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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Creator God, Lord of the universe, You have done great things for us. You lend us heartbeats and protect us from dangers seen and unseen. You breathe purpose into our lives. Lord, forgive us when we travel the road of aimless living and major in minors or minor in majors. Save us from a cynicism that usually sees the glass as half empty. Help us, today, to discern Your will for us, and draw us together in unity. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Ohio is recognized.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the majority leader, the Senate will be in a period for morning business until 10:30 a.m., with the time under the control of the two leaders or their designees. Following morning business, the Senate will resume debate on H.R. 2658, the Department of Defense appropriations bill. The chairman and ranking member were able to work through several amendments yesterday and we will continue the amendment process today.

There are several Senators who want to speak on the bill but the majority leader remains hopeful that we can complete action on this vital appropriations bill during today's session. Rollcall votes will occur throughout the day today.

The Senate will recess for the weekly party lunches from 12:30 to 2:15 p.m.

Mr. REID. Will the Senator yield?

Mr. DEWINE. Yes.

Mr. REID. Before the distinguished President pro tempore and chairman of the Appropriations Committee leaves the Chamber, I say that we all are aware of and concerned about—as always, impressions are made by things visual—I am very concerned today because the distinguished Senator from Alaska is wearing his Hulk tie. That is usually a sign of a very difficult day in the Senate. I hope that is not the case.

A couple of years ago we had an appropriations process with a most difficult end to an appropriations bill but we did finish it. One of the nicest gifts that was ever given to me—I will not say it was ugly but it was quite a tie—was given to me by the chairman of the Appropriations Committee, Senator STEVENS, as a result of the good work I had done. I have worn that tie a couple of times, although not for very long.

I do hope things go well on the bill today. I know it is a difficult bill, that he and Senator INOUYE have tried to work through it, but I think he may be a little too optimistic that we are going to finish it today. When he wears the Hulk tie, we never know what is going to happen.

Mr. DEWINE. I say to my colleague that when I see that tie, I think it is simply a good indication that the Senate will get a lot of work done. That is usually an indication that my colleague from Alaska is resolved to see the job through.

Mr. REID. A lot of work done or else.

Mr. DEWINE. Or else, yes, that is absolutely true.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business until the hour of 10:30, with the time equally divided between the two leaders or their designees.

The Senator from Ohio.

TRIBUTE TO LUCEILLE FLEMING

Mr. DEWINE. Mr. President, I rise today to pay tribute to an extraordinary individual, a woman of great vision and passion who has dedicated her life to helping people in their time of need. Her name is Luceille Fleming, and she just retired this past Friday, ending her over 14-year tenure as the first and only Director of the Ohio Department of Alcohol and Drug Addiction Services.

Luceille Fleming is an extremely intelligent, wonderfully caring woman who has given so much to the State of Ohio. To say that she will be missed is an understatement, because Luceille Fleming built this Ohio agency from the ground up and turned it into a nationally-recognized statewide drug and alcohol treatment network. Simply put, Luceille Fleming has spent the last 14 years saving lives. She led the effort to create a system that has helped countless Ohioans to help themselves, to reclaim their lives from all-consuming addictions.

While I have come to the Senate Floor today to speak about Director Fleming's contributions to my home State of Ohio, she actually came to Ohio from Pennsylvania. After graduating from Chatham College in Pittsburgh, Director Fleming began her career as a communications specialist for a CBS affiliate in Harrisburg, PA. She

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

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then went on to found and run her own company called Dunhill of Harrisburg. In these positions, she cultivated her skills as a great leader and a great motivator.

In 1977, she became the executive director of the Alcoholism and Addiction Association of Pennsylvania. In this position, she established the first successful statewide collaboration in Pennsylvania between alcoholism treatment efforts and drug abuse treatment efforts. She brought the treatment groups together with the recognition that both alcoholism and drug abuse are addictions. Today, that connection between alcoholism and drug addiction seem so logical. It has become an accepted notion. But it was Luceille who was at the forefront of bringing these two groups together.

From there, Luceille was appointed deputy secretary of Health for Drug and Alcohol Programs in Pennsylvania. She supervised the policy and implementation of the State's drug and alcohol treatment effort. This experience at the State government level gave Luceille insights into how an effective statewide alcohol and drug addiction services agency should be run.

Fortunately, Luceille was willing to bring these insights to our State of Ohio. In 1989, Luceille was hired after an exhaustive search to develop a cabinet-level agency to manage a statewide substance-abuse treatment network. She was hired by then-Governor Dick Celeste. Prior to her arrival, Ohio had two different agencies overseeing drug and alcohol treatment programs. A panel recommended combining the two agencies. Luceille was tasked with the creation of that single agency. It was a huge job but one for which she was more than qualified. While she excelled in her previous positions, as director of the Ohio Department of Alcohol and Drug Addiction Services, Luceille truly thrived. Under Director Fleming's leadership, the agency developed innovative programs, reaching out to many different communities. Director Fleming fostered programs for juveniles and children, including youth mentoring, Head Start, and underage drinking prevention. She also established and supervised programs that served women recovering from substance abuse, helping them to reunite with their children. What could be more important than that?

During her 14-year tenure under three Ohio Governors, including the current occupant of the chair, one of Director Fleming's top priorities was the expansion of the drug courts program which helped reduce recidivism, encouraging the proper treatment of offenders with substance abuse programs. When Director Fleming started, there was only one drug court in the State of Ohio. Today, there are 55. That is thanks, certainly, to the current occupant of the chair, and it is also thanks to Director Luceille Fleming.

I have had the pleasure of working with Luceille directly, both when I was serving as lieutenant governor and now as Senator. Her experience, her judgment have proven invaluable to me. I have sought her advice many times, both as lieutenant governor and now for the last 9 years as Senator. I can tell Members of the Senate, many days I have picked up the phone and called Luceille to get her advice on a bill or program. She has always been very candid, very open, very helpful, and had very good insight.

I am grateful for her advice and her expertise as we collaborated on the safe and drug-free schools bill and other bills. Luceille's insights and contributions added tremendously to that law and helped make it a truly effective piece of legislation.

After Luceille's retirement was announced, I read several news stories about her career and her contributions to the State of Ohio. While reading, I was struck in particular by one quote from Paul Coleman, president of Maryhaven, a substance abuse treatment center in Ohio. He said Director Fleming has ''a passion that burns to help people.'' Paul Coleman's statement says it all. If I had to come up with one statement that sums up Luceille Fleming, it would be she truly has a passion that burns to help people and she has channeled this passion into a life of service and dedication to others.

Luceille Fleming retired last week at the age of 79—yes, 79—to take a breather and enjoy some time off. Those who know Luceille know she probably won't take a lot of time off and she will plunge back into something. She has been working at the Department of Alcohol and Drug Addiction Services since she was 65 years old. Most people at that point in their life would have decided to take it easy, kick back, and maybe relax. But not Luceille. She instead decided to take a position in government to build a State agency from the ground up. Her energy and her drive are truly remarkable.

I conclude my remarks with a quote from Luceille herself. Upon taking her position with the agency, somebody asked at her first press conference about her age. To this question she simply said: ''Well, you know, I think the hair thins, the hips thicken, but the mind sharpens.''

I cannot speak to the first two parts of that statement, but I can tell you for certain that the last part is true in regard to Luceille. Luceille is sharp, she is bright, she is focused—more today than ever. She has helped so many people during her career, and the people of Ohio and the Nation are, indeed, grateful.

Luceille, you will be missed at the agency. You will be missed in the State of Ohio. We are grateful for what you have done.

The Presiding Officer and I had the opportunity to work with Luceille. It was my job as lieutenant governor to work with the current occupant of the chair, my colleague from the State of Ohio, in the drug addiction area, substance abuse area, when I was lieutenant governor and the current occupant of the chair was Governor. Dick Celeste, former Governor, picked Luceille to head up this new agency, to create this new agency. She had run it for a number of years and built it up. Then-Governor-elect VOINOVICH had taken over, and it was our job to decide whether Luceille was going to continue in that position. We looked all over the State of Ohio and across the country to determine who should occupy that position. After a long search, we decided—then-Governor-elect VOINOVICH decided that Luceille Fleming, the person who was in that position, was the best person to continue.

We were not disappointed. We had the opportunity to work with Luceille, to sit in Cabinet meetings with her. I had the chance to work with her many times on a detailed basis to talk about substance abuse problems, alcohol and addiction problems, wrestled with these problems, problems in the prisons, problems in our communities. She is just an amazing person, someone who truly understands the gravity of the problem, how it infests our communities, the damage it does to our young people. She was always optimistic, always believed we could do more, always said: MIKE, if we could just move in this direction, if we could just move forward a little bit more, we could save some lives. We could turn some young people's lives around. We can make a difference. Let's try this. Let's try that. We can do better. To see someone now 79 who still has that optimism, who still has that belief—we can do better, we can do more—is a wonderful thing to see.

I salute Luceille Fleming for her 14 years of service to the State of Ohio, for her optimism, for her vision.

Luceille, thank you for the work you have done. Those in Ohio who have worked with you are truly grateful for your service to the people of the State. We appreciate it very much. You are a true visionary. You are a dear person, someone who has contributed a great deal to our State and to the people we always serve.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BUILDUP TO WAR ON IRAQ

Mr. LEVIN. Mr. President, last week, CIA Director George Tenet accepted responsibility for having gone along with the African uranium statement in the President's State of the Union address. His acknowledgment that it should not

have been included in the address and his acceptance of responsibility was appropriate. But his explanation of the CIA's acquiescence in allowing the use of a clearly misleading statement raises more questions than it answers, and statements by other administration officials, particularly National Security Adviser Condoleezza Rice, compound the problem.

Even more troubling, however, is the fact that the uranium statement appears to be but one of a number of several questionable statements and exaggerations by the intelligence community and administration officials that were issued in the buildup to the war. The importance of objective and credible intelligence cannot be overstated. It is therefore essential that we have a thorough, open and bipartisan inquiry into the objectivity, credibility and use of U.S. intelligence before the Iraq war.

First, relative to the uranium issue:

> The President in his State of the Union Message said that the British Government had learned that Iraq recently sought to purchase significant quantities of uranium from Africa. The sole purpose of that statement was to make the American people believe that the American Government believed the statement to be true and that it was strong evidence of Iraq's attempt to obtain nuclear weapons. But the truth was that, at the very time the words were spoken, our Government did not believe it was true. Condoleezza Rice's effort to justify the statement on the grounds that it was ''technically accurate'' doesn't address the heart of the matter, which is that the statement was calculated to create a false impression. It is simply wrong to make a statement whose purpose is to make people believe something when you do not believe it yourself.

It is all well and good that the CIA has acknowledged its role in caving in to pressure from the National Security Council to concur in something which it did not believe. But Director Tenet's acknowledgment raises further questions of who was pushing the false impression at the National Security Council. The NSC should not misuse intelligence that way.

The President's statement that Iraq was attempting to acquire African uranium was not a ''mistake.'' It was not inadvertent. It was not a slip. It was negotiated between the CIA and the NSC. It was calculated, and it was misleading. And what compounds its misleading nature is that the CIA not only ''differed with the British dossier on the reliability of the uranium reporting,'' to use Director Tenet's words, but the CIA had also ''expressed [its] reservations'' to the British in September 2002, nearly 5 months before the State of the Union Address. Furthermore, the CIA pressed the White House to remove a similar reference from the President's speech on October 7, 2002, and the White House did so—nearly 4 months before the State of the Union Address.

The uranium issue is not just about sixteen words. It is about the conscious decisions that were made, apparently by the NSC and concurred in by the CIA, to create a false impression. And it is not an isolated example. There is troubling evidence of other dubious statements and exaggerations by the intelligence community and administration officials.

Relative to aluminum tubes, in a speech before the U.N. General Assembly on September 12, 2002, President Bush said, ''Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon.'' In fact, an unclassified intelligence assessment in October acknowledged that some intelligence specialists ''believe that these tubes are probably intended for conventional weapons programs,'' and on February 5, 2003, Secretary of State Colin Powell told the U.N. Security Council that ''we all know there are differences of opinion,'' and that ''there is controversy about what these tubes are for.'' The International Atomic Energy Agency, after conducting an inquiry into the aluminum tubes issue, concluded they were not for uranium enrichment.

On the Iraq-al-Qaida connection: On September 27 of last year, Secretary of Defense Donald Rumsfeld described the administration's search for hard evidence for a connection between Iraq and al-Qaida. He said, ''We ended up with five or six sentences that were bullet-proof. We could say them, they are factual, they are exactly accurate. They demonstrate that there are in fact al-Qaida in Iraq.'' While Secretary Rumsfeld later went on to say, ''They are not beyond a reasonable doubt,'' he did not say there was considerable uncertainty in the intelligence community about the nature and extent of ties between Iraq and al-Qaida. It was certainly never a ''bullet- proof'' case.

On nuclear reconstitution, last Sunday, Ms. Rice said, ''We have never said that we thought he [Saddam] had nuclear weapons.'' But Vice President CHENEY said on March 16, ''We believe he [Saddam] has, in fact, reconstituted nuclear weapons.''

On the question of certainty that Iraq possesses chemical and biological weapons, on August 26, 2002, Vice President CHENEY said: ''Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.'' On September 26, 2002, President Bush said, ''The Iraqi regime possesses biological and chemical weapons.'' On March 17, 2003, President Bush told the Nation that ''intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.'' And on March 30, 2003, Secretary of Defense Donald Rumsfeld said, ''We know where they [weapons of mass destruction] are. They're in the area around Tikrit and Baghdad and east, west, south and north somewhat.'' The fruitless search to date for Saddam Hussein's weapons of mass destruction during and after our entry into Iraq suggests that our intelligence was either way off the mark or seriously stretched.

As to mobile biological warfare labs, on May 28, 2003, the CIA posted on its Web site a document it prepared with the Defense Intelligence Agency entitled, ''Iraqi Mobile Biological Warfare Agent Production Plants.'' This report, which is still on the CIA Web site, concluded that the two trailers found in Iraq were for biological warfare agent production, even though other experts and intelligence community members do not agree with that conclusion, or believe there is not enough evidence to reach such a conclusion. None of these alternative views have been posted on the CIA's Web page.

On White House Web site photos, on October 8, 2002, the White House placed three sets of satellite photos on its Web site, with the headline, ''Construction at three Iraqi nuclear weapons-related facilities.'' Although one of the facilities was not nuclear-related, the captions of the photos gave the impression that Iraq was proceeding with work on weapons of mass destruction at these facilities, although UNMOVIC and IAEA inspections at these facilities found no prohibited activities or weapons. For instances, related to the Al Furat manufacturing facility, the caption notes that ''the building was originally intended to house a centrifuge enrichment cascade operation supporting Iraq's uranium enrichment efforts'' and that after construction resumed in 2001, ''the building appears operational.''

So the misleading statement about African uranium is not an isolated issue. There is a significant amount of troubling evidence that it was part of a pattern of exaggeration and misleading statements. That is what a thorough, open and bipartisan investigation should examine.

Finally, again relative to the uranium statement, I am deeply troubled by Ms. Rice's continuing justification of the use of the statement in the President's State of the Union Address. She repeatedly says it was ''accurate,'' despite the fact that its clear aim was to create a false impression. Her statement and Director Tenet's statement raise more questions than they answer. Here are some of those questions:

One, who in the administration was pressing the CIA to concur in a statement that the CIA did not believe was true, and why did they do so even after the CIA objected to the text?

Two, who at the CIA was involved in pressing the White House to remove the similar reference from the October 7 speech, and what reasons did they give for removing it?

Three, who in the White House was involved in removing a similar reference from the President's speech on October 7, nearly 4 months before the State of the Union speech?

Four, who at the CIA knew about the decision to tell the British intelligence

service in September, 2002 of CIA's ''reservations'' about the inclusion of references to Iraqi efforts to obtain uranium from Africa in the British intelligence service's September 24 dossier?

Five, given the doubts of the U.S. Intelligence Community, why didn't the President say in his State of the Union speech not only that ''The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa'' but that ''our U.S. intelligence community has serious doubts about such reporting''?

Six, how and when did the U.S. Government receive the forged documents on Niger, and when did it become aware that they might be bogus?

And, seven, what role did the Office of the Vice President have in bringing about an inquiry into Iraq's purported efforts to obtain uranium from Niger? Was the Vice President's staff briefed on the results of Ambassador Wilson's trip to Niger?

These and many other questions underscore the critical importance of a bipartisan, open, and thorough inquiry into the objectivity and credibility of intelligence concerning the presence of weapons of mass destruction in Iraq immediately before the war and the alleged Iraq al-Qaida connection, and the use of such intelligence by the Department of Defense in policy decisions, military planning and the conduct of operations in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate the Defense appropriations bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will resume consideration of H.R. 2658, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Michigan for his thorough and thoughtful statement involving many of the questions that need to be asked and need to be answered. His recommendation to the Senate and to our country that there be a thorough investigation, a bipartisan investigation, where these questions can be answered and the information provided, in my view, is essential.

We have become more and more confused over the course of the last several days with regard to the conflicting information provided by the administration on these and other key questions. We must find a way with which each of these questions can be clarified and for the administration to come forth with a clear acknowledgement of the need for this clarification is essential.

The American people deserve a thorough, complete, open review of each and every one of these questions. The Intelligence Committee has begun its work, and I commend the distinguished ranking member for his efforts and his persistence in bringing it to this point. I think this has now gone beyond the matter of just intelligence, as the Senator from Michigan has pointed out with questions and the concerns he raised in his speech this morning.

We will address these questions both legislatively and rhetorically over the course of the next several days. But I have very fundamental questions with regard to the bill itself. Others have raised them.

Why is it that there is not one dime requested for the Iraqi operation in the Defense appropriations bill? Why is it that there is not one dime requested for the Defense Department's efforts in the war on terror? Not one dime. I am just baffled. It is sort of legislative never-never land for us to be involved in a war that we are already told by the Secretary of Defense—at least with regard to Iraq and Afghanistan—is costing this country $5 billion a month, and there is not $1 requested in this bill for that operation.

How in the world can we be on the Senate floor talking about something as consequential as this—not only to us but to the world—and not have a better appreciation of what the costs and implications and fiscal consequences are? So that, too, will be a matter that I hope will be the subject of great debate in the Senate Chamber.

We admire the work done by our military. We are grateful for the extraordinary effort and sacrifice made by the Armed Forces. Many of our National Guard and Reserve personnel have been in that country now for over 6 months. The sacrifice and the extraordinary effort they have made on behalf of their country ought to be commended. But another question comes to mind as we consider that sacrifice: Why are we doing it alone? And why is it the administration continues to refuse to request additional resources, officially, from NATO? Why is it they are unwilling to ask the United Nations to urge its members to provide military force and civilian police? Why is that not a part of the administration position?

We find ourselves in a very unusual set of circumstances. We are debating the single largest Defense appropriations bill in history but a bill that does not in any way reflect the cost of our presence and the effort being made at this very moment in Iraq or in Afghanistan or the war on terror.

We know it is going to continue to cost this country billions of dollars each and every month, but we do not know why the administration refuses to ask others officially for help, especially NATO, and we certainly do not know the answers to the questions raised by the distinguished Senator from Michigan just moments ago.

We must have those answers, and I hope during the course of this debate we can find mechanisms and subscribe to procedures that will ensure that the American people have all the facts.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. STEVENS. Mr. President, I do not mean to be disrespectful and interrupt the distinguished leader, but I wonder if the Democratic leader knows that I am responsible for not having more money for Iraq in this bill. We met with the President and the Secretary of Defense and pointed out the enormous amount of money we had provided in the supplemental passed earlier this year for that action in Iraq. We had to have money to meet some of the problems caused by my interpretation of the budget resolution in not having enough money for some of the other subcommittees.

We worked out the arrangement whereby we took $3.1 billion out of this bill and allocated it to other subcommittees with the understanding that if additional moneys are needed in Iraq because of our actions there, beyond what we have already provided, that we will have a supplemental in the spring.

We anticipate the moneys we provided in the massive supplemental, $62.6 billion, is sufficient to carry them forward. As a matter of fact, there are not only sufficient funds, but in this bill we actually rescinded about $3 billion of the supplemental to make it available to other areas of defense, not having it totally earmarked to Iraq.

We are trying to manage this money. The distinguished Democratic leader is exactly right. The costs are running somewhere around $4 billion to $5 billion a month. We expect that to start tapering down as this involvement in Iraq continues. It is certainly not the same as when we were building up forces and transmitting personnel and material to Iraq. We have tried to manage this situation and keep a firm hand on the expenditures in Iraq. In doing so, we made more money available to other subcommittees because they have problems related to homeland security and other matters.

While I am honest in the fact that I do not think we have enough money yet for some of those subcommittees, I do think we have more money available for nondefense matters, for homeland security matters, than we would have had had we continued with the approach that was in the budget to start.

I congratulate the Democratic leader for stating frankly his feelings about the overall involvement in terms of our being in Iraq almost alone. We do have support from other nations, but we do not have the involvement of other troops to the extent I, too, would like to see take place. I hope that will occur. But I hope the leader will understand, one of the reasons the money is not there now, in terms of asking for more money for Iraq, is that I pleaded with the President and the Secretary to give us a little running room on those other bills and to realize that we thought there was adequate money to carry us through this calendar year—that means at least the first quarter of this next fiscal year—for the involvement in Iraq.

It is my hope that by the time we get to January and February, we will find the amount of money we are spending in Iraq is much less than it is right now, and that we can, in fact, shift gears a little bit as far as that involvement.

Iraqis should have, I am told, somewhere around $7 billion of income from oil by the end of this year. If that cashflow starts going into their economy and into their own local security rather than into the military budgets, as it was in the past, I think we will achieve the constraints we need in terms of the expenditures of Federal U.S. dollars in Iraq. I hope the Senator understands that point.

I just happened to be here at the time the Senator made his statement. I do, as a matter of fact, take pride in the fact the President and his people did listen to us. Chairman YOUNG and I explained the problems of this budget resolution and its impact on the other subcommittees which, as the Democratic leader knows, the budget resolution was less than the President had requested in this year's appropriations process.

I hope we will await the developments in Iraq and we can all see whether the administration will ask for more money in 2004, starting some time after the first of next year, if that is necessary.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, if I may respond, as the Senator from Alaska knows, I am a big admirer of the distinguished Senator from Alaska, the chairman of the Appropriations Committee. There are no two more able Members of this Senate than the Senator from Alaska and the Senator from Hawaii, his ranking member.

I appreciate, first, the chairman's explanation, and I also appreciate the fact that he could foresee the budgetary and appropriations problems that could have been generated as a result of the allocation made initially by the administration. We are able to address some of the other concerns in other subcommittees on appropriations in part because he saw the problems arise and took action to avoid them.

I guess I go back to a fundamental question of management, not by him but of the administration, a fundamental question about what it is they anticipate will be the costs involving fighting the war in Iraq—not for this year but for the next fiscal year that this particular appropriations bill addresses.

It will take $60 billion to address those concerns in the next fiscal year. We appropriated in the supplemental $68 billion in this fiscal year. Obviously, that will take us into the first part of the next fiscal year. The question from us to the administration ought to be: Why have you not made a specific proposal with regard to the commitment that will be required in Iraq for the next fiscal year? If it is $60 billion, request it. If it is $60 billion, defend it. If it is $60 billion, give us some appreciation of how it will be spent and why we are the only ones spending it. Why is it that other countries are not more engaged? Why have you not asked? Those are the questions that any appropriations bill ought to address.

I supported the supplemental and most likely, whenever another one is requested, if it comes, I will support it. But it is not good fiscal management to take these matters piecemeal, to expect through a supplemental process—which, I might add, is not offset, which simply adds to the deficit. We now see a deficit of some $450 billion. If we take Social Security out, it is $600 billion, and we are still not at the end of this fiscal year.

We have serious management and budget considerations that have to be taken into account but are only exacerbated by these supplemental budgets that are offered, considered, and voted upon throughout the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232

Mr. STEVENS. Mr. President, I will make a statement while I am trying to locate the amendment I am going to offer. The 2004 budget request included no funding for the establishment of additional weapons of mass destruction civil support teams. There are currently 32 teams that are certified and operational. The plan is to field a total of 55 teams to ensure there is at least 1 team established in each State and territory.

The Senate Armed Services Committee included additional manpower and funding to establish 12 additional teams in fiscal year 2004. We included additional National Guard manpower for these teams, but we did not provide operation and maintenance or procurement funding.

I will send an amendment to the desk and ask that we consider it. This amendment conforms our bill to that of the Senate-passed national defense authorization bill regarding what we call CSTSs of the funds provided to the Department of Defense. This amendment would earmark $39.3 million in operation and maintenance funds, $25.9 million in procurement, and $1 million in research and development funds. I present the amendment as one that is offset and merely allocates funds to these teams as required by the Senate-passed authorization bill. I believe it has the support of my colleague Senator INOUYE.

Mr. INOUYE. Yes.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. WARNER, proposes an amendment numbered 1232.

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

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

The amendment is as follows:

(Purpose: To provide funds for 12 additional Weapons of Mass Destruction Civil Support Teams)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Amounts appropriated by this Act may be used for the establishment and support of 12 additional Weapons of Mass Destruction Civil Support Teams, as follows:

(1) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $23,300,000.

(2) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $16,000,000.

(3) Of the amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $25,900,000.

(4) Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $1,000,000.

Mr. STEVENS. I ask for the immediate consideration and adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1232) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Does the Senator wish some time?

I say to the Chair, in about 20 minutes we will have a package of amendments we have cleared and we are prepared to offer under unanimous consent.

I ask unanimous consent that we have a period for routine morning business until the hour of 11:15 with Senators being permitted to speak therein.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, we have Senators who want to speak on the bill.

Mr. STEVENS. I am misinformed. I withdraw that request.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his forbearance. I thank my colleague, Senator REID, for making this arrangement for me to speak out today on the 2004 Defense appropriations bill as a member of the Senate Armed Services Committee.

As I begin my remarks today, I am cognizant that a funeral service is about to begin in Minnesota. It is the funeral of the first Minnesota soldier to die in Iraq this year, PFC Edward J. Herrgott of Shakopee, MN. Private Herrgott was only 20 years old. He said he joined the Army so he could earn some money to go to school and become a police officer. He was patrolling in front of the Baghdad Museum on September 3 when a sniper's bullet ended his life.

Private Herrgott is an American hero. He stood guard in 115-degree heat, in the most dangerous city in the world, because his commanding officer assigned him that duty. He went to Iraq because his Commander in Chief, the President of the United States, assigned him that duty.

It took extraordinary courage and patriotism for him to perform that duty, to stand guard in that sweltering heat in the midst of that ever-present danger. Private Herrgott lost his life performing his duty. He lost his life 63 days after his Commander in Chief declared that major hostilities were over in Iraq. They did not end on May 1 for Private Herrgott, nor for the 77 other American soldiers who have died in Iraq since then, nor for the hundreds more who have been wounded, nor for the 145,000 other American soldiers who still risk their lives in Iraq every day and every night and wonder when will they come home.

Congress also bears responsibility for sending Private Herrgott and those 145,000 other brave men and women to Iraq. Last October, Congress voted to give their constitutional responsibility to declare war over to President Bush. Congress gave the President what he wanted, what he insisted then he must have, a blank check, a blank check signed in advance, authorizing the President to use whatever means necessary, including the use of force in Iraq, whenever, and with whomever, for however long, at whatever cost, until the President decides to end that war. Congress gave the President all of that authority and all of that responsibility. I did not vote for it, but a majority did, and now we must pay for that war.

Last week in the Senate Armed Services Committee, we were told by the Secretary of Defense that the war in Iraq is costing $3.9 billion per month and that the continuing military operations in Afghanistan are costing $900 million per month. That is a combined $4.8 billion a month, totaling $57.6 billion over 12 months. That is $57.6 billion which I thought was going to be in this 2004 Defense Appropriations bill, and the distinguished chairman of the Senate Appropriations Committee, who has been engaged in these matters for far more years than I have been around, has clarified the circumstances why that money is not in there now.

But I point out that the estimate of over $1 billion a week is probably way too low. According to this week's Newsweek magazine:

> That billion a week is just the beginning. It doesn't include the cost of running Iraq's government and rebuilding it, which could be an additional billion a month—according to pre-war United Nations estimates.

Nor does it include presumably, as this article details, the $1.2 billion which Ambassador Bremer's budget says must be spent up front in capital improvements if Iraq's oil production is to get under way again. Nor does it include the $680 million given to the Bechtel Corporation for infrastructure improvements; nor, I suspect, the $3 billion to $5 billion that it is estimated is necessary to make emergency repairs to Iraq's electrical power system.

So why is it that we cannot get from the administration a clear, direct, and reliable accounting about the cost of this war? I am guessing it has something to do with today's report that the Federal budget for fiscal year 2003 is expected to run a $450 billion deficit, and the next year's deficit may be as high as $500 billion, without even including all of the costs of the war efforts.

Those are staggering deficits. This year's deficit will be over 50 percent greater than the largest annual deficit in U.S. history, and it results from the most colossal financial mismanagement that has ever been witnessed in this country's history, the worst ever.

Just 2 years and 2 months ago, President Bush submitted his administration's first budget for fiscal year 2002 and the years beyond. It was a proud document dated April 9, 2001. The President stated:

> This budget offers a new vision of governing for our Nation.

His budget projected a $5.6 trillion surplus for the 10 fiscal years from 2002 through 2011. It promised to save the entire Social Security surplus of $2.6 trillion; to spend every penny, it said, of Medicare tax and premium collections on Medicare; to achieve historic levels of debt reduction, $2 trillion over 10 years; to provide $1.6 trillion in tax relief; and set aside a $1.4 trillion reserve for additional needs, debt service, and contingencies.

As we all know, there have been big contingencies since then, but not enough to justify the total destruction of all of those promises, not enough to warrant the abandonment of a fiscally responsible Federal budget, which was bequeathed to this administration by the administration which preceded it.

For fiscal year 2003, the fiscal year we are in presently, just 2 years and 2 months ago President Bush predicted a $262 billion surplus in the combined Federal budget for that year. The on-budget operating fund surplus was expected to be $49 billion; the off-budget Social Security surplus, $193 billion.

The Social Security surplus now is expected to be slightly less than was predicted then, but still $160 billion. But combined, the Federal budget deficit of $450 billion means the operating fund, the main operating account of the Federal Government, this year will run a deficit of over $600 billion. A $49 billion surplus was expected 2 years and 2 months ago and a $610 billion deficit is expected today.

