his assistance in addressing these problems. From the beginning, Senator WARNER worked with me to encourage the Air Force to appropriately respond to these allegations. His interest and dedication to fixing this problem were instrumental and invaluable. I have deeply appreciated his counsel and his willingness to devote the Committee's time to this issue.

As chairman of the subcommittee on strategic forces with oversight over national security space, strategic weapons, ballistic missiles, and nuclear weapons, I would like to take some time to discuss some important provisions in this conference report relating to these issues. Before I do so, though, let me first thank Senator BILL NELSON, the ranking member for the strategic forces subcommittee, for working so closely with me throughout the year. While we did not agree on every provision, his assistance and contribution helped make this a better bill.

Let me now address several specific provisions.

With regard to enhancing U.S. national security space capabilities, the conference report establishes a policy that states that the Nation will have an assured space launch capability, promotes the development of an effective space cadre, and authorizes additional funds for space control initiatives.

With regard to protecting our country from a ballistic missile attack, the conference report authorizes $9.1 billion for ballistic missile defense research, development, and procurement. Specifically, the report authorized an additional $100 million for ground-based mid-course system and $90 million for the PAC–3 Patriot terminal missile defense system.

With regard to improving the Department of Defense intelligence gathering capability, the conference report requires the Secretary of Defense to establish an intelligence, surveillance, and reconnaissance council to develop a roadmap to fully integrate the ISR efforts of the military services. The report also prohibits the National Imagery and Mapping Agency from spending more than 10 percent of its commercial space imagery budget on other important but unrelated projects.

Lastly, the conference report includes a number of provisions that will greatly improve our ability to deter a possible nuclear attack. One provision repeals the ban on research and development on low-yield nuclear weapons. Another requires the Secretary of Energy to achieve and maintain the ability to conduct an underground nuclear test within 18 months. Finally, the report authorizes $21 million for advance concept initiatives, of which $15 million is directed toward continuing a study on the robust nuclear earth penetrator.

I again wish to commend Senator WARNER, his staff director Judy Ansley, and the rest of his staff for their outstanding work on this conference report. I understand that this was one of the most difficult conferences in which Senator WARNER has ever had to participate. I was particularly impressed by the way he addressed the Air Force's proposed lease of 100 tanker aircraft. Like many other Members, I was greatly troubled by the budget implications of this lease. Senator WARNER'S compromise agreement will get the Air Force the tankers it needs while saving the American taxpayer nearly $4.0 billion. I supported the compromise and see it as another example of Senator WARNER'S determination to do what is best for our men and women in uniform.

I yield the floor.

Mr. WARNER. I thank our distinguished and very valued colleague of the committee, Senator ALLARD, for his remarks and his work on this bill.

Mr. ALLARD. I thank the Chairman. It has been a delight working with him.

Mr. WARNER. Mr. President, the distinguished ranking member and I are trying to work out accommodations for a number of Senators. The Senator from Hawaii will speak next, followed by the Senator from Maine.

Mr. LEVIN. Senator BYRD is here and has been waiting. I want to see if we can figure out how to accommodate also Senator DAYTON, I believe, tonight.

Mr. WARNER. Let me suggest the following. I will not ask for unanimous consent.

Mr. LEVIN. And perhaps Senator NELSON.

Mr. WARNER. I suggest our leadership, together with the managers of the bill, consider that, following Senator COLLINS, then we could go into a period of morning business and give Mr. BYRD the time he is seeking, and then Senators could come over as in morning business, speak on behalf of the bill, and ask their statements be printed in the colloquy prior to the unanimous consent request.

Mr. LEVIN. We are going to check with Senator NELSON at this point to see what his intention is. We believe Senator BILL NELSON wants to come tonight. Whether it is morning business or the bill, that should not be consequential although perhaps for some reason it might be. I want to finish my remarks also. Senator PRYOR we want to accommodate in the morning, as we have spoken about. Perhaps we can work all this out as Senator AKAKA has the floor.

Mr. WARNER. I have been notified Senator SESSIONS is on the way to bring his important contribution to this bill.

At this time I ask those Senators anxious to work with this tentative agreement to so advise the managers.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I fully support our men and women who have served and are currently serving in our Armed Forces. As the ranking member of the Senate Armed Services Subcommittee on Readiness and Management Support, I have worked with my colleagues to ensure that our military members are provided with appropriate resources and equipment to successfully accomplish their mission. I wish to state my appreciation for being a member of this committee, and to thank the Senator from Virginia for his leadership. I commend the Senator from Michigan for his guidance and leadership as well, and I also wish to thank my subcommittee chairman, the Senator from Nevada, Mr. ENSIGN, for working with me on readiness issues.

I also commend the committee members of both sides of the aisle, and also subcommittee members, for a job well done.

I am delighted to work with the Senator from Maine, Ms. COLLINS, chair of the Governmental Affairs Committee, as we deal with some of these issues.

I rise today, however, to express my disappointment with the outcome of the conference report on several issues. I am particularly concerned with the DOD civilian personnel system. We worked on this issue very hard in the Senate Committee on Governmental Affairs and came up with a bipartisan approach that the committee endorsed with a 10-to-1 vote. Our approach would have provided DOD important new flexibility to manage its workforce, but it would have done so in a manner that preserved important safeguards for DOD employees.

This balanced approach was supported by a substantial majority of the Senate conferees. Unfortunately, we understand that there was stiff opposition from the House conferees and the administration, which insisted that the Secretary of Defense be given unilateral authority to decide what protections, if any, would be available to Federal employees. We were able to win some significant concessions. The conference report includes Senate provisions that would preserve the right of individual employees to appeal adverse personnel actions to the Merit Systems Protection Board and the courts; direct DOD to maintain current funding levels for civilian pay; provide specific guidance on the implementation of a pay-banding system; and require DOD to work with the Office of Personnel Management on the implementation of the new system.

With these protections built in, I would like to be in a position to support the civilian personnel provision. Unfortunately, I cannot, because of the outcome on the issue of collective bargaining.

Unlike the Homeland Security Act, this conference report would not authorize the Secretary of Defense to waive Chapter 71 of title 5, which governs collective bargaining. These provisions remain in full force and effect for DOD. However, the conference report does authorize the Secretary of Defense to establish ''a labor relations system for the Department of Defense to address the unique role that the Department's civilian workforce plays in supporting the Department's national security mission.''

In general, the new labor relations system established by the Department must be consistent with Chapter 71, since Chapter 71 remains in effect. In a few areas, however, the conference report would specifically override Chapter 71. For example, the conference report states that the new labor relations system ''shall provide for independent third party review of decisions, including defining what decisions are reviewable by the third party, what third party would conduct the review, and the standard or standards for review.''

By giving the Secretary of Defense the authority to decide who reviews disputes, the issues to be reviewed, and the standard of review, this bill appears to hand one party the final say on all labor and management issues. This language is inconsistent with the concept of good faith bargaining between equals.

At the same time the administration has asked us to establish a new National Security Personnel System, it continues to pursue an aggressive outsourcing agenda and to strongly resist cost of living increases for Federal civilian employees. I am deeply concerned that the administration's agenda of taking away employee's rights, giving away their jobs, and cutting their pay could have a real demoralizing effect on the DOD workforce that has done so much for our national security for so long.

I am also disappointed by the outcome of the conference on environmental issues. In the past, our committee has worked on a bipartisan basis to ensure that DOD behaves in an environmentally responsible manner, without being unduly hampered by environmental requirements when it conducts essential military activities. This year, the administration worked with the majority in both Houses to force through a series of provisions exempting the Department from basic environmental laws.

In particular, this conference report would amend the Endangered Species Act to exempt defense lands from critical habitat designations without establishing appropriate environmental safeguards, as the Senate bill would have done. It would authorize DOD to conduct activities that have a significant potential to harm large numbers of marine mammals without even applying for a permit and having the appropriate regulatory agencies review the proposed activities. It would exempt Fort Huachuca in Arizona from the requirement for cumulative impact analyses under the Endangered Species Act. And it includes language, which is not in either bill and not in the jurisdiction of our Committee, that would direct the Army Corps of Engineers to issue new rules making it easier for private citizens to avoid their obligation to preserve wetlands.

The military service chiefs have testified before our committee that our armed forces are more ready today than they have ever been before. That is because the military services have gone the extra mile to find constructive ways to comply with applicable laws and regulations with a minimum impact on training and readiness. It takes hard work with regulators and impacted communities on a case-by-case basis to achieve these solutions, but the payoff comes in the credibility the department has earned as a good neighbor and a faithful custodian of the public lands.

I am concerned that the exemptions included in this bill could begin to undermine the trust and cooperation on environmental issues that we have worked so hard to build between the military and civilian communities over the years.

Finally, this bill includes deep cuts to essential military operations and maintenance accounts that I believe are misguided. During the committee's markup and floor consideration, I voiced my concern that the proposed reductions in the military services' working capital funds were so drastic that they may harm military readiness.

The working capital funds are a complicated but crucial financial tool the military services use to ensure adequate supplies of spare parts, both now and in the future. Deep cuts to those accounts cause fluctuations in prices that units do not have the funds to pay for, which puts readiness in jeopardy and is a disservice to the men and women that serve. I am pleased that this bill represents a slight improvement from the large reductions taken in the Senate bill, but remain concerned about the almost $1 billion the conference report takes out of working capital fund accounts.

I was also disappointed by the $150 million reduction in base operating support taken from the Air Force; these funds are critical to the upkeep and maintenance of Air Force bases. Without them, basic repairs will be foregone and service members' quality of work and life will suffer. This is not the right message to send to our air men and women as they continue to make huge sacrifices for our Nation.

I am pleased by the military construction provisions that we were able to include in the conference report. In support of our defense infrastructure as well as the quality of life for our service men and women, this year's bill includes $9.7 billion for military construction in the U.S. and overseas, $5.7 billion will fund mission-critical projects which support important activities such as training, deployment, and ongoing operations. An additional $1 billion will fund family housing projects which will directly impact the quality of life for our servicemen and women and their families.

Although this year's bill funds many essential construction projects worldwide, it also makes significant cuts to numerous overseas projects requested by the Department, specifically in Germany and Korea. Final decisions have not yet been made regarding our overseas presence, and the reductions in this bill potentially send the wrong message to our U.S. forces fighting overseas. We ensure that we continue to support our men and women overseas to accomplish their missions and that we offer them the quality of life they deserve.

Again, I strongly support the men and women who serve in our Armed Forces. I also support the 750,000 Federal employees who play a crucial role in ensuring that our Armed Forces have the equipment, training, and resources they need to accomplish their mission. I believe it is imperative that DOD work closely with communities surrounding military installations and training ranges to achieve a positive working relationship based on mutual trust, understanding, and respect. For these reasons, I am greatly disappointed with the outcome of the National Defense Authorization Act for fiscal year 2004.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Before Senator COLLINS is recognized, I thank Senator AKAKA for his statement and, more importantly, for his service on the committee as ranking member of the Readiness and Management Support Subcommittee. That subcommittee has

some of the most difficult issues which we have had to deal with this year; a number dealt with in ways I did not particularly agree with, either. As the Senator from Hawaii indicated, he had concern on a number of them, as well. Without his service on that subcommittee, we would have had many more problems than we ended up having. We are very appreciative and grateful for the service he provided.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that after I have concluded my remarks and the senior Senator from West Virginia has concluded his remarks that the Senator from Georgia, Senator CHAMBLISS, be recognized for 8 minutes.

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

Ms. COLLINS. Mr. President, let me begin my remarks this evening by commending the chairman and the ranking member of the Senate Armed Services Committee. Both Senator WARNER and Senator LEVIN care deeply about strengthening our national defense and about supporting the men and women who wear the uniform. It has been a great pleasure to work with both of my colleagues. I particularly appreciate their work on what was an extremely challenging conference with the House of Representatives.

Personally, I have very mixed feelings about this conference agreement, but on balance I believe it deserves our support. For example, it provides much-needed support for naval shipbuilding, it provides a pay raise and improved health care benefits for our men and women in uniform, it provides real progress in providing concurrent receipt to our disabled veterans. It has many provisions that are absolutely essential, particularly in this time of war.

