the USDA, and other federal agencies. The Federal Emergency Management Agency, FEMA, the Department of Homeland Security, DHS, the Environmental Protection Agency, EPA, and the Departments of Health and Human Services, HHS, Defense, Transportation, and Justice will all have a role to play. In addition, these agencies must coordinate with states, localities and farmers and ranchers.

In February, I introduced the Agriculture Security Assistance Act, S. 427, and the Agriculture Security Preparedness Act, S. 430. The purpose of this legislation is to encourage additional and improved coordination and preparedness on the federal, state, regional, and local level.

The Agriculture Security Assistance Act, S. 427, will assist States and communities preparing for and responding to threats to the Nation's agriculture. My bill aims to improve our detection and response capabilities so they are rapid and swift enough to contain the spread of a disease. S. 427 directs USDA to work with each State to develop and implement response plans. The legislation establishes grant programs for communities and States to incorporate modeling and geographic information systems into planning and response activities. This funding also will help animal health professionals participate in community emergency planning activities and assist farmers and ranchers in strengthening the biosecurity measures on their own property.

The Agriculture Security Preparedness Act, S. 430, will enhance agricultural biosecurity by strengthening interagency and international coordination. The Act will establish senior level liaisons in DHS and HHS to coordinate with USDA on agricultural disease emergency management and response. This bill will task DHS and USDA to work with the Department of Transportation to address one of the largest risk factors in controlling the spread of a plant or animal disease: the movement of animals, plants, and people between and around farms.

Although our ability to respond to an agroterrorism attack is improving, there is still much more that could and should be done. The bills I have introduced will take the necessary steps to further enhance the actions already taken to improve agricultural security in the United States. I look forward to the Senate's support for these important bills.

THE MOBILIZED RESERVE SAVINGS ACCOUNT ACT AND THE DEPLOYED SERVICE MEMBERS FINANCIAL SECURITY AND EDUCATION ACT OF 2003

Mr. NELSON of Nebraska. Madam President, we are all very proud of the outstanding service of our military personnel during a series of significant military operations. Our soldiers, sailors, airmen, and marines, both Active and Reserve, have responded admirably to our Nation's call to service. These brave military personnel have demonstrated superb service by their participation in Operation Noble Eagle, Operation Enduring Freedom, and Operation Iraqi Freedom. Since the 1991 Persian Gulf war, our personnel have served in a number of other contingency operations, including operations in Kosovo, Bosnia, Southwest Asia, and Haiti.

For the most part, our service men and women serve without complaint. However, we know that continuous deployments create hardships for them, their families, and for employers of members of the Guard and Reserve who have been ordered to active duty. There is no way to remove all of the hardships that go with extended and dangerous military service, but we can make sure that they are adequately compensated when they do endure these hardships.

The Personnel Subcommittee of the Armed Services Committee recently held two hearings that included testimony about our Guard and Reserve Troops. We learned:

Although income loss data for current operations is not available, data for past military operations show that about a third of mobilized Guard and Reserve personnel have some income loss, a third have no change, and a third actually report an income increase. GAO reported that a DoD survey conducted in 2000 revealed that ''the average total income change for all members (including losses and gains) was almost $1700 in losses.'' Certain groups, such as self-employed reservists and medical professionals in private practice, reported greater income loss than the average estimated for all reservists.

Reserve component members who have been mobilized are eligible for the same pay and benefits, health care, and family support as their Active component counterparts, although some of them face challenges in understanding and accessing their benefits. All of the services have programs in place to help the members and their families to obtain their benefits.

Despite the isolated news reports about income loss, Reserve component leaders indicate that their service members are not complaining about income loss and that they are happy about being called up to do what they signed up to do.

It is very important that we not create an income disparity whereby a mobilized Reserve component member would be paid more than his or her Active component counterpart of the same grade and experience performing the same duties.

About a third of Reserve component members are involved in some sort of educational program. Some have reported difficulties in maintaining their educational status; loss of academic credits, scholarships and grants; and loss of tuition and other fees paid when they were ordered to active duty. Although many colleges and universities are providing relief, not all are.