The non-Social Security revenue for this year, in personal and corporate income taxes, capital gains tax, estate tax, and the excise tax was projected to exceed expenditures in fiscal year 2002, as they did in the year 2000 under President Bill Clinton—for the first time in 40 years. But now in actuality, those progressive taxes, which have constituted almost the entire tax base of the operating accounts of the Federal Government for all these years, those revenues generated will only amount to two-thirds of expenditures. The two tax bills of 2001 and 2003 have decimated the progressive tax base of the Federal Government. And 2004 is expected to be no better. If anything, it is projected to get even worse. The change from expectations to now the projection of a $500 billion deficit means a change of over $750 billion in projections.

Saving the Social Security surplus—that is gone. Every year—this year, next year, every year in the foreseeable future—it is going to be wiped out to nothing.

Reducing the national debt by $2 trillion? That is gone. In fact, according to the President's own Office of Management and Budget, if we adopt his budgets as he has proposed them, we will increase the national debt by $2 trillion over the next 10 years.

Setting up a reserve fund? Forget that, too.

Lowering the growth in discretionary spending to 4 percent a year? Not yet. The President's request for the last 3 years has increased that by 9 percent, 10 percent, and 11 percent, and that does not include these so-called supplemental appropriations, which is maybe one of the reasons that is the preferred approach—come back in, in the middle of the year, and ask for the increased money everybody knows is going to be needed to fund the operations in Iraq and Afghanistan.

It is very frustrating, I find, to not be able to get clear, reliable facts from this administration. They act as though this is their government, that we in Congress do not even exist, or that we are an unnecessary and unwanted intrusion into their affairs. So much for a new vision of government. So much for a new tone of bipartisanship. It has become worse, not better. Instead of facing up to these realities, the administration is trying to hide them.

When I returned from Minnesota last night, I was given a book, by a colleague, Senator BENNETT of Utah: ''Reagan, Man Of Principle,'' by John Harmer, a former State senator in California. I just glanced through the beginning pages of it.

I was struck by this anecdote from the senator. He had been involved as the majority leader there, trying to work out the redistricting bill for 1971. California was going to set the lines for the legislative districts for the State for the next 10 years. They finally, after all this thrashing back and forth and cutting deals and making arrangements, got agreement. Governor Reagan—President-to-be—vetoed that bill.

So in frustration, the State senator came to President Reagan. He said, reading now directly:

> ''What exactly do you want?'' I asked, in total frustration.
>
> His response was so purely honorable that I dared not repeat it to my senatorial colleagues, knowing that they would hoot me out of the room. Yet, though I did not fully appreciate it at the time, the response was just one of many examples of Reagan's strength as a political leader. Reagan, like Thomas Jefferson, had a fundamental faith in the American people and their ability to make the right decisions if only they had all the facts. Not just the Republicans among the people, but of all the people, once they had all of the facts. . . .

I am skipping ahead here, but Governor Reagan said to State Senator Harmer:

> ''I am really disappointed . . . that individual Republicans are so willing to sell out the best interests of the people in order to save themselves. That is not what I regard as worthy of my signature.''
>
> ''John,'' he said, ''I'm as dedicated to the Republican cause as you are. Our party's core philosophy represents the best assurance for the continued freedom and prosperity of the nation. But I am not the governor of just the Republicans. There are millions of people out there who, whether they voted for me or not, expect me to represent them with good judgement and integrity. The issue is not one of protecting what you call the Republican base. The issue is to do that which is right in principle.''

That could apply to the Democratic majorities in other States. There is no monopoly, I have learned here, in truth or wisdom or virtue. But that principle, ''to do what is right,'' and that principle, ''to present all the facts forthrightly to the American people,'' are principles that are certainly needed even more in Washington today, and that stands in marked contrast to what we experience in Washington today.

We are not being trusted with the facts: Not about the budget, not about the timetables for troop deployments and bringing the troops back home, and not about the circumstances that led up to this war in Iraq. We have a right to those facts here in the Congress. More important, the American people have a right to those facts. We have a right to know how much this war is costing and how we are going to pay for it. We have a right to know how long our troops are going to be over there in Iraq. We have a right to know how we got into that war in Iraq and how what we were told over the last months squares with the truth as it was known at the time.

What were the facts that led President Bush to say before the Nation, in a televised speech last October 7, that Saddam Hussein could have a nuclear weapon in less than a year when we now know there was no such program in evidence there? Or that Iraq is exploring using unmanned aerial vehicles for missions, targeting the United States, when in fact it was known back then and certainly is known today that those missiles, which were not even used against our invading forces, thank God, had a range of only a few hundred miles and were no threat to the United States?

What facts led Vice President CHENEY to say last August 26 that there is no doubt Saddam Hussein now has weapons of mass destruction, there is no doubt that he is amassing them to use against our friends, our allies, and against us? What caused National Security Adviser Condoleezza Rice to say last September that Iraq had provided chemical weapons training to al-Qaida members? What prompted Secretary of Defense Rumsfeld to say last fall that the United States must act quickly to save potentially tens of thousands of citizens? What led the President to say that Saddam Hussein could strike the United States first and inflict massive and sudden horror?

These are the questions I have. These are some of the facts that need to become known, as the distinguished ranking member of the Senate Armed Services Committee said just before me on the floor. We need a bipartisan investigation into all these circumstances, into what was known by the intelligence community, what was reported to members of the administration.

What was reported in top secret briefings to members of the Armed Services Committee which I was invited to attend, 20 or more such briefings over the course of last fall and early into this year?

What was being told to the administration that was at variance with that information? What caused the administration to speak so emphatically, with certainty, about acts which it seems were not so factual and which were not even presented as absolute facts in the briefings which I attended at the time? We have a right to those answers. Thus far it has been very difficult to get the agreement from colleagues on the other side to undertake these investigations or inquiries, whatever euphemism we use.

The Senate Intelligence Committee evidently, and hopefully, has agreed to undertake such an inquiry. We have not been able to obtain that consent in the Senate Armed Services Committee. In fact, we are being told such a bipartisan investigation is not going to be forthcoming.

What recourse does that leave? How do we get to the truth when those in possession of the facts and the information will not provide them? How can we get to the truth when we cannot conduct a bipartisan inquiry or intelligence into obtaining that truth? What does it say about those who would not provide that information or that opportunity to seek the truth? What do they have to hide? What are they afraid we might find out? Why is it we cannot know the circumstances that caused the Commander in Chief to send 150,000 U.S. troops to Iraq, including PFC Edward Herrott being buried in Minnesota this morning, to whom I pay my greatest respects.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Nevada.

Mr. REID. Mr. President, I remember reading a book I enjoyed very much by James Michener called ''Caravans,'' an excellent history of Afghanistan. Of all the books he wrote, the only one I enjoyed more than that was ''Hawaii.'' When I read ''Caravans,'' I knew very little about Afghanistan. After I finished the book, I knew a lot more about Afghanistan and the constant struggles of the Afghan people.

America first focused on Afghanistan during the Cold War. The Soviets came in and brutally tried to take over that country. As we know now, American forces supplied arms to the Afghan people, who courageously drove the Soviets out of Afghanistan. Many scholars believe that defeat marked the beginning of the end of the Soviet Union. After almost 80 years, the impoverished country of Afghanistan was the reason for the fall of one of the greatest powers in the history of the world.

I will return to the subject of Afghanistan in a moment, but first I want to comment on what some of my colleagues have said this morning about the situation in Iraq. I supported the resolution that authorized the use of force in that country, and my vote was based on more than the evidence of Saddam Hussein's weapons of mass destruction. Still, the controversy that has arisen concerning these weaspons has hurt America in the international community. All the turmoil going on now, the accusations of coverups, the exaggerations and half truths, which persuaded some of my colleagues to vote for the resolution—it has damaged our country's credibility. It could take a long time to repair that damage.

The ongoing fight against terrorism has challenged our military as never before. But I think all my colleagues would agree that our men and women in uniform have risen to the task and performed heroically.

As pointed out by the distinguished senior Senator from Minnesota, Mr. DAYTON, American soldiers are still dying in Iraq. Another was killed just yesterday.

I was impressed with the statement of the Senator from Minnesota because he mentioned not only a fallen soldier,

but also the other casualities of war; that is, people who have lost limbs, people who are paralyzed, people who are disfigured as a result of incendiary devices, people who are scarred permanently—and I'm referring also to the psychological scars that will be with these men and women for the rest of their lives.

All of our troops have performed heroically. It is our constitutional responsibility to ensure that our military gets the resources it needs to remain the strongest in the world. The bill we are considering today does that. It was not an easy task, and it is a tribute, as I have said already, to the two managers of the bill, the senior Senator from Alaska and the senior Senator from Hawaii, and of course their fine staffs. But, interestingly enough, as the Democratic leader mentioned today, this bill does not fund continuing operations in Afghanistan or Iraq. I have great admiration for the two managers of this bill, as I said on the floor yesterday. These two Senators are role models for me. These Senators have distinguished careers and represent their States as well as they can be represented. They both understand Defense issues from personal experience.

They both served their country in war. The Senator from Hawaii earned the highest honor that our country can confer upon an American military hero—the Congressional Medal of Honor. We sometimes take this great man for granted, but I try never to do that.

I can remember traveling with the distinguished Senator from Alaska to Czechoslovakia when the Iron Curtain was still down. I can remember in Prague, Czechoslovakia, encountering a man in a World War II flight jacket. It led to a conversation with the Senator from Alaska because that is the kind of jacket he wore.

I have the greatest respect for these two fine men. But I think this bill should have money in it to fund military operations for the next fiscal year in Afghanistan and Iraq. I say, as one of the appropriators, that I think it was genius how the chairman of the Appropriations Committee has allowed the appropriations bills to go forward this year. I think we are going to finish all of the appropriations bills in a reasonable period of time. It was genius how the Senator from Alaska found the money. It was enough to set what we call 302(b) allocations. Those are allocations for the 13 subcommittees. But for his ability to take some money from defense and put it into domestic programs, we could not have gotten that done. I acknowledge from a legislative standpoint how important it was to do that.

But I think we should fund these bills prospectively as we do with everything else.

I heard an exchange between the Senator from Alaska and the Democratic leader about the decision being made by the President and the Republican leaders on enough money to take the military in Afghanistan and Iraq probably up to the first of the year. But we can't fund appropriations bills based upon one-quarter of a fiscal year. We have to fund them for a full year.

The reason this is done, of course, is that we have a supplemental appropriations bill for emergency expenditures. They don't count against the budget rules we have around here. As a result of that, they add to the deficit. I wish that were not how we had to do things this year. But I accept that it has been done. Unless there is some magic that occurs, or something that I don't see which is untoward, I will support the supplemental appropriations bill. We have to support the military.

But I have to say this is not the way to do things around here. I continue to believe that any operation that puts our young men and women at risk should be funded through the regular appropriations process which allows people an opportunity to weigh in on our priorities, policy judgments, and efforts.

Last week, I came to the Senate floor and urged my colleagues to support our neighbor, Mexico. I acknowledge and appreciate the Members of the Senate having supported that amendment. Today, as we consider our military priorities for the coming year, I want to speak today about what I fear has become another forgotten commitment, the reconstruction of Afghanistan.

Keep in mind, Mr. President, that we walked away from the people of Afghanistan once before. We supplied them with weapons. After the Soviets took tail and ran, the United States followed suit. We no longer were interested in Afghanistan after we won that battle of the Cold War. The chaos that ensued after we left led to the rise of the Taliban, one of the most brutal, repressive tyrannies in the history of the world. Remember. We walked away once before. We cannot allow history to repeat itself.

When U.S.-led forces defeated the Taliban more than 19 months ago, President Bush promised a ''Marshall Plan for Afghanistan,'' and he assured us that our Nation would help Afghanistan become a stable, self-governing state free from the clutches of terrorism. I welcome that commitment from the President. The people of Afghanistan deserve that.

In the months immediately after the war, Afghanistan appeared to be making progress. A council of Afghans elected Hamid Karzai, a very courageous man, to lead an interim government. But we haven't done much to help this courageous man. As hope returned to Afghanistan for the first time in many years, the administration redirected its focus toward Iraq. Afghanistan virtually fell off the radar screen. Now, the Afghan people are paying the price. In short, all is not well in Afghanistan.

What are the current conditions? The security situation is particularly threatening. I was in a meeting this morning. I asked my Senate friends to guess how many troops are in Afghanistan today. The answer surprises people. I got different estimates—40,000, 20,000. We have 9,000 troops in Afghanistan. Where are they? They are in Kabul. The rest of the country is a jungle.

Outside Kabul, there is no security unless you are on the good side of one of the warlords. Aid workers don't feel safe. They don't travel through the country anymore. Many of the organizations have pulled out. In some of the provinces of Afghanistan—particularly in the southeast region—there is anarchy. Where there isn't anarchy, warlords are in control. These warlords seek only to enrich and empower themselves instead of helping President Karzai to address the urgent needs of the people. They fight among themselves and hoard Afghanistan's precious resources. Afghanistan does enjoy the luxaries of fertile land, oil and riches. Afghanistan is a country that is driven by poverty. It is a desert.

On rare occasions when the warlords aren't battling each other, they are joining together to weaken the central government. The absence of central authority in Afghanistan isn't anything new. That is why we had to cooperate with some of these warlords when we fought the Taliban. But when the war ended, we promised the Afghan people we would help them develop a stable country. That came from our President. We are reneging on that promise.

We simply can't accept a warlord-dominated Afghanistan. That would spell certain defeat for a long-term war against terrorism.

I came to this floor and said there is a need for the interim government in Afghanistan to include women. The Taliban brutalized women, but in some areas of Afghanistan women are not doing much better now than they were under the old regime. Some warlords are imposing Taliban-like restrictions on women and girls.

What does that mean? This means they are treated like nonpeople. It means they cannot show their faces. It means they cannot go anyplace unless they have their husband with them. They cannot even go to school. Some of the schools that were opened just for girls after the war have closed up.

Border security in Afghanistan is nonexistent. Is Osama bin Laden in Afghanistan? Is he near the country's border with Pakistan? It does not matter. He's certainly not in Kabul, where most of our forces are stationed. The rest of the territory is controlled by warlords or is in complete anarchy.

Afghanistan's porous border with Pakistan has allowed pro-Taliban elements to slip in and out at will, on the rare occasions they need to escape U.S. forces searching remote areas. Iran continues to try to influence affairs in the areas around Kabul.

The Afghan army does not have the manpower, training, or the resources

to deal with these cross-border incursions. The hinterlands of Afghanistan are essentially up for grabs to the lethal, devious, and dangerous insurgents that were cast out of Kabul at the start of Operation Enduring Freedom some 20 months ago.

Economically, the landscape is bleak, to say the least. Fifty percent of the population in Afghanistan lives in absolute poverty. The average life expectancy in Afghanistan is 46 years. It goes without saying there are exceptionally high rates of malnutrition and child and maternal mortality. Up to 7.5 million Afghans are said to be dependent on external food aid. It is the only food they get. Unemployment—we don't know how high it is but we know it is well over 50 percent. Illiteracy—maybe one out of four can read and write; maybe one out of four. Seventy percent of Afghans cannot read or write.

But the real impetus for me to come here and say how I feel about this issue is the result of my reading Newsweek magazine last week. Newsweek had a feature story about the No. 1 product in Afghanistan: poppies, used in the production of heroin. Unfortunately, the development of illegal narcotics is the one sector of Afghanistan's economy that has experienced positive growth.

Last year, Afghanistan regained the dubious title of the world's largest opium producer, and it is on track this year to produce even more. Afghanistan accounts for almost 80 percent of the world's illicit opium production.

It has been a long time, but I used to do criminal law work. The first case I ever had—at that time Clark County, Las Vegas, did not have a public defender. I was appointed by Judge Zenoff, Department 1, the Eighth Judicial Court, Clark County, to represent a young man who was in jail. I can still remember his name: Humbert Gregory Torres, the first criminal case I ever had.

I went to the jail. I was a new lawyer. I had my suit and tie on. I went to the jail and talked to a man through the bars. I thought: This guy's a criminal? He should be a movie star. He was so handsome. He was a heroin addict, and had been since he was 15 years old.

When I met him in that jail, he was 20 years old. He was smart, handsome but terribly addicted to heroin. I saw the life he led after that. Because it was my first case, I kept in touch with him, represented him in many different battles with the law. He went to prison. I don't know where Greg is now. I am sure he is not in a good situation. Last I heard, he was back in prison.

Heroin destroys people, families, neighborhoods, and societies. It is a horrible thing. That young man did not want to be addicted to heroin. He got addicted to it when he was a little boy in New York City. He could have done anything with his life had he not been addicted to heroin. Instead, he became a criminal.

Well, almost 80 percent of the product that gets to people like Greg Torres comes from Afghanistan. Drug laboratories are sprouting up across Afghanistan, producing heroin that eventually finds its way into our country, our cities, and our neighborhoods.

Most of the money from this deadly trade does not even go to the impoverished farmers, but instead to corrupt civil servants and drug lords. Look at the Newsweek article. It tells of a senior general in northern Afghanistan who brought in experts from Burma to help him operate a string of heroin labs, and of a senior police official in a northeastern province operating a heroin lab in the garden of his home.

The nexus between the illegal drug trade and civil servants is very clear but even more troubling is the link between the opium trade and the remaining Taliban extremists. It is no coincidence, according to the United Nations, that Taliban insurgents are most prominent in the poppy-producing provinces of Afghanistan. This ''unholy alliance'' serves the interests of the drug lords, who need the protection, and the Taliban, who want the money.

We have the Drug Enforcement Administration, of course. Its agents are very professional, and very well trained. We have really unloaded on Afghan drug lords with these agents. We have two in Afghanistan—two DEA agents in the entire country. Eighty percent of all the heroin in the world is produced in that country, and we have two Drug Enforcement Administration officers there. With that kind of manpower, I'm sure we'll get to the bottom of this. I am being a little facetious, but I don't know what two agents can expect to accomplish.

Amid the drug, economic, and security crises plaguing Afghanistan, we cannot forget that the key government and private financial institutions were all destroyed under the Taliban. The image I see when I think of the Taliban is of them destroying that huge, historic, religious monument, which had been there for more than 1,000 years, by shooting rockets from airplanes. That is what the Taliban is all about.

We can't forget that they destroyed key government and private financial institutions. Recovery and reconstruction in Afghanistan therefore is an enormous challenge, but if we fall short, the consequences will be enormous. We cannot afford to fail in Afghanistan, and yet we are not doing anything to address the problems there.

Some are saying: So what? Does it matter? I don't think it is possible to exaggerate the stakes in Afghanistan. It is, of course, the front line in the war on terrorism. That is why we went there in the first place. Terrorists had built training camps there. The September 11 attackers all had contact with terrorists in Afghanistan.

Although a diverse and committed international force is participating in the reconstruction effort—there are several thousand international people in Kabul—we can't pass the buck and say reconstruction in Afghanistan is somebody else's responsibility. It is our responsibility. We led the war there. We need to lead the reconstruction.

We have a responsibility to help Afghans create a stable, self-governing state with the resources for long-term economic development. If we succeed, we will have denied the terrorists a strategically located base. We will have put a long-suffering people in a position to lift themselves to freedom and prosperity. We will have created a model that can help the international community in reconstruction efforts elsewhere. And we will have silenced skeptics around the world who thought the United States would not fulfill its promise to Afghanistan and would cut and run a second time. These are the benefits of success.

The costs of failure are almost too troubling to imagine. Terrorists could again regain a foothold. The Afghan people would remain impoverished under a fundamentalist regime. And this confluence between a failed state in a strategically vital area and terrorist forces could result in lethal consequences, as we so painfully learned in 2001.

What can we do? As the President stands ready to deploy troops to Liberia—and I have been to Liberia and acknowledge that it deserves our attention—we cannot forget about Afghanistan. The President also is weighing options on what to do about force protection in Iraq. As important an issue as that is, I again implore him not to forget our promise to the Afghan people.

There is much more we can do. The report issued last month by Ambassador Frank Wisner and the Council on Foreign Relations provides an excellent roadmap. First, with regard to security measures, we need to maintain adequate military forces until Afghanistan can assume the responsibility itself. We should also be seeking ways to bolster the international security forces there as well as substantially expanding the proposed size of the Afghan Army, which at its peak will stand at 10,000 soldiers. This hardly seems adequate for a country of 28 million people. Reconstruction efforts cannot be effective until the territory beyond Kabul is secure.

Second, politically and diplomatically we need to support the Afghans as they organize presidential and parliamentary elections to be held next year. We need to continue to press Iran and Pakistan to secure the border region and end their interference in Afghan affairs, and we need to continue to assist the Afghans in developing a vibrant civil society that is inhospitable to extremism.

Third, reconstruction measures must resume fully. Despite the urgency of the situation, road building and other major reconstruction projects have stalled. Despite receiving billions of dollars in financial commitments from

the international community, President Karzai still faces a gap of $276 million in his very modest budget. Afghanistan will require $15 billion over the next 5 years in reconstruction funds, over and above humanitarian aid.

Congress has authorized funds to cover one-third of this total. Authorizing it, as we have learned, doesn't mean much. We have to appropriate the money. It is great to issue press releases about all the things we are going to do with this program and that program, but in the Congress there is a two-step procedure: We authorize and appropriate. If we don't appropriate, the authorization is meaningless. We should fully fund the authorization so that, among other things, we can complete construction of the road linking Kabul and Kandahar.

The United States obviously can't cover reconstruction costs on its own. I don't expect us to do so. The reconstruction effort will fail unless we persuade other countries to live up to their financial commitments. But we cannot do that until we fulfill our own obligations.

President Bush has the power to place the reconstruction of Afghanistan back on the world agenda. But as I said earlier, the issue seems to have fallen off the White House radar screen. I say to President Bush: Fulfill the promise you made to the Afghan people and to the American people, and deliver on your Marshall Plan for Afghanistan. The Congress will support those efforts. We will do so not only for the Afghan people but also for the security and safety of the United States and its allies.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that at the hour of 2:15 p.m. the Senator from West Virginia be recognized to offer an amendment.

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

AMENDMENTS NOS. 1233 THROUGH 1236, EN BLOC

Mr. STEVENS. Mr. President, I have amendments from our side of the aisle which have been cleared.

The first is Senator ROBERTS' amendment to make amounts available for research, development, test, and evaluation defense-wide, $2 million for the development of integrated systems analysis capabilities for bioterrorism and response exercises.

Second is Senator LOTT's, to set aside Marine Corps procurement funds for use for the procurement of nitrile rubber collapsible storage units.

Next is for Senators GRAHAM and HOLLINGS of South Carolina to make amounts available for research, development, test, and evaluation, Navy, $6 million for Marine Corps communications systems for the Critical Infrastructure Protection Center.

Finally, another is for Senator LOTT to set aside other procurement, Army funds, for the procurement of TSC–750 computer systems.

I ask unanimous consent to offer the amendments en bloc and have them reported en bloc and considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments en bloc numbered 1233 through 1236.

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

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1233

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $2,000,000 for the development of integrated systems analysis capabilities for bioterrorism response exercises)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $2,000,000 may be available for the development of integrated systems analysis capabilities for bioterrorism response exercises.

AMENDMENT NO. 1234

(Purpose: To set aside Marine Corps procurement funds for use for the procurement of nitrile rubber collapsible storage units)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading ''PROCUREMENT, MARINE CORPS'', up to $1,500,000 may be used for the procurement of highly versatile nitrile rubber collapsible storage units.

AMENDMENT NO. 1235

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy, $6,000,000 for Marine Corps Communications Systems (PE#0206313M) for the Critical Infrastructure Protection Center)

Insert after section 8123 the following:

SEC. 8124. Of the appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be available for Marine Corps Communications Systems (PE#0206313M) for Critical Infrastructure Protection.

AMENDMENT NO. 1236

(Purpose: To set aside Other Procurement, Army funds for the procurement of TSC–750 computer systems)

SEC. 8124. Of the total amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $1,500,000 may be used for for the procurement of TSC–750 computer systems.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENTS NOS. 1237 AND 1238, EN BLOC

Mr. INOUYE. Mr. President, if I may continue, on behalf of Mr. MILLER, the Senator from Georgia, I have sent to the desk an amendment to make available from amounts available for research, development, test, and evaluation for the Navy, $1 million for the Trouble Reports Information Data Warehouse; and for the Senators from Florida, Mr. GRAHAM and Mr. NELSON, an amendment to make available from amounts available for operation and maintenance, Navy, $2 million for night vision goggles in advanced helicopter training. I ask unanimous consent that these amendments be considered en bloc and passed.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments en bloc numbered 1237 and 1238.

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

Without objection, the amendments are agreed to.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1237

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Navy, $1,000,000 for the Trouble Reports Information Data Warehouse)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be available for Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

AMENDMENT NO. 1238

(Purpose: To make available from amounts available for Operation and Maintenance, Navy, $2,000,000 for night vision goggles in advanced helicopter training)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $2,000,000 may be available for night vision goggles in advanced helicopter training.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that at 12:15 the Senate proceed to executive session and immediately vote on the confirmation of Calendar No. 295, Lonny R. Suko of Washington to be a U.S. District Judge for the Eastern District of Washington, without further intervening action or debate; and I further

ask that following that vote, the President be immediately notified of the Senate's action, the Senate then resume legislative session, and recess as under the previous order.

Mr. REID. Reserving the right to object, Mr. President, this is the 136th judge that we will have approved during the term of President Bush. We have turned down two. As Senator LEAHY said on the floor yesterday, the number of judicial vacancies is the lowest number in more than 13 years. I ask that the unanimous consent request be modified to allow Senator MURRAY 5 minutes to speak on this judge at 12:10, prior to the vote.

MORNING BUSINESS

Mr. STEVENS. That is fine. Also, I ask unanimous consent that the time preceding Senator MURRAY's statement be a period of morning business with Senators permitted to speak therein for not to exceed 5 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, are we in morning business.

The PRESIDING OFFICER. We are in a period of morning business with Senators allowed to speak for up to 5 minutes.

TRAVEL TO CUBA

Mr. DORGAN. Mr. President, I just came from a conference about 30 minutes ago dealing with the issue of travel; that is, the right of the American people to travel. We have the right to travel almost anywhere. I have been to China, a Communist country; Vietnam, a Communist country; I can go to Iran or North Korea.

The American people have a right to travel almost anywhere in the world—except for Cuba. Why? Because with respect to Cuba, we have had a 40-year embargo, which not only embargoes trade between this country and Cuba but prohibits the American people from traveling in Cuba.

We have an organization in the Department of Treasury called OFAC, Office of Financial Assets Control, I believe it is. OFAC is an agency that is supposed to be tracking terrorists at this point. Following 9/11, we understand there are all kinds of terrorists and others who wish this country ill and are willing to murder Americans. We have the FBI, the CIA, and a whole range of interests trying to track terrorists. As I said, one part of that is a little organization inside the Treasury Department called OFAC.

OFAC is supposed to look at all the money trails to track terrorists. But that is not all they do. OFAC, as I speak today, has folks in the Treasury Department tracking American citizens who are traveling in Cuba.

I want to give an example of what they are doing. There is a woman named Joan Slote. She is a grandmother. She is also a world-class senior citizen cyclist. She was a medal winner at the 1993 senior olympics. She has bicycled through 21 different countries. She still bicycles 100 miles a week. She is in her seventies. This weekend, the Washington Post wrote a story about Joan Slote. She went with a group of Canadians to take a bicycling trip to Cuba. She believed it was legal for Americans to bicycle in Cuba. It was certainly legal for Canadians to do so. She openly told the U.S. Customs agents that she had been there.

When she got home, she received from OFAC, this little agency in the Treasury Department, a notice that she was being fined $10,000. She did not respond to OFAC's missive because her son had a brain tumor and she was attending to her sick son, who later died. So OFAC said: Sorry, you are fined $10,000. You did not respond, so you know what we are going to do? We are going to start taking your Social Security payments.

Here is a retired grandmother of six attending to her son who dies, who went bicycling in Cuba prior to that and now gets fined $10,000 and has the Treasury Department saying they are going to take this woman's Social Security payments.

I do not understand it. I guess it is the Forrest Gump film, isn't it, that says: Stupid is as stupid does. Life is just a box of chocolates. I have no idea.

What on earth can be happening at the Treasury Department that has people in OFAC, who are supposed to be tracking terrorists, tracking little old ladies, retired people bicycling in Cuba, and fining them $10,000. Or if it is not Joan Slote, perhaps it is a 77-year-old World War II veteran who fought for this country many years ago. He posted some information on a Web site he created about a licensed meeting of United States/Cuba Sister Cities Association in Havana. The OFAC organization down in the Treasury Department accused this 77-year-old World War II veteran of organizing, arranging, promoting, and otherwise facilitating the attendance of persons at the conference in Cuba without a license. The fact is, this guy did not even attend. He did not go to the conference. It was licensed by OFAC. He did not attend the conference, but he put something on his Web site that had to do with sister cities, and now OFAC is after him. So this 77-year-old World War II veteran has to hire a lawyer. Or perhaps it is the fellow from Washington State whose dad was a Cuban. His dad died, and he wanted his ashes spread on the soil in Cuba. So this young man took an urn with his father's ashes to Cuba. Guess what happened to him. We have these vigilant folks down at the Treasury Department—no, not tracking terrorists, not protecting this country—tracking a man who took the urn with his father's ashes to distribute them in Cuba.

What on earth can they be thinking about? Yes, it is true, we have a law, and the law in this country says: Let's punish Fidel Castro by limiting the right of the American people to travel. Some of us think that is dumb—d-u-m-b dumb. It does not hurt Fidel Castro to say to the American people we are going to limit your travel opportunities. We have had debate after debate in this Chamber, and in every circumstance we have said the same thing: The way to resolve the issue with Communist China is to lead them to a better place on human rights. How do we lead them? Through engagement, trade, and travel. We encourage trade and travel with China, a Communist country.

Vietnam: How do we engage Vietnam to lead them toward a better future with more rights for their citizens—more civil rights, more human rights? Through engagement, through travel, and trade, because we do that with Communist countries. Both political parties have said that is the right thing to do.

For 40 years, our country has had an embargo with respect to the country of Cuba. For 40 years, we have indicated that we will punish Fidel Castro by limiting the right of the American people to travel. Forty years of failed policy ought to be enough to convince us to change the law.

I have no interest in Fidel Castro except that he limits the rights of the Cuban people. I went to Havana on an official trip. I demanded to see an economist named Martha who was imprisoned. I was refused the opportunity to do so.

The fact is, human rights and civil rights in Cuba are not where they ought to be. The Cuban people are not free, but we will not, in my judgment, advance rights for the Cuban people by deciding to embrace a policy that has failed for 40 years. We will and should, it seems to me, encourage trade and travel with respect to Cuba because that is the quickest way to undermine Fidel Castro. The quickest way to undermine this regime is through trade and travel, just as we preach it will do in China, in Vietnam, and in other areas of the world.