On the other hand, I am disappointed, for example, with the environmental provisions that have been included in this conference report. I felt the Senate version of the DOD authorization struck a far better balance than the provisions in the House bill, or even the compromises that are included in this conference report. I believe it is a false choice to say we have to sacrifice environmental protection in order to allow our troops to get the training they need. I much preferred the Senate version in this regard.

What I most want to comment on tonight are the Civil Service provisions that have been included in this legislation. The primary goal of our Federal personnel system should be the recruitment and retention of the highest quality workforce to serve the citizens of the United States. Unfortunately, the current antiquated system does not always achieve that goal. It has become too cumbersome for agencies to hire good employees, particularly those with specialized skills or expertise. It has become too difficult to reward outstanding workers, and it has become almost impossible to remove poor performers. Clearly, reforms are needed.

Earlier this year, the Department of Defense delivered to Congress a far-reaching proposal to restructure the Department's civilian personnel system. Unfortunately, the Department's proposal went too far and it did not include important safeguards to protect good employees.

To strike a better balance, I worked hard with several of my colleagues, including Senator LEVIN and Senator VOINOVICH, to craft an alternative that would give the Department of Defense the authority it needed to create a more responsive system while providing vital protections for the civil servants who work for the Department. The stakes in this debate were very high because the Department employs some 735,000 civilian employees. That is approximately a quarter of the entire workforce. So we needed to get this right. We needed to come up with a system that was more flexible but that was also fair to the civilian employees of the Department.

Title 5 of the United States Code sets forth the rights and the duties of Federal workers and defines their relationship with management. It is a series of laws committed to the jurisdiction of the Governmental Affairs Committee which I am privileged to chair. I take our responsibility for these laws very seriously. In fact, I would have much preferred for this matter to be addressed through the normal committee process. Indeed, the Governmental Affairs Committee, as Senator AKAKA mentioned in his remarks, approved a carefully drafted bill by a vote of 10 to 1. This was a bipartisan bill that Senator LEVIN helped to craft, along with Senator VOINOVICH and myself. It had the cosponsorship of several members of the committee including Senator AKAKA, Senator SUNUNU, and several others.

Unfortunately, the House acted to include this issue as part of the Defense Department authorization bill and thus that prompted the resolution of this important matter in conference.

This conference agreement, while by no means perfect, is a reasonable compromise to the challenge of modernizing an outdated system while protecting employees' rights. It is not as I would have drafted it. It does not represent fully the compromise so carefully crafted in a bipartisan manner by the Governmental Affairs Committee, the committee of jurisdiction. But we have included several important safeguards in this conference report.

For example, employees subject to adverse personnel actions will have an independent appeals process and an independent third party will resolve collective bargaining disputes. These are two essential reforms that were not included in the Department's original proposal.

Another very important provision in this bill has to do with the collective bargaining rights of the Department's employees. The Department of Defense has repeatedly claimed it has no desire to waive the collective bargaining rights of its employees. Indeed, the bill before the Senate specifically states the Department does not have the authority to waive the chapter of title 5 that governs labor-management relations. Thus, I fully expect the labor relations system developed by the Department will abide by the principles enumerated in chapter 71, such as the duty to bargain in good faith—a duty that applies to both labor and management, incidentally—and the prohibition against unfair labor practices.

Furthermore, the Department's ability to change employee management relations sunsets in 6 years, providing an additional check, another safeguard, on the Department as it develops its labor relations system. We put in specific language to require collaboration with the representatives of employees to make sure this is a collaborative, rather than a confrontational, process.

In addition, the final bill does not include the unilateral waiver authority sought by the Secretary which would have enabled the Department to waive the process for developing the system in the interests of national security.

This actually was originally proposed by the Department and was a completely unilateral waiver that would have allowed the Secretary to waive virtually all personnel laws and regulations. I am pleased we have not included that authority. I do not think it is necessary, and it is contrary to the spirit of developing a modern personnel system in a collaborative way with the employees of the Department.

The Governmental Affairs Committee will keep a very close eye on the Department of Defense as it develops the regulations to implement the new national security personnel system to ensure a collaborative process that will lead to a modern, effective, and fair personnel system. Senators LEVIN, VOINOVICH, SUNUNU, STEVENS, AKAKA, LIEBERMAN, and CHAMBLISS, and I will work together with our colleagues who care about this issue on both committees to ensure that the Department creates a system that is consistent with the merit system principles afforded to other Federal employees.

The Office of Personnel Management will also play a crucial role in the development of the system. And I trust that the Department will make every effort to use the expertise of Director Kay Coles James and her staff.

Finally, I thank Senator LEVIN, who has worked so hard on this issue. As the ranking member of the Senate Armed Services Committee, and as the senior member on the Governmental Affairs Committee, he, more than any other Member in this body, has unique experience and expertise which he brought to bear on this issue.

I also pay tribute to the chairman of the committee, Senator WARNER, who was very gracious in deferring to my

strong interest in this area. He did allow and encourage me to take the lead in what were difficult negotiations with the administration and the House on this issue.

In the end, the product is not the one I would have preferred, but it does represent a reasonable approach and one that I hope will be successful in creating a modern, fair, and efficient personnel system for the Department of Defense.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if Senator BYRD will yield for just one moment.

Mr. BYRD. Yes, I am glad to yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank Senator COLLINS. In her usual modest way, she has given much too much credit to others for something on which she deserves the lion's share of the credit, which is an outcome which is not what either she or I would have preferred but is far closer to that outcome than would have been the case but for the persistence and—I will add the word here—courage of one of our colleagues; that is, Senator SUSAN COLLINS of Maine.

The rights are protected here that are essential to employees that will lead to greater collaboration between employees and the Defense Department because of her tenacity. I salute her for it and commend her for it.

It was a pleasure to work with her, on a bipartisan basis, in the Governmental Affairs Committee on the bill to which she has referred. Her outline of what was accomplished is indeed an accurate outline. I will have more to say about that later. But in the meantime, I express my gratitude to her. I think all of us, those of us who were even unaware of the outcome in any detail, will someday understand the contribution Senator COLLINS has made to the personnel relations in this Government, particularly in the Defense Department.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I begin by thanking the distinguished Senator from Virginia, Mr. WARNER, and the equally distinguished Senator from Michigan, Mr. LEVIN, for their courtesies and accommodations to me on this occasion and on innumerable, innumerable previous occasions as well.

We are now in the sixth week of fiscal year 2004 and the Congress has only presented the President with 4 of the 13 appropriations bills. The third continuing resolution under which most of the Government is operating expires on November 21. Regrettably, the Senate has yet to approve 3 of the 13 bills. The House and Senate Republican leaders have expressed their intent to move to what has become known as an omnibus appropriations bill.

I hope that the Senate does not once again fall prey to this monster known as an omnibus. An omnibus is a legislative creation without a mother or a father. It is more like a Frankenstein creature—a being patched together from old legislative body parts that don't quite fit.

And just as Dr. Frankenstein was quite surprised by the results of his creation, so may we be startled by the results of ours. Hastily drafted legislation, as Senators in this body well know, often has strange and unintended consequences. This omnibus would include at least three and as many as seven bills. It would be at least a $130 billion ''Frankenstein'' of a bill, and no one knows what other appendages would be attached to it as the Republican leaders rush to close out this session of Congress.

Under the cloak of a continuing resolution, the House has already passed just such a $190 billion omnibus bill that would fund 9 of the 15 Departments.

In accordance with the Constitution, revenue bills must originate in the House of Representatives and, by custom, most appropriations bills likewise originate in the House, but under the guarantees of the Constitution, as those guarantees flowed from the Great Compromise of July 16, 1787, the Senate has the right to amend those revenue and appropriations bills, as in all other bills.

The House can open the door to legislation on an appropriations bill, but if the Senate is denied the opportunity to consider amendments, or is severely limited in the number of amendments which it may consider, Senators are thereby denied the opportunity to offer amendments of their own and the potential for the achievement of truly good legislation in the final result, is, accordingly, lessened. The people's right to representation in the Senate would be denied and the likelihood of legislative errors in the final product is increased.

I believe creating an omnibus bill would be a grave mistake. The Framers saw the Senate as a powerful check against an overreaching executive. If free and unlimited debate is bridled and the right of Senators to offer amendments is hindered or denied, is not the Senate's power to check the executive accordingly diminished?

Sadly, the House and Senate have resorted to omnibus bills many times in recent years. In January of this year, Congress produced a monstrous 11-bill omnibus. For fiscal years 1996, 2000, and 2001, we produced omnibus bills that contained five bills each year. In fiscal year 1997, we had a six-bill omnibus, and in fiscal year 1999, we had an eight-bill omnibus. Every one of these massive bills, written in the compressed environment of a threatened Government shutdown, resulted in the White House being at the table, writing our appropriations bills with us.

Which party commands the White House at a given time should really make no difference as to how we conduct our duties in the writing of appropriations bills. We are here to work with, but also to act as a check on the occupant of the White House, and to reflect the people's will. We are not performing that watchdog function when we invite the White House behind closed doors.

I stood in this Senate and decried the omnibus bills during the last administration. I do so again today. I deplore this process. Through this process we, in effect, circumvent the supreme law of the land. We circumvent the Constitution. Just as I expressed to the Senate during the Clinton administration, by producing omnibus appropriations bills, we blur and we blend the very clear lines of the separation of powers set out in our national charter. Instead we cook up an unsavory soup which will be force-fed to the American people in order to avoid a completely avoidable Government shutdown.

Between fiscal year 1986 and fiscal year 2003, 25 appropriations bills were incorporated into omnibus appropriations legislation without having first been considered by the Senate. For example, the Labor-HHS-Education and Foreign Operations bills were included in omnibus legislation four times each without having ever been considered by the Senate. The people are certainly entitled to a full debate when it comes to deciding how to spend their tax dollars. After all, it is their money, isn't it. We heard that cry over and over again during the tax cut debate. May I observe that it is the people's money in an appropriations bill as well.

Some may believe that we have had so many omnibus bills in the last decade that defaulting to an omnibus bill has become an inevitable part of the legislative process. I stand here today to tell the Senate that this is not the case. In the 7½ years that I chaired the Appropriations Committee, from 1989 to 1994 and in 2001 and 2002, I never resorted to an omnibus bill to complete the 13 bills. What it takes to avoid the omnibus is the will and the drive to stand up for the rights of all Senators to debate important legislation and to complete all 13 appropriations bills.

I commend Senator TED STEVENS for his valiant efforts to move the appropriations bills forward this year. I know that he would prefer that the Senate debate the remaining bills as freestanding bills. The situation that Chairman STEVENS finds himself in is not of his making.

I must ask our leaders, why are we not considering appropriations bills the rest of this week? Why was the Senate in recess the week of October 6? Why was the Senate in recess for the entire month of August? Why is the Senate taking 3 days this week to debate judicial nominations?

I am pleased that the Senate leaders have allowed the Senate to debate the Transportation-Treasury bill, Foreign Operations and Agriculture bills. However, I remain concerned that there

will be an effort to fold all of the remaining conference reports into an omnibus bill along with a polyglot of unknown authorization bills and the White House will dictate the contents of the bill.

I am concerned that once again the leadership will dictate to the Appropriations Committee that we include legislative matter in the omnibus bill that were not considered in the appropriations bills when the bills were before the House or Senate. There are already rumors swirling that the FAA conference report, the Water Resources Development bill, the Internet Tax Moratorium bill, and the healthy forests bill will be dropped into the omnibus. In 1999, the Senate reinstituted rule XVI, concerning legislating on an appropriations bill. In 2000, the Senate reinstituted rule XXVIII in order to avoid the insertion of new matter in conference reports. I hope our leaders will not allow these critical rules, which protect Members' rights to debate, to be abused.

In the past, before rule XVI and rule XXVIII were reinstituted, omnibus bills were used to enact scores of such measures, such as Medicare givebacks legislation, a tax extenders law, Community Renewal Tax Relief, Immigration Reform legislation, and debt collection legislation. We should not travel this dark and pot-hole-riven road again.