We also know that our Active component service members have been stretched with these frequent and lengthy deployments. Granted, they are in a little different circumstance because they volunteered for full-time military service, but these deployments are wearing on them and their families just as much as the mobilization affects Reserve component members and their families.

With this in mind, I recently introduced two bills, the Deployed Service Members Financial Security and Education Act of 2003 and the Mobilized Reserve Savings Account Act.

Deployed Service Members Financial Security and Education Act of 2003 is designed to compensate both Active and Reserve military personnel for frequent and lengthy deployments. It will authorize a new special pay of $1,000 per month for:

Active and Reserve component military personnel who are deployed for 191 or more consecutive days;

Active and Reserve component military personnel who are deployed for 401 or more days out of a rolling 730 day period; and

Reserve component military personnel who are mobilized for a second time within a year of being released from and earlier call-up.

This bill will also amend the Soldiers and Sailors Civil Relief Act to protect the educational status and tuition payments of service members ordered to active duty and it will limit interest rates on their student loans while on active duty.

The Mobilized Reserve Savings Account Act will authorize a pretax savings plan for Guard and Reserve members that they can use to supplement their military income when they are ordered to active duty. This will serve as an incentive for those who know that their income on active duty will be less than their normal income.

These bills are relatively modest proposals that will assist our service men and women who are asked to spend the most time away from their homes and families. It is the least we can do.

I would like to end my remarks by also, once again, thanking all the members of our armed services and their families for the sacrifices made to defend this nation. Your efforts have not gone unappreciated by the folks back home.

I ask that the proposal be printed in the RECORD. The proposal follows.

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

PROPOSAL

A new special pay of $1000 per month for lengthy or numerous deployments for:

Active and Reserve Component members who are deployed for 191 or more consecutive days,

Active and Reserve Component members who are deployed for 401 or more days out of a rolling 730 period, or

Reserve Component members who are mobilized for a second time within a year of being released from active duty.

Amend the Soldiers and Sailors Civil Relief Act to protect the educational status and tuition payments and limit the interest rate on student loans of service members called to active duty.

Authorize a new 401(k) type plan where members of Reserve Components can invest pre-tax dollars that can be withdrawn to supplement military income when member is mobilized or completes his or her military career.

THE PROTECT ACT, S. 151

Mr. BAUCUS. Madam President, although I voted in favor of the conference report on S. 151, I must register my profound concern with certain provisions that were added to the conference report that have nothing to do with protecting children.

I am referring to title IV of the conference report that mandates sweeping changes to the Nation's sentencing laws and guidelines. These provisions stem from an amendment added to the bill in the House, and later modified under unusual circumstances in the conference committee.

These provisions will drastically impact the discretion and independence of Federal judges and the judiciary to impose just sentences not just for child and sex abuse crimes, but for all crimes. These provisions will alter the sentencing laws of the United States, with little or no public debate or hearing on the issue, and with little or no research or study on whether too many Federal judges are in fact abusing their discretion or improperly granting departures from mandatory minimum sentences.

As my colleague from Massachusetts pointed out, if the majority on the conference committee had limited these changes to the serious crimes of sex abuse of children and child pornography, there would be little or no objection to these provisions. But they didn't. They allowed the de novo appellate review and other provisions to stand, provisions which will restrict the ability and discretion of Federal judges to grant downward departures for all offenses.

Unfortunately, as the majority is well aware, the child abduction notification provisions and virtual child pornography provisions of S. 151 are too important to delay any longer than necessary. I cannot vote against those provisions—we must do everything we can to strengthen the hand of State, Federal, and local law enforcement, as well as prosecutors, to protect our children from sexual predators.

It is just unfortunate that this must-pass legislation was taken advantage of to move sweeping reforms of the larger U.S. criminal justice system, reforms the Senate did not debate and on which no hearings were held. I hope we will be able to revisit this matter in the near future.

Mr. BINGAMAN. Mr. President, yesterday I joined my colleagues in voting for S. 151, the PROTECT Act, legislation that is intended to help reduce the incidence of child abduction in our country. The bill passed unanimously on a vote of 98 to 0. I voted for this bill because I believe it contains many important and needed provisions, but I did so with reservations about a couple of different sections of the bill that, in my view, deserved further deliberation.