In addition to restricting travel, we have had this terribly ill-considered ban on trade. It is, in my judgment, always immoral to use food as a weapon, and yet we have done that with Cuba. It is interesting; the law was changed briefly, and as result of the law change I helped engineer in the Senate, along with my former colleague who is now Attorney General, Senator Ashcroft—I offered with Senator Ashcroft, legislation that became law that opens just a bit the ability to ship food to Cuba so

we can sell food to Cuba. Last year, for the first time in 42 years, 22 train carloads of dried peas left North Dakota's farms and elevators to be shipped to Cuba.

Using food as a weapon, as we have done for four decades with Cuba, does not hurt Fidel Castro. Does anybody here think he has missed a meal in 42 years because we have an embargo on food shipments to Cuba? Does anybody think Fidel Castro misses breakfast, dinner, or lunch? Absolutely not.

Using food as a weapon hurts sick people, poor people, and hungry people, and it is basically an immoral policy, in my judgment.

The issue of trade and travel is important. It is not in any way supportive of Fidel Castro for us to say a 40-year embargo does not work and that the same strategy we use with respect to China and Vietnam does work, and that is engagement through trade and travel. It undermines the ground on which dictators sit. It undermines their capability to govern, and that is what we ought to do.

This afternoon, we are marking up the Agriculture appropriations bill, and I am going to offer an amendment to that bill. We have U.S. agricultural experts who have been denied the opportunity to go to Cuba to sell American agricultural products. As I said, Senator Ashcroft and I opened the door just a bit, and we have been selling some products to Cuba. But in order to do that, Cuba has to run the transaction through a French bank because it cannot even be run through a U.S. financial enterprise. It makes no sense to me, but that is the restriction.

I am going to offer an amendment that says at least those who are moving back and forth to sell and buy agricultural commodities ought to be able to travel. Let's at least begin the first step dealing with this issue of travel.

I will end by saying again, it is illogical, in my judgment, to attempt to injure Fidel Castro by restricting the right of the American people to travel. Does anybody really think that at the Treasury Department today we have these folks in gray suits and tiny little glasses, and probably green eyeshades, pouring over all this data—what are they looking for? Are they looking for financial information to track terrorists to put terrorists in jail? No, that is not what they are looking for. They are trying to find a grandmother from Illinois who answered an ad for a bicycling trip in Cuba so they can fine her $10,000 and attach her Social Security checks. Shame on them. Yes, that is what the law says. Shame on us. In my judgment, we ought to change the law. It does not make any sense.

My hope is that perhaps with my colleague, Senator ENZI, who just left the Chamber, and others—Republicans and Democrats—who believe the restricting of the right of the American people to travel makes no sense at all, my hope is that Republicans and Democrats can work together to change this law and stop OFAC from doing what it is now doing. It is hard to find adjectives to describe the basic stupidity of our country chasing little old ladies who ride a bicycle in Cuba and levying $10,000 fines on them and then saying: If you do not pay it, we will attach your Social Security check.

Why are we doing that? Because we are saying a person cannot travel, or we are restricting their right to travel because we want to injure Fidel Castro. The way to injure Fidel Castro is the way we have done with China and Vietnam, which are Communist countries, and that is engagement through trade and travel that undermines the governments of those countries. That is what we ought to do with Cuba.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF LONNY R. SUKO, TO BE UNITED STATES DISTRICT JUDGE, FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the Senate will now go into executive session to consider the nomination of Lonny R. Suko, which the clerk will report.

The legislative clerk read the nomination of Lonny R. Suko, to be United States District Judge for the Eastern District of Washington.

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

Mrs. MURRAY. Mr. President, my colleagues will be voting momentarily on the nomination of Lonny Suko, and I rise today to support his nomination for U.S. District Court Judge for the Eastern District of Washington State.

Lonny Suko is a distinguished lawyer and U.S. magistrate judge from my home State of Washington. I am honored to support his confirmation as a district court judge. He was unanimously reported out of the full Judiciary Committee on July 10. Judge Suko has strong bi-partisan support, and for good reason. He has handled some of the most difficult cases in Eastern Washington in the past decade, and he has won the respect of everyone who has come before him. That is one of the reasons why Judge Suko enjoys such strong support from a diverse group of attorneys and community leaders in Washington State.

Both Senator CANTWELL and I assisted the President in choosing him from a list of very qualified candidates. Lonny Suko has spent his life living and serving Eastern Washington. He is a graduate of my alma mater, Washington State University, and of the University of Idaho School of Law. He has had a distinguished career as a lawyer and a U.S. magistrate judge. In private practice, Lonny Suko had a sucessful practice defending both plaintiffs and defendants in a variety of tort, contract, creditor-debtor, and public sector cases. He has also distinguished himself as a U.S. magistrate judge, serving part-time from 1971 to 1991, and full time since 1991. As I mentioned, Judge Suko handled some of the most challenging cases in recent history in Eastern Washington. He heard the injury and death claims of more than two dozen plaintiffs who were victimized by a gunman at Fairchild Air Force Base in the early 1990's. He was involved in several other high profile settlements.

In all of those cases, Judge Suko won high praise for his judicial demeanor, his fairness and his respect for all parties. Judge Suko clearly meets the standards of fairness, even-handedness, and adherence to the law that we expect of our Federal judges. Outside of his many professional credentials, I have met with him, and have been impressed by his professionalism and decency. Therefore, it is my pleasure to support for confirmation to the Federal bench such a great lawyer and judge who I believe will make an exceptional Federal judge. He has served the people of our State well. I urge my colleagues to support his nomination.

I yield the floor.

Mr. LEAHY. Mr. President, this nomination from Washington State has the support of the Democratic Senators from that State. Senator MURRAY and Senator CANTWELL have both worked hard to establish a bipartisan process for making recommendations to the President for Federal judicial vacancies in their State. They are to be commended for their work. They support the nomination of Lonny R. Suko, whose nomination is a product of Washington's bipartisan selection commission.

With this confirmation today, the third so far this week, the Senate will have confirmed 136 judicial nominees of this President. These include 36 confirmed just this year. That number equals the number of judges confirmed during all of 1997, exceeds the 34 judges confirmed in all of 1999, and is more than double the number of judges confirmed in the entire 1996 session. Thus, we are well ahead of the pace that the Republican majority used to maintain when reviewing President Clinton's nominees.

We have reduced judicial vacancies to the lowest number in 13 years and currently have more Federal judges on the bench than at any time in our history.

Working with home State Senators from both parties helps make the confirmation process proceed more smoothly as we have demonstrated over and over and demonstrated again today.

I congratulate the nominee and his family on his confirmation today.

Ms. CANTWELL. Mr. President, I am very pleased that the Senate will be acting today to confirm Lonny Suko as a District Court Judge for Eastern Washington.

Lonny Suko is extremely well qualified. He has been a full-time Federal

magistrate judge in Yakima, WA, since 1995. And before that he was a part-time magistrate judge from 1971 until 1991. With 28 years of experience on the Federal bench, elevating him to be a Federal district court judge is a natural step.

Lonny Suko's nomination is the result of the hard work of an eastern Washington-based judicial selection committee. The selection committee process was negotiated between the White House, Senator MURRAY, and myself. Six qualified members of the legal community in Eastern Washington selected by our local Members of Congress and by Senator MURRAY and myself put in long hours interviewing and selecting three qualified candidates to send to the President. The White House agreed with my judgment that Lonny Suko was the most qualified candidate for this position.

Prior to his full-time work as a U.S. magistrate judge, Lonny Suko was also a partner in the firm of Lyon, Weigand & Suko, where his career in private practice involved extensive representation of plaintiffs and defendants in civil litigation as well as extensive mediation experience. Though he has lived in Yakima for the past 30 years, Mr. Suko has connections throughout eastern Washington. He is originally from Spokane, graduated Phi Beta Kappa from Washington State University in Pullman, and started his legal career as a clerk to Judge Charles L. Powell, who was then the Chief Judge of the Eastern District of Washington in Spokane.

We wish Judge Suko well in his new position and have confidence that he will be an excellent addition to our distinguished Federal bench.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Magistrate Judge Lonny R. Suko to be a U.S. District Court Judge for the Eastern District of Washington.

Judge Suko has been part of the Washington legal community for over three decades. After graduating from law school in 1968, Judge Suko clerked for the Honorable Charles L. Powell in the Eastern District of Washington. In 1969, he joined the Lyon Law Offices, where he served as associate, partner, and shareholder. As an attorney, Judge Suko litigated primarily civil matters.

In 1971, Judge Suko was appointed part-time United States magistrate judge, a position he held while practicing law full time until 1991 when the position was discontinued. In 1995, Judge Suko ascended to the bench once again when he was appointed as a full-time Federal Magistrate Judge for the United States District Court Eastern District of Washington. As a magistrate judge, Judge Suko presides over both criminal and civil matters.

Judge Suko has been rated unanimously well qualified by the American Bar Association, and enjoys bipartisan support. I am confident Judge Suko will make an excellent Federal judge. I commend President Bush for nominating him and urge my colleagues to join me in supporting this nomination.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, have the yeas and nays been ordered on this judicial nomination?

The PRESIDING OFFICER. They have not.

Mr. LOTT. I suggest that we move to the vote. Is there a prearranged time?

The PRESIDING OFFICER. The vote is to occur at 12:15.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Lonny R. Suko to be a United States District Judge for the Eastern District of Washington?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 276 Ex.]

YEAS—94

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

NOT VOTING—6

Edwards	Kerry	Miller
Graham (FL)	Lieberman	Sununu

The nomination was confirmed.

Mrs. MURRAY. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative action.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. ALLARD).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BYRD is still occupied in the caucus. It has not terminated yet. I don't think this will in any way offend the two managers of the bill. I ask unanimous consent that the Senator from South Dakota be recognized for 20 minutes and following that Senator BYRD will be recognized. The order now in effect would have Senator BYRD recognized at 2:15. He will be recognized at 2:35; Senator JOHNSON will speak now for 20 minutes. I ask unanimous consent that that be the case.

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

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I approach the current Department of Defense appropriations bill and our current status in Iraq and the Middle East from somewhat of a unique circumstance: as a Senator but also the father of a soldier who has served in Iraq. My oldest son Brooks, a staff sergeant with the 101st Airborne Infantry over the past roughly 5 years, has now served in four wars—in Bosnia, Kosovo, Afghanistan, and most recently Iraq. I appreciate profoundly how much our Nation owes to our military. These young men and women are professional. They are skilled. They are courageous. They are taking on a job few other Americans would want to do for any amount of compensation. We can take great pride in America that our military is the finest in the world.

In that context, no one is more supportive of our military personnel and their families than I am. The deployment tempo has been enormous. Many families have seen the absence of their husbands and wives, brothers and sisters, sons and daughters for a great amount of time, and the tension and stress of the families has been great. We owe gratitude to the families of our military as well.

I voted for a resolution authorizing force. I think the world is a better place without Saddam Hussein. But that resolution was based on two major pillars. One was that there was an imminent threat to the security of the region and to America because of the presence of weaponized weapons of mass destruction and, secondly, that the President was to go to the United Nations and our allies and try to internationalize a strategy relative to Iraq to the best degree possible.

Now we find ourselves in a circumstance where there is great doubt about the quality, the credibility of the intelligence the President shared with the American public. He was quoted in the paper this morning saying, our intelligence is ''darn good.''

What is at stake is not just the presence of weapons of mass destruction. It is possible that perhaps some will ultimately be found. But what is at stake is the credibility of America in the world community. It turns out that the statements about nuclear weapons were simply false. The CIA knew that. It turns out that ties between Saddam Hussein and al-Qaida at 9/11 were nonexistent. Yet over half of America to this day thinks there is some connection between Saddam Hussein and 9/11, when there was none—zero.

Well, this is particularly troubling at a time when this administration has enunciated a radically new approach to military affairs abroad, saying that we will from now on be willing to take on preemptive war—preemptive war, of course, is based on the quality of intelligence—and that we will do it unilaterally if need be; the rest of the world community doesn't count.

Thirdly, that if we so choose, we will use nuclear weapons in a first-strike capacity. This new Bush doctrine is intended, apparently, to make the United States sound like the toughest country on the block. To the contrary, it should not be a surprise to anyone that this kind of strategy, coupled with faulty intelligence and perhaps a manipulation of what intelligence was there in a false, misleading way, has in fact lost the support of our allies around the world when, after 9/11, the United States had the near unanimous support of the world community. Now that has been largely lost, and even our allies express contempt for the American policy abroad and our role in the world.

It should come as no surprise to anybody that this unilateralist, first-strike capability, all premised on faulty and shaky intelligence and manipulation of intelligence, actually puts America at greater risk than before. It leads to—and it should come as no surprise—an arms race greater than before, where other countries may believe that the only way to defend themselves against a unilateral, preemptive nuclear attack from the United States is to arm themselves to the hilt, perhaps with their own nuclear weapons—certainly weapons of mass destruction. Now we find that this strategy will lead to a less secure, more troubled world. It is something this Congress and this Senate need to rethink.

With the contempt toward the United States this spurs, like internationalism, greater terrorism, more people willing to join terrorist groups, I think it is fair to say there is a greater threat of terror applied to the United States and our allies today than there was before.

Secondly, the lack of international concern, the lack of diplomacy, and the failure of American diplomacy to pull together a greater alliance and cohesion—certainly in the Western World, but in the world in general—have led to America being even more targeted than before by the powers of hate around the world.

We were told at the time that there was great urgency for this conflict and that we would be in and we would be out and we would restore democracy. How foolish and naive that looks today. Now we are being told that this conflict and our presence in Iraq could easily last 4 years, perhaps 10 years, at a cost of $100 billion, conceivably, over the coming year, while our men and women in uniform, who are doing courageous work, find themselves in a near shooting gallery environment in Iraq, with very little contribution from our allies. Some of those contributions are even discouraged by the United States.

To put some context on this—because our troops are on the ground and our troops are being killed daily, because our taxpayers are paying virtually 100 percent of the cost of this—we now find ourselves with an administration telling us we cannot afford full funding for VA health care so our veterans can get the medical services they need because we don't have the $2 billion extra. We are spending $4 billion a month in Iraq, and we are going to do that for years, perhaps for a decade. We are being told we don't have enough money for Amtrak because it costs a half billion dollars more. We are going to spend $100 billion in the coming year in this faraway place, but we don't have the funding for education or health care. And the reason the prescription drug plan is so faulty and viewed with dissatisfaction by American seniors is that the funds are not there to fund a decent plan. Yet all of those costs are a tiny fraction of what we are committed to send into the far distant future in the Middle East.

We have 200,000 troops abroad total, with some 140,000 to 150,000 in the Middle East; we have 1,000 in Saudi Arabia; we have 1,300 in Bahrain; we have 4,000 in Qatar; we have 145,000 in Iraq; we have 11,000 in Pakistan; we have 14,000 in Turkey; we have 1,000 in Egypt; and we have over 1,000 in Djibouti.

We have troops scattered all over the world. Their families want to know when they are coming home. Employers want to know when they are coming home. Nobody can say. Nobody has a timeframe, other than to know that our military is going to be under tremendous stress for a long, unforeseeable time.

At the same time, we have budding conflicts in North Korea, Liberia, Iran, and the existing conflict in Afghanistan. It doesn't take a genius to figure out that this is going to lead to enormously difficult problems in terms of recruiting and retaining military active-duty Guard and Reserve. My son confides in me, after 4 wars in 5 years, in talking to his colleagues in the U.S. Army, there are more and more of them saying: I thought this would be a career, but frankly this is destroying my family, my future. We cannot be deployed at this kind of tempo forever.

It appears that that will be the case because the United States has taken such a unilateral approach—to become the policeman for the entire world without the participation of our allies, without the U.N., without the regional groups. When will this President learn that we are the world's major military power but we cannot be the policeman for the world, we cannot be doing all this ourselves? We need to bring together our allies, and we need the diplomacy to make that happen.

So while we are asking our military to be deployed at an enormous tempo, while we are losing men and women daily in Afghanistan and Iraq—and we have another conflict on the near horizon in Liberia—the President says we cannot afford the full combat pay increase that the Senate requested. How many of you would go live in a hole in the wall in Iraq and be fired at from every angle as you walk down the street, and your President says we won't give you that extra $100 a month. One hundred dollars a month? How many in this Chamber would encourage their children to serve in that environment?

We are being told by the White House we cannot afford the full funding for health care. Our vets are going to have to wait in line for another year to get the access to health care that they deserve and that they are owed because we don't have the funding. The President says he will veto any legislation we pass in the Senate to expand access to health care for our National Guard and our Reserve troops. He will veto it. There is plenty of money to go around for an enormous tax cut to enrich the wealthiest families in this Nation, but when it comes time to do modest things for our own soldiers, the President is not there. We need to hold him accountable for this irresponsibility.

There is enormous damage being done to the credibility of our Nation by what has transpired over these past months. We can be proud of our military, proud of our troops. We know Saddam Hussein was a thug and the world is better without him. But when we see what has happened due to the lack of an international alliance, due to our unilateralism, due to faulty intelligence, or the manipulation of our intelligence, when we see what happened to world opinion relative to the United States, and now the unwillingness of the rest of the world to work with us to stabilize the world military situation, we find ourselves in a terrible hole and how a $450 billion deficit reported just today—a record deficit, where we are going to borrow from the Social Security trust fund for the remainder of the decade in order to pay for all of this—we need to regroup.

Our U.S. troops, our men and women in uniform, deserve better. We American citizens deserve better as well. I simply have to share my frustration and, yes, my anger, at the circumstances we find ourselves in today due to profound failings of this administration in the conduct of our military strategy in the Middle East and all that portends for the future of this country and our role in the world, all that means for the taxpayers of this country, all that means in the inability to fund our schools, our health care, our environment, and all the needs of infrastructure we need to get our economy going again. Our country deserves better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from South Dakota leaves the floor, I wish to say that many of us speak about the conflict in Iraq and Afghanistan from a distance. The Senator from South Dakota does not speak from a distance. His son has been involved in both conflicts, carrying a rifle for the U.S. Army and being shot at.

I was with, as many of us were, Senator JOHNSON during the height of the military conflict in Iraq when every day he was happy the day ended without getting a message that his son had been injured or killed in Iraq. I was here when Senator JOHNSON received a letter from his son written on a K-ration wrapper from a foxhole in Iraq. So Senator JOHNSON has a right to be upset, to speak with indignation because he looks at it differently than all the rest of us because he was the only Senator with a son in combat in Iraq.

His son has come home. He is one of the lucky ones. As we see on the front of the Washington Post today, large contingencies which were expecting to come home next month have been ordered to stay in Iraq. They do not know when they will be home.

I extend my appreciation to Senator and Mrs. JOHNSON for being the parents of a stalwart American hero, someone who has fought over the last 5 years in four American wars.

Mr. JOHNSON. Mr. President, may I respond to my colleague and my friend from Nevada. There are hundreds of thousands of parents all across America who do daily, as my wife Barbara and I have done, and that is to watch the news, follow the news as closely as possible with both pride in our sons and daughters, husbands and wives, but dread as well.

As we did, there are hundreds of thousands of parents and loved ones across this country who follow with great intensity the daily reports about deaths and injuries. There are families all across our country as we speak who know that at any moment there could be a catastrophic, life-shattering report of the loss or injury of their loved ones.

When people talk about acceptable levels of casualties, I hope more and more Americans understand there are real families, real faces involved, and that we owe an enormous debt of gratitude to our military. They are the greatest in the world. They do as they are ordered to serve, and I hope we stand not only with these men and women in uniform but with their families who have no idea, in most cases, when they are coming back, many suffering great financial hardship but also emotional hardship, the loss of parenting, the loss of key employers as a great consequence.

While we follow this war and the aftermath of the war with great concern, we also should remember this is not just numbers. This is not a game. This is a very real situation that is going on in the lives of very real American families, and all of these issues need to be approached with that kind of somber awareness and commitment that we do the best we can for our troops and their families.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I wish to join with my colleague from Nevada in commending the distinguished Senator from South Dakota for his powerful statement, for the eloquence and the passion he has demonstrated in expressing himself this afternoon.

I have said on countless occasions that no one could be more proud to call him a colleague than I. We have heard yet another demonstration of the reason I am so confident in my ability to say that as we heard him this afternoon.

I will never forget my colleague sharing with me a postcard his son sent while he was in Iraq. It was on the back of an MRE, one of these meals the military eats every day. He had carved it out, writing on the back, put the address on the front, and sent it to his father and mother to report that he was well, to report that he believed in what he was doing.

It has to be an emotional moment to receive that from your son. He invoked that emotion again today in speaking for all families who have members of the military in Iraq; that it is wrong to minimize these losses; that it is wrong to, in some way, depersonalize the extraordinary impact it has when one of these sons or daughters is lost.

Hans Gukeisen was one of those who did lose his life. He was from Lead, SD. He was a helicopter pilot. He lost his life rescuing an Iraqi child. He is now buried in the Black Hills National Cemetery. I just received a message from his father a couple of days ago lamenting, expressing the sense of loss that only a father can.

As we face these questions, as we struggle to ensure we have the information this Congress deserves, let us also be appreciative of the extraordinary sacrifice made by those who are there; those who are no longer living as a result of having been there; and those, hopefully, who will never have to go but are prepared to do so today.

I was disappointed to learn just within the last week that the Secretary of Defense indicated that he could not support an amendment we adopted 82 to 10, I believe, which would have provided health insurance to National Guard personnel once they come home. They are eligible for it now. They are not when they come home. That is a disparity, an inequity, a problem I cannot fully appreciate, but they can, and it is yet another indication of the sacrifice they made to be there for their country.

As others have noted, they have been there for months and months. We owe it to them to give them some better understanding of the length of time they will stay. We owe it to them to send as clear a message as we can that we have a plan and that they can put their lives on a similar plan once they know what the plan for the country will be. But it appears there is no plan today. We do not know how long we will stay, and I think it is imperative that we find out.

These and other questions, as I said earlier today, Mr. President, are ones that have to be addressed during this debate and consideration of this bill. I am hopeful we can put in place legislatively the assurances that we will require before we vote on this bill later on, whenever that may be.

So again, let me thank the distinguished Senator from South Dakota for his eloquence, for his passion, and for his partnership.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized for the purposes of an amendment.

AMENDMENT NO. 1244

(Purpose: To prohibit excessive deployments overseas of members of the Guard and Reserves)

Mr. BYRD. Mr. President, I thank the Chair for his consideration and courtesy.

Our National Guard and the Reserves of each of our military services have

become more than a source of manpower during times of national crisis. Members of the Reserve components have become an indispensable tool to carry out military operations and homeland security missions.

As of last week, there were 204,100 Guard and Reserve personnel on active duty. Some are stationed within the United States, performing homeland security missions. Many are deployed overseas, in foreign lands, thousands of miles from home, to places such as Iraq and Afghanistan.

Since September 11, 2001, we have activated more Guard and Reserve personnel than at any time since the Korean war but countless reservists, especially those who are now serving in Iraq, have not even been told when their deployment will end. Nobody knows when they will return home to their families, their friends, and their home communities.

Adding to the uncertainty, some Reserve units that are now being activated are simply being told to prepare to deploy for 1 to 2 years. This is no way to treat our National Guard and Reserve forces. How would Senators like to be treated like that? Are we keeping our citizen soldiers away from their jobs and their homes for too long? Are we? There are a growing number of West Virginians who say yes.

My office has received an increasing number of letters, phone calls, and e-mails from West Virginians asking when their loved ones who serve in the Reserve components will be coming home. How long? How long will that vacant chair be at the dinner table? How long will that husband, that father, be away from home, unable to carry that child to bed and tuck it under the cover at night? How long, Mr. Rumsfeld, I ask?

Some of the reports in these communications are very alarming. Senators read their mail as I read mine. Other Senators, I am sure, are getting the same question from those who are living there in the face of danger every second of every minute of every hour of every day, in the hot sands, 130 degrees, 120 degrees, 110 degrees. There they are. All of these letters express a deep frustration with the length of deployment of National Guard men and women and other Reserve units.

A number of troops and their families have expressed desperation at trying to get any sort of information about when their units will be returning to the United States, and it is about the same frustration that we as their elected representatives are getting when we ask questions of this administration to appear before our committee.

After reviewing what some of these units have gone through, I can see why people are frustrated. Let us take the case of one engineering unit from West Virginia. After shipping out in January 2003, this unit advanced deep into Iraq, along with front-line fighting forces. During the war, they bridged a river under heavy Iraqi fire. I have several reports that members of this unit are able to call home only once every several weeks, and that now they are only helping to haul Iraqi ammunition. This unit has not been given a date to return to the United States, and rumors are now circling that they will remain in Iraq until January 2004, until the snow falls in West Virginia.

Another National Guard unit has struggled through back-to-back-to-back deployments. This unit was mobilized for State duty in response to flooding in West Virginia in the summer of 2001. After September 11, this unit spent 1 year in Federal duty performing homeland security missions. After 3 months' rest, the unit was again called to duty and this time sent to the Persian Gulf region in February 2003, where they remain to this day. There has been no word, none, on when this unit will return home. Hear me, Senators.

One of my constituents wrote about her husband who was deployed to the Persian Gulf in December 2002, told he would return as soon as the war was over. After the President made his visit to the aircraft carrier *Abraham Lincoln* and gave his speech under the giant banner which read ''Mission Accomplished,'' this reservist still has not been sent home. In fact, he was given five different dates to return to West Virginia and then sent to another country in the region with the possibility of extending his deployment to September. To add insult to injury, this reservist had to pay for his own food and lodging while he was awaiting new orders after the war.

Hear me. Hear me, Mr. President. These stories should not come as a complete surprise to my colleagues. I am confident every Senator has been receiving mail with similar reports of deployments with no end, unclear missions, shortages in supplies, and countless other problems.

I have read similar problems in the newspaper about members of the Active-Duty Forces. This morning, there is an article in the Los Angeles Times about another delay in the homecoming of the war-weary 3rd Infantry Division. Less than a week after Secretary Rumsfeld announced to the Armed Services Committee that this division would be home by September, 10,000 of these soldiers have now been told to prepare to stay in Iraq indefinitely, an equal number of that army of Greeks which was led by Xenophon back home after the war, after the Battle of Cunaxa. Ten thousand have now been told to prepare to stay in Iraq indefinitely. These troops ought to have the chance to come home, too.

There are two reasons why I am particularly concerned about the long deployments of the Guard and Reserve. First, the National Guard has important responsibilities to their own States. Right now, this very minute, West Virginia has all of its Guard and Reserve engineer units deployed overseas, along with all of their earthmovers, their dump trucks, their equipment. If the summer storms cause more flooding and mudslides in the West Virginia hills, who is Governor Wise going to go to for help?

We have watched those storms sweep over the mountains of West Virginia and come down those rugged, ragged, steep slopes into the valleys and cause terrible floods to come rushing down, wiping out lives and property. Who is Governor Wise going to go to for help? The engineers of the West Virginia National Guard cannot answer the call from the hot sands of Iraq. My State would either have to rely on expensive contractors to recover from the storms or wait 2 or 3 days for National Guard units from neighboring States to respond. West Virginians need our National Guard in West Virginia.

Second, members of the Guard and Reserve are part-time soldiers. They are proud to serve their country but they did not sign up to serve full-time duty. We must exercise greater discretion when mobilizing the reserves just as we did decades ago.

According to the Congressional Research Service, from 1945 to 1989, there were only four involuntary callups of Reserve Forces. In 1945, I was in Florida, welding in the shipyard to the end of World War II. According to the Congressional Research Service, from that date 1945 to 1989, there were only four involuntary callups of reservists. Since then, there have been six involuntary deployments. It is unreasonable to dip into the Guard and Reserve so frequently, to pull those men and women away from their civilian careers and away from their families and expect them to serve overseas with no indication of when their mission will end.

There are serious defects from protracted deployments of the National Guard and the Reserve. There is growing frustration, I am telling you. It is growing. The frustration is there and it is growing.

Hear me, Mr. President, down at the other end of the avenue. Hear me, Mr. Rumsfeld. Hear me, Senators. That frustration is growing. Growing frustration among members of the Guard and Reserves mean that many troops may finally elect to take their hard-earned retirement. Many junior personnel are likely to decide they do not want to put their families through months or even years of hardship again and they will choose not to reenlist once their duty has been completed.

As we speak, unit commanders are bracing for a heavy loss of personnel once the deployed units are rotated home. The time has come for Congress to say: Enough is enough. Let us put an end to open-ended and back-to-back deployments of the National Guard and Reserve. Our part-time troops need to get back to their homes. They need to get back to their families.

They need to get back to their full-time jobs.

That is why I offer an amendment to limit the involuntary deployment of

National Guard and Reserve personnel to 6 months for any single overseas deployment and not more than 1 deployment in any 12-month period.

When we send the National Guard to peacekeeping missions in the Balkans, they are overseas for 6 months. Why should we ask our reservists to serve longer in Iraq or Afghanistan? Why should we ask our reservists to put up with back-to-back deployment?

Secretary Rumsfeld announced this week that he is seeking long-term changes to reduce dependence on the involuntary mobilization of National Guard and Reserves for not more than 1 year out of every 6 years. This is a commendable action, and we need to take a look at the long-term structure of our Armed Forces. But Secretary Rumsfeld's proposed changes do nothing to address the problems our reservists and their families are facing today.

My amendment will make an immediate impact on the problem of open-ended deployments for the National Guard and the Reserves. My amendment will make the Defense Department tell our reservists when they will be coming home because no funds in this bill may be spent to keep a Guard or Reserve unit overseas for more than 6 months.

We need to start rotating our Reserve Forces back home. Right now, there are 204,100 Reserve personnel who are not at their civilian jobs. These absences are leaving huge gaps in private businesses and essential government services.

In West Virginia, 10 percent of the State police have been called to active duty. Countless employers across the country are working shorthanded, waiting for the day that one of their employees will return home from their service to our country. Families are struggling to make up the income lost by having a provider receive modest paychecks from the Pentagon as opposed to the good pay of civilian careers, such as doctors, lawyers, coal miners, teachers, or even plumbers.

One can only wonder how much the endless cycle of deployments has affected our economy over the last 2 years. But it is clear that we need these part-time members of the military back in our communities.

My amendment would allow us to tell the members of the National Guard and the Reserve that they will return home within 6 months of being sent overseas. Congress should act in order to provide a measure of stability to the deployment our reservists are facing. We should give the same measure of stability to their families and their employers.