I am also concerned that the Senate has been passing bills with promises of spending on critical programs that will prove to be pure fantasy. The Senate approved $1.3 billion for veterans medical care on the Iraq supplemental and in conference, what happened? It disappeared, just like that. Houdini was there. The Senate, by a vote of 63–31, approved $1 billion to implement election reform legislation that the President signed last October 2002 but he underfunded in his budget. However, the Transportation-Treasury conferees have not been given any additional allocation to fund this increase. The Senate approved a $289 million increase for global AIDS, but the conference has been given an allocation that will force them to reduce the Senate Foreign Operations bill by $1.2 billion. The Labor-HHS-Education conferees are being told that they have to cut the Senate bill by $765 million. I hope the Senate will not fall back on an across-the-board cut on all programs to pay for these requirements. The bills are already lean. Across-the-board cuts will hurt veterans programs, homeland security programs, transportation programs and education programs.

Last Spring, this Senate approved a budget resolution that put tax cuts first. We knew at that time that the budget resolution would explode our deficits by placing tax cuts for the wealthy at the front of the line and funding for critical veterans programs, education programs and homeland security programs were at the bottom of the pile. Now that decision is coming home to roost. I fear that the Senate will soon be asked to sweep the bad news into a single, omnibus bill and ship it down to the White House.

I call on our leaders to reject the easy allure of the Frankenstein omnibus. We should debate each of the remaining bills and send the President all 13 bills for his consideration, for his signature or for his veto. The Senate is the upper house of a separate branch of government, with institutional safeguards that protect the people's liberties. We should not fall prey to the omnibus. We should not allow enactment of massive, monstrous, omnibus appropriations bills to turn Senators into legislative automatons.

The Senate should rise up and reclaim its full constitutional powers by insisting that we will work whatever amount of time it takes, for whatever number of days of the week it takes, to take up and pass all appropriations bills. We should never again revert to using an omnibus appropriations bill, which will likely come before this Senate in the form of an unamendable conference report. We should insist on a full debate on all of the remaining appropriations bills and send the President 13 regular appropriations bills.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise in strong support of the conference report on the fiscal year 2004 National Defense Authorization Act. I believe this legislation does a tremendous amount of good for the men and women in our Nation's military and their families, for America's veterans, and for our country's efforts in Iraq and Afghanistan.

I say a special thanks and congratulations to the Chairman from Virginia, Mr. WARNER, as well as the Ranking Member, Senator LEVIN of Michigan, for their bipartisan spirit in the preparation of the original bill that came out of committee and passed on the floor of the Senate, as well as the preparation of the conference report, which we will soon conclude. Senator WARNER and Senator LEVIN showed strong leadership throughout the process.

I also wish to point out one particular thing that we in the Personnel Subcommittee tried to address. It is pretty obvious, as we look back at the current conflict in Iraq and the recent conflicts that have taken place around the world, that we are calling more and more upon our Guard and Reserve to serve on a regular basis. It is incumbent upon us that we do more to equalize the status of the Guard and Reserve and the Active Force.

As the Senator from Tennessee, Mr. ALEXANDER, knows, he and I have conducted a number of hearings around the country relative to the treatment of children of military families, including the Guard and Reserve. We want to make sure that we are providing all the support necessary for our Guard and Reserve as well as our Active Force to make sure that military families have the kind of quality of life we want them to have and that they expected to have when they signed up for military service.

As chairman of the Subcommittee on Personnel of the Committee on Armed Services, I am proud of the significant actions that we and our House colleagues have taken in this legislation to help ease the burden for the brave soldiers, sailors, airmen and Marines who serve our Nation.

Specifically, the conference report authorizes an average 4.15 percent pay raise for service members and a higher, targeted pay raise up to 6.25 percent for mid-career personnel.

The conference report reduces service members' out-of-pocket housing expenses and it authorizes payment of special pay for positions of unusual responsibility and of a critical nature for our Reserve component, in order to ensure that Reserve and Guard personnel serving in command positions are recognized for their important contributions.

The report authorizes continued payment of special pay and bonuses for both Active Duty and Reserve personnel. Payment of increased rates of the family separation allowance and special pay for duty involving hostile fire and imminent danger at the higher monthly rates designated earlier this year are continued.

The conference report also provides enhanced access to TRICARE for members of the Reserve components and their families, and in a meaningful gesture of support for the invaluable contribution of our selected Reserve, it provides full commissary access for National Guard and Reserve personnel.

I want to particularly thank these Members of the Senate—Senators LANDRIEU, GRAHAM, ALLEN, ALEXANDER, and others—who have worked very closely with this Member of the Senate, to ensure that the equalization of the Guard and Reserve with the active force continues to move in the right direction. As we ask our military men and women and their families to do more and more, it is only right that we continue doing all we can for them. This important legislation continues to ensure that we have the best trained, best prepared, and best equipped troops in the world.

I am very pleased that this conference report includes an agreement on concurrent receipt, which I believe is long overdue and is directed at the most deserving disabled military retirees. The conference report would extend concurrent receipt for all disabled veterans rated 50 percent and higher phased in over the next 10 years. It would also make special compensation for combat-related disabilities available to every disabled military retiree—Active and Reserve—whose disability was incurred as a result of combat or combat preparation causes.

In my 8 years in the House, prior to coming to the Senate this year, Congressman MIKE BILIRAKIS of Florida, was the champion of concurrent receipt. I commend him for his hard work on the House side and his diligent efforts in ensuring that concurrent receipt is finally coming to be a realization. We have had the support of the chairman, and the ranking member, as well as Senator REID, who has been active on this issue. It is something that is long overdue, and it is time we gave our veterans the just reward they deserve.

American veterans have made great sacrifices so that we may live in a safe and secure America. Military retirees who incurred disabilities because of their long and faithful service should no longer have to incur the offset of their retired pay. I view this provision as a historic step in the right direction to help this important class of veterans.

Last year, at the conclusion of the fiscal year 2003 authorization bill, the distinguished chairman said that what we did then with respect to concurrent receipt was a step in the right direction and that we would do more. To his credit, and the credit of the ranking member, we are now following through with that commitment and moving in the right direction. This is a huge step and we will continue to look after our nation's disabled veterans in the future.

The conference report includes a provision that will enhance the process for achieving posthumous citizenship for deceased, non-citizen service members that was sponsored by myself and Senator ZELL MILLER, my colleague from Georgia. This legislation was inspired by the dramatic story of Diego Rincon of Conyers, Georgia, a non-citizen member of our Armed Forces who was killed by a suicide bomber in Iraq. This provision will instruct the Government to take steps immediately to facilitate and expedite the process of naturalization following an immigrant soldier's death. Diego Rincon is a true American hero and this legislation ensures that he will be honored as one.

Included in the conference report is authorizing language to delay the decommissioning of Navy and Marine Corps Reserve aviation squadrons like those at the Naval Air Station Atlanta. This provision, which was also included in the final version of the fiscal year 2004 Defense Appropriations Act, prolongs the life of aviation squadrons at NAS Atlanta by preventing the Navy from decommissioning squadrons until the General Accounting Office completes a review of the Navy's plan for tactical aviation integration. This measure restricts funds to be used to decommission aviation squadrons until February 1, 2004.

Senator MILLER and I have worked hard all year to delay the decommissioning of the aviation squadron at NAS Atlanta and I am particularly pleased we were successful in postponing these decisions until the General Accounting Office conducts a thorough review of the Navy's plans for tactical air integration to ensure that it is done wisely and in a way that ensures the Navy's missions can be met long term. NAS Atlanta Reserve fight squadrons stand ready with great professionalism for a speedy deployment to critical missions around the world. This provision ensures NAS Atlanta will continue contributing to the Navy's crucial missions and war fighting ability.

This legislation also authorizes the lease of up to 20 aerial refueling aircraft by the Air Force and extends authority for the Air Force to purchase up to 80 tanker aircraft through a multi-year procurement effort. This agreement will allow the Air Force to begin recapitalizing their tanker fleet in a fiscally responsible manner and save taxpayers approximately $4 billion over the original Department of Defense proposal.

This particular provision, Mr. President, has not been without controversy. I commend my colleague, Senator JOHN MCCAIN, for pointing out to the committee several important discrepancies in the process leading up to this tanker provision. The chairman and the ranking member held several hearings on this subject and, for the right reasons, we were able to restructure this lease arrangement so that not only will our men and women in the military benefit from the provision in the conference report, but the taxpayer will benefit as well.

The Defense Authorization Act includes several other military programs that greatly benefit Georgia, as well as the country as a whole. For instance, it includes: Funds to authorize the Air Force to begin re-engining J–STARS aircraft. It includes $3.5 billion for 22 FA–22 aircraft, the next tactical fighter jet for the U.S. Air Force; $336 million for five C–130 aircraft, as part of a multi-year buy arrangement; $931 million to convert two Trident ballistic missile submarines into guided missile submarines, one of which will be stationed at Kings Bay Naval Base in Georgia; $2.1 billion for 11 C–17 aircraft, under, again, our continuing multi-year contract, which, for the first time in the history of the United States Air Force, we have operated in a business-like manner from a procurement standpoint; $19.7 million to accelerate the C–5 aircraft avionics modernization programs; and an important provision aimed at ensuring that Army or Air National Guard personnel may effectively command Active Duty personnel when they are entrusted with command of a unit composed of both active duty and Guard personnel. This provision will directly benefit the command relationships and operations of the 116th Air Control Wing at Robins Air Force Base that flies and operates J–STARS aircraft.

Mr. President, I believe this conference report does a tremendous amount of good for our Nation and, most importantly, for the brave men and women who are serving our Nation overseas and at home. I urge my colleagues to support the conference report and again, I commend Senator WARNER and Senator LEVIN for their strong leadership.

I yield the floor.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Georgia, first, for his work throughout the year on this bill. I listened very carefully. He reflects a lot of hard work in his comments. I thank him for his service on this committee.

We are basically rotating. The distinguished ranking member has yielded his slot at this time to the distinguished Senator from Alabama. But after that, I ask unanimous consent that the Senator from Michigan be recognized for such time as he desires to complete his comments on this bill.

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

Mr. WARNER. Mr. President, before the Senator starts, we urge any other Senators to kindly contact the managers because in consultation with the leadership, we are proceeding to conclude this debate.

Mr. LEVIN. While the chairman is on that point, Mr. President, I understand there will be two more Senators in addition to me on this side tonight who will have remarks on the bill.

Mr. WARNER. I thank my colleague. I know of an additional Senator, the Senator from North Carolina, who I believe will be coming over very shortly. That will be three Senators we know of desiring to make remarks. I thank my colleague.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Alabama.

Mr. SESSIONS. Mr. President, it has been a great honor and a thrill for me to serve on the Senate Armed Services Committee under the leadership of Senator WARNER and Senator LEVIN. They are the great professionals in this Senate. At the beginning of our Conference there were very difficult and challenging issues that looked as if they could not be settled, and reasonable minds could not reach an accord. But, as Senator WARNER and Senator LEVIN continued to pursue the issues and worked hard on them, realizing that we had a goal and a responsibility to pass this FY04 Defense Authorization Bill, the conferees managed to reach agreements which I believe are sound.

The bill before us today is a good step forward for America, for the strength of this country's defense, and for the men and women in uniform.

Today is Veterans Day. Some said we should not be here, but I think it is quite appropriate that while our soldiers are in the field today, not taking a holiday in Baghdad, or in Tikrit or Mosul or in Basra or across the border in Afghanistan, we in the United States Senate have work to do with regard to our Defense bill. It is quite appropriate we are here today and moving forward, providing for a 4.1 percent

pay raise, and higher pay raises for certain specialities and for mid-grade personnel.

We continue today to see good things in our military which is fast approaching a transformed military. All of us are watching very closely those changes and the recruiting and retention figures of our forces, but to date the numbers look good in both categories.

I met earlier today with a United States Army Lieutenant Colonel from the 173rd Airborne Brigade at Walter Reed who was injured last month in Iraq and is now recuperating from his combat wounds. He told me when his battalion were taking the highest casualties, they also had the highest reenlistment rate. He said his soldiers, his young men, are warriors and he made that statement with the greatest passion. He was so very, very proud of them. You could sense it and see it in his eyes.

I express my appreciation to Senator WARNER and Senator LEVIN for the great work they have done. I thank Judy Ansley, our committee staff director; Bruce Hock and Tom MacKenzie, who helped me so much on the Airland Subcommittee I chair. All in all, we have had a good year and made great progress. We have such talented professional, decent, honest men and women who lead and our part of our armed services staff.

