

War. Though we are grateful to these heroes every day of the year, we recognized that we ought to set aside one day in particular, the last Monday in May, to be especially mindful of the brave men and women who paid the ultimate price for our freedom.

At a time when our Nation mourns more sons and daughters than it did just a year ago, many of whom came from my State of Florida, this Memorial Day takes on additional poignancy. My heart is full of solemn gratitude to each new generation willing to risk their lives for the security of strangers.

We cannot merely make promises on this earnest occasion. We must reaffirm our commitment to the veteran soldiers still with us. We must provide full funding for veterans health care. At this moment in our Nation's history, how can we possibly justify anything but a significant increase in VA's health care budget? Not only have we been engaged in a war overseas, but, just this year, VA cut off enrollment to an entire category of veterans.

During a time when 240,000 veterans nationwide—44,000 in my home State of Florida alone—are being told they have to wait 6 months or longer just to see a doctor, how can we possibly turn our backs on these men and women? These veterans have come to VA seeking care—care we promised them they would get—and we owe it to them to fulfill that promise.

Memorial Day has a duality—at once provoking feelings of both somber meditation for those we have lost in battle and the joyous anticipation of celebrating with family and friends during a holiday weekend. Both reactions are fitting to the memories of those who are no longer with us—we remember and revere their service, and we honor what their sacrifice has brought us—the freedom to be with the people we love and hold dear.

As we and other citizens of this country prepare to enjoy the long weekend, let us take a moment to thank those who gave us a future, at the expense of their own.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, the Senate has confirmed 127 judges nominated by President Bush, including 100 in the 17 months in which Democrats comprised the Senate majority. Twenty-seven have now been confirmed in the other 12 months in which Republicans have controlled the confirmation process under President Bush. This total of 127 judges confirmed for President Bush is more confirmations than the Republicans allowed President Clinton in all of 1995, 1996 and 1997—the 3 full years of his last term. In those 3 years, the Republican leadership in the Senate allowed only 111 judicial nominees to be confirmed, which included only 18 circuit court judges. We have already exceeded that total by 14 percent and the circuit court total by 33 percent be-

fore Memorial Day and with 7 months remaining this year.

The fact is that when Democrats became the Senate majority in the summer of 2001, we inherited 110 judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive and controversial, several who had mixed peer review ratings from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed "full employment" by Senator HATCH. Since the beginning of this year, in spite of the Republicans' fixation on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies has been reduced to 44 and is the lowest it has been in 13 years. That is lower than at any time during the entire 8 years of the Clinton administration. We have already reduced judicial vacancies from 110 to 44, in 2 years. We have reduced the vacancy rate from 12.8 percent to 5.1 percent, the lowest it has been in the last two decades. With some cooperation from the administration think of the additional progress we could be making.

If the Senate did not confirm another judicial nominee all year and simply adjourned today, we would have treated President Bush more fairly and would have acted on more of his judicial nominees than Republicans did for President Clinton in 1995 to 1997. In addition, the 44 vacancies on the Federal courts around the country are significantly lower than the 80 vacancies Republicans left at the end of 1997. Of course, the Senate is not adjourning for the year and Chairman HATCH continues to hold hearings for Bush judicial nominees at a rate of between two and four times as many as he did for President Clinton's.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I invite the President to work with us and to nominate more mainstream individuals with proven records and bipartisan support.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

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

I would like to describe a terrible crime that occurred on February 22, 2003. An Arab-American teenager in

Yorba Linda, CA, was badly beaten by a group of teenagers with bats and golf clubs who were yelling racial slurs. He suffered head injuries, a broken jaw, and stab wounds. Metal plates had to be inserted into his face during reconstructive surgery, and his jaw was wired shut for nearly two months.

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

#### SENIOR HEALTH AND FITNESS

Mr. CRAIG. Mr. President, I rise as chairman of the Senate Special Committee on Aging to discuss senior health and fitness. May is Older Americans Month and I feel that it is especially appropriate to mention two events occurring this month that help highlight healthy aging.