I urge my colleagues to support the amendment. I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1244:

Insert after section 8123 the following:

SEC. 8124. Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of Defense, including funds appropriated for the Department before the date of the enactment of this Act that remain available for obligation as of that date, may be available for the involuntary call or order to active duty of any member of the National Guard or other Reserve component for purposes of the deployment of the member overseas as follows:

(1) A single deployment overseas of 180 days or more.

(2) More than one deployment overseas in any 360-day period.

Mr. STEVENS. Mr. President, the Senator from West Virginia has touched on a subject that many of us believe should be explored. I think in order to look at it, we have to look at a little bit of history. That history, as far as the Department of Defense is concerned, is not too pleasant.

In the Clinton administration, I remember distinctly being down at the White House when the President showed us his plan for defense expenditures. He showed us a chart that showed a constant decline in defense expenditures. At the end of 6 or 7 years, it started to go back up. He was going to use that money to reorder priorities of the country. That was his plan, and that is what he executed.

As a consequence, the military people of this country had to figure out how to defend the country. Many of us who worked in matters relating to defense here in the Congress worked with them. The concept that was developed by the Defense Department and approved by Congress was the total force concept. The total force is those who are regularly in the Army, Navy, Air Force, and Marines. And it was augmented by the National Guard and by the Reserve.

When we deploy forces now overseas, almost every unit of the regular military has, along with it, portions of its personnel who come from the Guard or Reserve. They are already identified before deployments take place. This is the total force going out into these operations. This happened during the Clinton administration in Bosnia, and it happened in Kosovo. There were National Guard as well as Reserves deployed with the regular units. The concept of deployment is one that people in the services understand.

The problem the Senator from West Virginia has correctly identified is the repeated deployments that have taken place. When we think about it, starting in Haiti, starting in Bosnia and in Kosovo, we had a series of deployments, and then in this administration in Afghanistan and Iraq.

Those have all taken place in a continuum of a lifetime of the current force. It is an evolving force. People enter and others leave. But we are still dealing with a total force. You are not dealing with the kind of forces that were in place when I first came to the Senate or when we served in in World War II. There were massive divisions called up. They had a cadre of permanent people in the U.S. Army. Back then, we were in the Army of the United States. That was the draftee portion that was added to the Army. Each section of the military had that in days gone by. But they were temporary people. They were drafted. They were not involved in a citizen-soldier-citizen military concept.

When we evolved into this picture that we are in right now, we developed recruiting techniques to recruit people.

The Senator from West Virginia mentions the police of West Virginia. I am sure the same thing happens in almost every State in the Union. The police are encouraged to join the National Guard and the Reserve so they can be part of the military police forces as they are deployed. They may even have expertise that they got in the military services before they became policemen. And they agreed to come back and fulfill that same expertise as a member of the service when their unit was deployed. The Reserve and Guard units are called up because they have expertise in particular areas. They are part of a function that is included in the total force.

The problem isn't the duration of the deployment; it is the frequency of the deployments, as far as I am concerned.

The Senator from Hawaii will recall that he and I went to Prince Sultan several years ago and talked to the pilots who were not reenlisting. This was occurring during the Clinton administration. They were not reenlisting because they had been deployed to Italy; they had been deployed to Bosnia; they had been deployed to fly what we call the ''continuous air patrol''—the cap over Iraq. Once they finished the cap over Iraq, they were back in Bosnia again or they were deployed to do some special activities in the Korean area.

Several times when forces were built up as tensions increased, we deployed some forces. They were brought back later. But it wasn't the duration of any one of the deployments, in my judgment; it was the frequency of several deployments.

I remember talking to one pilot who was not going to reenlist because he had been away from his family I think 10 months out of the year.

This was something that was just not contemplated by the total force, whether they were Regular or Guard or Reserve. It is not just the Guard and Reserve. It is the total force in terms of the number of deployments and the length and duration of the rotations that are taking place. Those I think have to be studied, and they have to be studied very carefully to determine where we are going.

Unfortunately, I must disagree with my friend from West Virginia. If we followed his suggestion, we would put down just a blanket rule concerning the time of the deployment period or the number of deployments in any 360-day period. And this would be not more than one.

President Clinton could not have fought in Bosnia and Kosovo and maintained the blockade of Iraq, as he did as Commander in Chief, under this kind of a law. In fact, I do not think any Commander in Chief could command our total force with that kind of a law. But what we have to look at is the number of times that you are deployed in any one period of your service. There are people who still enlist for a period of time. If they enlist in the Guard or the Reserve or the regular forces, I think we ought to assure them, if they are in each category, there ought to be a different standard. In the regular services, those are 365-day-a-year deployments, period.

This concept of applying this policy only to the Reserve component, I think—and I assume by that the Senator includes the National Guard—is not proper, in my judgment. We have to look at the total force and say, if you are a part of that force, this is what will apply to you.

I think there should be some distinctions between the regular services and the Guard and the Reserve so that a person could make a choice based on his or her circumstance as to how often and for what duration deployments might take place.

We developed, in World War II, a concept of points. Again, my friend from Hawaii and I probably are of the few people in the Senate who can remember that. But you got points for the number of months you were deployed overseas. You might have been deployed to France or Italy or England but you built up points. As you reached the zenith on points, you were eligible then to be rotated back home, back to the continental U.S.

That system is almost implied in what the Senator is raising because if you have been deployed more than once in a 360-day period, you could not go again, I take it, until that period was exhausted. But the concept of when a person should be entitled to be returned to the continental U.S., and how many times they can be deployed overseas in any one—we used to call them ''hitches''—enlistment period I think has to be explored.

I have just reviewed this, and I want to find a way to raise this so the Senate will understand the issues as we see them with regard to this policy. We need to establish a review by people who are decidedly interested in addressing the problems that Senator BYRD has outlined to give us some judgment, as quickly as possible, on what we should do.

One of the basic questions, in my mind, is, should it be a law, or should we mandate there be regulations issued that encompass certain criteria that must be met by those regulations, or should we direct the Commander in Chief to issue an Executive order?

There are several ways this could be changed. I take it one of the questions that should be addressed in this amendment, too, is the question of whether the rules should be the same during a period such as we are in now—this is a period of engagement overseas, at the direction of the President, approved by the Congress, by the way, but it is not in response to a declaration of war. I think once we get into a period of total war, as in terms of a declaration of war passed by Congress, then all bets are off. In fact, that triggers, once again, if that happens, as I understand the law, the draft again. We go into entirely different circumstances in terms of manpower and encouraging people to come. We will have to address that sometime.

Just parenthetically, I remember offering the amendment, once in my youth, on the floor, to extend the draft to cover women. Maybe the Senators do not remember that but I did, and it was defeated. We thought it would be defeated but we then went ahead to defeat the draft. We eliminated the draft. Once we agreed we would not draft women, we eliminated the discrimination in being able to draft men. I think, should we ever get into total war again, God forbid, we will have to look into the concept of a draft and how we execute it.

But, very clearly, what we are talking about now, being deployed for more than one 360-day period—I would have been able to come back from China very quickly if we only had 360 days. There were many people who served overseas for more than 2 to 3 years during World War II. By the way, they did not build up the points that were necessary to come home because those points primarily arose, as I recall, in periods of combat—at least you got greater credit while you were in combat.

I never had to worry about points, Mr. President. I enjoyed what I was doing, and maybe I didn't want to quit flying, so I was very pleased to stay where I was.

What we are trying to do is develop a policy that comprehensively examines the issue of overseas deployments and analyzes any resulting personnel readiness or operation tempo strains on the Active Guard and Reserve Forces, and to apply this concept to the total force.

We want to examine overseas rotation policies and practices and determine how those policies—for the whole force—impact military readiness, individual and unit training, the quality of life for military service members and their families, their dependents, the retention of career and noncareer military service members, and the impact on reenlistments of the policies that are pursued.

We want to specifically get some recommendations on ways to reduce the burden of overseas military deployments while maintaining military readiness, overseas presence, and supporting the national military strategy and the ability to respond to the President's orders as Commander in Chief.

I particularly think we ought to find some way to recognize that there has to be times when the Commander in Chief has the right to obtain the forces that he and his military advisers believe are necessary to maintain our national defense.

Again, parenthetically, I am reading a novel now. I believe I told Senator BYRD and others about it. It is about the Revolutionary War. During that period, the Washington Army was a national army but there still was not a national government and they did not have permanent enlistments. They had enlistments for periods of days or weeks or months. Often Washington found he did not have the forces in one week that he had the week before, and he had to wait until he was augmented by further forces that came to him from the State militias.

What are the State militias today? They are the National Guards. Our history of militias in the United States has given us the National Guards.

This amendment offered by Senator BYRD really applies to the National Guard, too. The National Guard has another commander in chief, unless they are, in fact, mobilized by the President; and that is the Governor of each State. It is only when they are mobilized that they would come under this proposal of Senator BYRD.

What I am saying is, we have many problems out there that have now been perceived because of the multiple deployments of our forces in the last 10 to 12 years. One of them became apparent to me as I talked to military people in my home State of Alaska; that is, we now have, in many instances, couples who are both in the military. Sometimes they are actually in different units, at different bases, but they are married and they have families. We have the problem of units being deployed and finding that both parents might be deployed at the same time, with minor children involved. That is something that ought to be looked at. We ought to have some limits on overseas deployment, period.

Now, for instance, I believe about half of our marines today are in Okinawa. They are stationed there almost permanently. The Marines have fewer married people, I understand, but they do have some problems with regard to family deployments, and I think that concept ought to be looked at.

We ought to look at the question of unaccompanied tours, the reverse side of that. How long should the marines or any of these individuals be stationed overseas when they are not accompanied by their spouse or their families?

I distinctly remember the time Senator HOLLINGS and I were asked to go to Europe by Senator Stennis. We went to study a problem that was coming because in those days, this is back in the 1970s, we had unaccompanied tours in terms of our basic force assigned to the protection of Europe and NATO. When these young people got a leave, they came home. They got married. And pretty soon the wives and younger children would follow the father, and they

were living in these really sad circumstances.

Senator HOLLINGS and I went to what we called a walkup, cold-water flat in Germany, where a young woman and her children were living. They had one little burner, and they had cold water. This young woman had to care for those children, and the husband was not allowed any funds for that deployment because he was unaccompanied. They had to literally live off the local economy and somehow survive.

I have to tell you, these young people, who were then draftees still going to Germany, weren't very well paid at all. They had a tough life. I still give much credit to Senator John Stennis for what he did for the military people because we followed through on every single issue he raised. And one by one we tried to solve the question of the quality of life of these young people. We increased the rotation with families. We increased the allowances for housing and various other quality-of-life items. Senator Stennis rightly has been credited as one of those who brought about a great deal of that change.

This is another change, however. This is a change of a rapid number of deployments on various issues where we have been involved—Somalia, Haiti, Kosovo, Bosnia, Afghanistan, and Iraq. They all happened during our watch. And in many instances they involved the same people.

I congratulate Senator BYRD for raising the issue, but I respectfully say his amendment is not the way to do it. I didn't see the Senator's amendment until just a few minutes ago. I am drafting an amendment which I will offer to the Senator's amendment.

There is a great deal of interest in what is going on. I have just been notified that the Enlisted Association of the National Guard, the Reserve Officers Association, and the National Guard association has asked me to oppose the Senator's amendment. We believe Senator BYRD has good intentions but that the way this is done, if this would become law, would be too abrupt and would not really alleviate the pressures. We believe there should be much more consideration going into how these limitations on deployment will be brought about. We particularly do not want to take the risk that passing a very strict limitation on either the number of deployments or the time for the deployments would have on our national security.

We are about ready to enter into another deployment. We all know the Commander in Chief has decided that some of our forces will go to Liberia. This again is going to raise the issue. But we have tried to deal with some of these issues by increasing compensation, by doing the things we think we should do to ease the burden on National Guard and Reserve personnel when they serve and to increase the amount they get towards credit for retirement and for promotion and for an increase in eligibility for pay.

I do think we are dealing with something that everyone is talking about restructuring and everybody is talking about revamping the policies. Secretary Rumsfeld has told us he intends to issue a draft of a plan for a sweeping restructuring of the 900,000 National Guard and Reserve forces. He wants to deal with the question in a way that would bring about a reduction in the need for calling up large numbers of reservists in a war and do away with the concept in some instances.

He considered it to be, according to the clipping I have just received, a matter of utmost urgency. I believe it is of utmost urgency, too. I would like the opportunity to review the plans the Secretary wants to put into effect. I think if they are plans that would be counter to the goals we currently are trying to achieve, we should find a way to work together.

The Secretary issued a statement on July 9. I ask unanimous consent that it be printed in the RECORD.

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

SECRETARY OF DEFENSE,
Washington, DC, July 9, 2003.

Memorandum for Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Under Secretaries of Defense.

Subject: Rebalancing forces.

The balance of capabilities in the Active and Reserve components today is not the best for the future. We need to promote judicious and prudent use of the Reserve components with force rebalancing initiatives that reduce strain through the efficient application of manpower and technological solutions based on a disciplined force requirements process.

To that end there are three principal objectives that I want to achieve. They are:

Structure active and reserve forces to reduce the need for involuntary mobilization of the Guard and Reserve. Eliminate the need for involuntary mobilization during the first 15 days of a rapid response operation (or for any alerts to mobilize prior to the operation). Structure forces in order to limit involuntary mobilization to not more than one year every 6 years.

Establish a more rigorous process for reviewing joint requirements, which ensures that force structure is designed appropriately and which validates requests for forces in time to provide timely notice of mobilization.

Make the mobilization and demobilization process more efficient. When Reservists are used, ensure that they are given meaningful work and work for which alternative manpower is not readily available. Retain on active duty only as long as absolutely necessary.

I consider this a matter of the utmost urgency. I expect each of you to tailor the actions in the attachment to your specific organization and report back to USD (P&R) by memo on your assessment and plan for implementation NLT July 31, 2003. Follow up actions may be reviewed at a future SROC as necessary.

DONALD RUMSFELD.

Mr. STEVENS. It reads:

. . . there are three principal objectives that I want to achieve. They are:

Structure active and reserve forces to reduce the need for involuntary mobilization of the Guard and Reserves. Eliminate the need for involuntary mobilization during the first 15 days of a rapid response operation (or for any alerts to mobilize prior to the operation). Structure forces in order to limit involuntary mobilization to not more than one every 6 years.

Establish a more rigorous process for reviewing joint requirements.

I am just picking portions of this statement. It will be in the RECORD.

Make the mobilization and demobilization process more efficient.

We agree with that. We ought to agree that there should be a review of that. I hope, however, the Secretary also would undertake some review of the impact of what he is talking about in terms of looking at what it will do to our enlistment rates, our retention rates and, in particular, into the viewpoints of the individual Governors who, after all, have a basic responsibility for the National Guard itself.

I would like to introduce the amendment. I don't have it ready.

Does Senator INOUYE have any comment on this? I need to get the draft of the amendment. Would the Senator wish me to yield the floor?

I yield the floor.

Mr. INOUYE. Mr. President, I just want to say I support my chairman on this matter. I congratulate Senator BYRD for bringing this to our attention because it is an important matter that concerns all Americans. I hope this proposal by Chairman STEVENS will be acceptable to all Members of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from West Virginia.

Mr. BYRD. Mr. President, while the Senate is awaiting Mr. STEVENS' amendment, let me read some excerpts from some of my constituents. I referred to letters from my constituents during my comments on the amendment which I offered. Here is a constituent who writes as follows:

I am writing to express some of my concerns with so many of our West Virginia guardsmen and women deployed.

I am under the impression that the duty of the National Guard and Air National Guard is to fill in and help the active duty in times of need. Many of our West Virginia Guard have been deployed for quite a while now, but it seems as though very few have come home yet. The combat portion of the war seems to be nearing an end, and a couple of months have passed for supplies and human aid to reach the people of Iraq. It seems to me that our Guards men and women have fulfilled their duty and should be sent home soon. A recent severe flooding in our State could use the help of service men and women here at home. I feel that our West Virginia Guards men and women have contributed their portion of duty to this war for the time being and deserve to come home now and begin rotations with other units to cover the needs of our active duty overseas. I do not want to see our State suffer during this time of need for their services here.

I am very proud of our service members within our State because I believe they do an excellent job for us as a State and for the Nation. They are always prepared to perform any tasks they are called to do. I personally

believe that we can use their services here at home for the time being and that they have accomplished their duties overseas. I wanted to explain my concerns to you about the need for our Guard men and women to return home soon.

From another letter I present these excerpts:

I am writing asking for your intervention and help in the swift return to the United States for my son's unit serving in Iraq. His unit has had no real mission since it was sent to Iraq.

He mentions his unit, which I will not mention here. He says:

They have been pumping fuel which is not fit for use in trucks or planes. Most of the time, they end up pumping it on the ground just to settle the dust. They have been in the very dangerous sections of Iraq, north and east of Baghdad. At a family support meeting, we were told that the soldiers are now being rationed water—one 20-ounce bottle a day. They have no way of communicating with us back home. Their food is limited and they are living in extremely miserable conditions. We were urged to contact you for help. Mail is not getting to them and we rarely receive mail from them. They are not part of the rebuilding of the country. They are not involved in any constructive activity—only the danger of being in convoys and the sniper fire which has been reportedly happening regularly.

This war is not over, as our President continuously tells the Nation. Our soldiers are not home. Please help. My son chose to serve his country and for this I am very proud. But this mission has gone into some bizarre and impossible conditions for our sons and daughters. Please help bring them home soon.

Another letter is as follows, and I will excerpt certain paragraphs:

As you are aware from my last letter that these men have been deployed for quite a long time, they were gone for a year with the last deployment, as well as State duty for floods and now this deployment. For this deployment, these men have been deployed since February of this year, and here we are already in the middle of May. They were sent overseas without any real kind of indication as to when they will return home. I have gotten some form of answer [from a certain office in the service] that the current policy is for the men to be deployed for 6 months overseas. However, that is not any guarantee either. We are still looking at 2 years of deployment for these men. I just find it so hard to believe that there is no one out there that can help get these men home before that timeframe. I don't understand why it can't be a total of 6 months.

There are many family members, including mothers and fathers, of these soldiers who would be very grateful to you if you can make this happen for us.

Another letter:

On December 1, 2002, my husband [she writes his name, which I shall not divulge] was deployed for the war in Iraq, and he was told that he would return to continue in his normal career when the war was over. Since then, he has been scheduled to return to the United States on five occasions.

She gives the dates.

He is still in Germany. He is having to pay for his meals and a hotel room, while awaiting a flight somewhere in Africa, as directed by his commander, although there are no legal or valid orders to do so. As of today, my husband has been deployed, mobilized, 200 days. His orders state his deployment is not to exceed 179 days. . . . My husband is a West Virginia National Guard soldier who has been deployed over 6 months, who by regulation should have been redeployed to his home station before being assigned to a new theater, as stated in his orders. . . . Morale is at an all-time low for my husband, myself, and our family, and all the soldiers and families I have spoken to.

Anything you could do to make this situation right would be so greatly appreciated than I could possibly let you know. Please help me get my soldier home.

It was signed by his wife.

Mr. President, I will not go further in reading letters, but I have many of them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, this is a very complex issue.

I wish to remind the Senate that in this bill, we have added $2 million for employer support for Guard and Reserve to help address problems with recent deployments. I was just informed there was a Rand study of deployments. The authors looked at the issue in the wake of the high rate of military deployments through the nineties, and the prospect that deployment will rise even more.

The authors found, paraphrasing part of this report, that reenlistment was higher among members who deployed compared with those who did not, and sizable increases in deployment all appeared unlikely to reduce reenlistment rates. Research suggested past deployment influences current reenlistment behavior because it enables members to learn about their preferences of deployment and about its frequency and duration, which may revise members' previously held, more naive expectations.

I have had some letters similar to what Senator BYRD has just read. I do think there are individual problems, and that is our job as Members of the Congress, this body in particular, to look into those and try to remedy them and see they do not happen again. I again commend the Senator for addressing the problem.

There are existing provisions of the United States Code, specifically sections 12301, 12302, and 12304, that detail the varying levels of mobilization, the number of forces the President can call up and the amount of time those forces can be activated and actions required with respect to Congress.

There is no question there is already a law concerning this situation, and by law the President of the United States has the authority to deploy members of the Guard and Reserve overseas as appropriate and within the context of the laws I just mentioned.

This amendment would obviously change those laws, and if nothing else, before we change those laws, we should give the legislative committees, the Armed Services Committee, the opportunity to look at the subject. I think their review should be based upon a review of people with competence who have had experience in the problem of assisting the Commander in Chief to deal with the Reserve components of our military.

I am told the standard rotation is a deployment of 180 days. Those deployment days do not include preparation or recovery time, and typically the units may be mobilized for 230 days in order to complete the 180-day deployment. This would put a restriction on that past policy as it has been carried out.

We should have some in-depth review of the relationships of these policies of rotation, deployment, and mobilization days, as well as the impact on families and upon their employers, as the Senator has mentioned.

Without question, employers are affected and without question small cities and towns, such as exist in my State and I know exist in West Virginia, are impaired if these durations are for too long.

Clearly, we have come through a period which now I think we ought to review a little bit, and I will speak later today about the reliance of the Department of Defense on supplemental appropriations for contingency and peacekeeping operations in the past two decades. That is something that has to be addressed, and the Senator from Nevada addressed it earlier today, and I will discuss those.

For now, though, again coming back to this basic problem of this amendment, do you think we can say the Secretary of Defense has already issued a statement of intent to devise a plan to deal with a portion of these problems? There is no question we have a difficult future to deal with because we still have forces in Kosovo; we still have forces in Haiti; we still have forces in Bosnia; we still have forces in Korea; we still have forces in Okinawa; we still have forces in Diego Garcia; we have forces at King Sultan Airfield in Saudi Arabia.

The Senator from Hawaii and I represent two areas that have what they call forward-deployed forces. I say to the Senator from West Virginia, often when we have forces deployed from Alaska and Hawaii to go overseas, we then get replacements who are really people who have been called up, Guard and Reserve units, to come to our forward-deployed areas to fill in those spots. They are not considered deployed overseas. If they were from West Virginia, they would be away from West Virginia for a substantial period of time. The Senator's amendment would not cover those people.

In terms of review, I hope, if we are successful in establishing a commission to bring this about, that there will be a basic review of the overall concept of deployment, whether it is overseas or otherwise, when it takes members of the armed services away from their home duty station and their families and particularly those who have multiple family members of the military who could be affected by deployment at the same time.

One of the difficulties I have is now looking at Africa and what is going to happen in Africa. We have had repeated demands for the President to deploy forces there, increased demand to look at more than one nation that is going through a period of rebellion and riotous conduct. I think that may be one of the worst deployment problems we will have in the future, is to find forces to undertake those objectives, fulfill the objectives of the Commander in Chief's orders if we are at the same time still in Afghanistan, Bosnia, Korea, Kosovo, and Iraq.

It is mind-boggling, to say the least, to deal with the concept of deployment at the present time, the requirements overseas to maintain the policies of the United States.

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

Mr. STEVENS. Yes.

Mr. BYRD. The distinguished Senator speaks of our forces being deployed in various and sundry continents, countries, and climes. Are these guardsmen and reservists whom the Senator is talking about?

Mr. STEVENS. Under the total force concept, there could be National Guardsmen and Reserve in any of the units deployed overseas.

Mr. BYRD. He speaks of Kosovo. Are those National Guardsmen and Reserve deployed there?

Mr. STEVENS. I do not know the current component, Mr. President, but we did see some reservists and Guard people in Kosovo when we were there. We visited Fort Bonnsteel. We saw them in Bosnia, and we saw them in Afghanistan. I am specifically told the National Guard currently has a mission in Bosnia.

Mr. BYRD. Are they limited to 6 months?

Mr. STEVENS. Currently, I believe there is a 6-month deployment limit, but they do not charge against that deployment period the time necessary to get them ready to go over, or the time they use in demobilization when they get back.

Mr. BYRD. But the time there, are they limited to 6 months?

Mr. STEVENS. That is my understanding.

Mr. BYRD. Then why shouldn't the people in the hot sands of Saudi Arabia, Kuwait, and Iraq be likewise?

Mr. STEVENS. They are. I just read that law. They are subject to the same law. I am told the standard rotation period is 180 days. Those days do not include any preparation or recovery time. The units are typically mobilized for 230 days or more to complete the 180-day requirement, but it applies to all forces. It does apply to our forces in Iraq, Afghanistan, Kosovo—they are all subject to coming back after 180 days.

Mr. BYRD. Is the Senator aware of any complaints from his National Guard in Alaska or other Reserve units there that they are being held longer than the 180 days and being redeployed for a longer period?

Mr. STEVENS. The Senator used the word ''redeployment,'' which is another matter. Deployment is limited to 180 days. There is currently no limit on the number of deployments, as I understand it. The problem that I and the Senator from Hawaii discussed with various members of the armed services Regular Guard and Reserve has been the problem of successive deployments. Active duty tours are limited to 180 days under most circumstances when they are not considered to be a home station, such as Korea and Okinawa.

For the deployment into these areas, as I understand it, like the Balkans, Afghanistan, or Iraq, the limitation on the deployment is 180 days, but there is no limitation on the number of rotations that one could take to another place overseas when they are brought back.

Mr. BYRD. I am trying to get some predictability worked into the equation. That is the reason I have offered this amendment. I am getting these letters from the men and women from West Virginia who are in Iraq. They want to come home. They think they have served the time that was indicated to them they would serve and yet they are serving longer.

Mr. REID. Will the distinguished Senator yield for a question?

Mr. BYRD. Do I have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I thank the Chair.

Yes, I am glad to yield to the Senator.

Mr. REID. It is my understanding this amendment does two things. I wonder if the Senator from West Virginia would indicate if my understanding of the amendment is correct. First, that Guard and Reserve Forces could be deployed for no longer than 180 days. That is 6 months, is that right?

Mr. BYRD. Right.

Mr. REID. And the second part of the amendment says they cannot be deployed twice during a 1-year period of time, is that right?

Mr. BYRD. In essence, the Senator is precisely correct.

Mr. REID. I say to my friend from West Virginia that the people of Nevada are like the people of West Virginia. We get inquiries all the time about when their sons or daughters are going to be able to come home. The Senator from Alaska said they not only are overseas for a long period of time but they have training outside the State of Nevada getting ready to go for long periods of time.

Mr. BYRD. Yes.

Mr. REID. So I hope my colleagues will listen very closely to this debate and approve the amendment of the Senator from West Virginia. It is very simple. If someone is a guard or reservist, they will be deployed no more than 180 days, and if they are a guard or reservist they cannot be deployed overseas twice in any 1-year period of time?

Mr. BYRD. They are entitled to know. They are employed and they are entitled to have their expectations met. Here we are with our men and women in Iraq. They are there like sitting ducks. It is like a shooting gallery. They are in an area I am sure we would find very difficult to live in. We will be talking more about reasons why they were told they were going and about the problems with certain intelligence that had an impression, I am sure, a persuasive impression on some of the Members of Congress who voted to give this President the power to send our men and women into harm's way, but we will save that for another day.

Mr. REID. Will the Senator yield for another question?

Mr. BYRD. What I am trying to do is make it possible for these men and women who are in the Guard and Reserve units to return home to their children, their families, their wives, their mothers, their fathers, their jobs, their communities. Communities have been hit hard in this country. Communities have been hit hard in West Virginia. These men and women answered the call. They have served well. They have demonstrated great courage, bravery, and patriotism. Why should we not keep our word to these people? Why should we not be up front with them?

Mr. REID. Will the Senator yield for another question?

Mr. BYRD. Yes.

Mr. REID. One of the concerns I have and the reason we need some definition for the obligations of these men and women in the Guard and Reserve is that we are having trouble in Nevada recruiting new people for the Guard and Reserve. These weekend soldiers are becoming year-long soldiers and we in Nevada, I think, are no different than any other State. I believe we need a definite period of time they can be obligated to go overseas and how many times they have to go overseas, are obligated to go overseas, or we are not going to get people to join the Guard and Reserve.

Will the Senator agree with that statement?

Mr. BYRD. I agree with that statement, and I think the administration ought to tell these people how long they are going to stay over there. They are not told they are going to be over there just 6 months. They are not told they will be there 9 months or a year. This administration has failed to tell our people, who are put in harm's way by this administration's policy of preemptive strikes, what this administration intends. Congress has not been told how long these people are going to be there, what are the costs.

We hear every day—the President spoke on the *Abraham Lincoln* with a sign, a banner, fluttering overhead, ''mission accomplished.'' The mission has not been accomplished. What was the mission? I am not sure we know what the mission was.

I appreciate the statements and the questions by the Senator from Nevada. I appreciate also the words of the distinguished Senator from Alaska. He is a very reasonable man and a reasonable legislator.

We talk about a study, but we study things to death around here. We need to act, and that is what I am trying to do. I am trying to bring some succor, comfort, relief, and satisfaction to the families of our Guard and reservists who are waiting the return of those men and women.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. There may be some misunderstanding in the minds of those who have been called up, or the dependents of those who have been called up, concerning existing law. The existing law does limit the deployment for overseas to 180 days. They must be rotated in that period of time. As I have said, it takes 230 days to complete that because of the time to call them up. They have to give them notice. They report. They then are put into units and then they are sent overseas.

When they come back, they come into the units where they are going to be really demobilized and it takes some time then, too. I do not think we have a disagreement with the Senator from West Virginia about the need to ease the pressure on these continuing forces caused by the concept of total force, but there seems to be one misunderstanding. It is the unit that is deployed for the 180 days—in some instances members are deployed individually to fill in units. They would be subject to the same limitation, but the basic concept of the law deals with being able to deploy members of the Guard and Reserve as appropriate within the context of the law I have mentioned.

AMENDMENT NO. 1255 TO AMENDMENT NO. 1244

Mr. President, I have my amendment, which I send to the desk, and I will give a copy to my friend from West Virginia. I submit this amendment on behalf of myself and the Senator from Hawaii as a bipartisan approach to deal with the issues and try to bring them together.

The Secretary of Defense has a group going ahead on this. We obviously believe the Congress should be involved in some way. I ask that that amendment be in order to be called up at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. STEVENS. I apologize. I am offering this amendment in the second degree to the Byrd amendment.

The PRESIDING OFFICER. The Senator wants his amendment to be a second-degree amendment, is that correct?

Mr. STEVENS. That is correct, as an amendment to the Byrd amendment.

The PRESIDING OFFICER. The Senate will withhold while we evaluate the amendment and make the necessary changes.

The amendment is being revised to be a second-degree amendment to the Byrd amendment. Is that the Senator's intent?

Mr. STEVENS. That is my intention.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 1255 to amendment No. 1244.

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

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

The amendment is as follows:

(Purpose: To establish a commission to study overseas deployments)

Strike all after the word sec. and insert:

8124 (a) There is established a Commission on Overseas Deployments.