I want to make a particular note of appreciation for Archie Galloway on my staff. Archie is a retired Lieutenant Colonel, a Ranger. He served in the 101st Airborne Division. He has been a constant adviser, friend, and counselor on these issues. He really helps me to do what is best for America as we moved forward on these issues.

I am also very proud of our Guard and Reserve units and the men and women who serve in them. I served 13 years in the Army Reserve. Alabama has a tremendous National Guard and Army reserve presence and capability. These soldiers are serving with distinction. I believe the reserves will soon have 40 percent of the personnel in Iraqi theater.

I visited Iraq last August and visited two of the three Alabama National Guard MP units assigned around Baghdad. Almost half of the men and women in our Alabama MP units are full-time professional police officers, sheriff's deputies, and State troopers in their public life back home in Alabama. They are superbly qualified for the job and the challenges ahead of them. They are taking risks every day working with the local Iraqi police trying to identify, prosecute, and arrest people who are committing terrorist acts. They are trying to knock down crime throughout the country of Iraq and they are doing a superb job.

I would like to briefly mention the job our Airland Subcommittee accomplished during this year and during the conference. Of the $401 billion provided by this bill, the Airland Subcommittee managed approximately $25 billion in procurement and $15 billion in research and development (RDT&E). We took our tasks very seriously. These are very large sums of money, in two very important accounts. We worked hard on each issue. Airland responsibilities extend to all the transformational issues in the military, large and small. Most notable is the Army's Future Combat Systems (FCS). The Army's goal is to create a new, more versatile, capabilities based system that can operate in the future across a wide variety of mission areas. Even though the Army will be reporting in three different lines in the future, the work continues and must continue to its inevitable conclusion.

Time is short, relatively speaking, for the transformation to be accomplished. Rogue states and more capable adversaries loom on the horizon. We need to constantly ask ourselves: Is our military, the one which exists today, perfectly configured to meet this threat or can we continue to transform it and make it better able to meet the threat in the future?

Secretary Rumsfeld is a man who believes in asking tough questions about the future and taking the action today that will transform our military for the future. People have different ideas as to precisely how to achieve that goal. But, I believe this Congress and this Secretary of Defense, and I believe this President of the United States, are committed to making sure we succeed.

I was at a NATO conference in Europe not too long ago. The French rapporteur who was reporting on the war in Iraq for the conference shared some thoughts with us. He said the thing they learned most, and it was most clear during the war in Iraq, is that a well-trained, disciplined, technologically advanced military will defeat a much larger military not so advanced. That fact is absolutely clear.

We used 500,000 troops in the first Gulf War, Operation Desert Storm, just to remove Saddam Hussein from Kuwait. In Operation Iraqi Freedom (OIF), we defeated the entire Iraqi Army with less than 250,000 troops. We now have about 130,000 troops in Iraq. We have coalition support from the British and numerous other countries, but our personnel now are at about 130,000.

In Afghanistan, we were able to bring down the Taliban Government together with coalition forces. That cruel government was harboring and supporting al-Qaida and was also providing the training grounds for them to attack the United States. We defeated Taliban and al-Quaida forces with, I recall, no more than 4,000 troops US forces on the ground, using high-tech air support, special forces, and employing special operations of all kinds. We all know the story of the soldier on horseback talking to a B–52 at 35,000 feet calling in 2,000-pound bombs to within 30 feet of any spot he needed to hit. That is a new kind of warfare. That is truly transformational. We need to adjust to it and make sure we are fully prepared to handle the next phase of emerging technologies, the next phase of emerging training opportunities, and the next phase of initiative our men and women in uniform bring to the battlefield.

There are a lot of things in the bill which we all are proud of tonight. The concurrent receipt progress we have been trying to make is a big step in this legislation, and there are a number of other benefits for our military men and women that are important.

As a result of my visits earlier today and last month to Walter Reed, we discovered a problem impacting families when a soldier is facing imminent death. The military tries often to retire that person because they can receive better benefits. It is awfully grim, unpleasant, and wrong to bring a family into that situation. In this bill we fixed that process with a modifying provision. Some of the things being forced upon our military families in an imminent death situation are no longer required. Our doctors and our soldiers no longer have to call families to discuss imminent death retirement measures; rather, they can concentrate on the necessary lifesaving measures which are so important.

We also have better benefits in this bill for our soldiers who are killed in combat.

Within the Airland Subcommittee jurisdiction, I would just mention a few things that I think are quite significant as we go forward. We have $705 million for the joint direct attack munition for the Navy and Air Force. This is the famous JDAM. These were the bombs I mentioned earlier that can hit within 30 feet of a target using a global positioning satellite (GPS) guidance system. We need plenty of these munitions. JDAMS are the bread and butter of our Naval and Air Force bombers today. I believe this bill has gone a long way toward ensuring that we have adequate supplies to meet the challenges in the future.

Frankly, if we err however, we ought to err on the side of having far too many JDAMS. We should not have anything less than absolutely what we need at any given time to defend the just interests of the United States.

We moved forward on the FA 22. This new aircraft is so important. There was a challenge earlier this year however. We challenged the contractor. The Subcommittee was not happy with the progress the contractor had been making. We had program hearings and DOD testimony. We heard from witnesses and then we proposed reductions to the program. In the end, we ended up reducing the FA 22 program by $160 million. We already believe, from the time those hearings took place in the early part of the year, that the contractor is making good progress in dealing with the problems and issues that were previously plaguing the program and slowing it down. We believe they are going

to continue to make good progress. I hope so. If not, we will be challenging them again next year.

We also dealt with the Boeing tanker lease. That was a matter Senator MCCAIN raised early this year. He challenged the way the Department of Defense and the Air Force were planning to fund 100 new Boeing 767 aircraft. He believed that the way that was being handled was not good for the taxpayers. So we went through a long process of debate, IG and GAO evaluations of the funding process. In the end, the committee concluded that the program, as proposed by the administration, was not the best way to fund these aircraft.

We therefore came up with a program to lease 20 767's and go forward to purchase the remaining 80. This change in procurement and leasing will save, we believe, $4 billion dollars. I salute Senator MCCAIN for his leadership on this effort, and I also appreciate the great work of both Senator WARNER and Senator LEVIN in reaching this new plan that I believe will work to the benefit of the Air Force and the taxpayers.

Another of the subcommittee issues addressed the fleet of HUMVEES found throughout the force structure. One of the things I learned in August while visiting units in Iraq is that many of the Humvees utilized for moving our soldiers around the battlefield are the light skinned, unarmed, and vulnerable Humvee models which are quite susceptible to small arms fire. This bill provides additional monies for the up-armored version, as they call it, Humvee.

Just this morning I was at the Walter Reed Army medical center meeting with PFC Chris Busby a military policeman from Alabama. He had severe injuries to his lower leg and one of his arms. He said he was in his Humvee, had his arm and his leg out the door, and a mortar round exploded nearby. It injured his arm and leg. He told me, without my asking: If I had not been in an up-armored Humvee, I may not be here today. Grenades, mines, and all of those are less effective against an up-armored Humvee. We need more of them, particularly in an environment such as Iraq.

We also provided funds for friend-or-foe equipment to try to avoid friendly fire problems. We also provided $60 million for the EA6B aircraft outer wing panels. I discovered after talking with senior Navy officials that we are having problems with these aircraft from stress. These funds will do a lot to fix the operational deficiencies of those planes.

We also provided $70 million for 7 UH60 Blackhawk helicopters. There are many more proposals and line items in this bill that I think will help make this a stronger and more vigorous nation and will make our military the best. What we need simply is this: We need the best trained military in the world. We need to give them the best equipment that exists in the world. We have both of those at this moment. We need even better equipment. We need even better training. If we maintain that momentum, if we maintain our commitment to research and development and to the utilization of new technologies where ever possible and we apply these capabilities and that desire to the modern battlefield our soldiers will remain the best military force the world has ever known.

I am so proud of our men and women in uniform. When I meet them in the hospital, or talk to them after they return home, or when I meet with them in Iraq or Afghanistan or Kosovo, or aboard a ship at sea or at a base here in the United States, I find that they are so highly motivated and committed to serving this country. They believe so deeply in the causes of our country. They are committed incredibly to helping the Iraqi's achieve a better life.

They are not just there to fight wars. They deeply want the Iraqi's to do better, to have a government that is free. Would that not be a good thing? Not just for us, and not just for the Iraqi people, but for the whole world. Wouldn't it be wonderful not to have any Saddam Hussein's in the world? Wouldn't it be wonderful not to have 300,000 people in mass graves that we are now uncovering in Iraq—the people Saddam Hussein slaughtered as a result of one of the most brutal regimes the world has ever known? He is gone now and we have an opportunity to step forward and create a government that allows the Iraqi people an opportunity to progress and succeed in the future. That is what we hope will happen. It is indeed a difficult time. Nobody knows what the future will bring, but I believe we will be successful because I am putting my confidence in the men and women who are serving our country around the world tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank Senator SESSIONS for his service on our committee. He is one of the members of our committee who works extremely hard. I have traveled with him. I did not travel with him the last time he made reference to, but I know how committed he is to the men and women in our service. That is shown every day here, but it was also shown to me very dramatically on the trip we were able to take together, and we thank him. I know, more importantly, the men and women in the Armed Forces thank him for that commitment.

The Senator from New Jersey is in the Chamber. I am wondering if he might like to go next. Approximately how long does he plan on speaking?

Mr. LAUTENBERG. I would say probably less than 10 minutes, but if I am allowed 10, that is fine.

Mr. LEVIN. If that would be all right with the chairman, I understand Senator DAYTON is on his way and he would also like 10 or 15 minutes. Then I would try to make my remarks with an additional 10 minutes.

Mr. WARNER. On this side, the Senator from North Carolina will soon be in the Chamber to take up a position in the queue.

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

Mr. LAUTENBERG. Mr. President, I thank my colleague from Michigan for permitting me to say a few words at this point.

I rise to speak on language in the Defense authorization conference report that was added by conferees. It waters down two of our environmental laws significantly. There are two sections of this conference report to which I strenuously object. One ignores the will of the Senate with regard to protecting endangered species and the other represents the greatest single rollback of marine mammal protection in the last 30 years.

Last May, the Senate passed an amendment which I developed with Senator JEFFORDS to protect endangered species on Department of Defense lands. Before my amendment, the Senate bill effectively exempted the Department of Defense from complying with the Endangered Species Act, but my amendment instituted a reasonable two-step approach to protect endangered species without impeding military readiness or ability. That amendment was passed by the Senate. We need these protections and we know they work.

There are only 2 species that have been on the endangered species list that have gone extinct after being put on that list while over 600 species not on the list have gone extinct during that time. Look at the comparison: Two which failed to survive because they were on the list, and 600 which failed to survive because they were not protected.

The American people have spoken on this issue. We ought to listen to them. A Zogby poll earlier this year learned that 85 percent of registered voters believe the Defense Department should follow the same environmental laws as everyone else. Unfortunately, most of the Senate language was stricken by the conferees. What remains will not, in my opinion, provide adequate protection for threatened and endangered species. But what is worse, new language is contained in this report that could have disastrous consequences for populations of whales and other marine mammals off our coasts.

Ironically, in the State of New Jersey, which has a lot of coastline for the size of the State, we have a marine mammal stranding facility. People voluntarily go out into the water, get a dolphin, or they will get even a whale occasionally. They will bring it to shore and figure out a way to nurse it back to health and get it back in the sea. We treasure those, as every one of us should, because they are part of the ecology. Where they go ultimately, I think it is fair to say, the human race goes.

A rider was attached by the conferees that would allow marine mammals to

be casually harassed, injured, and killed by activities ranging from sonar exercises to the testing of underwater explosives. Ironically, it comes just as the committees with jurisdiction and expertise over marine mammals have begun their work on reauthorizing the Marine Mammal Protection Act.

Once again, the conferees chose to add language that was not authorized by either House. We are seeing this on a too regular basis—language that is debated, discussed, and voted upon goes one way. It goes into conference. The conference committee, then composed of Members almost principally, almost exclusively of the majority party, decides they do not want to listen to what was sent over from the Senate or what was sent over from the House. If they disagree with it, they change it and the administration contributes to that. It is outrageous.