Before I discuss these reservations, let me start by discussing the most important provisions in this bill. First, this legislation establishes a national AMBER alert system, which includes the establishment of an AMBER alert coordinator within the Department of Justice to assist states with their AMBER alert plans, and which will help to eliminate gaps in the network through better regional coordination among plans. I was pleased to be a cosponsor of the stand-alone version of this bill in both the 107th and 108th Congresses. My home State of New Mexico already has an Amber alert plan, which was recently codified by our State legislature, and I am hopeful that this new Federal legislation will allow my State to receive funding under the new grant programs created by this bill.

Second, the bill includes the so-called ''Code Adam Act,'' which would require Federal buildings to establish procedures to locate a child that is missing in the building. The original Code Adam—one of the country's largest child safety programs—was created by Wal-Mart in 1994 and is now used in more than 36,000 stores nationwide. It is also supported by the National Center for Missing and Exploited Children

Third, in spite of the many extraneous provisions added by the House, the bill includes much of the original PROTECT Act, which passed the Senate unanimously last year. These provisions provide needed tools to prosecutors to help them deal with the problem of child pornography in a way that should pass constitutional muster. Congress first addressed this issue in the 1996 Child Pornography Protection Act, but a significant portion of that law was struck down by the Supreme Court last year. I am pleased with the work of the Senate Judiciary Committee in working through the issues raised by the Supreme Court in a thoughtful and bipartisan way, and I am hopeful that this new measure will help ensure that child pornographers are held accountable for their actions.

I would like to say a few words now about my reservations in voting for this bill. Title IV of the bill makes significant new changes to Federal sentencing procedures in the name of reform. While many of these changes may turn out to be beneficial, at no point in the legislative history of this bill was there an opportunity for critical questions to be raised and answered about these new sentencing reforms. Title IV was added in conference as an amendment with little opportunity for the minority to even read the amendment or engage in a thoughtful debate. Further, several of my colleagues on the Judiciary Committee have noted their objections to what they view as a misrepresentation of the amendment in conference. I do not believe this is the way in which we should do business, and I am disappointed that there was not an opportunity for my colleagues to debate their legitimate concerns further.

In particular, Senator LEAHY raised concerns that this amendment could potentially undermine the Federal sentencing system and prevent judges from imposing just and responsible sentences. As justification, Senator LEAHY cites remarks by Chief Justice Rehnquist on the nearly identical Feeney amendment, which was added to the bill on the House floor. In those remarks, the Chief Justice said, ''This legislation, if enacted, would do serious harm to the basic structure of the sentencing guideline system and would seriously impair the ability of courts to impose just and responsible sentences.''

Whether one agrees with the sentencing reform provisions in this bill or not, the very fact that the Chief Justice of the United States Supreme Court has voiced concerns about it leads me to believe that more time was needed for both the Senate and the House to consider the scope and potential impact of this legislation.

Finally, I would like to comment on another piece of the PROTECT Act, which was added as an amendment in conference by Senator BIDEN. The Illicit Drug Anti-Proliferation Act, previously known as the RAVE Act, modifies the current so-called ''crack house'' statute to make clear that anyone who knowingly or intentionally uses his or her property, or allows another person to use his or her property, for the purpose of distributing, manufacturing, or using illegal drugs will be held accountable. The provision also allows for civil suits against violators.

I have received many calls and letters from people in my State who have raised legitimate concerns about this legislation. While I fully support efforts to ensure that our youth do not fall victim to drugs, and while I understand that Senator BIDEN modified his bill slightly from the previous Congress to address concerns that were raised, I would have preferred that this legislation be allowed to go through the normal legislative process. This would have allowed a public airing of the many concerns that I have heard, and would have provided an opportunity for the Senate Judiciary Committee to address those concerns, as necessary.

I hope very much that during the remainder of this Congress we can revisit both these new provisions related to sentencing and the RAVE Act.

NOMINATION OF ROSS SWIMMER

Mr. DORGAN. Madam President, I necessarily missed last evening's vote on the nomination of Ross Swimmer to be the Special Trustee for American Indians because of a family obligation.