(b)(1) The Commission shall be composed of 11 members of whom—

(A) three shall be appointed the President;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) two shall be appointed by the Majority Leader of the Senate, in consultation with the Secretary of Defense;

(D) two shall be appointed by the Minority Leader of the Senate, in consultation with any person who served as Secretary of Defense pursuant to an appointment to such position by President Jimmy Carter or President Bill Clinton; and

(E) two shall be appointed by the Minority Leader of the House of Representatives.

(2) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) The Commission shall meet at the call of the Chairman. The Commission shall hold its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(4) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) The Commission shall select a Chairman and Vice Chairman from among its members.

(c) The Commission shall—

(1) conduct a comprehensive examination of overseas deployments of members of the Armed Forces, and analyze the resulting adverse effects on personnel, readiness, and operation tempos on members of the active and reserve components of the Armed Forces;

(2) examine current overseas rotation policies and practices for active and reserve component forces and how those policies and practices affect military readiness, unit and individual training, quality-of-life for members and their dependents, and retention of career and noncareer members.

(d)(1) Not later than 120 days after the date of the enactment of this Act, the Commission shall submit to the congressional defense committees a report on the results of the examination and analysis under subsection (c).

(2) The report shall include recommendations on ways to reduce the burden of overseas deployments while maintaining readiness, overseas presence, and support for the National Military Strategy.

(3) The report and recommendations shall also address the overall size, structure, and sufficiency of the Armed Forces in relation to current requirements for overseas deployments and presence, the adequacy of the current balance and mix of active and reserve component forces, and the adequacy of the current balance and mix of critical, high-demand low-density units the rotation and assignment of members of the Armed Forces married to each other, limitations on the periods of overseas tours, and unaccompanied tours in hardship locations.

(e) The Commission shall consult with the congressional defense committees in carrying out its duties under this section.

(f) The Commission shall terminate 90 days after the submission of the report under subsection (d).

(g) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $3,000,000 may be used for carrying out this section.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alaska.

Mr. STEVENS. If I could explain this proposal, it would create a commission on overseas deployments to have 11 members: 3 appointed by the President, 2 appointed by the Speaker, 2 appointed by the minority leader of the House, 2 appointed by the majority leader of the Senate, and 2 by the minority leader of the Senate. They would be appointed the term of the commission. We ask for the commission to hold its first meeting not later than 30 days after they have been appointed. They have the duty to give us a report within 120 days after enactment of the act—obviously, that would be a period of 90 days for their basic work—and they would recommend ways to reduce the burden of overseas deployments while maintaining readiness, overseas presence, and support of the national military strategy.

The report and recommendations shall address the overall side, structure, and sufficiency of the Armed Forces in relation to current requirements for overseas deployment and presence, and the adequacy of the current balance and mix of Active and Reserve component forces, and the adequacy of the current balance and mix of critical, high-demand low-density units the rotation and assignment of members of the Armed Forces married to each other, limitations on the periods for overseas tours and unaccompanied tours and hardship locations.

I believe this commission would have a duty to give us some basic information to address the problem raised by the Senator from West Virginia.

Incidentally, I now have the numbers the Senator from West Virginia asked. There were Reserve and Guard organizations deployed. They were in Operation Noble Eagle, which was Afghanistan, Kosovo, Iraqi crisis, Bosnia, Haiti, Somalia, Kuwait, and Iraq. We have had a sizable deployment of Guard and Reserve personnel—the Reserve component is what they refer to—in all of those instances. I do have the numbers and the duration.

As I indicated, the rotation schedule was that which I mentioned, which is 180 days for deployment overseas. I urge the Senator from West Virginia to consider supporting the amendment we have offered to his amendment to assure we have the right mix of Active-Duty and Reserve components and that

we devise means to reduce our forces with the least disruption on the lives of the service members involved.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. BYRD. The distinguished Senator said the reservists should be deployed for 180 days.

Mr. STEVENS. That is the current law.

Mr. BYRD. That is what my amendment says.

Mr. STEVENS. Not quite. We do not interpret it that way. It goes further than existing law.

Existing law says the units can be deployed for no more than 180 days but under the current law, the time and preparing for that deployment and the time after that deployment to be redeployed, say, another place such as england or somewhere, to be put together so they can be brought home, those times don't count against the 180 days.

The Senator's amendment adds a dimension not included in existing law, not more than one deployment in any 360-day period.

Mr. BYRD. Is there a final deadline for this commission to report?

Mr. STEVENS. One hundred and twenty days from enactment of the basic appropriations bills, yes, sir.

Mr. BYRD. I am afraid our guards men and women will have to serve a long time. Many of them have already been serving a long time, in their estimation. They will have to serve a much longer time if they wait the appointment of the commission and then the rendering by that commission. I see its first meeting will not be later than 30 days after the date on which all members of the commission have been appointed.

Mr. STEVENS. The Senator is correct in many ways. The difficulty is the current practice is 180 days but none of these people, to my knowledge, have been over there 180 days yet. This operation has not been ongoing for 180 days. There may, however, be people deployed previously in this current timeframe who were deployed to one place, brought home, and then deployed again in the same year. That is true. That is what the Secretary of Defense has said he is trying to address. That is what this commission is trying to address, some way to provide some guidelines so members of the Active-Duty and Reserve components can determine how long they will be deployed away from their homes in any period.

Mr. BYRD. The Senator gave me this amendment, a 4-page amendment but page 3 is missing.

I thank the Senator. The third page which was missing is the page that had on it the provision:

> Not later than 120 days after the date of enactment of this Act, the Commission shall submit to the congressional defense committees a report on the results of the examination and analysis under subsection (c).

So that is 120 days, so that is 4 months, not later than 4 months, by the time this commission is created, is established and has its first meeting and then reports back to the appropriate committees. I hope surely our young men and women will be home by then without any such report. This is going to be a long time.

That is what I see with this. We need to act. We can study this to death. This is kind of like questioning Secretary Rumsfeld. When I asked him a question in the Armed Services Committee the other day, my question was, How much has our country been spending on the average per month in Iraq?

And he says to me: Well, I'm sorry, Senator, we don't have that information at hand. We will get it for you. We don't have that information at hand.

I asked, How much have we been spending per month in Afghanistan? I got the same answer. Senator, we don't have that information. We will be glad to get it for you.

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

Mr. BYRD. In a moment, if I may.

I am referring to the cavalier treatment that we peons on the Armed Services Committee get from this great Secretary of Defense that we have downtown. He says, Well, Senator, we don't have that information.

Here we are with the top man—the man at the Pentagon, the greatest defense department in the world, the most expensive one, the one that handles more money than any other defense department in the world. As a matter of fact, we are spending more money each year than all of the other 18 NATO nations combined, plus the six remaining rogue nations, plus China, plus Russia. That is almost half of the total moneys that the world spends for defense. We are treated like children by this Secretary of Defense: Well, Senator we don't have that information.

It would seem to me that would be elemental. It would seem to me that a Secretary of Defense would know how much money we spend on national defense; that he would know how much money we are spending on average in Iraq per month. He would know that. He should know that would be one of the first questions he would be asked by the Armed Services Committee when he comes before it. I would think so. You are the Secretary of Defense. How much are we spending in Iraq monthly? Then to have to turn and say, Well, Senator, I don't have that information. It would take us a while to assemble it. That is the way it is here. It is going to take quite a while.

It is going to take quite a while to get this commission started, if we follow the recommendations of the distinguished Senator from Alaska. I ascribe to him a far greater degree of appreciation for what we are doing and a far greater degree of understanding of the need for us to act than I do some of the people downtown. But here we are being asked for a study.

What I am saying is that way of dealing with Members of Congress and committees, saying, Well, we don't have that information; we will get it for you—by the time we get that information, the time is long past for the committee to ask the next question, if we need the answer to the first question in order to ask the second question. We are going to have to wait to be able to ask the second question. That is a cavalier way of handling people. I have been around here 50 years. I am on to that kind of game.

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

Mr. BYRD. Not yet. I am not talking about the Senator. I am talking about our distinguished Secretary of Defense and the way he handles us children on the Armed Services Committee.

Mr. STEVENS. I would like to tell the Senate about the way the last administration treated this Senate.

Mr. BYRD. The Senator can wait a minute.

Mr. President, I have the floor. I have the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Now I yield to the Senator for whatever he wishes to say.

Mr. STEVENS. Mr. President, I think the Senator from West Virginia is well aware of what the last administration did. They just spent money. They didn't even tell us where they were taking it from. Twice in 1999, we had to have supplementals. They didn't even tell us in the supplementals what funds they used. They deployed forces, and they took money from the accounts we had already appropriated for other purposes. Every time President Clinton deployed forces, that is what he did.

This time, this President came and asked for a supplemental. He has money he is spending, but he cannot tell us precisely day by day what they are spending. They asked for money in advance. They got money in advance.

He did not disturb the individual accounts of the various services. He did not cause the chaos in terms of defense that the last administration did.

I will defend my friend, this Secretary of Defense. If the Senator wants to defend the last Secretary of Defense, I will let him do it. But I know what happened. In 1998, 1999, and 2000—we had 2 supplementals in 1999. That represented money that was used under the food and farm act concept of ancient law of the United States. The President took money from other accounts and just spent it. He didn't ask us for it. He didn't tell us what he was using it for. He never would account for it. Even when he asked for a supplemental, he didn't tell us what unit he took it from. We had to look for the unit and put the money back where it belonged.

This administration is doing it right. When they ask for money in advance, they are spending money and accounting for it as they account for their bills normally in their normal reports. But they did not take money from the individual units.

They took money from the Air Force and Army and spent it somewhere else without telling anybody.

You want to get me excited about something, I will get excited about the way the last administration handled the Department of Defense. They decreased funding and used the money in a manner totally unheard of in the history of the United States. It would have ruined the military had it not been for the concept of the consolidated force structure. The military saved itself by using Reserve and Guard units in the proper way.

But their funding came from moneys that were for entirely different purposes. I believe they took money from the procurement account from time to time. Normally, they took the operation and maintenance money. That is the steaming money. That is money for flying hours. That is money for drilling. That is money for equipment. That is money for munitions. They just depleted money, and deployed forces to Bosnia and Kosovo without asking at all. There was no advance request. There was no notice given.

If the Senator wants to get excited about the way funding is being used now, they are using the funds which they asked Congress for. I was the one who presented the bill. Congress approved it. The President signed the law. And the Secretary of Defense has the right to use that money according to laws that we pass. And he is following those laws, to the best of my knowledge.

Mr. BYRD. Mr. President, may I say to my distinguished friend, I don't worry. He can get excited as many times as he wishes. I have excited many people in my time around here, before the Senator from Alaska came here. He can get excited all he wishes. I will be glad to wait while he gets excited again, if he would like.

He reminds me of the pharisee and the publican who went up into the tower. The publican said, ''Oh, Lord, I don't do what this man does. I don't do as he does. I give my tithes. I give one-tenth of all I earn.'' And he went on to talk about his attributes. The other poor man in the tower said, ''Oh, Lord. Forgive me. I am a sinner.''

So don't point to Clinton, when the Senator talks to me—or to any other President. I am talking about this administration. We can't excuse this administration because of something some other administration may have done. The people on that side are good at that. Many of them are always pointing out what we did, what Clinton did, or what this one did, or what that one did. That time is past. We can't excuse our own sins on the basis of the sins of others.

I am talking about this President, this administration, your administration, your Secretary of Defense. You can stand up and defend him all you wish, my friend. And I shouldn't say ''you.'' I shouldn't speak in the second person under the Senate rules. Maybe I got a little excited also.

But the Senator isn't going to run that old fish along the side of me. He can get excited all he wants. He is noted for his temper. Temper is a good thing. We all have some of it.

But I am saying here that when we ask questions of his friend, the Senator from Alaska's friend, Mr. Rumsfeld, we get treated cavalierly, and many times get a lecture. It is about time we get rid of that kind of treatment. Secretary Rumsfeld, with all due respect to him, wasn't elected by the American people to that job he has today. He was appointed to it. He was confirmed in it by this Senate. I was not appointed to anything.

So let's don't attempt to respond to what I hope were sincere questions here by pointing to what a previous administration may have done. I did not agree with everything that happened in the previous administration. The supplemental requested by the Clinton administration is in no way appropriate to the cost of Iraq. Bosnia and Kosovo were minuscule in comparison to the cost of Iraq.

Let's talk about Iraq, and let's talk about this administration. We have to deal with the problems that confront the Senate today. I am not going to ask my constituents to settle for a study. We need to act. And we Senators have a duty to vote on my amendment. When we talk about a supplemental, that is a way to—and I speak always with great reverence to my friend, Senator STEVENS; and he is my friend, he is going to be my friend, and I am his, but this is a way to hide costs from the American people, huge costs that can be anticipated, and that are driven by policy decisions made in this White House.

There is no reason for a supplemental request in this instance. Congress is not an ATM machine. This White House wants to be accountable to no one. We have a responsibility to the taxpayer to exercise oversight over these monies.

I have nothing else I wish to say at this point. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do agree to a great extent with the Senator from West Virginia, except that I reiterate I am proud to defend this administration. This administration asked for the money, told us what it was for. As a matter of fact, in one instance, the President asked for $10 billion for the global war on terrorism as a contingency fund and, together with the Senator from West Virginia, I helped deny that request. The Congress asked that the administration define the costs and contingencies, and they did. And that money was included in the big supplemental we passed for defense. We asked for it and received the statement of what the money was to be spent for.

We asked them to tell us what they were going to spend the money on in Iraq. It was detailed. It was in the fund that was given to them.

Again, I defend this administration because, to their credit, they agreed we have rescinded in this bill $3.1 billion of that supplemental we gave to the Department and took the money back and put it for other functions in the Department. Now, the last administration would have taken that money and put it there, anyway. They agreed we should take it back, and now we are going through the process of reappropriating the same money in this bill for 2004 because it is not going to be used according to what they told us they were going to use it for in terms of the Iraq supplemental.

But, Mr. President, a friend in the House, watching this event, has sent to me a statement that was made in the House Armed Services Committee on April 3 of this year by Sergeant First Class Steven Davis of the U.S. Army Reserve. I think it is significant to have this comment at this time, and I am pleased that my friends are listening. I am going to read the statement word for word.

Sergeant First Class Steven Davis said:

> Mr. Chairman, members of this distinguished subcommittee, thank you for the opportunity to be here today and for allowing me to be a participant in this panel.
>
> My name is Sergeant First Class Steven Davis and I am a Military Policeman in the Army Reserve. I have been serving in the United States Army for 15 years, seven of which have been in the Army Reserve. I am assigned to the Military Police Port Security Detachment in Pocahontas, Iowa. I have been mobilized once since I have been in the Army Reserve. I was mobilized on September 23, 2001, for Operation Noble Eagle, and I served one year state side in North Carolina.
>
> In my experience, with both the regular Army and the Army Reserve, I believe that the two are very much integrated. I had positive contacts with reserve soldiers when I was on active duty, and I have also had positive contact with the active Army since I have been a reserve soldier. Most recently during our deployment to Sunny Point, North Carolina, we were directly assigned to the 597th Transportation Group. From the moment we arrived, I felt as though we belonged there. I remember during a welcome meeting, COL Heiter, the Commander of the 597th, made it very clear to everyone in the room that the members of my unit would be treated as any other soldier at Sunny Point. The Command emphasis set the tone for our one-year star. Our forces integrated flawlessly with the existing Department of Defense forces, which is what we were trained to do. We were able to work together as a cohesive team, and everyone's moral was high.
>
> As for the question, did the recent deployment change or affect the reservist's intention to continue to serve. I believe the deployment made our unit stronger and more willing. From month to month we go ask ourselves, are we really needed?? Why are we doing this? Then September 11th came and all our questions were answered. Yes, we were needed, and yes, we were important. On September 12, 2001, we had 24 soldiers, myself included, volunteer to go on a security mission to an unknown place. The 24 volunteers left for Beaumont, Texas, on September 13th, 2001. Ten days later, on September 23rd, the remainder of our unit was mobilized and sent to North Carolina, where we spent our tour of duty. When our year was up, and we all got the word that we were going home, we were told the New York unit was going to take our place, but that they did not have

enough people. Twenty-two soldiers from my unit volunteered to stay with them, not for 3 or 6 months, but for another year. Some of the soldiers were married and some were college students. Why did they stay when they did not have to? I would say it was because they knew they had a job to do, and they weren't going to leave until it was finished.

The one problem that we encountered during our deployment was medical benefits. The Army did a great job of providing the coverage, and teaching the soldiers how to use the coverage. However, our family members did not have the advantage of having a representative available to inform them. This created many headaches for the soldiers, who would try to trouble shoot the problems long distance. I believe a local representative, available for family members would have been very helpful and would have saved the soldiers a lot of time on the telephone.

I read that because it is indicative of the feeling of our young people. We talked at one of our hearings to the Guard and Reserve members, and we found that as the deployments increased, enlistments increased; and as deployments increased, reenlistments increased.

We are having complaints from some people who believe they should have come home sooner, but none have been over there a year yet. None of them have been over there 6 months yet. Even under the current, existing law, the Senator's amendment will not affect them. Well, I am told some in Kuwait have been there 6 months by now, and they should be rotating home. But, as a practical matter, the existing law provides for the deployment limitation, the existing regulations and practice for rotation in deployment every 180 days.

However, again, I come back and ask my friend from West Virginia to support us in this effort to have this reviewed. I hope the Senator has read the composition of the commission we would like to create: people appointed by the President, people appointed by the leaders of the two bodies. I do believe an 11-member commission is sufficient. I envision that they would call on former Secretaries of Defense and their assistants, former commanding officers, generals, and members of the Guard and Reserve from the enlisted area. So we would have a representative group to give us their advice.

Respectfully, I think we need their advice on how to deal with the complex problems of dealing with rotation and deployment limitations in this day of a very complex total force that our military defense units face today.

I urge my friend to reflect and let us adopt our amendment and create this commission, and we will be back here in 5 months. That, I think, would be sufficient to deal with this problem. And it will give us a forward-looking concept as far as deployment strategy, rotation strategy, and benefit strategy for members of our Armed Forces.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I rise today to address the amendment offered by the distinguished Senator from West Virginia and the second-degree amendment offered by Chairman STEVENS.

I think we all realize the tremendous strain that the deployments, the call-ups have placed on our Guard and Reserve and actually the continuing deployments place upon the active members of the military. That is a well-deserved concern. We must take into account how calling upon our troops, whether active or reserve, puts stress on them and their families.

I believe very strongly that Senator STEVENS has in his amendment adopted the appropriate approach—appointing a commission to examine the overseas deployments of members of the Armed Forces, the overseas rotation policies and practices for Active and Reserve component forces, and how these policies and practices affect military readiness, unit and individual training, quality of life for members and their dependents, and retention of career and noncareer members.

In examining this issue, as cochairman of the National Guard caucus, we sent out a request, an urgent request, for information from the Guard on their views on these policies. MG Richard Alexander, retired major general, president of the National Guard Association, has written me a letter—which I will, at the end of my remarks, ask to include in the RECORD—noting and commending the efforts of Senator BYRD to bring this issue to the forefront but saying that the National Guard Association is opposed to the amendment. Understanding the intent behind the amendment, it does, unfortunately, reduce the ability of the President to utilize the National Guard and Reserve and places a large, unnecessary restriction on the Department of Defense.

He writes:

The National Guard, as part of the Total Force, shoulders the burdens of our nation. Senior level members of the Office of the Secretary of Defense and the Department of Defense have iterated the importance of the Guard and Reserve to be able to carry out this nation's will.

The members of the National Guard and Reserve with whom I am most familiar take very highly their obligation and responsibility to be available when the President must mobilize them in the national interest. They wish to be considered an active part of the military when we are at war. The single deployment limitation of 180 days or more, for example, may unnecessarily restrict the effectiveness of the Guard if they are called into service.

They say you can only be there 6 months and then you are gone. That really ties the hands of the Secretary of Defense and makes the Guard less likely to be called upon. In those circumstances, the missions for which our Guard members in Missouri and around the Nation train so assiduously may be lost.

The Reserve Officers Association of the United States says, in reference to the amendment of the Senator from West Virginia:

Although we understand the amendment is well intentioned, these restrictions are not needed and such determinations are best left with the Military Departments and services.

In today's security environment we must ensure that our military commanders have flexibility to execute their mission with all available forces.

Finally, the Enlisted Association of the National Guard, EANGUS, the executive director, MSG Michael Cline, Retired, writes that there is clearly concern about the pressures of frequent deployment on National Guard and Reserve members. But much more consideration needs to go into how that will be accomplished. Limiting deployment of National Guard and Reserve members could negatively impact our national security during an overseas operation.

These are the reasons that I believe the amendment offered by the Senator from Alaska is the preferred means of dealing with this question. Clearly, it is of concern to all of us because while we all recognize and acknowledge that the National Guard and Reserves have been called upon more and more over the last several years in various conflicts, our citizen soldiers have answered those calls to duty with a forbearance and spirit of service to their Nation that we all admire.

I will reference a book authored by a good friend, former chief of the National Guard Bureau, General John Conoway, ''Call Out the Guard.'' He underscores the commitment of our citizen soldiers. He said:

As we saw during Desert Storm, the readiness of the individual Reservists was generally high in Operation Desert Storm/Shield. An amazing 99.9 percent of Army National Guard personnel who were called reported for active duty. Ninety-four percent were ready for deployment; the remaining 5.9 percent were either waiting for initial duty training, high school students, members attending officer candidate, missing pantographic x-rays, or were medical personnel willing to go anyway, but prevented from doing so due to critical civilian jobs.

My question is, why would we want to limit or restrict those who sign up to serve their country and defend freedom when their country needs them?

If you ask any guards man or woman, he or she would not stand down when his or her country needed them. Whether the defense of freedom merits a two-week deployment or a 180-day deployment, our guards men and women stand ready to contribute to the fight. The fact is, today our dedicated soldiers, sailors, airmen, and marines in

the Active Duty rely on and recognize the tremendous value the National Guard brings to the fight and the seamless interoperability that exists between the Guard, Reserve, and Active Duty. Again, to quote from GEN Conoway, he quotes General Charles Horner, stating:

The Guard and Reserve performed very well.

He went on further to say that he ''couldn't even tell the difference between the active, Guard, and Reserve; and that's the way it is supposed to be.''

That is what we found wherever the National Guard has been called—Desert Shield, Desert Storm, Kosovo, et cetera. They have been excellent members of the team. It is a validation of the total force policy that ensures the National Guard and Reserves are a ready, relevant, and reliable fighting force, capable of responding to any mission they are called upon to conduct. I fear that limiting the role arbitrarily to a 180-day deployment would be a limitation that would reduce the very real direct impact and connection our Guard has with the citizens of this Nation and with their obligation for our national security.

Just as we saw by calling up the National Guard and Reserves from over 6,000 communities during Desert Storm, community support was assured as their loved ones marched off to defend freedom. We all want our service men and women to return home as soon as possible. But under this circumstance, I feel the original amendment is too restrictive on our military services by limiting the amount of time our Guard and Reserve can be deployed. I urge my colleagues to support the alternative. There is a real question here, and I commend the Senator from West Virginia for raising these concerns. But I think they should be studied, as the chairman of the Defense Appropriations Subcommittee and the full committee has suggested.

I urge we support the Stevens amendment. I ask unanimous consent that the letters from the National Guard Association, Reserve Officers Association of the United States, and the Enlisted Association of the National Guard be printed in the RECORD.

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

EANGUS,
Alexandria, VA, July 15, 2003.

Hon. CHRISTOPHER S. ''KIT'' BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: EANGUS understands that Senator Byrd has introduced an amendment to the FY2004 Defense Appropriations bill which would prohibit excessive overseas deployments of members of the Guard and Reserves. EANGUS is strongly opposed to this action.

This amendment would limit overseas deployments to less than 180 days and prohibit more than one deployment per year. This legislation is too restrictive.

Many believe that something must be done to alleviate the pressures of frequent deployments of National Guard and Reserve members, but much more consideration needs to go into how that will be accomplished. Limiting deployment of National Guard and Reserve members could negatively impact our national security during an overseas operation.

Thank you for your diligence and efforts on behalf of the Enlisted men and women of the National Guard.

Respectfully,
MSG (Ret) MICHAEL P. CLINE AUS,
Executive Director.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, July 15, 2003.

Ref. S. 1382—Mr. Byrd's political amendment ''To prohibit excessive deployment overseas of members of the Guard and Reserve.''

Although we understand the amendment is well intentioned, these restrictions are not needed and such determinations are best left with the Military Departments and Services.

In today's security environment we must ensure that our military commanders have flexibility to execute their mission with all available forces.

ROBERT A. MCINTOSH,
Major General, USAFR (Ret.),
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, July 15, 2003.

Hon. CHRISTOPHER ''KIT'' BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: It is on behalf of the men and women of the National Guard Association of the United States (NGAUS), I am writing to express our concern about Senator Byrd's amendment limiting the involuntary call up of the National Guard and Reserve component to:

1. A single deployment overseas of 180 days or more.
2. More than one deployment overseas in any 360-day period.

The NGAUS is opposed to this amendment. While we understand the intent behind the amendment, reducing the ability of the President to utilize the National Guard and Reserves places a large unnecessary restriction on the Department of Defense. The National Guard, as part of the Total Force, shoulders the burdens of our nation. Senior level members of the Office of the Secretary of Defense and the Department of Defense have iterated the importance of the Guard and Reserve to be able to carry out this nation's will.

We applaud the efforts of Senator Byrd in bringing this issue to the forefront. However, while judicious utilization of the Guard is prudent, the Byrd amendment is not in the best interest of the National Guard.

Respectfully,
RICHARD C. ALEXANDER,
Major General (Ret), AUS, President.

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

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I want to congratulate my friend and colleague, the Senator from West Virginia, for his constancy in terms of ensuring to the best of his ability and the best of this institution's ability that we were going to meet our constitutional responsibilities some months ago, and understanding the Constitution, and that the issue of making war is something that was reserved to the Congress of the United States, and the extraordinary service he provided for our country in reminding us of our responsibilities in the United States to make a judgment and decision about sending and committing our men and women overseas in this conflict.

I welcomed the opportunity to join with him at that time. His eloquence, passion, and knowledge of this institution and the history of the Constitution still ring in my ears from that experience. I think history will show that even though he did not at that time persuade the majority of the Members of the Senate, when history evaluates that effort it will be one of the important contributions he has made, and he has made many to this institution.

As we all understand, he is a person who has placed the interests of this institution at the forefront of his agenda on many occasions, and it is a better institution and it is living up to its historic role as our Founding Fathers wanted it to be because of his contribution.

So I thank him for what he has done and particularly in terms of the whole issue of policy toward Iraq. I welcomed again his comments earlier today. I was unable to catch all of them, but I will study them closely during the evening time, and I know as we are considering the Defense appropriations, we will hear more from him about the issue of American troops overseas, the National Guard and Reserve here at home—the importance of them, and also about what we as a country are going to do in terms of funding this commitment that has been made in terms of Iraq as well as Afghanistan.

The issue of the Guard and Reserve comes to us in a very clear way because of the number of troops we have over in Iraq at the present time. As the Senator knows full well, we have effectively half of all of the Army divisions tied up either in Iraq or Afghanistan. Eighteen out of the 35 or 36 combat divisions are in Iraq. So even when we talk to 148,000 troops, and 22 percent or 23 percent of our Army over there, when you are talking about the combat arms of the United States and the location of those service men and women, we are talking about in Iraq. And when we are talking about the Reserve and the Guard, in my State of Massachusetts, it is the fastest tempo that we have had, I believe, since the end of World War II—13 times higher today than the average over the previous years.

I know he has spelled this out in great detail about what this has meant. What we do know is that it has meant really a stronger military because of the Guard and the Reserve in my own State, having known those individuals and visited those facilities and met those leaders. They are as committed as any military men and women who have served in our country. They provide indispensable services. But as has been pointed out, we are straining these individuals.

Mr. President, last fall, many of us emphasized in the Senate that 9/11 had not nullified the long-standing basic principle that war should be the last resort. We felt that America should not go to war against Iraq unless and until all other reasonable alternatives for a peaceful solution had been exhausted.

Then—as now—I believed that the threat posed by Saddam Hussein was not serious enough or imminent enough to justify a rush to war, and that we were going to war under false pretenses. Then—as now—I believed that war would distract from our broader war against terrorism and that we should not go to war with Iraq without the clear support of the international community. Then—as now—I believed that without a systematic reexamination, with dubious and even false rationalization, and without the informed consent of the American people, the Bush administration was drastically altering our long-standing foreign policy against preventive war, in order to justify its preconceived determination to invade Iraq.

Supporters and opponents of the war alike were enormously proud of the way our troops performed in Operation Iraqi Freedom. The speed and success of their mission demonstrated the outstanding strength of the Nation's armed forces. As a citizen of Massachusetts and a member of the Armed Services Committee in the Senate, it never ceases to amaze me how far we have come in the two centuries since the embattled farmers at Concord Bridge fired the shot heard around the world.

In the past decade alone, technology has put vast changes in warfare on fast-forward. We redefined the nature of modern warfare in the Persian Gulf war, we redefined it again in Afghanistan, and yet again in Iraq. We have by far the world's best military on the ground, on the sea, and in the air. It is no accident that so few paid the ultimate sacrifice during those 3 tumultuous weeks in March and April in Iraq.

It was a foregone conclusion that we would win the war. But pride goes before a fall, and the all-important question now is whether we can win the peace. In fact, we are at serious risk of losing it.

Our policy toward Iraq is adrift. Each day, our troops and their families are paying the price. Our clear national interest in the emergence of a peaceful, stable, democratic Iraq is being undermined.

Since May 1, when President Bush announced aboard the USS *Abraham Lincoln* aircraft carrier that ''major combat operations'' in Iraq had ended, 81 more American troops have died. For the men and women of our Armed Forces who are dodging bullets in the streets and alleys of Baghdad and other parts of Iraq, the battle is far from over. President Bush says of the attackers, ''Bring 'em on.'' But how do you console a family by telling them that their son or daughter is a casualty of the post-war period?

The debate may go on for many months or even years about our intelligence failures before the war began. As we now know, despite the claim made in the State of the Union Address, Saddam was not purchasing uranium from Africa to build nuclear weapons.

Despite all the intelligence we were shown in the months leading up to war, despite the additional intelligence they said was there but could not be shared, we have yet to uncover any evidence that Iraq was stockpiling chemical or biological weapons. There was and is no evidence that Saddam was conspiring with al-Qaida. What was the imminent threat to the United States that required us to launch a preventive war in Iraq with very little international support? It is a disgrace that the case for war seems to have been based on shoddy intelligence, hyped intelligence, and even false intelligence. We have undermined America's prestige and credibility in the world and undermined the trust that Americans should and must have in what their nation tells them. How many will doubt a future claim of danger even if it is real?