I have been part of this body for nearly 20 years and this is not how the Congress used to make law. We cannot look backward. We are where we are, but it is not a good turn of events.

That is what has happened. The conferees add their own language. It extends exemptions to the Marine Mammal Protection Act in the House language to apply not only to military activities but to all Government-funded research—a change that could be easily exploited by industry groups.

Under this act, there will now be no limit to the numbers of marine mammals the Department of Defense could kill or harm and no limit to the range of coastal habitat its activities could impact.

I am very much aware the leadership on the Armed Services Committee, under the chairman from the State of Virginia and the ranking member, our friend from Michigan, also has these same concerns. In particular, Virginia is a coastal State. They worry about what happens on their coasts. They worry about the sea life that is there, as well as the condition of the habitat. Virginia has some fairly strict requirements to make sure there is not a lot of damage done to the sea environment.

The rider that was developed would essentially give the Pentagon a categorical exemption to the provisions of the Marine Mammal Protection Act.

The Department of Defense receives 38 percent of all permits under the Marine Mammal Protection Act. Well over one-third of these permits will now be exempt from efforts made to limit the harm done to marine mammals. I am very disappointed these provisions have been included in the conference report.

I can tell you a few other people who are disappointed. They are my grandchildren and my children. They love the sea, and they love what lives in the sea. I have a child who lives in Florida, a daughter with two kids. They know what the marine mammal life is about. They are very conscious of the fact that people should not hurt them, harm them. I say that because that is the human relationship. It is the human experience.

I saw a picture of one of my granddaughters swimming with a dolphin. I thought I probably wouldn't like to be there seeing her do it, but she had a smile on her face. I think even the dolphin had a smile on its face. But we care about these issues. It is a pity to stand here pleading for a reinstitution of provisions that were in the bills before they got to the conference committee, that either have been eliminated or have been added without the approval of either body.

It is disappointing to see these provisions have been included in the conference report. For decades, DOD has managed to find common ground with its training and its environmental goals. These riders do not honor our military; they do not honor the will of the American people; and they do not honor the living creatures with whom we share our planet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if we could establish order for Senators to speak.

The PRESIDING OFFICER. That would be helpful to the Chair.

Mr. LEVIN. We have been going back and forth. Senator REID is ready to proceed for a couple of minutes. I wonder whether Senator DOLE might allow him, for 2 minutes, given his responsibilities, to go first. Then we would go to Senator DOLE, then back to Senator DAYTON. Would that be all right with all the Senators?

Mr. WARNER. I think we see the distinguished leader wishing to comment. Before we close out on that UC——

Mr. LEVIN. Mr. President, if I could have 30 seconds before we file that. Let me thank Senator LAUTENBERG for his comments and assure him one of the reasons this conference lasted I think longer than any conference in history, 147 days, was because of those two environmental provisions which, until the end, many of us fought very hard against.

The House prevailed. There would not have been a conference report, basically, if we had just refused to give in on this. Ultimately we did not have the votes on this side to carry on in that particular course of action. But I assure the Senator from New Jersey I, as one Senator, agreed with his comments. The provisions that were in the House bill, however, ultimately prevailed. That is what happens with some of these conferences. We basically win some and lose some, and as far as I am concerned we lost on this one, and so did the world.

Mr. WARNER. Mr. President, I will simply add to my colleague's accurate description that there was some mention you didn't particularly like the way it was written in conference. In fact, it was not. It was provisions adopted by the House. There were just a few words of modification in the conference.

Mr. LEVIN. The chairman is correct on that. I concur with our chairman. This problem is not the one we have run into recently as much as it is a problem of a very great difference between the Senate provision, which the Senator from New Jersey helped to author, and that of the House. His amendment was a very important amendment and put us on the right track. But we ran dead on to the House provisions. In this case it was the House provisions versus the Senate provisions, rather than additional provisions in conference which were the problem.

Mr. LAUTENBERG. I thank the manager and ranking member of the committee. But I say to my friend from Virginia, sometimes it is just a few words here and there that make all the difference in the way things come out.

I know there is a consciousness between the two distinguished leaders on the Armed Services Committee that the environment could have been and should have been protected as we planned it and as we discussed it. But we are where we are. I hope there will be a time in the not too distant future when we will be able to realize we have done some damage and change that.

Mr. REID. Mr. President, first, I want to express my appreciation to not only the managers but also to Senator DOLE and Senator DAYTON for allowing me to speak out of order.

There is so much rhetoric about the acrimony between the Republicans and Democrats in the Senate. Whatever is written, it is exaggerated. There is so much that happens in this body based on the work of the Senators. There is no better example of that than the Senator from Virginia and the Senator from Michigan. They have worked together for many years on this most important committee. They do it in a bipartisan fashion. They have done, I really do believe, an exemplary job of bringing this bill to the Senate.

This conference was long, grueling, and hard. But there are a lot of conferences which we have been unable to complete. This one has been completed, even though it deals with the most important aspect of our country—its national security.

I want the RECORD to be spread with the fact that so much goes on in this body as a result of the goodwill of leaders, but the two members on this committee are exemplary. You can't find better leaders. They are Members who have set aside their personal preferences on many occasions for the good of the country—I shouldn't say on ''many'' but on most occasions—for the good of the country. They come from different approaches on what should be in a bill, but when it all boils down, they do what is best for the country.

I have told both of these Senators that I feel good for my grandchildren as a result of the fact that every night these men are responsible for what takes place in the Senate dealing with

the U.S. military. I say that without equivocation, and without hesitation.

There are a lot of good things in this bill. But the thing I want to talk about—and others can talk about other aspects they think are important—is concurrent receipt. We started on this journey a number of years ago. It was a lonely journey. I worked hard to focus attention on this issue. Attention has been focused not by me but by veterans throughout America. Because of them, we are at the point where we are now.

The negotiations on this issue alone in this bill were grueling. I had contacts with both managers of this bill over the months. It was difficult to arrive at a point where we now are; that is, people who are 50-percent disabled will be able to draw both their retirement pension and their disability benefits. That is tremendous. Of course, that is something we all wanted to accomplish. But it costs a lot of money, and we are going to do more in the future.

I want the two managers of this bill to know how much I personally appreciate the work they have done on this particular aspect of the bill. But I speak for veterans communities all over America, saying this is a tremendous bit of work to be able to arrive at this point; to think that we would be here talking about a 50-percent disability and receiving all of their benefits. A few years ago, it would not have been possible but we are there.

My admiration to the two managers of this bill goes even further. It didn't go unnoticed last night as I was spending a lot of time on the floor that to my right was my friend from Michigan who was with me for the last several hours of my little odyssey. He and I were here alone. I appreciated that very much.

For the two managers, good work for America.

Mr. WARNER. Mr. President, I appreciate the expressions of the distinguished assistant minority leader. But he is so accurate about the veterans groups. They are all experienced lobbyists. Somehow I don't look upon them exactly as lobbyists. They are by and large all veterans. They very conscientiously reflect what is felt by Americans in their hearts with regard to veterans. They translate that feeling into legislation.

This was a long, long trail across rough terrain over many years. But I must say to my good friend from Nevada that had it not been for his steadfast and always unheralded leadership we would not be here tonight with this provision in this bill. I thank the Senator.

Mr. LEVIN. Mr. President, if I could ask Senator DOLE to yield for just 1 additional minute, I want to thank the Senator from Nevada for his leadership in this area, and for his kind remarks. But let it be very clear. The Senator from Nevada has led the fight on this concurrent receipt issue. Two-hundred and twenty-five thousand retired disabled veterans are going to now be able to receive their disability benefit as well as their retirement compensation because of his leadership. There are others, obviously, who participated. There always are. The Senator from Nevada is very generous in sharing that credit.

Surely our chairman, Senator WARNER, deserves a great deal of credit, as others here deserve credit, along with Senator REID. I know Senator WARNER will agree with me. As he just pointed out, Senator REID has truly been a leader in this effort. It would not have happened without his leadership. There are 225,000 veterans and their families out there tonight who will receive this benefit which they have earned and deserve who otherwise would not have received it.

I am sure the President will sign this bill, even though at one time it was suggested that the Secretary of Defense would recommend a veto. I can't believe that will now, in fact, happen. I thank the Senator for his leadership.

Mr. WARNER. Mr. President, if I may simply add, if the Senator will indulge me, because this is a very important point about the work that was done on concurrent receipt. In the final analysis, the administration came to fully support it and worked with us.

I also salute Senator MCCAIN who was tireless in his efforts on this very legislation through the many years I have worked on it with him and others.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mrs. DOLE. Mr. President, I have great respect for Chairman WARNER and Ranking Member LEVIN for their exemplary work on this conference report which will go so far toward improving our Nation's defenses and giving our men and women in the Armed Forces the resources they need. It is a great privilege to serve with these two outstanding leaders on the Committee on Armed Services.

For the thousands of North Carolinians serving overseas, this bill is most important for them and for their families. One of the most fundamental duties of the Federal Government is to provide for the common defense. As I have said so often, if our young men and women are being called into harm's way, they must have the best equipment, the very best training, and the highest morale. With this bill, we are giving them just that.

This legislation provides a 3.7-percent pay raise to all of our uniformed service personnel, and it continues the family separation allowance that helps provide much needed dollars for spouses and children when their loved ones are deployed.

There is a provision to continue special pay for duty in hostile fire or imminent danger. I am also pleased that the housing needs of our military personnel and their families are so strongly supported in this bill. The legislation will provide much needed improvements in housing, especially for our bases back in North Carolina.

TRICARE is also expanded for Reserve components under this legislation, something that is so desperately needed at a time when we are relying so heavily upon our Reserve Forces. This means our reservists and their families will get the health care and medical attention they need.

This legislation remembers our veterans who deserve so much for their committed service to our country. It is unfair for disabled veterans to pay for their own disability compensation. Legislation enacted last year restored benefits to retirees with disabilities who were awarded the Purple Heart or were severely disabled by combat-related activities. It was a good beginning.

The legislation before us now goes further by allowing special compensation to be extended to all military retirees whose disabling condition was due to combat or combat-related operations.

Additionally, concurrent receipt will be phased in over the next 10 years for those retirees with noncombat-related disabilities of 50 percent or greater. And the fight is not over. Our next step is to work to find a solution that meets the goal of full concurrent receipt for all military retired who are eligible for disability benefits.

As a member of the Senate Armed Services Committee, I will continue to keep this a priority.

I am also pleased to see the multiyear procurement for the F–18 Super Hornets in this bill. This is the first step toward basing this new mission in North Carolina. Soon it will bring over 1,000 new jobs to eastern North Carolina where they are desperately needed.

The legislation also authorizes $11 billion for the defense science and technology program, including $797.6 million for the critical, high-payoff science and technology programs. Many of these transformational technologies will be coming from new innovative businesses in North Carolina as well as from our exemplary university system.

It also increases by more than 30 percent the funding for special operations to include over $61 million for weapons systems, psychological operations capabilities, and enhanced intelligence. And we all know how much we have relied on our brave and daring special forces literally on the front lines in the war on terror.

The committee worked long and hard on the various ''buy American'' provisions, particularly the Berry amendment, which I am so pleased remains strong. At a time when we are all concerned about manufacturing jobs, I am glad we are going to take a good hard look at our industrial base to make sure that we give our troops the best equipment for years to come.

At Seymour-Johnson and Pope Air Force Bases, at Cherry Point Marine

Corps Air Station, and Fort Bragg and Camp Lejeune, I was deeply moved by the dedication, the commitment, the patriotism of the members of our Armed Forces and their families. They make me proud and thankful to be an American. I am honored to have had the opportunity to work on this legislation and give something back to our men and women in uniform.

This is a good bill. It goes a long way toward strengthening our military, protecting our military families, and caring for our veterans. I applaud the committee for its work and urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I rise today to join with my colleagues in support of this conference report, the national defense authorization bill for fiscal year 2004. At the outset, I express my appreciation and my utmost respect for the two outstanding leaders of the Senate Armed Services Committee, Chairman JOHN WARNER from Virginia and Ranking Member CARL LEVIN from Michigan.