First, for the past 10 years, the last Wednesday in May has been designated as National Senior Health and Fitness Day. This year is no different and on Wednesday, May 28, 1,500 local organizations in every State of the Union, will again celebrate National Senior Health and Fitness Day, the Nation's largest annual health promotion event for older adults. Local organizations will host a variety of activities tailored to the needs and interests of their communities. Last year these activities included health walks, health screening, and a wide variety of other events. National Senior Health and Fitness Day is an excellent opportunity for seniors of all fitness levels to take part in locally organized health and fitness events. In my home State of Idaho, the Southwest Idaho Area Agency on Aging, the local YMCA, and a host of other organizations have teamed up to hold a walk in Boise. Idaho seniors will walk anywhere from 2 years, to 2 miles, depending on the participant's ability, a reminder that walking and being active are far more important than how far or how fast we travel.

Second, the 2003 Summer National Senior Games, the Senior Olympics, opens Monday, May 26, in Hampton Roads, VA. An estimated 10,000 senior athletes will come together to compete in a wide variety of sporting events ranging from horseshoes and shuffleboard to track and field and the triathlon. It is one of the largest multisport athletic competitions in the world. I especially salute the 15 Idahoans who will be competing. The Senior Olympians are examples to all of us.

The goals for Senior Day are to make exercise fun, to increase awareness of the benefits of a regular exercise program for older adults, and to encourage all older adults to take advantage of the many health and fitness programs

offered in their communities. As chairman of the Senate Special Committee on Aging, I share these goals. It is important to highlight fitness and nutrition for seniors as a way of life. This is a concept that is very important to our ever-growing aging population.

I salute all athletes participating in the National Senior Games and all those involved in the National Senior Health and Fitness program in their communities.

#### SUNSHINE IN IRAQI RECONSTRUCTION CONTRACTING AMENDMENT

Mr. WYDEN. Mr. President, with the adoption of my amendment as part of the Defense authorization bill, the Senate is shining much needed sunshine on the process of awarding contracts for the reconstruction of Iraq. This amendment will ensure that Congress and the public will not be kept in the dark about the billions of dollars of contracts for reconstruction of Iraq that have already been awarded or will be awarded under the auspices of the Department of Defense.

This amendment is also critical for ensuring the taxpayers get the best value for their money. An article in yesterday's Wall Street Journal confirms that the Senate has done the right thing. The Journal reports that in "selecting subcontractors to help with hundreds of millions of dollars in repairs and rebuilding, the work is gearing up under a cloud of politics and distrust." The article goes on to say, "Officially, the U.S. government is saying the subcontractor awarding process is going to be fair and open and that nobody will be discriminated against because of politics. But in unofficial conversations, U.S. officials display quite a different attitude."

This latest report raises troubling questions about how U.S. agencies and their contractors are playing favorites when it comes to awarding contracts and subcontracts for Iraq reconstruction.

There are two primary reasons American taxpayers deserve additional details about what has been up until now a closed bid process. First, there is a lot of money on the line—a projected \$100 billion in taxpayer funds for rebuilding. Second, the U.S. General Accounting Office, GAO, has reported that sole-source or limited-source contracts usually aren't the best buy. In my view, the need for explanation increases one hundred-fold if Federal agencies are going to employ a process that may expose taxpayers to additional cost.

Yet sole-source and limited-source contracts seem to be the rule, not the exception, for rebuilding Iraq. On March 24, the Army Corps of Engineers announced a sole-source contract to control Iraqi oil fires. It was later reported that the amount of that contract was up to \$7 billion. The details of that contract have yet to be made public.

The U.S. Agency for International Development, USAID, has also announced that it would limit competition to companies with demonstrated technical ability, proven accounting mechanisms, ability to field a qualified technical team on short notice, and authority to handle classified national security material. But when it came time to actually award these contracts, USAID ignored or circumvented the Agency's own publicly stated criteria for limiting the pool of applicants.