The failures of intelligence were bad enough. But the real failure of intelligence was our failure to understand Iraq.

There is no question that long before the war began, a serious issue was raised about the danger of winning the war and losing the peace. In fact, it was one of the principal arguments against going to war.

Before the war began, 11 separate agencies of the United States Government worked with 280 Iraqi citizens in the State Department's so-called ''Future of Iraq'' working groups.

In numerous briefings, Pentagon officials assured us on the Senate Armed Services Committee that firm plans were in place to secure and rebuild Iraq. But the reality is that the administration had no realistic plan. We knew the post-war rebuilding of Iraq would be difficult. Based on our experience in Bosnia, Kosovo, East Timor, and Afghanistan, we knew that security could be a profound problem, and that there would be challenges from a restless population. We knew that building a national police force and a credible new government would be complicated tasks. These are not new issues. But rather than learning from past experience in these previous conflicts, the administration was blinded by its own ideological bravado. It rushed ahead without planning for contingencies or raising even basic questions about likely events.

The foundation of our post-war policy was built on a quicksand of false assumptions, and the result has been chaos for the Iraqi people, and continuing mortal danger for our troops. The truth, as our colleague Senator JOHN KERRY starkly stated last week, is clearer with each passing day and each new casualty: ''The administration went to war without a thorough plan to win the peace.''

The Pentagon assumed that we would be able to draw on thousands of Saddam's police force to protect security—but in the critical early weeks that followed the war, they were nowhere to be found, and too many of their officers turned out to be thugs and torturers.

The Pentagon assumed that the bulk of the Iraqi Armed Forces could be used to supplement our forces—but those soldiers did not join us.

The Pentagon assumed that some Iraqi exile leaders could return to Iraq to rally the population and lead the new government—but they were resented by the Iraqi people and the exiles were put on hold.

The Pentagon assumed that after a few hundred of Saddam's top advisers were removed from power, large numbers of local officials would remain to run the government—but the government crumbled.

The Pentagon assumed that Americans would be welcomed as liberators—but for large numbers of Iraqis, we went from liberators to occupiers in a few short weeks. The dancing in the streets after the fall of the statue of Saddam was accompanied by an orgy of massive looting and chaos and was followed by growing frustration even from those who first saw us as liberators.

There was egg on the face of the administration and its peace plan from Day 1. Plan A was so obviously the wrong plan that GEN Garner, the man sent to oversee it, was abruptly replaced on Day 21, and Paul Bremer was rushed in to make up Plan B as he went along.

Today, Paul Bremer rules the country from Saddam's palace, while the Iraqi people too often sit in the dark without adequate water or electricity.

Hospital equipment and medical supplies have been stolen. Power grids in major cities are being sabotaged.

Cynicism and anger toward America are growing. Many Iraqis believe that we are unwilling—rather than unable—to restore basic services. They are losing faith and trust in our promise of a reconstructed, stable, peaceful future. They fear that Saddam may still be alive.

Under fire from guerrillas determined to see America fail, our soldiers are now performing police functions for which they have little training. They are building schools and hospitals—a task for which they are ill prepared. We are straining their endurance, and they want to know how long they will have to stay in Iraq.

That America would be seen as occupier should have come as no surprise. Former Secretary of State James Baker wrote in the New York Times last August, ''If we are to change the regime in Iraq, we will have to occupy the country militarily.''

Retired four-star Marine Corps General and former Central Command Commander Anthony Zinni said last

August that we would ''inherit the country of Iraq'' and ''put soldiers that are already stretched so thin all around the world into a security force there forever.''

James Webb, an Assistant Secretary of Defense and Secretary of the Navy in the Reagan administration, warned last September that we could occupy Iraq ''for the next 30 to 50 years.''

We knew—or should have known—that if we went into Iraq without the genuine support of the international community, there would be no easy way out. As James Webb also warned, ''Those who are pushing for a unilateral war in Iraq know full well that there is no exit strategy if we invade and stay.''

The White House is only just beginning to face the truth. On July 3, President Bush finally agreed that rebuilding Iraq would be a ''massive and long-term undertaking.''

But that undertaking cannot be sustained—and no foreign policy in this free society can succeed—unless it is supported by our people. With the administration's credibility frayed, and distrust rising here at home, it is time for President Bush to level with America. It is time for him to hear and heed the words of the great World War II general and great post-war Secretary of State George Marshall in his historic commencement address at Harvard in 1947:

> An essential part of any successful action on the part of the United States is an understanding on the part of the people of America of the character of the problem and the remedies to be applied.

The Marshall Plan proposed in that address became one of the great achievements of the 20th century. It succeeded because it involved a coordinated effort by the United States and many nations of Europe to advance the recovery of the continent after the war, and Marshall won the Nobel Peace Prize. Is it too much to ask that we now be guided by that example?

President Bush should face the truth and level with the American people about the cost of stabilization and reconstruction in Iraq—both financial and human. We need a plan—a real plan, to which we are truly committed—to share the burden with the international community, including old allies who can be enlisted if we make a genuine effort to heal the divisive past.

Our troops are now sent overseas for longer stretches than ever—because we rely on their skill and talents to meet commitments on a global scale. More than 150,000 of our troops are in Iraq, and many have been deployed in the region for close to a year. Half of our Army divisions are in Iraq or Afghanistan. Of 33 Army combat brigades, 18 are in Iraq.

The strain is also great for citizens serving in the Guard and Reserves because we must depend upon them with greater frequency, ever since we reduced our forces after the cold war.

More than 150,000 Guard and Reserve soldiers have been mobilized; 13,000 have been on active duty for at least a year. Others return home from deployments, only to be turned around and sent overseas for another tour. In fact, today our Reservists are spending 13 times longer in active duty than they did a decade ago, forced to put their lives on hold, missing births of their children, dealing with family crises by phone and e-mail.

Open-ended missions are a serious strain on our forces and their families. It is difficult to continue to put these patriotic men and women through the deployment grinder year after year and expect them to hold up indefinitely.

It is also difficult to sustain the cost of such missions. We are now spending $3.9 billion a month in Iraq. With the ongoing cost of the war on terrorism, our operations in Afghanistan, and our potential new responsibilities around the globe, in places such as West Africa, let alone Iran and North Korea, we are creating an unsustainable financial burden at a time of exploding budget deficits, soaring demands for homeland security, and mounting needs for health care, education, and other domestic priorities.

Despite the escalating cost of the military operation in Iraq, not one cent of its cost is included in the defense-spending legislation being considered this very week in the Senate. Not one penny. How will we pay the bill? To this question, there is only resounding silence at the White House, another refusal to level with the American people.

As a Nation with honor, responsibility, and the vision of a better world, America cannot invade and then cut and run from Iraq. But we also can't afford the continuing cost—in dollars or in blood—of stubbornly continuing to go-it-alone. If our national security is at stake, we will spare no cost. But we have options here that reach beyond the checkbook of the American people.

Working with the international community, we can develop and implement an effective strategy to change a failed course, reduce the burden and risk to our soldiers, stabilize Iraq, and deliver on the promise of a better future for the Iraqi people.

As we all know, a number of countries supported our military action against Saddam Hussein. Many others did not. But if the administration is willing to put the national interest ahead of its own ideological pride, I believe that we can secure broad international support and participation in the stabilization and reconstruction of Iraq. After all, so much is clearly at stake for the rest of the world.

At issue are the stability and the future of the entire highly volatile region. None would be immune from the dangers that a disunited and disorganized Iraq could present for its neighbors and for nations everywhere.

These are not just American or British concerns. They are true international concerns. America cannot be effective in its mission in Iraq if old wounds don't heal and bitterness continues to fester. We need to take the chip off our shoulder, mend fences with France and with Germany, and stop the divisiveness.

As we seek to stabilize and democratize Iraq, we do not need to go it alone and should not try to. If we diversify the faces of the security force, it is far less likely that Iraqis will see us as the enemy, oppressor, and occupier. We want the 25 million citizens of Iraq to see the forces that are there as friends and partners in their pursuit of freedom.

We need to bring regional forces into Iraq—especially Muslim ones. Countries like Jordan, Pakistan, and Egypt could transform this mission with both their diversity and their expertise. The United Arab Emirates have contributed to the effort in Kosovo. Morocco and Albania and Turkey have worked with us in Bosnia. Countries such as France, Germany, Italy, Argentina, and Spain could provide well-trained police.

Reaching out to other countries and bringing them into the post-war process is the surest path to a stable Iraq. But most other nations are unlikely to send troops to serve in what is perceived as an American occupation. They will be more likely to do their part if an international mission is approved by the United Nations and organized by NATO.

Secretary Rumsfeld insists that we are reaching out to the international community and that we are working with NATO. But the Secretary General of NATO, Lord Robertson, says that the alliance as an institution has never been asked to play the formal role in Iraq that it plays in Bosnia and Kosovo, and soon will play in Afghanistan. Nor has the Secretary General of the United Nations, Kofi Annan, been asked to seek international consent for a truly multilateral force. The United States insists on a coalition of the few, dominated and controlled by our Nation.

Instead of asking our Armed Forces to carry out a mission for which they are not trained and to do so alone, we need to rely on the expertise and resources of the international community. The United Nations has assumed that responsibility in other countries in the past. It is one of the major reasons why the U.N. was created—to bring international vision and strength to the difficult issues of peace keeping and nationbuilding after the Second World War. Necessity is the mother of invention. In the case of Iraq, President Bush has at last been persuaded to abandon his strong opposition to nationbuilding. The challenge now is to persuade him to move beyond unilateral nationbuilding.

The new Iraqi council announced on Sunday was a step in the right direction. But it would have been much

more effective if the U.N. Special Representative—and not the U.S. Government—was seen as sponsoring its creation.

If America alone sets up a new government in Baghdad, it may fail—if not now, later; if not while our forces are there, as soon as they are gone. Those who join such a government run the risk of being dismissed by the Iraqi people as American puppets. And for as long as America alone is calling the tune, Iraqi moderates may remain in the background, and possibly even oppose us.

Our interests in the emergence of a true democracy in Iraq are best fulfilled by involving the world community and especially other Arab nations as partners in helping the Iraqis themselves shape a new Iraq. Only then will a new Iraqi government be viewed as legitimate by the Iraqi people.

So it is time for the administration to stop giving lip service to international participation and start genuinely seeking and accepting it—on reasonable terms, and with a real commitment to it. President Bush's meeting with U.N Secretary General Kofi Annan at the White House yesterday should be the beginning of a renewed relationship and a shift in attitude at 1600 Pennsylvania Avenue about the rightness and the practical imperative of working with others.

The U.N. has a mandate for humanitarian issues. But it has only an advisory role in the civil administration of Iraq. That has to change. The U.N. should have a formal role in overseeing the establishment of a political process. The U.N.—rather than the United States and Britain—should preside over the evolution of the new Iraqi government. Doing so will win international legitimacy and marshal international support for this challenge, minimizing the danger that Iraqis will regard their government as a puppet of ours.

With Arab-speaking spokesmen, the U.N. could also convey a different image and a different message to the people of that country, a sense of reassurance that an overwhelmingly American occupation never can.

NATO, as an institution, should clearly be in Iraq as well. Military experts believe it will take at least 200,000 troops to stabilize Iraq. Our goal should be to include NATO and some of its 2-million-member pool of armed forces in military operations as soon as possible. America would provide a majority of the troops, but over time the overall number of forces would decrease.

As in Kosovo and Bosnia, we should ask the United Nations Security Council to authorize NATO to organize an international security force to demilitarize and stabilize Iraq. Doing so does not mean that the United States should or must relinquish all military control. On the contrary, we would have a significant role in the NATO force, and could continue to have the defining role in Iraq. An American commander was in charge of American troops in Bosnia, and the head of NATO forces in Europe is—and always has been—an American.

Secretary Rumsfeld told the Armed Services Committee last week that except for the area around Baghdad, most of Iraq is already secure. If that is so—and we have to hope this estimate is more accurate than others we have heard—then why not reduce the burden on our military and decide that this large area of Iraq, which needs police forces as well as combat troops, should be turned over as soon as possible to a United Nations-approved and NATO-led force? Why not allow American and coalition forces to secure the area around Baghdad, and allow other nations to provide security for the rest of Iraq?

Finally, as long as Iraq continues to dominate our attention, we cannot give other aspects of the war against terrorism the focus they deserve.

Has the American occupation of Iraq defeated Osama bin Laden and al-Qaida? No.

Has it increased our security against the continuing al-Qaida threats in Afghanistan and other terrorist sanctuaries? No.

Has our action in Iraq led Osama bin Laden and al-Qaida to lay aside their sworn purpose of killing Americans and destroying our way of life? No.

It is not just what happens in Iraq itself, as important as that issue is, but the continuing urgency of the ongoing fight against terrorism that should compel this administration to enlist allies in an international plan for a peaceful Iraq. Otherwise, we run the grave risk of exposing our Nation to more terrorist attacks.

America won the war in Iraq, as we knew we would, but if our present policy continues, we may lose the peace. We must rise to the challenge of international co-operation. Saddam Hussein may no longer be in power, but the people of Iraq will not truly be liberated until they live in a secure country. And the war will not be over until the fighting stops on the ground, democracy takes hold, and the people of Iraq are able to govern themselves.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the Senator from Massachusetts for his statement in support of the amendment and also for his overly gracious and charitable statement at the beginning of his remarks concerning my previous efforts in regard to the whole question of Iraq.

I am hoping other Senators will speak on the amendment, but in the meantime I say that soldiers whom we are using in our National Guard and Reserve are entitled to fairness. They are entitled to know how long their tour of duty will extend. After all, we were told that our men and women would be welcomed not as occupiers but as liberators. We were told that our men and women would be welcomed with flowers and smiles.

Our men and women in the Reserve components are beginning to wonder if they were misled. We are using our National Guard and Reserve in a way which is unfair to them and to their families. We cannot ask them to wait for some study now while they bide their time. It is not their fault that the White House decided to wage a war without considering the aftermath in Iraq. It is not their fault that a policy of preemption may demand many more troops than we can muster. We need to give our Guard and Reserve some relief from the turmoil of being constantly deployed. We owe them more than a study. We owe them action.

If this amendment were accepted, it would push the administration to internationalize the peacekeeping in Iraq. I hope other nations will join in keeping the peace in Iraq so that our own guardsmen and reservists will be relieved and will be able to come home.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Madam President, my understanding is that there is a first-degree amendment by my distinguished ranking member, the former chairman of our Budget Committee, that I very vigorously favor with respect to the National Guard and the Reserve. I know that the Reserve officers at the C–17 unit under General Black at the field in Charleston, SC, were alerted on September 12, the day after 9/11, and they are still flying. Now, that is quite a burden. Many are straining to make their rent payments and their house payments.

When we had a hearing about 2 months ago and the distinguished Secretary of Defense, Donald Rumsfeld, came, after listening, I said: Mr. Secretary, what you need is not a money supplement but a manpower supplement.

In that vein, I want to say as much as I can in support of my chairman, but I deter for the simple reason that the money is not in this particular Defense appropriations bill for Iraq, and there is a good reason for it.

Now, there should be gratitude for little things that happen. I first express my gratitude to the distinguished editor and publisher of the Washington Post, Mr. Donald Graham. I complained in an op-ed piece some weeks ago that they were not covering the budget amounts and that we ought to have truth in budgeting, and because we have come to the highest budget deficit in the history of the U.S. Government, that ought to be covered as front-page news. Today it is. We have moved from page A4 to page 1. I have my copy of today's Post, and front and center on page one are the articles:

''The Budget Deficit May Surpass $450 Billion'' and ''Budget Woes Trickle Down.''

I happened to be a State Governor, and I received a AAA rating from Standard&Poors and Moody's, and we have maintained that in South Carolina. We have to have a balanced budget.

I coauthored Gramm-Rudman-Hollings, which happened under President Reagan. I have been in the vineyard. But the headline here states: ''The Budget Deficit May Surpass $450 Billion,'' and I want to thank Jonathan Weisman, the author of this particular story, and Fred Hiatt, the editorial page editor, for including this.

I said we just move up in inches. Let's look at the Mid-Session Review of the Budget of the United States Government by the Office of Management and Budget, the Executive Office of the President, signed by Joshua Bolton, Director, as of yesterday, July 15.

We find out why Mitch left town. Mitch Daniels is gone. Now we know why Ari Fleischer is gone. Both Mitch and Ari skipped town. Why? Just look at this document. They have no tricky answers for this one. This is the Administration's writing, and I am reading on page 1 their statement:

> The deficit for 2003 is now estimated at $455 billion.

That is on page 1. One learns, after years up here, how to read these things. So on page 57, you get to the actual deficit, how much we get in revenues and how much we spend, and if spending exceeds revenues, then there is a deficit. If we look at table 20 on page 57, we will find the total gross Federal debt for 2002 was $6,198,000,000,000 and it will go up to $6,896,000,000,000 this year. That is why Mitch left town. Compute that and the deficit will not be an estimated $455 billion; it will be $698 billion. They estimate a $698 billion deficit for the year 2003.

But, wait, we have actual numbers as of this minute. As of July 14th, yesterday, the Treasury says the debt to the penny is $478 billion. So it is already more than the $455 billion they say it will be at the end of the year. I guess that is why Paul O'Neill left town, too. They are all leaving if they have anything to do with fiscal matters, and so now we have John Snow as Treasury Secretary.

What did President Bush say when he came to town? I have the exact quote, taken from his first address to a Joint Session of Congress in 2001:

> To make sure the retirement savings of America's seniors are not diverted in any other program, my budget protects all $2.6 trillion of the Social Security surplus for Social Security and for Social Security alone.

Well, he is spending the trust funds when he says on page 1, $455 billion. He is spending $163 billion of Social Security, plus another $30 billion of other trust funds.

What we have is a Social Security trust fund, the Medicare trust fund, the military retirees trust fund, the civil service retirees trust fund, the highway, the airport, the railway trust fund, the unemployment compensation trust fund—which will be drained, incidentally; we will have to fill that back up. We are spending it on any and everything but unemployment. This is Enron bookkeeping. We are spending Social Security moneys on any and everything but Social Security.

But the President, when he was speaking when he was speaking right after he took office in February 2001, said that wasn't all he was going to do.

He goes on and says:

> We should approach our Nation's budget as any prudent family would, with a contingency fund for emergencies. We are going to have a contingency fund for emergencies or additional spending needs. My budget sets aside $1 trillion over 10 years for additional needs. That is 1 trillion additional reasons you can feel comfortable supporting this budget.

Now, Iraq and Afghanistan and the whole kit and kaboodle, put in Liberia and whatever country he wants to run to, we have 14 peacekeeping missions, then we have Kuwait, then we have Afghanistan, then we have Iraq, and now he is looking for another country to send the military to. We don't have enough National Guard or anybody in uniform to get to that country, I can tell you that right now.

But that has not cost $1 trillion. It has not cost $1 trillion. But he had $1 trillion set aside before September 11, so why can't he pay for this out of that?

Now, let's find out what he said last year in the State of the Union:

> Our budget will run a deficit that will be small and short-term so long as Congress restrains spending and acts in a fiscally responsible manner.

Well, all the spending bills were signed by President George W. Bush. So I take it since that was his admonition to us, he must have had that in mind for himself. And he signed only fiscally responsible budgets.

He also said:

> The way out of this recession, the way to create jobs, is to grow the economy by encouraging investment in factories and equipment and by speeding up tax relief so people will have more money to spend.

There were plenty of tax cuts, but he hasn't created any jobs.

One more—let's go to January of 2003, to what he said in his State of the Union then:

> We will not pass along our problems to other Congresses, to other presidents and other generations. Tax relief will help our economy immediately.

Immediately? He got yet more tax cuts, and we still have 3.8 million Americans, the highest in 20 years, receiving unemployment compensation. There have been over 3 million Americans who have lost their jobs since President Bush took office.

I think of President Clinton. He created 20 million jobs, and President Bush already has lost 3 million. Where is the immediacy that his budget is going to take care of?

> We will not pass along our problems to other Congresses, other presidents and other generations.

That is exactly what we are doing—$698 billion in bills. Mark it down. Poor Mitch, he got free. Mitch Daniels escaped to Indiana. He did not want to come before the Budget Committee and answer any questions, I tell you, and Ari Fleischer says: This is enough for me, I'm gone. Everybody is going to run—out of Washington.

I have worked with the Senator from West Virginia and my chairman, Senator INOUYE, who is most responsible on budget matters and we balanced the budget. They want to forget that. Eight years under William Jefferson Clinton and we came from a $403 billion deficit in 1992 to finally getting in the black. We gradually got it down. I voted to increase taxes on Social Security. I voted to increase gas taxes. I voted for all of those tax increases and we acted responsibly.

George W. Bush comes to town and what does he do? He says: Tomorrow, don't worry about it. He has some fellow hidden out in the Pacific, he is far enough from Washington, out in California and Boston who says, don't worry about deficits and all. The youngsters are keeping IRA savings accounts and when their IRA savings accounts trigger you will not have to worry about deficits. There is no conscience with this charade. This is the best off-Broadway show you will find going on in the National Government, the National Congress.

I hope we can sober up and pull in our horns. We have so much manpower. We do not have the manpower of the Chinese. We have to maintain our security on the superiority of technology, and Iraq proved that. We had the superior technology. But we have been cutting back on that.

I have a hearing tomorrow morning where we are going to be cutting back the advanced technology. We are cutting back on education programs. We are cutting back on all the important investments.

I ask unanimous consent to print page 1 and page 57 of the Midsession Review for the fiscal year 2004 of the budget of the U.S. Government in the RECORD.

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

SUMMARY

The President's Budget, released in February, focuses on the challenges posed by three overriding national priorities: winning the war against terrorism, securing the homeland, and restoring strong economic growth and job creation. Significant program has been made in all three areas.

This Mid-Session Review of the Budget revises the estimates of receipts, outlays, and the deficit to reflect economic, legislative, and other developments since February. The deficit for 2003 is now estimated at $455 billion, up from the $304 billion deficit estimated in February, for the following reasons:

Economic and Other Reestimates. The economic assumptions for this review, discussed

later in the chapter ''Economic Assumptions,'' reflect weaker-than-anticipated economic growth since February. Slower growth, lower estimates of wage and salary income, and other economic factors have reduced receipts from the levels estimated in the budget. In the interest of cautious and prudent forecasting, the revised estimates also include a downward adjustment for revenue uncertainty of $15 billion in 2003, $30 billion in 2004, and $15 billion in 2005. These reestimates in receipts are partially offset by lower outlays due to revised economic and technical assumptions. The net effect of all economic and other reestimates is to raise the projected deficit by $66 billion in 2003 and $95 billion in 2004.

Iraq War. Funding for Operation Iraqi Freedom in supplemental appropriations enacted in April, including costs for military action and reconstruction assistance, increases spending by $47 billion in 2003 and $20 billion in 2004. These estimates do not reflect what the Administration has previously indicated are expected but undermined additional costs arising from ongoing operations in Iraq, extending beyond 2003.

Jobs and Growth Act. Enactment of a jobs and growth bill that was larger for 2003 and 2004 than proposed in the February Budget raises the projected deficit by $13 billion in 2003 and $36 billion in 2004. Of this increase, $9 billion in 2003 and $11 billion in 2004 is due to temporary state fiscal assistance included in the final enacted bill. In later years, the enacted tax relief is smaller than proposed in the Budget, which reduces the deficit projected in those years relative to the February estimates.

Other Legislation and Policy Changes. Final 2003 appropriations action, non-war related costs in the April supplemental, extension of the program to help unemployed Americans by providing an additional 13 weeks of unemployment benefits, and other policy changes raise spending by $26 billion in 2003, $17 billion in 2004, and smaller amounts in subsequent years.

The reasons for changes in receipts and spending from the February Budget are discussed further in the ''Receipts'' and ''Spending'' chapters of this Review.

The deficit is projected to increase slightly from $455 billion in 2003 to $475 billion in 2004. As a share of the economy, the projected deficit remains steady in these two years, at 4.2 percent of Gross Domestic Product (GDP). These deficit levels are well below the postwar deficit peak of 6.0 percent of GDP in 1983, and are lower than in six of the last twenty years.

TABLE 20.—FEDERAL GOVERNMENT FINANCING AND DEBT

[In billions of dollars]

	2002 actual	Estimate					
		2003	2004	2005	2006	2007	2008
Financing:							
Unified budget deficit (−)	−158	−455	−475	−304	−238	−213	−226
Financing other than the change in debt held by the public:							
Premiums paid (−) on buybacks of Treasury securities	−4						
Net purchases (−) of non-Federal securities by the National Railroad Retirement Investment Trust	−2	−18	1	1	1	1	1
Changes in:[1]							
Treasury operating cash balance	−17	16					
Compensating balances[2]	−14	−25	52				
Checks outstanding, etc.[3]	−12	−3					
Seigniorage on coins	1	1	1	1	1	1	1
Less: Net financing disbursements:							
Direct loan financing accounts	−15	−13	−19	−15	−20	−21	−21
Guaranteed loan financing accounts	−2	2	3	2	3	1	1
Total, financing other than the change in debt held by the public	−63	−40	38	−12	−16	−17	−18
Total, requirement to borrow from the public	−221	−496	−437	−316	−254	−230	−244
Change in debt held by the public	221	496	437	316	254	230	244
Changes in Debt Subject to Limitation:							
Change in debt held by the public	221	496	437	316	254	230	244
Change in debt held by Government accounts	208	202	253	275	280	294	307
Change in other factors	*	16	*	*	*	*	1
Total, change in debt subject to statutory limitation	429	713	690	591	534	524	551
Debt Subject to Statutory Limitation, End of Year:							
Debt issued by Treasury	6,171	6,869	7,560	8,151	8,685	9,209	9,760
Adjustment for Treasury debt not subject to limitation and agency debt subject to limitation[4]	−15	−*	−*	−*	−*	−*	−*
Adjustment for discount and premium[5]	6	6	6	6	6	6	6
Total, debt subject to statutory limitation[6]	6,161	6,875	7,565	8,156	8,690	9,215	9,766
Debt Outstanding, End of Year:							
Gross Federal debt:[7]							
Debt issued by Treasury	6,171	6,869	7,560	8,151	8,685	9,209	9,760
Debt issued by other agencies	27	27	27	26	26	26	25
Total, gross Federal debt	6,198	6,896	7,586	8,177	8,711	9,235	9,785
Held by:							
Debt held by Government accounts	2,658	2,860	3,113	3,388	3,668	3,962	4,269
Debt held by the public[8]	3,540	4,036	4,473	4,789	5,043	5,272	5,516

*$500 million or less.

[1] A decrease in the Treasury operating cash balance or compensating balances (which are assets) would be a means of financing a deficit and therefore has a positive sign. An increase in checks outstanding (which is a liability) would also be a means of financing a deficit and therefore also has a positive sign.

[2] Compensating balances are non-interest bearing Treasury bank deposits that Treasury mainly uses to compensate banks for collecting tax and non-tax receipts under financial agency agreements. Most of the balances estimated at the end of 2003 are required to be invested in nonmarketable Depository Compensation Securities issued by the Treasury; the rest of the balances, and the entire amount in previous years, is invested in the way that the banks decide. The Administration has proposed legislation that would allow Treasury to replace compensating balances by an appropriation.

[3] Besides checks outstanding, includes accrued interest payable on Treasury debt, miscellaneous liability accounts, allocations of special drawing rights; and, as an offset, cash and monetary assets (other than the Treasury operating cash balance and compensating balances), miscellaneous asset accounts, and profit on sale of gold.

[4] Consists primarily of Federal Financing Bank debt in 2002.

[5] Consists of unamortized discount (less premium) on public issues of Treasury notes and bonds (other than zero-coupon bonds) and unrealized discount on Government account series securities.

[6] The statutory debt limit is $7,384 billion.

[7] Treasury securities held by the public and zero-coupon bonds held by Government accounts are almost all measured at sales price plus amortized discount or less amortized premium. Agency debt securities are almost all measured at face value. Treasury securities in the Government account series are measured at face value less unrealized discount (if any).

[8] At the end of 2002, the Federal Reserve Banks held $604.2 billion of Federal securities and the rest of the public held $2,936.2 billion. Debt held by the Federal Reserve Banks is not estimated for future years.

Mr. HOLLINGS. There you go. Instead of $455 billion in deficits, we are running right this minute, according to the Secretary of the Treasury, in excess of $455 billion. We do not have to wait until the end of September. We are already up to $470 billion.

The ''Public Debt to the Penny,'' I ask unanimous consent to have printed in the RECORD.