When I was preparing to join the Senate 3 years ago, I asked two of my distinguished Minnesota predecessors, former Senator and Vice President Walter Mondale, former Senator David Durenberger, and my long-time friend and then-colleague-to-be, the late Senator Paul Wellstone, for their advice on committees to seek assignment. All three enthusiastically recommended the Senate Armed Services Committee for two primary reasons: First, it is of paramount importance with responsibility to assure this Nation's overwhelming military superiority now and forevermore; Second, the unparalleled opportunity to serve under, work with, and learn from the two incomparable committee leaders, Chairman WARNER and former chairman, now ranking member, LEVIN. The advice of my fellow Minnesotans was prescient in both respects.

For all the attention that is given to this body's partisan differences and discord, what are usually overlooked, though fortunately much more prevalent, are the bipartisan professionalism, mutual respect, and shared commitment to do what is best for America, for all of America. That ethic is what predominates in the Senate Armed Services Committee. It begins with the personal conduct and professional relationship of these two extraordinary public servants and national leaders, JOHN WARNER and CARL LEVIN.

At any time in our Nation's history, but especially during the unprecedented circumstances of the last 3 years, since the September 11, 2001, attack, the two wars that followed and are still ongoing in Afghanistan and Iraq, our Senate and our Nation are exceedingly fortunate in the leadership of these two outstanding men, Chairman JOHN WARNER and Ranking Member CARL LEVIN. They have also led members on the Armed Services Committee, on which I am proud to serve, to pass legislation, first in the Senate with overwhelming bipartisan support and now in the conference with the House, with President Bush's civilian defense leadership and with our Nation's military command, Chairman Richard Myers and the members of the Joint Chiefs of Staff who serve this country with such great distinction.

As George Washington said in 1793, in his fifth annual address to Congress: ''If we desire to avoid insult, we must be able to repel it. If we desire to secure peace, it must be known that we are at all times ready for war.''

The succeeding 210 years have proven President George Washington's wisdom and the imperative that we follow that advice. With this legislation, we have continued that bipartisan commitment and upheld that most sacred trust, the protection and safety of our fellow citizens across this great Nation and, so much as humanly possible, throughout this world.

The final bill before the Senate authorizes $401.3 billion in budget authority for fiscal year 2004 with additional funding authorized for the acquisition of 100 tanker aircraft. The Defense appropriations measure, which this body has passed, which will come back in conference reports that we will pass again with overwhelming bipartisan support, will obligate most of that funding, which does not count the $67 billion in the recent supplemental appropriation for ongoing military operations in Iraq and Afghanistan, which means that, in total, in fiscal year 2004 we will spend over $500 billion for our national defense and military operations.

Some of my constituents would say that is too much. Some would say it is too little. It is unquestionably a great deal of money. As a great former Senator and colleague and member of the Senate Armed Services Committee, Max Cleland, would say, $500 billion does not go as far as it used to.

But freedom is not free. Today, on Veterans Day, as we honor the brave men and women who have sacrificed their lives, their bodies—as Senator Cleland did—we are reminded once again that freedom is priceless and ever more expensive.

But the results in Iraq and Afghanistan should assure our Nation that the money we have spent has been well worth it and well spent. It has saved American lives in those theaters and it has saved the lives of other people in the world. It has protected the world from some of the most evil forces imaginable and from that most awful of possible occurrences, a nuclear catastrophe.

My fellow citizens should recognize that we are not, all of us, together, paying that price. We are borrowing it and passing most of the costs of its repayment to our children and our grandchildren. The projected fiscal year deficit for the Federal budget for the same fiscal year 2004 which we have just begun is estimated to exceed $500 billion. That happens to be approximately the expenditure for our national defense. It is not right to single out defense spending as the cause of that deficit. It is right, in fact, to single out everything as the cause of that deficit.

Regarding our spending and our tax policies, which the Concord Coalition, a coalition of business men and women and previous leaders of this Nation, recently called the most reckless fiscal policy in this Nation's history—4 years ago, in fiscal year 2000, the total Federal revenues coming from the personal income tax, the corporate tax, the excise tax, the estate tax, and the capital gains tax equalled, for the first time in 40 years in our Nation's history, the expenditures other than Social Security and part of Medicare which we call the on-budget expenditures, which include all of our expenditures for national defense, military operations, intelligence, and other ongoing activities.

For this fiscal year just completed, 2003, those revenues amount to only two-thirds of those expenditures. And next year, if projections hold, revenues will be even less than two-thirds of those expected expenditures.

I regret we live in a world where this much money must be spent on our national defense. I would rather we could spend the money on special education for all of our children, who are now still being left behind, and that it could be spent on student aid for our young adults, who are going tens of thousands of dollars into debt just to complete their undergraduate and postgraduate education.

I wish the money could go to buy prescription drug coverage for our senior citizens and other Medicare recipients that would be as good as what the Members of Congress receive. I wish we could provide health care to the 44 million Americans who receive no health coverage at all. I wish we could rebuild our highways and improve our mass transit systems, add to our bridges, and advance our infrastructure.

There is so much else we can do for the betterment of our citizens, but, unfortunately, there can be none of these homeland improvements without improved homeland defense. We cannot achieve national prosperity for all of our citizens if we do not first and always achieve national security for all of our citizens.

As I said, the experience of the last 3 years should assure all Americans that those national defense dollars are being well spent and that we are well served, well protected as a result.

In Afghanistan, the United States military accomplished, in 10 weeks, what the old Soviet Union could not accomplish in 10 years: the routing of the Taliban and the restoration of the beginning of a new government, a government of the people of Afghanistan.

In Iraq, it took only 3 weeks for the United States forces on the border to

occupying Baghdad, the nation's capital. The difficulties that have occurred since then have not been the result of failed military strategy or its execution but, rather, the failure of securing the peace to catch up with winning the war.

Our Armed Forces, our fellow Americans—our sons, our daughters, our brothers, our sisters, wives, husbands, mothers, and fathers—in the words of the motto of the U.S. Army's Second Division, which I visited in April with Senate Majority Leader FRIST, and others of my colleagues—are ''second to none.'' The U.S. military is second to none. It is the best, the bravest, the most accomplished, intelligent, and patriotic armed forces anywhere in the world, anywhere in the history of the world.

I am especially proud, as a Minnesotan, of our State's and other States' reservists and National Guard men and women, who are now—many of them—on active duty serving in their second or even third tour of duty in recent years. They deserve our gratitude, and, more than that, they deserve our ongoing support.

It is very important, as others have noted, that this authorization provides for a significant pay increase for our Active Forces. It establishes, for the first time, the coverage on health care to some of the members of the Reserve and National Guard, those who do not presently have the opportunity to obtain that health coverage through their private employers, to be covered not just when they are on active duty—which they increasingly are—but year-round.

I viewed, on Sunday night, the ABC televised report that said of the reservists and the National Guard men and women presently serving in Iraq, only 54 percent indicated they would reenlist, which is understandable, given the severe circumstances they are experiencing there, as the chairman and ranking member and others of us, including myself, experienced briefly last July in that country.

I would expect that with the opportunity to return to home and families, that percentage would increase, but it underscores how imperative it is we create incentives for these courageous men and women, and for their families, and for their employers. They undergo the sacrifices that they must to be in the Ready Reserve and to step in, in these times of national emergency. We need to provide health coverage for them and for their families.

I salute the chairman and the ranking member and Senator GRAHAM of South Carolina, who also spearheaded this measure in this Senate, who has assured me this is the first step toward securing, hopefully next year, complete coverage under the Federal health care system for all of our reservists and National Guard men and women because it is the right thing to do, it is the humane thing to do, and it is the best thing we can do to offer them a reason to reenlist, to stay a part of keeping this Nation as strong as it must be.

They are taking awfully good care of us. It is imperative that we take as good care of them as we possibly can. The same measure of standard should apply to our veterans who have served us formerly who are now moving on in years.

I note, as others have, with great appreciation, the outstanding efforts of the Senate Democratic assistant leader, HARRY REID of Nevada, who has championed the concurrent receipts for all of our veterans who have suffered disabilities, who reach the age where they also are eligible for Social Security and other retirement benefits.

Why they should be penalized, unlike anyone else in the private sector or the public sector, is beyond me—those people who have served and who have paid the price with their own physical infirmities, wounds, sometimes maimings.

Today I was at the Korean War Memorial with a group of Minnesotans, some of whom could not walk and were in wheelchairs—amputees because of the wounds they suffered fighting for this Nation's freedom and the security of the world in Korea over half a century ago. Why they should be penalized now in their older years for that service, for what they earned, and what they paid for with the price of their own bodies, is somewhere where we still, as a nation, have fallen short in our responsibility to them.

To phase it in, with all due respect to all of us who made this effort—but against the fervent opposition, which I do not understand, of the administration, to immediately correcting this injustice—to phase it in over 10 years, to me is unconscionable—indefensible and unconscionable.

We have put tax relief for the wealthiest people of this Nation in place and made it retroactive. We have tax relief coming in and out and in and out and back again within the same 10 years we are talking about phasing in this deserved benefit—earned benefit—for our injured veterans of America.

That is another critical task that I know this body, which passed it overwhelmingly last year—and the efforts of the chairman and ranking member of this committee, if they had been able to prevail, would have been applied fairly and immediately to all of our disabled veterans. But it is a task that all of us must undertake again next year.

There are important measures in this legislation that benefit the State of Minnesota, as other States. What is most important is that this is a measure that benefits our entire country.

I would say again that the bipartisan spirit of the committee, of the Senate, with regard to national defense, both before but particularly during most of the 3 years I have been in the Senate, which has included the post-9/11/2001 era, has been probably my proudest participation in the Senate because we are first and foremost, all of us, Americans.

Even those disagreements that sometimes preoccupy us, that capture the headlines, that seem to be the description of this great body, are, in fact, as our distinguished Democratic leader, TOM DASCHLE, has reminded us regularly, the noise of democracy.

It is because we can all stand in this body and express our views and agree or disagree, hopefully, respectfully, with one another. Regardless, that we can do so, and go home to our families, to return the next day to offer our best judgments and ideas, again without fear of incarceration or execution or obliteration—that is what is priceless about this Nation. That is what this bill is intended to preserve.

I believe that the committee, and the conference committee, the men and women serving in our Armed Forces, the civilian leadership of this country under President Bush and his civilian defense leadership, the Joint Chiefs of Staff, and the command of the military of this country, for whom I have felt the greatest respect and regard—I think our fellow Americans can sleep well tonight with the knowledge that they are being well protected.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I express my appreciation to the distinguished Senator from Minnesota for his work on our committee throughout the year. He volunteered to travel to Iraq with our CODEL, and he is ready to pick up the burdens at any time he is requested. I thank him also for the respectful way in which he referred to our former colleague whose seat he proudly holds today.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me join Senator WARNER in thanking Senator DAYTON, first for the very overly generous comments he made at the beginning of his remarks. They are obviously very warm and very much appreciated. The references he made to the former colleagues of ours are particularly important personally to both Senator WARNER and to me, and we are very grateful for them.

Senator DAYTON has brought to our committee and to this body a very great passion, not just for Minnesota—although Lord knows that passion is there for issues that affect Minnesota, including his Guard and Reserve that are so close to his heart—but also the defense issues that affect every citizen of this Nation. Perhaps typical of him was the way in which he identified, with a number of other colleagues, a problem for the service men and women who are coming back on leave from Iraq and who are dropped off at Baltimore Airport and have no way to get to their homes. Senator DAYTON joined a few others in this body to make sure in that supplemental appropriation we would get them home, not just to our shores but to their own personal homes.

That is the kind of personal approach he takes toward issues, a combination of great passion and tenacity and forthrightness and directness and guts and courage, taking on a lot of tough issues, but also a very personal approach. We are very glad he is on the Armed Services Committee and grateful for the contribution he makes to our committee.

If the chairman has no other matter, I thought what I would do is very briefly continue with a few comments. I began a rather lengthy statement I was going to make about the Defense authorization bill, and I have a few additional comments.