Under the new structure for rebuilding Iraq, these contracts will be overseen by the Office of Reconstruction and Humanitarian Assistance in the Department of Defense. In addition, the Defense Department has awarded and will continue to award its own contracts for Iraq rebuilding.

So more than ever, I believe that if the Federal Government chooses not to use free market competition to get the most reasonable price from the most qualified contractor, then, at a minimum, they should have to tell the American people why. Sunlight is the best disinfectant—and the recent news reports have shown the need for a clearing of the air.

I do understand the argument that these contracts need to be awarded quickly. I do understand that in many cases the companies receiving them have a long history of international work with USAID and other Federal agencies. I simply believe that if the need for speed can adequately justify these closed-bid processes that may expose American taxpayers to additional expenditures, then that justification should be made public. That is why our legislation says that any Federal entity bypassing competitive bidding for Iraqi reconstruction projects has to reveal the justifying documents they have prepared.

As it turns out, when it comes to their contracts USAID even seems to think that sunlight is a pretty good policy. One of the requirements for the \$680 million contract with the main U.S. contractor for Iraq reconstruction Bechtel, requires that it justify to USAID any subcontract awarded without open bids. If USAID can ask that of its main contractor, surely the American people can make the same demand of Federal agencies awarding these contracts.

According to news reports, in 1999, USAID's own inspector general reported that at that time USAID's evaluation program didn't provide sufficient assurance that they were picking the best contractors. Although a follow-up report indicated some improvement, I think that is an argument in and of itself to insist on disclosure of the facts.

Here is my bottom line: There are too many questions and the stakes are too high for Congress not to demand public disclosure of this information. The American people are footing the bill for repairs in Iraq that they often can't get in their own cities and towns

on U.S. soil. The least Federal agencies can do is be a little clearer about who is getting the money and why.

I am pleased to be joined by a distinguished and bipartisan group of colleagues in this effort. I particularly thank the chair of the Government Affairs Committee, Senator COLLINS of Maine. As chair of the committee that oversees contracting legislation, she is an expert in procurement law, a real authority on the very issue addressed by this bill. Her qualities of leadership on the committee and incredible proficiency on this topic give me great confidence that this bill is the right move for our constituents, the right move for the Senate, and the right move for America. I thank her for her support and participation in this effort.

I am also indebted to the other cosponsors of this legislation—Senator CLINTON, Senator BYRD, Senator LIEBERMAN, Senator LAUTENBERG, and Senator HARKIN. In particular, Senator CLINTON has been a strong and steadfast voice on this issue. I appreciate her support and the support of all the cosponsors.

#### INTRODUCTION OF THE WOMEN'S SMALL BUSINESS PROGRAMS IMPROVEMENT ACT OF 2003

Mr. KERRY. Mr. President, women business owners do not get the recognition they deserve for their contribution to our economy: 18 million Americans would be without jobs today if it weren't for these entrepreneurs who had the courage and the vision to strike out on their own. For 18 years, as a member of the Senate Committee on Small Business and Entrepreneurship, I have worked to increase the opportunities for these enterprising women in a variety of ways, leading to greater earning power, financial independence and asset accumulation. These are more than words. For these women, it means having a bank account, buying a home, sending their children to college, calling the shots.

As the ranking member of the Committee on Small Business and Entrepreneurship, I rise today to say a few words about a bill that my colleague on the committee, our chair, Senator SNOWE, intends to introduce today, the Women's Small Business Programs Improvement Act.

First, however, I commend Senator SNOWE for taking this first step in crafting legislation that addresses many of the problems faced by women entrepreneurs in receiving assistance through the SBA's programs designed to assist them. I applaud Senator SNOWE for working diligently on these issues and for giving women business owners such attention in this SBA Reauthorization process.

Second, I express my sincere and steadfast support for the growing community of women entrepreneurs across the Nation and for the invaluable programs at the SBA that provide women with the tools they need to succeed in