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

THE DEBT TO THE PENNY

	Amount
Current:	
07/14/2003	$6,705,859,055,894.83
Current Month:	
07/11/2003	$6,659,621,392,684.00
07/10/2003	6,659,226,260,487.87
07/09/2003	6,660,190,974,044.60
07/08/2003	6,661,139,880,068.78
07/07/2003	6,656,880,050,796.69
07/03/2003	6,656,271,436,016.11
07/02/2003	6,664,585,450,219.34
07/01/2003	6,661,149,640,189.12
Prior Months:	
06/30/2003	6,670,121,155,027.26
05/30/2003	6,558,146,735,285.55
04/30/2003	6,460,380,745,789.28
03/31/2003	6,460,776,256,578.16
02/28/2003	6,445,790,102,794.08
01/31/2003	6,401,376,662,047.32
12/31/2002	6,405,707,456,847.53
11/29/2002	6,343,460,146,781.79

THE DEBT TO THE PENNY—Continued

	Amount
10/31/2002	6,282,527,974,378.50
Prior Fiscal Years:	
09/30/2002	6,228,235,965,597.16
09/28/2001	5,807,463,412,200.06
09/29/2000	5,674,178,209,886.86
09/30/1999	5,656,270,901,615.43
09/30/1998	5,526,193,008,897.62
09/30/1997	5,413,146,011,397.34
09/30/1996	5,224,810,939,135.73
09/29/1995	4,973,982,900,709.39
09/30/1994	4,692,749,910,013.32
09/30/1993	4,411,488,883,139.38
09/30/1992	4,064,620,655,521.66
09/30/1991	3,665,303,351,697.03
09/28/1990	3,233,313,451,777.25
09/29/1989	2,857,430,960,187.32
09/30/1988	2,602,337,712,041.16
09/30/1987	2,350,276,890,953.00

THE DEBT TO THE PENNY AND WHO HOLDS IT

[Debt held by the public vs. intragovernmental holdings]

	Debt held by the public	Intragovernmental holdings	Total
Current:			
07/14/2003	$3,866,723,997,104.30	$2,839,135,058,790.53	$6,705,859,055,894.4
Current Month:			
07/11/2003	3,820,773,321,549.88	2,838,848,071,134.12	6,659,621,392,684.0
07/10/2003	3,820,833,957,669.25	2,838,392,302,818.62	6,659,226,260,487.8
07/09/2003	3,820,333,904,766.11	2,839,857,069,278.49	6,660,190,974,044.6
07/08/2003	3,818,105,259,943.75	2,843,034,620,125.03	6,661,139,880,068.7
07/07/2003	3,817,909,677,373.27	2,838,970,373,423.42	6,656,880,050,796.6
07/03/2003	3,817,524,856,163.49	2,838,746,579,852.62	6,656,271,436,016.1
07/02/2003	3,813,751,975,812.24	2,850,833,474,407.10	6,664,585,450,219.3
07/01/2003	3,813,425,178,154.99	2,847,724,462,034.13	6,661,149,640,189.1
Prior Months:			
06/30/2003	3,816,831,315,563.84	2,853,289,839,463.42	6,670,121,155,027.2
05/30/2003	3,776,621,896,107.35	2,781,524,839,178.20	6,558,146,735,285.5
04/30/2003	3,702,844,997,678.07	2,757,535,748,111.21	6,460,380,745,789.2
03/31/2003	3,711,311,962,399.17	2,749,464,294,178.99	6,460,776,256,578.1
02/28/2003	3,683,881,032,284.53	2,761,909,070,509.55	6,445,790,102,794.0
01/31/2003	3,636,978,106,813.83	2,764,398,555,233.49	6,401,376,662,047.3
12/31/2002	3,647,939,770,383.73	2,757,767,686,463.80	6,405,707,456,847.5
11/29/2002	3,649,352,539,575.36	2,694,107,607,206.43	6,343,460,146,781.7
10/31/2002	3,586,523,556,148.57	2,696,004,418,229.93	6,282,527,974,378.5
Prior Fiscal Years:			
09/30/2002	3,553,180,247,874.74	2,675,055,717,722.42	6,228,235,965,597.1
09/28/2001	3,339,310,176,094.74	2,468,153,236,105.32	5,807,463,412,200.0
09/29/2000	3,405,303,490,221.20	2,268,874,719,665.66	5,674,178,209,886.8
09/30/1999	3,636,104,594,501.81	2,020,166,307,131.62	5,656,270,901,633.4
09/30/1998	3,733,864,472,163.53	1,792,328,536,734.09	5,526,193,008,897.6
09/30/1997	3,789,667,546,849.60	1,623,478,464,547.74	5,413,146,011,397.3

Mr. HOLLINGS. Otherwise, you have heard the comments. It is going up to $698 billion, and it will probably be even more than that. They are trying to be as conservative as they can, I take it.

I appreciate the distinguished author of the amendment yielding me time to talk on a peripheral matter. But it goes right to the heart of why they do not include money for Iraq in the Defense appropriations bills.

Mr. BYRD. That is right. What the Senator has been quoting isn't included either. They don't include the cost of the war.

Mr. HOLLINGS. No, they don't put in the cost of the war.

Mr. NELSON of Florida. Madam President, will the Senator yield?

Mr. HOLLINGS. I would be delighted to yield to the Senator.

Mr. NELSON of Florida. I think the point just made by the Senator from West Virginia and the Senator from South Carolina is most important. With this misinformation about the budget, isn't it curious that it comes at a time when we are discussing the Defense appropriations bill? There is not one penny in this bill, as pointed out by the Senator from West Virginia, for the war in Iraq. Just in Iraq, the war is costing $1 billion a week—$4 billion a month. That doesn't include all of the other necessary military expenditures, such as in Afghanistan and in Bosnia. Yet we are considering a Defense appropriations bill that does not have any money in here for the war in Iraq.

Mr. STEVENS. Will the Senator yield right there?

Mr. NELSON of Florida. The Senator from South Carolina controls the time.

Mr. HOLLINGS. I have the floor. I would be glad to yield to the distinguished Senator from Alaska for a comment.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. STEVENS. The money to pay the salaries for everyone in Iraq is in this bill. The money to pay for operations is in this bill. The problem is the special money for the deployment costs were in the supplemental which we already passed. There was more than was necessary. We have already taken $3 billion out of that. They are operating on what is left. We appropriated $60-plus billion before.

Let me assure the Senator that there is money in this bill for Iraq. There is money to pay the salaries and support for the military personnel. Some 60 percent of the money in this bill is support for them. It is there. No matter where they are in the world, they are paid from money in this bill.

Mr. NELSON of Florida. Will the Senator yield?

Mr. HOLLINGS. Let me yield the floor so the Senator from West Virginia can straighten the point out.

Mr. BYRD. The men and women are being paid their salaries, even if they are from West Virginia. If they were all from West Virginia, they would be paid their salaries. We are talking about the additional costs, the incremental costs, and how much it costs this country to wage war in Iraq per month. We are not talking about the salaries. They get paid no matter where they are. We are talking about the additional costs of Iraq. Let us be clear about that. Additional costs are almost $1 billion a day for Iraq.

Mr. STEVENS. No.

Mr. BYRD. One billion dollars a week. That was a misstatement. I know better than that—$1 billion a week.

Mr. NELSON of Florida. Will the Senator from West Virginia yield?

Mr. BYRD. Yes.

Mr. NELSON of Florida. Madam President, this Senator would like for the Senator from West Virginia to clarify, since the Senator from South Carolina has pointed out that we are talking about an annual deficit not close to $500 billion but now it might be approaching a $700 billion annual deficit, is that not all the more the responsibility of the Senate, which is part of the legislative branch? Under the Constitution, it is supposed to control the purse strings. Would that not make it all the more incumbent upon us to insist on what is going to be the supplemental bill to pay for the war so that we exercise our constitutional duty?

Mr. BYRD. Absolutely. The American people are entitled to know that. They are going to pay the bill.

Mr. HOLLINGS. Will the distinguished Senator yield so I can bring this into focus?

Mr. BYRD. Yes.

Mr. HOLLINGS. Madam President, if you took the cumulative deficits from President Truman, President Eisenhower, President Kennedy, President Johnson, President Nixon, and President Ford—if you took the deficits for all of the 30 some years which these six President's ran up—it would add up to $358 billion. The deficit this year, according to this President, is going to be almost at $700 billion.

Look at page 57 from the Mid-Session Review released today. See where the gross debt from 2002 to September 30, 2003, is in black and white; that is almost $700 billion. We are doubling the 30 plus-year deficit of Republican and Democratic Presidents—paying for the cost of World War II, all the costs of Korea, all the costs of 10 years in Vietnam. We always paid our way.

Abraham Lincoln, the father of the party over there on the other side of the aisle, put a tax on dividends and on estates in order to pay for the Civil War.

Now you folks come and want to take the tax off dividends, saying there is no tomorrow.

Mr. INHOFE. Madam President, will the Senator yield?

Mr. HOLLINGS. I would be delighted to yield.

Mr. INHOFE. I know it is a difficult thing to deal with when you talk about the benefits of reducing taxes and giving people more choices to do with it what they wish. A great Democrat President, John F. Kennedy, back in

the 1960s, said: We need to have more money to put these programs together, and the best way to increase revenues is to decrease marginal rates. He did that, and increased revenues nearly a third.

In 1980, the total amount of money that was raised from marginal rates was $244 billion. In 1990, it was $466 billion. It almost doubled in the period of time that the greatest reduction in rates took place.

Every time since World War I, this has happened when we did that.

This Senator doesn't like to sit here and hear somebody talking about reducing rates and, therefore, that is the reason for the deficit.

Mr. HOLLINGS. According to the Concord Coalition—let me refer first to them—you have diminished revenues $3.12 trillion in 3 years and three tax cuts.

I know the distinguished Senator from Oklahoma doesn't want to refer to the loss of all those revenues. But when the market sees that, they say: Well, wait a minute. Yes, you can cut the interest rate a quarter of a point under Alan Greenspan. But that means the Government will be crowding the financial market with its sharp elbows crowding out corporate finance, and they freeze in place. And we run huge deficits in the balance of trade. We are running trade deficits of $500 billion, that is $1.5 billion a day. The foreign investors who helped cause that bubble are frozen in place. Then the poor worker finds as he opens his mouth that his job has gone overseas, so he gets lockjaw and freezes in place.

This is not like Jack Kennedy who inherited almost a balanced budget. We started this fiscal year with $428 billion in budget deficits from last year. This year, it is $698 billion, according to the President of the United States.

Mr. INHOFE. If the Senator will yield on that point.

Mr. HOLLINGS. Yes.

Mr. INHOFE. This Senator wants to bring up the point that there is no reason to come in here and talk about which party was responsible. We all know, and the Senator from South Carolina knows, that the recession we are in right now began in March of 2000.

Mr. HOLLINGS. It only lasted for 3 years.

Mr. INHOFE. Not under a Republican administration. If the Senator feels strongly about believing the Concord Coalition over that great former President John Kennedy, it is his option to do that.

Mr. HOLLINGS. That is right. It is bipartisan. Kennedy wasn't bipartisan. He was a Democrat. This is bipartisan.

Mr. INHOFE. I didn't say he was bipartisan. He said he advocated a reduction in tax rates to increase revenue, and it worked. Look at the Democrat Governor out in New Mexico who did the same thing. It is one of the very few States that is increasing revenue right now. He is the only Governor I know—Democrat or Republican—who is reducing marginal rates.

Mr. HOLLINGS. Madam President, I am sure these other nine Republican Governors quoted in this ''Budget Woes Trickle Down''—I am sure they would love to be able to reduce rates. I know my Republican Governor of South Carolina would love to reduce rates. They are not given that option. This ''Budget Woes Trickle Down'' and those nine Republican Governors are having to raise taxes. Kentucky let the prisoners out. They are cutting back all the programs. Higher education is decimated. Every college president is increasing tuition.

''Budget Woes Trickle Down.'' They are not cutting taxes.

Let's get right to where we are.

Mr. INHOFE. If the Senator will yield, I agree they are not cutting taxes. One of the Democrat Governors is cutting taxes and look what is happening to the revenues out in the State of New Mexico. They are going up.

Mr. HOLLINGS. Bill Richardson is the only exception I have been able to find.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. HOLLINGS. Yes.

Mr. NELSON of Florida. I want to ask the Senator, when this Senator was assigned to the Budget Committee and the administration came forth with a budget, I questioned the figures because what was expressed was that we were not going to raid the Social Security trust fund to pay the normal expenditures of Government. Clearly, that is what the people in the country do not want. They do not want the Social Security trust fund raided to pay for expenses.

Now, the Senator has come up with a new budget document that is saying the annual deficit could be as high as $500 billion but it could also be, by the words on the paper, $700 billion?

Mr. HOLLINGS. That is right, $698 billion—spending Social Security tax moneys. That is the revenues. That is how they get to the $455 billion on page 1.

But let me point this out because we were here in 1983, and the distinguished Chair remembers this, we had the Greenspan commission. That really started over on the House side with our good friend Wilbur Mills, who had been chairman of the Ways and Means Committee. He upped the ante along with President Nixon, decimating the trust fund.

So by the end of the 1970s we appointed the Greenspan commission. After a 3-year study, they came with section 21. It says we are going to have an inordinate increase in payroll taxes, graduated up so as to take care of the baby boomers in the next generation. Section 21 says: And put this money in trust and don't spend it on anything but Social Security.

Now my friend from Florida, what happens is, it took us from 1983 to 1990, I think it was. It was on November 5, 1990, George Walker Herbert Bush, President Bush's father, he signed into law section 13301. Section 13301 of the Budget Act, says: You shall not report a budget, either the President or the Congress, spending Social Security trust funds on anything other than Social Security. We put that into law and they continued to violate it. They continued to spend it. That is 13301.

The vote in the Senate was 98 to 2 for that particular provision. It is in the law today, in the Budget Act. But that is what they are doing. That is when the distinguished President started off and he took office in 2001 and he said: I am setting aside $2.3 trillion to take care of the needs of Social Security.

He was following through on a pledge that he made in the campaign. But we spend Social Security moneys on any and everything but Social Security, and run around like a dog chasing his tail saying we have to fix Social Security, we have to fix Social Security, we have to fix it, and they have all kinds of plans: invest in the stock market, get an IRA, take this percent, that percent, retire early, don't retire—you know, on and on.

All they need do is obey section 13301 of the law, the Budget Act, and not spend Social Security revenues on anything and everything but Social Security. That is all they have to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, since we are on the Defense Appropriations subcommittee bill, I want to follow up on the remarks of the Senator from South Carolina. I thank him for his comments.

I say this Senator is quite concerned about the legislated budgetary sleight of hand that has been apparent throughout this budgetary process. I don't like it. I don't think it is instructive to the country. I think it is budget fakery and that, although it has certainly been employed on both sides of the aisle over the years in the history of this Republic, particularly at a time now where the numbers are getting so large, where the annual deficit—that is spending more than we have coming in in revenue—is getting so large, if you believe the figures the Senator from South Carolina has just spoken about from a budget document that was just released—upwards of $500 billion on one page and upwards of $700 billion on another page—that is spending that much more in this fiscal year than we have coming in in revenue—that is not a way to get our economic engine purring again. That is not a way of stopping the economic recession. Because if there are more people chasing the available dollars that we need to borrow, then there is more demand on the money. What is going to be the result on the cost of the money? The cost of the money is going to go up. That is going to be the interest rates that are going to go up, and that is all the more going to stall us trying to get out of the recession.

It is perplexing to me, to say it in the mildest terms that I can, as to why we have all this budgetary sleight of hand, why we have this budgetary fakery. Why can't we just be up straight, aboveboard: this is what it is and this is the plan to get out from under it. But there seems to be an agenda to try to mask, to obscure what is the real situation.

Since we are on the Defense Appropriations subcommittee bill, I want to bring up a matter of grave concern that I have. That is, as we continue to battle, as we continue to prosecute the war against terrorists—be that in Afghanistan, be that in Iraq, be that in America—we have to have timely and accurate intelligence. That has to be a given. There can't be any fudging or fakery or sleight of hand. It has to be the best estimate of all the intelligence agencies. So I get quite concerned.

Mr. BYRD. Will the Senator yield?

Mr. NELSON of Florida. I yield to the Senator from West Virginia.

Mr. BYRD. And it should not be based on unsubstantiated——

Mr. NELSON of Florida. Unsubstantiated.

Mr. BYRD. So-called evidence that is produced by the intelligence agencies of another country, another state.

Mr. NELSON of Florida. That is precisely the point I want to make. I thank the Senator from West Virginia for underscoring that. Because I get a little concerned, I got a little upset when I read in Sunday's Washington Post:

> CIA director George J. Tenet successfully intervened with White House officials to have a reference to Iraq seeking uranium from Niger removed from a Presidential speech last October. . . .

Continuing:

> Tenet argued personally to White House officials, including deputy national security adviser Stephen Hadley, that the allegation should not be used because it came from only a single source, according to one senior official.

That was in October. Three months later, in the President's State of the Union speech, the very reference that was exorcised from the speech in October was inserted.

I want the Senator from West Virginia to hear this reference. I want the Senator from West Virginia to verify what I am saying because, according to the Washington Post, when the Director of the CIA removed that reference to Iraq seeking uranium from Niger in October, the very same reference was inserted 3 months later in the President's State of the Union speech but with a qualifier, and the qualifier was: according to British intelligence, even though 3 months earlier the CIA Director had that reference stricken because it was not true.

Mr. BYRD. Yes.

Mr. NELSON of Florida. What does that suggest is going on with regard to accurate, timely, and truthful intelligence?

Mr. BYRD. Well, it suggests we are going down the wrong path when the President of the United States leads our country into war, leads our men and women into war, based on evidence that is supposed to have been developed by another country's agencies, that evidence not being substantiated by our own intelligence agencies.

So it is very evident we were just grasping for a straw to hang our hats on. I happen to believe that this administration intended from the beginning to go to war in Iraq, that this administration intended from the beginning to invade Iraq.

How many times has the Senator from Florida heard the President say, with reference to the U.N., ''If you don't do it, we will. If you don't do it, we will''? They were not waiting on the U.N. to come along. We already had our minds made up to go into Iraq.

And anybody who heard Karl Rove or read about Karl Rove's statement to the National Republican Committee—in January of last year, I believe it was, yes—when he indicated to the National Republican Committee that: this homeland security horse was the one we could ride to victory politically on, and that the national Republican efforts should make, as its center strategy, the subject of homeland security—it was evident to me they were going to ride that horse to the utmost until the horse dropped or got across the victory goal line in the election.

Mr. NELSON of Florida. I thank the Senator for his response.

Mr. BYRD. And I think it was a misuse. It is a misuse. It is just an effort now, as they look back, to cover their skirts because it is clear, so far as the evidence thus far is concerned, that there was no such uranium coming from Africa. That was virtually a fictitious thing, and our people knew it. They knew it in October of last year, as the Senator has pointed out.

Mr. NELSON of Florida. Madam President, I was in Iraq last week, as the blood of a Florida soldier was still soaking into the parched sands of Baghdad. I still feel that we have sufficient security interests of the United States for us to be in Iraq, and, clearly, we better draw this to a successful conclusion to politically and economically stabilize that country.

But I can tell you, when I read this kind of information that suggests that the American people and their Representatives in the Congress were being fed information that was not accurate—and it was intentional—then I get very concerned for this country's ability to conduct our war against terrorists, for we are only going to be successful in a war against terrorists from timely and accurate and truthful intelligence.

Mr. BYRD. The administration misled the American people when it tried to leave the impression that the war on terrorism is engaged in by—in other words, that Saddam Hussein and al-Qaida could be linked. That has not been shown to be a fact. And the American people, according to the polls I read some time ago, seemed to be half of the belief that those who took the planes into the Twin Towers were Iraqis. The truth is, not one of those hijackers of planes flown into the Twin Towers on 9/11—not one of those hijackers was an Iraqi, not one. Not one was from Iraq.

So where is the link? Where is the link?

Mr. NELSON of Florida. I thank the Senator from West Virginia. I will have more to say about this as the debate continues on Defense appropriations. I will speak to this issue that I have raised here. It is of grave concern to me.

I want, in the course of this debate, for us to be told in this debate a satisfactory explanation of why we are not planning for the supplemental on the Defense appropriations for the war in Iraq, why we are not planning for that and stating that in this Defense appropriations bill. I think that should be a part of the debate for all of the Senators to engage in.

I yield the floor.

Mrs. BOXER. Mr. President, I support the amendment offered by Senator BYRD to assure that the deployments of National Guard and Reservists do not exceed 180 days. The amendment further mandates that Guard and Reservists are not deployed more than once in a 60-day period.

As a member of the Senate Foreign Relations Committee, I asked many questions of the administration as it made its case for war. Two of the questions that were never answered involved the length of our deployment and the ability of the international community to share the burden of rebuilding Iraq.

Because of the failure of the administration to answer these questions, some of our troops face the possibility of spending more time than expected in Iraq. Our Guard and Reservists have fought bravely. We have to see that they are rotated home and replaced with other troops on a timely basis.

I want to read part of a letter I received from one Californian asking that a Marine Reserve Unit return to the United States:

> The members of the Marine Reserve unit ANGLICO are important members of our society. They are hard working citizens who contribute to our economy. Their families are feeling the financial strain of their continued and unnecessary absence. These Marines are eager to come home to contribute to the continued success of our surrounding communities. I am asking you to please look into this matter and help facilitate the homecoming of our Marines.

Because of security concerns, the DoD was unable to shed any light on when this particular unit was to return home. But it highlights the sacrifice our communities are making to support this action in Iraq.

I believe the U.S. should fulfill its duty and provide for the reconstruction of Iraq. However, I call on the President to ask our allies to help share the burden and I ask him to ensure that

our Guard and Reservists are rotated out of Iraq on a regular basis.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, this has been an interesting debate, but in the course of the debate we found that we have agreement that we have to do something about the basic subject of rotation and deployment as it applies to the Guard and Reserve as well as the active portions of our total force.

I think, in the interest of all concerned, it would be best to put aside both Senator BYRD's amendment and the one that Senator INOUYE and I have offered and see if we cannot get further information from the Department and try to work with the Department in terms of this new policy that is projected.

So on that basis and the debate that has taken place so far, I move to table Senator BYRD's amendment, which would take with it my second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1244.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 64, nays 31, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—64

Akaka	Crapo	Lott
Alexander	DeWine	Lugar
Allard	Dodd	McCain
Allen	Dole	McConnell
Baucus	Domenici	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Biden	Feingold	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Carper	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Talent
Coleman	Inouye	Thomas
Collins	Kohl	Voinovich
Conrad	Kyl	Warner
Cornyn	Landrieu	
Craig	Leahy	

NAYS—31

Bingaman	Corzine	Harkin
Boxer	Daschle	Hollings
Breaux	Dayton	Jeffords
Byrd	Dorgan	Johnson
Cantwell	Durbin	Kennedy
Clinton	Feinstein	Lautenberg
Levin	Pryor	Schumer
Lincoln	Reed	Stabenow
Mikulski	Reid	Wyden
Murray	Rockefeller	
Nelson (FL)	Sarbanes	

NOT VOTING—5

Edwards	Kerry	Sununu
Graham (FL)	Lieberman	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1257 THROUGH 1259, EN BLOC

Mr. STEVENS. Mr. President, I have three amendments which have been cleared. Senator INOUYE has similar ones for his side. Right after that, we will have a consent agreement that we will present, and if we are successful in getting that consent agreement, we would not have any further votes tonight but we will have to wait until we present that agreement.

I send to the desk three amendments en bloc, one from Senator VOINOVICH to make available from amounts available for research, development, test, and evaluation, defensewide, $3 million for the long-range biometric target identification system; an amendment on behalf of myself and Senator INOUYE for Senator ROBERTS which earmarks $2,500,000 for the study of geospatial visualization technologies; and a third amendment by Senator ALLEN to make available from amounts available for research, development, test, and evaluation, Navy, $4 million for the high speed antiradiation demonstration airframe/propulsion section.

I send those to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 1257, 1258, and 1259.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1257

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $3,000,000 for the Long Range Biometric Target Identification System)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $3,000,000 may be available for the Long Range Biometric Target Identification System.

AMENDMENT NO. 1258

On page 120, between lines 17 and 18, insert the following:

SEC. . Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $2,500,000 may be used for the study of geospatial visualization technologies.

AMENDMENT NO. 1259

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy $4,000,000 for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $4,000,000 may be available for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section (PE#0603114N).

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

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 1257, 1258, and 1259) were agreed to en bloc.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1260 THROUGH 1263, EN BLOC

Mr. INOUYE. Mr. President, I have four amendments I ask to have considered en bloc. The first is submitted by Senators BINGAMAN and DOMENICI providing for $3,500,000 for the National Consortia on MASINT research; the second by Senator CONRAD for research, development, test, and evaluation for the Army, $3,500,000 for the Medical Vanguard Project; third, submitted by Senator BREAUX to make available from amounts available for research, development, test, and evaluation, $800,000 for the Tulane Center for Missile Defense, Louisiana; and the final and fourth from Senator REED of Rhode Island to make available from amounts available for Defense Production Act purchases $3,000,000 for a flexible aerogel material supplier initiative.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments numbered 1260 through 1263, en bloc.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1260

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''Research and Development Defense Wide'', up to $3,500,000 may be used for National Consortia on Masins Research For Program Element Number 0305884L.

AMENDMENT NO. 1261

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Army $3,500,000 for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,500,000 may be available for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project.

AMENDMENT NO. 1262

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $800,000 for the Tulane Center for Missile Defense, Louisiana)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $800,000 may be available for the Tulane Center for Missile Defense, Louisiana.

AMENDMENT NO. 1263

(Purpose: To make available from amounts available for Defense Production Act Purchases, ($3,000,000) for a Flexible Aerogel material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''DEFENSE PRODUCTION ACT PURCHASES'', up to $3,000,000 may be available for Flexible Aerogel Material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels.

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

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 1260 through 1263) were agreed to en bloc.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Missouri has a statement I would like to respond to, and I ask unanimous consent that I be allowed to yield to him for his portion of the statement.

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

The Senator from Missouri.

Mr. TALENT. Mr. President, I rise in support of the bill in general, and second, I thank the chairman for his support of hypersonics funding in the bill. The bill increases funding above last year's appropriated level. I do have a couple of concerns and I appreciate the chairman's willingness to address them with me in a colloquy.

Hypersonics are the future of aerospace. Later this year NASA will carry out a further test of the X43–A. This will be done as part of NASA's hyper-X project, a program devoted to the study and creation of vehicles that use air-breathing engines at hypersonic speed. If this test is successful, the aerospace industry will prove that the physics of hypersonics are correct and our engineers can begin creating the models that will become the future of the aerospace industry.

This technology will yield unprecedented results, opening up new commercial markets for industry, furthering human and robotic exploration in the solar system, and significantly improving national security. This transformational technology holds great promise for the development of missiles, unmanned combat air vehicles, manned flight and next-generation space shuttles. I thank the chairman for his support, and I ask him for his comments about hypersonics.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate the advocacy of our colleague from Missouri on the issue of hypersonics, and I know, as a member of the Armed Services Committee, he has been a champion of this issue and raised it several times.

I agree with the Senator on hypersonics technology. It is very important for the future of the aerospace industry. Over the next 10 years or more, the U.S. will develop and test a series of ground and flight demonstrators that will be powered by air-breathing rocket or turbine-based engines or ram/scramjets. It is a very interesting technology. I agree with Senator TALENT that this technology has the potential to revolutionize our commercial transport industry, space travel, as well as the military capabilities.

I look forward to working with the Senator from Missouri on this important issue as the chairman of the Defense Subcommittee and generally. I think it is a very interesting subject.

Mr. TALENT. I close by thanking the chairman again and look forward to continuing to work with him and the committee to advance the technology and research necessary to ensure a strong hypersonics program. I thank the chairman for the colloquy.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that Senator DORGAN be recognized to offer an amendment on budget costs. I further ask consent that when the Senate resumes consideration of the amendment on Wednesday, there be an additional 30 minutes equally divided in relation to the Dorgan amendment; provided further that at the expiration of that time Senator BINGAMAN be recognized to offer an amendment regarding detainees; provided further that there then be a 40-minute period equally divided in the usual form; further, that following that time the Senate proceed to a vote in relation to the Dorgan amendment to be followed by a vote in relation to the Bingaman amendment with no amendments in order to the amendments prior to the votes, and with 2 minutes for debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, at 10 a.m, the Secretary of State will be in the building for a briefing. The debate on the Burma amendment should not involve all Senators. I thought originally we would have a recess during that period of time but the majority leader has decided not to do that. I understand why. But that is still available.

Mr. STEVENS. I have a further consent agreement. Does the distinguished leader wish to have that set forth before he agrees for the first unanimous consent?

I reoffer the first request.

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

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that at 10 a.m. tomorrow, Wednesday, the Senate proceed to the immediate consideration of House bill 2330, the Burma sanctions bill, under the following conditions: One hour of debate equally divided in the usual form; Then upon the use or yielding back of time, the bill be read the third time and the Senate proceed to a vote with no amendments in order to the bill, at a time to be determined by the majority leader after consultation with the Democratic leader, with particular reference to the prior agreement we have already entered into.

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

Mr. STEVENS. Mr. President, I am now authorized by the majority leader to say there will be no more record votes tonight.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1264

Mr. DORGAN. Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1264.

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

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

The amendment is as follows:

(Purpose: To require from the President a budget amendment for the budget for fiscal year 2004 on the amounts requested for military operations in Iraq in fiscal year 2004)

Insert after section 8123 the following:

SEC. 8124. Not later than July 29, 2003, the President shall submit to Congress a budget amendment to the budget of the President for fiscal year 2004, as submitted to Congress in 2003 under section 1105(a) of title 31, United States Code, setting forth in full the amounts required for fiscal year 2004 for United States military operations in Iraq and Afghanistan in fiscal year 2004.

Mr. DORGAN. Mr. President, I will speak briefly. I will speak further tomorrow on this subject. This relates to something I spoke about yesterday. It may well be that the Congress—in this case, the Senate—feels it is appropriate to ignore the added costs of Afghanistan and Iraq in next year's budget, but

I happen to think that makes no sense at all. If we know, reasonably, that we are going to spend an additional $1 billion a month in Afghanistan and perhaps $4 billion a month in Iraq—that is perhaps a $50 or $60 billion additional expenditure—it seems to me we ought to address that question now; not only address what are the additional costs with respect to Iraq and Afghanistan but where we will find the money.

What will likely happen is what happened last year. The President made the case he did not know what the costs might be in Iraq and therefore did not include anything in the budget for it, but we have been through now at least an initial phase of the war, with continuing violence in Iraq. We know from Secretary Rumsfeld's position earlier this week we may well see an increase of troop strength in the area. We know the comptroller of the Pentagon says they have a pretty good sense of what will be on the ground for the next fiscal year—referring both to Afghanistan and Iraq.

If that is the case, and if we are now appropriating money for the Department of Defense, why not try to learn from the administration what figures they are using for additional costs in the coming year and what they recommend we appropriate and how they recommend we find the money.

My amendment is very simple. It asks the President to submit an amended budget to the Congress within the next 2 weeks setting out what he thinks the costs will be in Iraq and Afghanistan above that which is already in the Department of Defense budget, and then recommending how we would cover that, how we would pay for it. That, after all, is a starting point that comes from the executive budget, and then to be considered by the Congress.

This is a very incomplete picture and an incomplete process if we are staring anywhere from $50 to $60 billion in additional costs right square in the face and pretending it does not exist.

My amendment is very simple. I deeply appreciate the work that Senator STEVENS and Senator INOUYE have done on this bill. I happen to be on that subcommittee. These two are some remarkable men in this Senate and have distinguished war records and have a distinguished record of service to our entire country. I appreciate very much their work on this bill. But I do think it is important for the Congress to answer this question: Is this the way we should continue to handle these extra costs?

Now these extra costs are becoming very large, $5 billion a month. It is quite clear from statements this week that the Pentagon knows or has some notion of what these extra costs will be. It makes no sense to pass an appropriations bill and pretend they do not exist.

I will speak at greater length tomorrow morning on this subject, but I really believe we need to address this as a Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, unless there is a unanimous consent request to proceed to another matter, I would like to speak for a few moments in support of Senator DORGAN's amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. DURBIN. I know the Senator from North Dakota has to leave and will be back tomorrow to discuss his amendment, but doesn't it strike those following this debate as strange that we are considering the appropriation for the Department of Defense for the next year and it includes everything except Iraq and Afghanistan?