Where I left off a couple hours ago was making reference to the fact we increased the Active Duty end strength of the Army in this bill by 2,400. That is a small number, given the demands we are placing on our troops, but at least it gets us on the right road. Senator JACK REED worked hard for this increase. Senator WARNER and I in conference did the best we could, given the circumstances we faced and the limits we had to deal with. But Senator REED was determined we would do what it is clear to all of us we must do and consider more of, which is to take a look at the huge demand we are placing on our troops, take a look at the sustained callups of our National Guard and Reserve components since the Vietnam war.

We now are watching them more and more deployed for extended periods and repeated deployments of the same Guard and Reserve units. We have to address this issue. There are many ways to do it, but one of them is to take a look at increasing the end strength of our Active-Duty people. We decided we would start this year with the Army where the greatest crunch has been felt. That 2,400 personnel increase authorized by this bill again is a relatively small increase given the demands on our troops, but it is an important statement of where this committee is.

We are also pleased the conference report includes a proposal which Senator KENNEDY and others were very instrumental in proposing which would serve to expedite the naturalization of lawful permanent residents serving in the military, and their families. These are men and women in uniform who willingly put their lives at risk to preserve our freedoms. They deserve nothing less than full participation in those freedoms as citizens.

The expedited and naturalization of lawful permanent residents who do serve in the military, and also for their families, has been championed by Senator KENNEDY and a number of other colleagues of ours. That provision is in our bill.

This conference report also addresses the Air Force proposal to lease, rather than buy, 100 new tanker aircraft. The Senate Armed Services Committee spent many hours trying to gauge the severity of the problems with the existing Air Force tanker fleet and the urgency of the requirement to replace those aircraft. In my view, the Air Force was deficient in the case they tried to make that there is an imminent risk to the fleet, but the Air Force did show a long-term requirement for tankers that will ultimately require the fielding of replacement aircraft.

At the same time, the Government Accounting Office, the Congressional Budget Office, and the Congressional Research Service all raised serious questions about whether the lease proposal presented by the Air Force was in the best interest of the taxpayers. According to these independent analyses, the tanker lease proposal was likely to cost the taxpayers as much as $5 billion more than a traditional purchase of the same aircraft on the same schedule.

After considering these issues, Senator WARNER put forward an alternative approach under which the Air Force would lease 20 tanker aircraft and purchase the remaining 80 aircraft contemplated in the original lease agreement. I supported this creative approach. It would reduce the acquisition cost for aircraft by more than $4 billion dollars, while allowing the Air Force to acquire the full 100 aircraft that they say they need.

In order to help the Air Force with its funding problems, we agreed to authorize incremental funding of the 80 aircraft purchase, so that the Air Force can budget for aircraft construction costs in the year the costs are incurred, rather than obtaining full budget authority at the time the order is placed. Incremental funding is not generally a good idea, but it is a significant improvement over the lease approach originally proposed by the Air Force in this case.

I want to specifically point out the very creative role of Senator WARNER in coming up with a solution which I was proud to support. This is his creative solution to a real problem. We have a need for new aircraft. The problem is the resources were not there for them. The right way to do this is purchase, not lease. We did the best we could to make it clear at the same time we acquire these aircraft, we want to do it with minimum damage to the usual procurement rules which require a purchase rather than a lease of equipment of this kind.

I was also pleased the conference report includes a Senate provision authorizing the expansion of the cooperative threat reduction program of the Department of Defense and the nonproliferation programs at the Department of Energy, outside of the former Soviet Union. That was the change we were able to make. This is the basically flowering of the Nunn-Lugar program. Senator LUGAR, of course, who is still in this body, is the one who has promoted and prodded and pressed us to do this. He has been absolutely right on this program. They have proven to be important tools in helping to reduce the proliferation risk from nuclear, chemical, and biological materials in the former Soviet Union.

We give the President the authority which the President requested to continue the destruction of chemical weapons in Russia. It fully funds CTR programs. But at the request of the administration, with full support of Senator LUGAR, who really was a leader in this, and the full support of our chairman and our committee, we have now for the first time, using the authorities in the agreement, allowed the President to use these cooperative threat reduction funds from the Department of Energy Materials Protection and Control Program to meet emerging threats in other parts of the world. It is no longer limited now to the former Soviet Union.

Again, Senator WARNER's total support of this change was instrumental in making it happen.

Mr. WARNER. Mr. President, if the Senator will yield, it certainly was his leadership on those issues, the CTR, the expansion. Truly, I joined you, and felt strongly about them. We were steadfast when the four of us finally got into the conference and settled those points.

Mr. LEVIN. I thank the chairman.

Finally, I am pleased that the conference report includes a Senate provision authorizing the expansion of the Cooperative Threat Reduction program of the Department of Defense and the nonproliferation programs at the Department of Energy outside the Former Soviet Union. These programs have proven to be important tools in helping reduce proliferation risk from nuclear, chemical and biological materials of the Former Soviet Union. This conference agreement also provides the President with the authority he requested to continue destruction of chemical weapons in Russia, and fully funds the CTR programs.

As we have all come to appreciate, however, the risk that nuclear, chemical and biological materials and knowledge will proliferate is not limited to Russia and the other States of the former Soviet Union. For the first time, using the authorities provided in this agreement, the President will be able to use CTR funds, and funds from the Department of Energy, DOE, Materials Protection and Control program, to meet emerging threats in other areas of the world.

I had previously expressed my gratitude to Senator COLLINS for her extraordinary leadership in this effort. Her assessment on the floor is one I join.

The House bill contained a provision, based on an administration proposal, that would fundamentally alter the Federal Civil Service System by authorizing the Secretary of Defense to waive certain provisions of law governing employee performance, pay and allowances, labor relations, hiring and firing, training, pay administration,

oversight and appeals. The House provision included few legislated procedures and processes for the new civilian personnel system, other than the requirement that the new system be ''flexible'' and ''contemporary''.

The Federal Civil Service System was established more than a century ago to replace a patronage system that was characterized by favoritism, and abuse. While reform and streamlining of that system is a reasonable objective, it is equally important that we do not allow those abuses to resurface. The House bill would not only have provided the greatest shift of power to the executive branch in memory, it would also have put us at risk to some of the abuses of the past.

Senator COLLINS and I worked together closely to fashion a bipartisan bill in the Governmental Affairs Committee that would provide the Department of Defense the new personnel flexibility that it needs, while preserving important protections for individual employees. Our bill was approved by the Governmental Affairs Committee in early June and became the basis for our negotiations in conference with the House.

The bipartisan approach that Senator COLLINS and I took on this issue met with opposition from the administration at every turn. At times, it appeared that some of our opponents were less interested in enacting sound human capital provisions than they were in providing as much power as possible to the Secretary of Defense.

Nonetheless, we were able to build some important protections into the legislation that is included in this conference report. These include provisions from the Collins-Levin bill that would: preserve the right of individual employees to appeal adverse personnel actions to the Merit Systems Protection Board and, if necessary, the courts; ensure that the new personnel system cannot be used as a basis for reducing the amount of money allocated to civilian pay accounts; provides specific guidance and direction on the implementation of a pay-for-performance system; ensure that the Office of Personnel Management will play a central role in developing a new personnel system for the Department of Defense; and provide for the orderly phase-in of the new personnel system.

The outcome on collective bargaining issues was more of a mixed bag. I believe that the right of employees to participate in labor organizations of their choosing, and to engage in collective bargaining through such organizations, is a fundamental one in our society. This view does not appear to be shared by the White House or the Department of Defense.

Nonetheless, the collective bargaining provisions that Senator COLLINS and I were able to negotiate on this bill are substantially better from our perspective than comparable provisions included in the House bill and the Homeland Security Act.

The Homeland Security Act authorize the Secretary of Homeland Security to waive any and all of the provisions of Chapter 71 of Title 5, which governs labor-management relations for Federal employees. This waiver authority gives the Secretary of Homeland Security complete authority to establish any new labor relations system he may choose, with virtually no statutory limitation. The House bill would have provided the same authority to the Secretary of Defense.

This conference report does not include any authority to waive the requirements of Chapter 71. On the contrary, as the Chairman of the House Government Reform Committee pointed out on the House floor last week, this bill specifically lists the provisions of Chapter 71 as being nonwaivable. The bill before us states, and I quote, ''Any system established [under this provision] shall . . . not waive, modify, or otherwise affect'' Chapter 71. This means that the Department of Defense, unlike the Department of Homeland Security, remains subject to the collective bargaining requirements of Chapter 71.

The conference report also states that, notwithstanding the provision preserving the full force and effect of Chapter 71, the Secretary ''may establish and from time to time adjust a labor relations system for the Department of Defense to address the unique role that the Department's civilian workforce plays in supporting the Department's national security mission.''

These two provisions must be read together and both must be given meaning. The first provision states that Chapter 71 may not be waived or modified. The second provision states that the Secretary may establish a unique labor relations system. For both provisions to have meaning, the unique labor relations system established by the Secretary must be consistent with the requirements of Chapter 71. For example: Section 7102 of Chapter 71 states that each employee shall have the right to form, join, or assist any labor organization to engage in collective bargaining with respect to the conditions of employment through representatives chosen by employees. The unique labor relations system established by the Secretary must preserve this right.

Section 7105 states that the Federal Labor Relations Authority FLRA shall determine the appropriateness of units for labor organizations representation and supervise or conduct elections within such units. Nothing in the conference report gives the Secretary of Defense any authority to waive or modify this requirement imposed on an independent Federal agency.

Section 7111 requires an agency to accord exclusive recognition to a labor organization if the organization has been selected as the representative by a majority of the employees in a bargaining unit. The unique labor relations system established by the Secretary must preserve this right.

Section 7114 states that a labor organization which has been accorded exclusive recognition as the exclusive representative of the employees in the unit represents and requires an agency to bargain in good faith with such a labor organization. The unique labor relations system established by the Secretary must preserve this right.

Section 7116 provides that it shall be an unfair labor practice for an agency to interfere with, restrain or coerce employees or to refuse to consult or negotiate in good faith with a labor organization. Nothing in the conference report gives the Secretary of Defense any authority to waive or modify this requirement.

Section 7118 authorizes the General Counsel of the FLRA to investigate allegations that any person has engaged in unfair labor practice. Nothing in the conference report gives the Secretary of Defense any authority to waive or modify this requirement applicable to an independent federal agency.

Unfortunately, the conference report does provide for exceptions to the applicability of Chapter 71. In this regard, the conference report specifically provides that the labor relations system established by the Secretary ''shall provide for independent third party review of decisions, including defining what decisions are reviewable by the third party, what third party would conduct the review, and the standard or standards for that review.'' It also states that national level collective bargaining shall ''be subject to review by an independent third party only to the extent provided'' under this process. This language appears to preclude the appeal of such issues to the Federal Service Impasses Panel under section 7119 of Title 5.

While I was disappointed by the decision to include language limiting the review of collective bargaining decisions, the preservation of other rights under Chapter 71 makes this provision far preferable to the personnel provisions in the House bill or the Homeland Security Act. Senator COLLINS' commitment to this issue has ensured that Department of Defense employees will have far greater protection under the National Security Personnel System than they would otherwise have enjoyed. I commend her for her steadfast determination to make this provision as balanced and as fair as possible.

Several of the environmental provisions in the bill go far beyond what is needed to address the legitimate needs of the Department of Defense.

The first of these would exempt defense lands from critical habitat designations without establishing a suitable alternative environmental safeguard. Both the House bill and the Senate bill recognized DOD's interest in greater flexibility for military training by allowing the use of an ''Integrated Natural Resources Management Plan,'' INRMP, adopted by DOD to protect endangered species in lieu of a critical habitat designation, which would be far

more restrictive. However, the Senate bill included a threshold test—used by the past two administrations—before an INRMP could be approved as a substitute for a critical habitat designation. The House bill contained a much less careful approach.

In the course of the conference, we offered a long series of possible compromises on the threshold test. We suggested that DOD at least show that the INRMP provided a ''reasonable benefit'' for endangered species, or ''appropriate protection'' for endangered species—flexible tests that would have given the administration broad discretion to balance military readiness concerns against environmental protection concerns.

We were met with a complete stone wall. We were told that while the Pentagon would of course be ''reasonable'' and take ''appropriate'' steps, these words could not be put into statute. Any adjective, we were told, would subject the Department of Defense to ''litigation risk.'' Of course, the only standard that raises no litigation risk is a standard that imposes no obligation. That appears to be the course that is administration has chosen when it comes to environmental issues.

Similarly, on the Marine Mammal Protection Act, I believe that the Navy has some legitimate concerns about the application of the current statute, but I was concerned that the language in the House bill went too far in trying to address those concerns. As I read that language, the Navy would not even be required to seek a permit under the Marine Mammal Protection Act unless its activities would disturb marine mammals populations to such a significant extent that there are reproductive or survival implications for the species. If for some reason this weren't enough, and a permit wasn't granted, the provision would allow the complete exemption of activities that would have an even greater adverse impact on marine mammals.

I offered to work with the Navy to try to reach agreement on more balanced language that would still address the Navy's concerns. The Navy initially encouraged such discussions, but the Department of Defense soon began to reject any change to the House language. As was the case with the Endangered Species Act, the Administration rejected every proposal that could have garnered broad bipartisan support in favor of an approach that would impose virtually no obligation at all on the Department of Defense to be environmentally responsible. I am concerned that this approach could result in real and unnecessary harm to marine mammals and a serious backlash against the Navy—which could undermine critical readiness activities in the long run.

Finally, I am disappointed by the outcome of the conference on nuclear weapons issues. In my view, this conference report takes the United States in a dangerous new direction that marks a major shift in American policy, is inconsistent with our longstanding commitment under the Nuclear Nonproliferation Treaty, and undermines our argument to other countries around the world that they should not develop or test nuclear weapons. With this legislation and related actions over the past 2 years, the Bush Administration appears to be moving to change the traditional thinking about nuclear weapons, to make nuclear weapons more usable, and to see them as just another capability. Or, as a recent article in the New York Times Magazine suggests, to make the unthinkable—thinkable.

Current U.S. law bans research and development of new nuclear weapons that could lead to their production. The specific weapons covered by the ban are so called low-yield nuclear weapons which have a nuclear explosive yield of 5 kilotons or less. Five kilotons is roughly a third the size of the nuclear bomb that was used at Hiroshima, which immediately killed an estimated 140,000 people and left many more injured. The Bush administration asked that this ban be repealed. This conference agreement would do so.

There is some satisfaction that the conference agreement includes language adopted on the Senate floor, which would require specific congressional authorization before the administration may engineer, test, produce or deploy a low-yield nuclear weapon. However, this requirement is a poor substitute for current law, which imposes a complete ban on the development of such weapons.

This conference report would also authorize the Bush administration request to continue work on a Robust Nuclear Earth Penetrator, RNEP. As with low-yield nuclear weapons, the Administration would be authorized to proceed with research, but would be required to obtain specific authorization to engineer, test, produce or deploy the RNEP. The RNEP program would modify one of two existing low yield nuclear weapons to create a nuclear weapon that will penetrate rock. Both weapons being looked at for possible modification are high yield nuclear weapons with yields that are approximately 30 and 70 times the explosive power of the Hiroshima bomb.

At a time when the United States is trying to dissuade other countries from going forward with nuclear weapons development, when we strongly oppose North Korea's pulling out of the Nuclear Nonproliferation Treaty, and when we are spending over a billion dollars to prevent the spread of nuclear weapons material and technology, these actions would send a terrible message. We are telling others not to go down the road to 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 that we do not—and should not—tolerate in others.

This is an area where many of us have been deeply troubled by the direction of this administration because it would seem at the same time we are trying to dissuade other countries from going forward with nuclear weapons development, when we strongly oppose North Korea's pulling out of the nuclear nonproliferation treaty and when we are spending over $1 billion to prevent the spread of nuclear weapons material and technology, the actions we are taking here send the wrong message, which is continuing to go down a road of considering new and doing research on new nuclear weapons and modernization of nuclear weapons.

We put something of a lid on it by specific language which the chairman introduced on the floor, which I very much supported and which requires that before we move to a development stage in any new weapon, that there be a specific authorization by the Congress that does give at least some protection, some certainty that we will not move to the development stage of a new modernized nuclear weapon without thorough consideration of the Congress. That, at least, is some constraint on that development.

Finally, again, I thank our chairman for bringing this bill to the floor. It has taken tenacity and patience and all the other wonderful qualities he has to make it possible. He has a wonderful way of being inclusive and open in a way that is appreciated by everybody. It has been noted on the floor many times in the last few hours.

I also thank our ranking minority members, as well as the other members of our committee who chair the subcommittees, for all the support they have given to this bill throughout the year. It took a long, long time for this bill to come to the floor and, finally, for us to come up with a conference report. We have a truly talented group of members on our committee.

Of course, as the ranking member, I focus on the other ranking members of the subcommittees, but I know I speak for Senator WARNER in thanking all of the members of our committee. He has already thanked all the members of the committee for their work this year.

I thank our staff for their hard work, including Judy Ansley, Rick DeBobes, Chuck Alsup, Ken Barbee, Mike Berger, June Borawski, Leah Brewer, Jennifer Cave, David Cherington, Chris Cowart, Dan Cox, Madelyn Creedon, Mitch Crosswait, Marie Fab Dickinson, Brie Eisen, Evelyn Farkas, Richard Fieldhouse, Andy Florell, Brian Green, Creighton Greene, Bill Greenwalt, Carolyn Hanna, Jeremy Hekhuis, Bridget Higgins, Bruce Hock, Gary Howard, Andrew Kent, Jennifer Key, Greg Kiley, Maren Leed, Gary Leeling, Peter Levine, Patty Lewis, Tom MacKenzie, Sara Mareno, Ann Mittermeyer, Lucian Niemeyer, Cindy Pearson, Paula Philbin, Lynn Rusten, Arun Seraphin, Joe Sixeas, Christy Still, Scott Stucky, Mary Louise Wagner, Dick Walsh, Nicholas West, and Kelley Wilson.

We could not have come to this position without our staff. If I can single out Rick DeBobes' work in particular, I know Judy will forgive me. This is his first year as staff director on our side, and Rick's work has been nothing less than extraordinary. It is exactly what we have come to expect from him.

I must also note Peter Levine, because of his continuous work. I probably should not single out anybody other than Rick, but I think all the members of the staff on this side will also understand why I single out Peter, in addition to Rick DeBobes, for the kind of work they have given this committee this year.

Mr. WARNER. Mr. President, I thank my colleague. I take note that Peter Levine is here and he has been referred to on our side as the damage control expert, and he is very effective in these areas.

I must inquire of my distinguished colleague, was the long hand of David Lyles felt in this program, the former staff director of Senator LEVIN for these many years? I somehow see the fine hand of David Lyles.

Mr. LEVIN. His influence continues. He is now my chief of staff on my personal staff. He takes, of course, a major interest in this area, as he always has. I am sure Rick and Peter and all the others would say having David on my personal staff is a big plus.

Mr. WARNER. It is a big plus to us, also. I take this opportunity to thank all of the staff members listed by my good friend and colleague, Senator LEVIN.

Mr. President, I want to reach across the aisle, while nobody is looking, and shake hands with my colleague. We have worked together these 25 years and we are a pretty good team. It is a sheer joy to work with him.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Ohio is recognized.

TRIBUTE TO ARMY PRIVATE FIRST CLASS MARLIN T. ROCKHOLD

Mr. DEWINE. Mr. President, at a wreath-laying ceremony at Arlington National Cemetery on this day—Veterans Day—nearly two decades ago in 1985, President Ronald Reagan spoke about the responsibility we, the living, have in remembering those who have died for us on the field of battle. At that ceremony, President Reagan said this:

> There is a special sadness that accompanies the death of a serviceman [or woman], for we're never quite good enough to them—not really; we can't be, because what they gave us is beyond our powers to repay. And so, when a service [member] dies, it's a tear in the fabric, a break in the whole, and all we can do is remember.

Today, I come again to the floor of the U.S. Senate to remember an Ohio serviceman who gave his life to protect us, to protect our families, and to help liberate the Iraqi people. Army Private First Class Marlin Tyrone Rockhold, who proudly served with the 3rd Battalion, 7th Infantry Regiment of the 3rd Mechanized Infantry Division, was killed on May 8, 2003, by a sniper in Baghdad.

He was 23 years old.

Marlin Rockhold—''Rocko'' to his family and friends—was born in Hamilton, OH, on July 1, 1979. He attended school in Butler County and graduated from Hamilton High School in 1998, where he was a well-liked student and member of the Hamilton Big Blue football squad. As his grandmother, Eileen Henderson, described, ''Marlin just about always had a smile. He was a person you just had to like.''

Though a kidder growing up, Marlin also had a quiet, determined, serious side. After graduation, he set out to realize a dream—a dream he had since childhood. Marlin Rockhold's dream, was to join the military. From the time he was a little boy, he wanted to become a soldier. He wanted to see the world. He wanted to see a life outside of Hamilton. He wanted to serve the country he so dearly loved.

And so, on March 4, 2002, Marlin joined the Army and was sent to Boot Camp at Fort Benning, GA. From there, he was stationed at Fort Stewart, GA. On January 20, 2003, he was sent to Kuwait and eventually went on to serve in Iraq as part of Operation Iraqi Freedom.

Mr. President, for as much as Marlin Rockhold loved the Army, he loved his family even more. In fact, two days before he joined the service, on March 2, 2002, he married the love of his life, DaVonna. Marlin was thrilled to begin his family with her and her daughter, Therashia. He loved them both with every ounce of his being. They meant the world to him. He devoted his life to them.

While he was in Iraq, Marlin often wrote letters to his wife and his family. In one letter to his grandmother, he wrote that no one wants to fight a war, but sometimes you do what you have to do.

Through his service in the Army, PFC Marlin Rockhold was doing what he believed in. He didn't want to leave his family. He didn't want to fight a war. But Marlin Rockhold did what he felt he had to do. As Rev. Lonnie Napier said at Marlin's memorial service:

> He was willing to join the fight for the hopeless so that they might be free.

Marlin Rockhold was a good soldier. He was a good man. Marlin's sister Brooke said he ''always was determined to be happy. Now he's with the Lord. He's happy.''

I attended Marlin's funeral, and I am grateful to have had the chance to hear his family talk about the ''Rocko'' they so deeply loved and admired. At the service, Marlin's brother Derrick said:

> My brother is a hero, my hero, our hero. He is my inspiration. My brother's legacy will live forever in our hearts.

Without question, Marlin Rockhold is a hero, and his legacy will live on through all who knew him and loved him.

In addition to his wife and daughter, left to cherish his memory are his mother Mary, his father Gary, his stepmother Joan, his grandmother Eileen, his four brothers, Keith, Derrick, Gregory, and Anton, his two sisters, Brooke and Kara, his in-laws Dorothy and Clarence and Demery and Patricia, and several aunts and uncles and nieces and nephews.

I know they will miss Marlin deeply. My thoughts and prayers are with them all.

I would like to close with something Marlin's wife Davonna said. She said this:

> I just want Marlin to be remembered—that he [won't] be forgotten. I'll never forget him.

We, too, will never forget Marlin Rockhold. We will always remember him because, as President Reagan said at the conclusion of his remarks at Arlington National Cemetery on that Veterans Day 17 years ago:

> We owe a debt we can never repay. All we can do is remember [the soldiers who have died] and what they did and why they had to be brave for us. All we can do is try to see that other young men and women never have to join them.

TRIBUTE TO BILL MAULDIN

Mr. DEWINE. Mr. President, today on Veterans Day, we are reminded of the sacrifices of all those who have served in our Armed Forces. We honor them, we remember them, and we thank them.

Today I would like to talk about a veteran who proudly served in World War II, a veteran who died this past year, and a veteran who has, I think, great meaning for those who served in World War II. He was a soldier who told the stories of World War II through these drawings. That man, of course, is Bill Mauldin. He is remembered for depicting in his cartoons the average World War II soldier, the person who was doing his job, just trying to survive, trying to get home; the average World War II soldier who won the war; the average soldier to whom we all owe so much.

While Bill Mauldin was depicting the soldier of that generation, in a sense he was depicting all those who serve and who have ever served.

Bill Mauldin passed away on January 22 of this year at the age of 81 following a courageous battle against Alzheimer's disease.

World War II veterans felt and continue to feel an attachment to Bill Mauldin because he really seemed to understand what a typical GI was