If this is truly an appropriations bill, if the Senate is meeting its responsibility in reviewing the requests of the administration to make certain they are reasonable, how can we, in good conscience, pass a bill without any reference to the costs of the war? That, of course, is a good turn of events for the administration because they do not have to explain how they will pay for it.

This morning's newspapers across America disclosed we are facing a record-breaking budget deficit. We have gone, over the span of 3 years, from over $200 billion in surplus each year to over $450 billion in deficit. That does not count the Social Security portion which is about another $160 billion. We are facing record-breaking budget deficits. And now as we debate appropriations bills, these bills are not speaking to the reality of official spending under the Bush administration.

To think we would consider this Department of Defense bill and not include the money necessary for the war in Iraq is to suggest that this bill does not tell the whole story.

Just last week in the Armed Services Committee, Secretary Rumsfeld, our Secretary of Defense, appeared before the committee and was asked by Senator BYRD of West Virginia, what is the cost of the war in Iraq? Secretary Rumsfeld, in charge of the largest military operation on the face of the Earth, said, I don't know. Senator BYRD said, you better find out. These are questions asked by Congress of Secretaries of Defense through history. So there was a break in the action and Senators came over for a vote and when we returned, Secretary Rumsfeld said, I have been told it will be about $3.9 billion per month, roughly $1 billion a week for Iraq. When asked about Afghanistan, he suggested it would be somewhere in the range of $1 billion a month.

That means we are going to spend roughly $5 billion a month that is not accounted for in this bill. So we know we are going to spend the money. We are never going to shortchange our men and women in uniform. Why isn't this Bush administration, in all candor and honesty, coming to us with a bill that includes the costs of the war?

Senator DORGAN, my colleague from North Dakota, asked that obvious question and asked the Senate to vote on it. It will be interesting tomorrow to see if those who believe the Senate has a responsibility for oversight and also believe this administration has a responsibility to be honest about the costs of the war, will, in fact, support the Dorgan amendment. I certainly will. I hope my colleagues on both sides of the aisle will, as well.

This is a tough amendment because it puts the administration on the spot. They have to explain where they are going to come up with a substantial amount of money, but I think that is the burden they asked for when they assumed office. We need to face it squarely, as do they.

I also say, despite the obvious monetary costs of the war, what I find in traveling back to Illinois is the people are less concerned about the monetary costs than the human costs of this war. It is tough to calculate how many of our great men and women have died since President Bush declared military victory in the first part of May. But we know almost on a daily basis that we are losing some of our finest soldiers, men and women, well trained for military combat, who are now in the position of maintaining peace in Iraq, trying to establish a civil society. It is not an easy task. These men and women, trained with the highest technology, so successful on the battlefield, now find themselves on patrol, guarding college campuses, guarding museums, enforcing curfews, dealing with scuffles and fights in public marketplaces. As they go in to try to quell this violence and bring peace to the situation, sadly, many of them are being attacked by Iraqis. Some are being killed.

To those who follow this debate, I say we can try in this bill to ignore the dollar costs of this war but, trust me, families across America, the people of this country, know the human costs on a daily basis. They are asking us the hard questions.

Senator LUGAR of Indiana, whom I respect very much, visited Iraq. He came back and said, in all candor, he believed we would be in that country for 5 years. He said he felt that was a minimum. I hope he is wrong. But I respect his judgment and his insight. If we are to be there for 5 years, if 150,000 troops or any portion of those troops will remain for that period of time, it is a massive investment by the United States in Iraq. It calls into question our basic strategy in trying to establish civil order.

I cannot for the life of me understand why this administration has not gone to the United Nations and asked them to assume responsibility with us for the future of Iraq. Why hasn't this government come to the Senate and asked the same thing? If we could replace American troops in the field, guardsmen and reserves who have been there for long periods of time away from their family, if we could replace them

and bring them home by bringing in troops from other countries, that would certainly be very positive.

In this morning's newspapers Prime Minister Vajpayee of India said the United States requested 17,000 Indian troops and he declined the invitation. He said he might join an effort sponsored by the United Nations. Those are his conditions. I don't know the conditions of other countries.

What is clear to me now is that though the coalition of the willing was enough to win the military end of the war, the coalition of the willing is incapable of meeting the responsibility today of establishing and maintaining order in Iraq. That coalition has really come down to two major countries, Great Britain and the United States. We are shouldering this burden, not just on the monetary side but on the side of human cost.

I think this administration should be conscious of the fact that many Americans, supportive of the invasion of Iraq, supportive of eliminating Saddam Hussein, are now raising serious questions about the duration and cost of our occupation of Iraq.

The same thing can be said, obviously, of Afghanistan. I am a big supporter of Hamid Karzai. I think he has done a remarkable job as the leader in Afghanistan, bringing some order to a country which has known chaos for too many years. But we know he needs help. Too many tribal warlords control portions of the country that should be controlled by some central authority coming out of Kabul, the capital of Afghanistan. That is not the case.

The President of Pakistan recently visited the United States. President Musharraf said to President Bush: If you want one piece of advice, send more troops to Afghanistan. We don't have enough people there to maintain order. Our troop strength is estimated to be between 8,500 and 10,000. That points to the need for this bill to be more inclusive on the real cost of the war in Afghanistan and Iraq. We need to face this head on.

For the Department of Defense appropriations bill to speak to national security and ignore 150,000 men and women in uniform in Iraq and the cost to our country, as well as another 8,500 or so in Afghanistan, really misses the point. We need a bill that is complete. The Dorgan amendment will move us in that direction. I will support it tomorrow, and I hope my colleagues will join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, no one regrets the deaths that are occurring in Iraq any more than I, or anyone else here, particularly those of us who served in the uniform of our country. We know the seriousness of being involved in Iraq.

The offensive operations in Iraq started in March. I believe it was March 19. This budget was presented to us long before that. It did not have money for Iraq. As a matter of fact, we have handled this concept of the war in Iraq on the same basis as Bosnia, Kosovo, et cetera—with one exception. The President came to us and asked for a supplemental for Iraq, and we passed it. The money is there. He asked for the money; we gave it to him. I don't understand this demand, now, for another supplemental. We do not need any more money right now. We are continuing to spend the money Congress provided, over $60 billion.

I have a little sense of politics in this. I don't quite understand. Politics are never raised on the floor of the Senate, obviously. But clearly the political implication is, somehow or other, the deaths are related to the fact that the President has not asked for any money. We have plenty of money right now to run this war. The costs of the war are coming down. As I pointed out previously here this afternoon, all of the costs of the manpower for fighting in Iraq are in this bill. The costs that are not in this bill, that are being paid from the supplemental, are the incremental costs of moving forces to Iraq, moving materiel to Iraq, moving people back from Iraq, taking care of our global expenses, and conducting the war in Iraq.

The President came in and asked for a $10 billion contingency fund. I joined in saying no, you can't have a contingency fund. We gave him the money he requested, the money whose use they detailed. But we didn't put up $10 billion as a contingency fund because we didn't think it was necessary, and I still don't think it is necessary. But we do understand if the cost of the war in Iraq will somehow exceed what we have already provided, the President will come for a supplemental in time. He has done that.

We are funding the war in Iraq on an incremental basis from a supplemental fund we gave the President. Again, we gave him so much money, we rescinded $3 billion in this bill. Three billion dollars of the previous supplemental have been rescinded and spread around in other areas of the Department of Defense.

I think we ought to get back into some historical context here. We have had a series of peacekeeping operations, so-called peacekeeping operations. There were people killed in Bosnia. There was a war in Bosnia. There is a war in Kosovo. There is a war in Afghanistan. This administration has asked for the money, and we have given it to them. The money we gave them, by the way, the $60 billion-plus, was for the whole area that was commanded by General Franks. It was the war zone. That included Afghanistan as well as Iraq.

We have had, unfortunately, in the past—and I also mentioned this today—we had in connection with Bosnia and Kosovo a policy of the administration, the previous administration, to not ask for money at all. They took the money from the O&M accounts of the Departments, the various forces—Army, Air Force, Navy, Marines—and spent it. They never told us where they were spending it. When they came up and asked for a supplemental to replace it, they asked us for the money to replace the accounts. We never really got detailed descriptions of how much money was spent per day in Bosnia or Kosovo. I don't know where this is coming from.

As a matter of fact, Senator INOUYE and I have been involved in managing this bill, now, since 1981. We can tell the Senate the way we are handling the bill now is the way we should handle a bill for defense. We pay the money for the regular costs, and the Department asks us for the extraordinary costs. The last administration had the money for the personnel and regular costs in the bill, but they took some of that money and fought the war in Bosnia and fought the war in Kosovo and then came up for a supplemental. This administration came for the supplemental first.

They have the money. It is in the bank. They are spending it. And somehow they are being criticized for not asking for a supplemental.

I oppose this amendment. I intend to oppose it. I intend, as a matter of fact, to make a motion to table it in the future.

There is an agreement for debate. We are in a situation where, as far as I am concerned, we should not ask the Department to come and ask for moneys on a contingency basis. That is really what the Senator is suggesting—ask for money, what you might spend in the future, beyond what we have already given you. There is a bank over there. They have the money.

To ask for a budget amendment for the fiscal year 2004, to be submitted this year, I don't understand at all. It wasn't required by the congressional budget resolution, by the way. If this was so important, why didn't someone raise it in connection with the congressional budget resolution that passed after we went to war? And we are at war.

I really believe it is time we understand what is going on. I do not want to see us get another supplemental request this year. We have 13 appropriations bills to pass. They have plenty of money. Why tie us up in another supplemental? Everyone knows a supplemental this time of year would become a Christmas tree. Everyone is going to offer amendments to do things they didn't get in the other bills, and every one would be a demand for an emergency.

As long as I am chairman, we are going to try to have some discipline with regard to dealing with money. The discipline is, we follow the budget. I have committed to follow the budget. We are following the congressional budget. In order to do so, we had to ask the President's permission. Chairman YOUNG, chairman of the House Appropriations Committee, and I asked for

permission to take $3 billion off the President's request that is in this bill for defense. We admit we took $3.1 billion from what the President asked for in his budget request and put it in other subcommittees. Because of the fact the congressional budget resolution was $2.6 billion below the President's budget, we needed to find money to fund operations of those other departments that would not fit within that bill.

We are proceeding on a basis that I think makes sense. I hope we will have bipartisan support for it. But one thing we don't need is another supplemental at this time dealing with Defense when Defense has money to continue to operate in Iraq. When they run out of money or come close to it, I assume they will come and ask for more. I presume the cost per week is going to go down. It has been fairly high. The incremental cost was over $34 billion last month, as I understand it. Under the circumstances, if it continues to wind down, I believe the monthly cost will decline and the Department will be able to get through this fiscal year with the money they have. If they need more money in the calendar year 2004, they can come in and ask for it. But I predict—I hope I am right—they are not going to need any more money in calendar year 2003 for either fiscal year 2003 or the first quarter of 2004. If they do, and that could happen—God forbid this thing could blow up over there and we would have to send more forces back in. I don't know. No one can predict what happens in a situation like we have now. We want to as rapidly as possible cease being an occupation force.

This reminds me of some of harassment that took place during World War II when we had operating forces in areas where part of the enemy was not subdued and there were sniper attacks. There were bombing attacks. It was a disaster for people in uniform, who suffered even after the war was over. There were some deaths in World War II. I think this is a sad thing.

I hear a call to bring the troops home. One of the reasons the troops are there is to protect one another and protect the people we just freed. I thought the price of freedom was in fact doing what our people are doing; that is, following the commands of the Commander in Chief.

It is a very tough thing to say, but once we undertake action such as this, our national image would be absolutely tarred if we brought these people home before there was security for the people who have been liberated from that regime, the Baath party of Saddam Hussein. We can't leave them exposed, nor can we leave exposed our people who are trying to bring about reconstruction. I think we have to use common sense.

To say the President shall submit a budget amendment—by the way, I don't know of any requirement anywhere in the law that the President has to submit a budget resolution before. I don't know that Congress has ever said the President shall present a budget amendment for a specific amendment of money or a specific item. I have been here 35 years. I can't remember such a requirement before in my life. For no other reason, I would oppose that because he is the President. The Constitution gives him some powers. It gives us powers. One of the powers is to exercise the power of the purse. But we are not the ones who can command the President to ask for the money. He is the President. If he wants the money, he should ask for it. If he doesn't need it, we should not compel him to ask for it. I am sure if he needs it, he will be the first one to ask for it.

As a matter of fact, I have heard comments about our President on this floor lately that are sort of derogatory. I think he is a fine man. He is a great President. He is doing a good job. He is honest. He is forthcoming. He admits if he makes mistakes, and then he gets highly criticized for having made the mistakes. Everybody makes mistakes from time to time. It takes a real man to say he has made one.

That is why I came to the floor yesterday and congratulated George Tenet for having taken the step of admitting he bore the responsibility for the error in handling the reference in the President's State of the Union message.

But this President is doing a good job. This Secretary of Defense is doing a good job. I think the American people should be proud of them. In my home State, they are certainly proud of them. And they are proud of the young men and women in uniform representing our country over there.

I think the very thought that somehow something is going wrong here and because something is going wrong here people are dying in Iraq is just a terrible thing. People are dying in Iraq, unfortunately, because there are snipers. There are terrorists loose in Iraq. I thought we were conducting a global war against terrorism. What is going on in Iraq is terrorism. There has been a regime change. There are people opposed to that change, and they are trying to kill our people over there. They are trying to protect their own brothers and sisters in their own country.

I hope the Senate settles down a little bit. In the past, we have handled this bill very expeditiously because of our respect for men and women in uniform. This is the money to pay those people who represent our country throughout the world. They are deployed in many countries. They read about what goes on here. They listen to it. They have it on C–SPAN.

By the way, it is a very interesting thing for this generation to go overseas compared to my time overseas. I never got a phone call after I left my home until I got back. These young people have phone calls every day. They have e-mail. They use the Web. They conduct their classes when they are deployed overseas and continue their studies. It is a different world. They know what is going on here.

I hope they understand what we are trying to do is get this bill passed and make sure they get their pay raise; make sure everything is in place in time so when September 30 comes, this bill will have passed and become law and be there for the protection of our men and women in uniform.

I regret deeply that we have to handle an amendment like this. We know the amounts required for the fiscal year 2004 military operations in Iraq and Afghanistan. We already put the money up. They are reporting monthly on what they spend.

Now we want to predict how much they are going to spend. I really do not see the relevancy of this amendment. Tomorrow, I hope to end the debate by moving to table. I hope the Senate will support that motion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

JOINT AIR TO SURFACE STAND-OFF MISSILE (JASSM)

Mr. SHELBY. Mr. President, I am reminded that both the distinguished chairman and the ranking member have been strong proponents of the JASSM program in the past.

The JASSM program is less than 30 days from completing operational test and is scheduled for a full rate production decision in November of this year. Both DOD and the Air Force have sufficient confidence in JASSM that they have proposed to use fiscal year 2003 Iraqi freedom funds to procure additional missiles. In addition, I would note that the Navy is scheduled to join the Air Force in future JASSM procurements and this production ramp is critical to meeting both the Navy and Air Force inventory requirements.

I hope that we can work in conference to find a path that will protect the existing contract while at the same time provide the Air Force these vitally needed ''go-to-war'' assets.

Mr. STEVENS. I thank the Senator for bringing this matter to my attention. He has my assurance that we will consider this matter in conference.

Mr. INOUYE. I agree with the chairman and will join him in reviewing this matter for conference.

DIGITIZATION OF DEPARTMENT OF DEFENSE MANUALS

Mr. INOUYE. Mr. President, beginning in fiscal year 2003 and continuing this year, the Defense Appropriations Subcommittee has included funds for the digitization of Department of Defense, DoD, manuals and has directed that the work be performed by information technology firms owned and operated by Native Americans located in

impoverished Native communities. These Native firms came together and formed a corporation, the Intertribal Information Technology Corporation, that could serve as the prime contractor in an effort to facilitate the contracting relationship with the Department of Defense.

This consortium of firms has been working with mentoring information technology companies who already have existing contracts with the Department of Defense. I have had two briefings on the progress that is being made by the Native firms and their mentoring companies on existing DoD contract work, and have been advised that the performance of the Native firms is both exemplary and highly efficient. A few months ago, I had the opportunity to attend the dedication of the Native Hawaiian information technology firm that is part of this consortium, and was further impressed with the capacity of these Native firms to carry out the digitization work.

Mr. STEVENS. I agree. The war in Iraq demonstrated the important of having the highly-mobile maintenance capability that the digitization of DoD manuals enabled our forces to employ. For many years, the Senator and I have shared a concern about the high unemployment rates in Native communities. This program serves as one effective means of addressing those high unemployment rates while also providing the Defense Department with new sources of supply for digitization services.

Mr. INOUYE. As the Senator knows, the ten Native-owned firms that came together to establish a new Small Business Act 8(a) firm is composed of American Indian, Alaska Native and Native Hawaiian information technology companies. To my knowledge, this is the first business enterprise to be jointly owned by the three indigenous populations of the United States.

This new jointly-owned firm was established so that DoD would only have to award a single contract rather than having to award ten separate contracts to each of the ten participating firms. In establishing the jointly-owned firm, it was well understood that the jointly-owned firm would subcontract the digitization work to the ten participating Native-owned firms, and that the jointly-owned firm would assume administrative responsibilities and provide technical support to the ten Native Firms to ensure the highest quality production.

This innovative approach reflects the intent of the Congress that the digitization work be performed by Native firms that can not only produce quality products for the Government, but that in the process of doing so, can also generate jobs in the economically-disadvantaged communities that they serve.

Mr. STEVENS. It is my understanding that the contract with the jointly-owned firm was to have been awarded on June 2 of this year, but that DoD officials are now expressing some reluctance to allow the jointly-owned firm to pass the digitization work through to the Native firms because the customary practice is to have the prime contractor perform the majority of the work. I am also told, however, that there is an exception to this practice provided for in regulation, particularly when the Government had directed or identified a specific source for the provision of services, as we did in the fiscal year 2003 Department of Defense Appropriations Act.

Mr. INOUYE. Yes, that is my understanding as well. I am advised that the exception can be applied while still assuring full compliance with all procurement requirements. So I would ask, is it the intent and directive of the Appropriations Committee that the Department of Defense employ all legal measures available under the law to accomplish the intent of the Congress in having the digitization work performed by the ten participating Native-owned firms through a single DoD contract with the jointly-owned firms?

Mr. STEVENS. This is the intent. This new program is already proving to be a highly-efficient means of addressing the Department's needs for the digitization of DoD manuals, and we would expect the Defense Department to employ every legal authority at its disposal to implement the program as Congress intended it to be implemented.

AIR FORCE ADVANCED POWER TRANSFORMATION OFFICE

Mr. CHAMBLISS. Mr. President, I rise today to express my support for the mission of the U.S. Air Force, USAF, Advanced Power Transformation Office, APTO, at Robins Air Force Base in Georgia. This transformation office was established to advise and assist military installations all over the world in their development of alternative fueled vehicles.

Mr. STEVENS. If the Senator from Georgia would yield for a question, I have learned that the Energy Policy Act authorizes the APTO to enter into public-private collaborative agreements to encourage the development and deployment of alternative fuel vehicles and alternative hydrogen fueling infrastructures. Does the Senator know whether the transformation office in Georgia has taken advantage of this opportunity?

Mr. CHAMBLISS. As my colleague from Alaska has suggested, the APTO has entered a public-private collaborative project with the Southern Hydrogen Fuel Cell Research Partnership, which has then entered into a further agreement with the Georgia Tech Research Institute. This Georgia-based collaborative advances the national interest in the study of hydrogen-powered vehicles and fueling system designs. The APTO also hopes to accelerate the development of hydrogen power technology to determine whether it is feasible for both military and commercial use. Because of the importance of this project, I urge the Air Force to continue to support this important initiative.

Mr. STEVENS. The committee also notes the importance and value of the efforts of the Advanced Power Transformation Office and encourages the Air Force to continue funding and support for this important initiative.

Mr. CHAMBLISS. I thank the distinguished Senator from Alaska, and I yield the floor.

SAC POSITION ON OBJECTIVE FORCE CANNON

Mr. INHOFE. Mr. President, I rise in support of S. 1382, the Department of Defense appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations. I take a moment to talk about the urgent need for the non-line of sight cannon and to commend the actions the Senate Appropriations Committee has taken to meet this key need.

We have heard testimony from the most senior members of the Army uniformed and civilian leadership that organic Army indirect fire is one of the most urgent needs in today's military environment.

When Congress agreed to allow the Department of Defense to terminate the Crusader program last year, it did so with the explicit understanding the Crusader technology would be used to form the basis of a new lighter, more easily deployable non-line of sight cannon, which would be ready no later than 2008.

Indeed, during the last session we enacted law to that effect, and also stipulated that development of the non-line of sight cannon would be undertaken as part of the Army's Artillery Systems Demonstration and Validation program element, which is the only place within the budget that cannon artillery research and development is funded.

The designation of the non-line of sight cannon as a congressional special interest by the Senate Appropriations Committee goes even further than last year's legislation to ensure that this need is met. I ask the chairman to comment on the need for this further step.

Mr. STEVENS. In an effort to ensure full compliance with Congress's intent to fully fund the non-line of sight cannon program, the Senate Appropriations Committee has designated the program as a congressional special interest and appropriated funding in a separate program element devoted to the advanced development of artillery systems.

Mr. INHOFE. With limited resources available for the competing needs of modernization and force sustainment, it is imperative that crucial programs like non-line of sight cannon receive the requisite congressional oversight to ensure their timely development and fielding in accordance with the priority they enjoy.

I thank the Senator, and my other colleagues on the Appropriations Committee for their efforts to ensure that this vital program receives the funding it needs.

SUPPLIES OF MEALS READY TO EAT

Mr. BAYH. Would the chairman yield for an inquiry on the subject of MRE supplies?

Mr. STEVENS. I would yield to the Senator from Indiana for a question.

Mr. BAYH. Mr. President, during Operation Iraqi Freedom, our military relied upon MREs to an extent never before seen in the history of modern combat. Due to concerns about the safety of the local food supply, Operation Iraqi Freedom and the subsequent mission has relief almost entirely on MREs to feed our soldiers. It is my understanding at the height of the operation, the Department of Defense was consuming roughly 300,000 cases of MREs per week. Is the chairman aware of this unprecedented use of MREs?

Mr. STEVENS. I was aware of the reliance on MREs, yes.

Mr. BAYH. I would further point out at the height of the operation, some estimate that DOD was down to a worldwide reserve of some 400,000 cases. To summarize, DOD was within a week of running out of food for our soldiers in the field. Thanks to a surge in production by MRE producers on very little notice, DOD managed to stave off a logistical and potential military disaster. Is the chairman aware of how close we came to literally running out of food?

Mr. STEVENS. I was not. But I certainly believe the committee should look into it.

Mr. BAYH. Surprisingly, the Defense Logistics Agency, DLA, has still not chosen to replenish an adequate was reserve of MREs. In additions, DLA has cut MRE production despite the fact that our troops in Iraq are still consuming MREs at an unprecedented rate. Would the chairman consider this matter in conference and have the managers address it if the committee finds the problem to be as grave as it would appear?

Mr. STEVENS. We would be willing to look at that possibility.

Mr. LOTT. Would the chairman yield for me to add further to the discussion at hand?

Mr. STEVENS. I yield to the Senator from Mississippi.

Mr. LOTT. Part of any military exercise or experience is an afteraction review to learn what went right and wrong and how to improve on things in future situations. It would seem that the MRE supply issue is just such an issue. Obviously DLA did not have reserve stocks of food on hand going into this operation. Obviously no one anticipated the consumption rate we have experienced in the past few months. But it seems apparent that the reliance upon MREs isn't going to change in the foreseeable future.

I can think of a number of things that could go wrong during a military operation, but running out of food has to be one of the worst. So I can't imagine why DLA is cutting production when we haven't even started to replenish our reserves. It would seem simple enough that if anything DLA should be increasing production and increasing reserves so that we never face this potential disaster again.

I am informed that an adequate reserve based upon the new realities we have discovered in the past few months would ultimately be 10.5 million cases. Well, we are about 10 million cases away from that goal so we better get started on meeting that target. I too would certainly welcome anything the chairman could do to address this problem in conference and compel DLA to up the reserve stocks of MREs to an adequate level. I yield back of the chairman.

Mr. STEVENS. We are going to take a close look at this problem and see what is or isn't being done to address it and take corrective action if necessary.

COST-SHARING OF DEFENSE MEDICAL RESEARCH

Mr. LEAHY. Mr. President, I would like to take this chance to thank Chairman STEVENS for his leadership in funding the Army Peer-Reviewed Breast Cancer Research Program at $150 million in this bill. I would also like to take a moment to enter into a colloquy with the distinguished chair of the Appropriations Committee about the report language in the committee report on cost-sharing in such medical research. Mr. Chairman, when I read this report language, it seems clear that the intent of the language is to determine if there is some way to contain medical research costs within the defense budget.

We all know that the Army Peer-Reviewed Breast Cancer Research Program, BCRP, has proven to be efficient and highly effective, and the committee has supported its efforts strongly. The flexibility of this program allows the Army to administer it in such a way as to maximize its limited resources. The BCRP is able to quickly respond to current scientific advances, and is able to fill gaps by focusing on research that is traditionally underfunded. It is also responsive, not just to the scientific community, but also to the public.

Mr. STEVENS. Yes, the Senator from Vermont is correct. The committee is seeking to determine alternative ways to fund increases in these kinds of projects, but not undermine the effectiveness of ongoing programs. The committee has received numerous requests to start up new medical research programs. In many cases these requests cannot be met when trying to meet other valid military requirements with limited resources. The language is certainly not specifically designed to undermine the integrity of the existing DOD BCRP, and the committee recognizes it as innovative, extremely accountable and transparent in its approach to medical research.

Mr. LEAHY. I thank the chairman. I would also like to clarify the language in this provision about the agencies to perform the study. Am I right in reading the word ''consultation,'' in reference to the offices, institutes, and bureaus performing the study, to mean a continual process of discussion and collaboration? Consultation almost always involves more than simple briefings, but a consistent, mutual back-and-forth designed to ensure the objectivity, soundness, and fairness of a research process.

I personally hope that the Assistant Secretary of Defense for Health Affairs will go even beyond that notion and rely heavily on the expertise of the Institute of Medicine, which has reviewed programs like the Army Peer-Reviewed Breast Cancer Research Programs on several occasions.

Mr. STEVENS. Yes, that is right. The language clearly foresees that the Assistant Secretary of Defense for Health Affairs will work closely with the service Surgeons General and the Institute of Medicine to develop and conduct a sensible, objective, and fair analysis of cost-sharing options for future medical research programs.

Mr. LEAHY. I thank my good friend from Alaska for his support of programs like the Army Peer-Reviewed Breast Cancer Research Program. Recently one of the staunch advocates of this program in my home State of Vermont, Patt Barr, passed away. One of my lasting memories of Pat is seeing her standing in the hallway here in the Capitol, well past midnight, patiently explaining to individual Senators why the Department of Defense should include funds for breast cancer research in its medical budget. Mr. Chairman, your support and spirit has keep her legacy living on.

LASER PEENING

Mr. DEWINE. Mr. President, I rise today to discuss an important matter with my friend, the distinguished committee chairman.

I have been a long-time supporter of laser peening technology. Laser peening is a revolutionary materials processing technology that has proven very effective in solving many of the fatigue problems currently plaguing military engines, such as the F101 engine in the B–1 bomber. Laser peening has been scientifically and battlefield proven to extend fatigue life and fatigue strength of metal parts.

In recognition of the benefits of laser peening, the Army has initiated an effort to establish a technology insertion program that would employ laser peening in support of major Army helicopter programs. Congress provided $1 million to begin this effort in fiscal year 2002.

Laser peening technology is being evaluated to extend the life of flight critical components on Army helicopters—including the CH–47 Chinook, AH–64 Apache, and UH–60 Black Hawk. These components are subject to fretting fatigue, wear that results when two metal components rub against each other. Without laser peening, fretting produces cracks that penetrate

deep into the component surface, causing fracture, failure, and ultimately requiring part replacement. Laser peening will be applied to families of components such as integrally bladed rotors, gears, and bearing raceways to significantly increase service life and reliability. These components are used in all of the Army's helicopters and ground vehicles with turbine engines, including the Comanche, Black Hawk, and Apache helicopters and the M2 Abrams tank.

Stated simply, laser peening will improve the performance, extend the service life and reduce the cost of these critical systems. Without continued support for laser peening technology, this program will halt and these savings and improvements will never be realized.

In recognition of the tremendous potential for laser peening for the Army, I would ask the chairman's assistance in allowing the funds available for Research, Development, Test and Evaluation for the Army to be used for laser peening for Army aircraft and ground equipment.

Mr. STEVENS. I thank the Senator for his interest in this issue. I recognize the importance of laser peening technology, and I promise the Senator that I will be certain to give his request careful consideration as we proceed with action on the Department of Defense Appropriations bill for fiscal year 2004.

Ms. LANDRIEU. Mr. President I rise today to discuss the defense appropriations bill before us this week and the excellent work the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member of the Defense Subcommittee, Senator INOUYE, have done to bring a very good bill before the Senate under a tight budget. Additionally, we are engaged in operations in Afghanistan and Iraq, which make it critical that we approve a bill that gives the men and women in the field the tools they need. Senator STEVENS and Senator INOUYE have crafted a bill to benefit our armed forces in a time of war. Additionally, the bill is forward looking and meets our transformational goals to modernize the U.S. military.

On Saturday, LPD–17, USS *San Antonio,* will be christened at Avondale Shipyard in Louisiana. The *San Antonio* will move from dry-dock into the Mississippi River, where she will undergo final preparations before she can be delivered to the United States Navy and the Marines. It will be a day to celebrate. There can be no doubt about America's need for the LPD class of ships. The LPD is designed to bring the fight to our enemy.

But the LPD program has suffered bumps and bruises along the way. She has experienced delays and cost-overruns. Some tough love was needed to bring efficiency to the program. Today, however, the LPD program is back on track. It is on time and on budget. It is a fitting coincidence that we will christen the *San Antonio* at a time when the LPD program is healthy.

The LPD program could not have been brought back to even keel without the guidance and support of Senators STEVENS and INOUYE. They have been long-time advocates of the LPD program. I cannot thank them enough for keeping faith in a program that is absolutely vital to our Marines.

In this bill, Senators STEVENS and INOUYE helped the LPD overcome yet another hurdle. When the President's budget for shipbuilding came out in February, the President recommended the construction of LPD–23 to begin in fiscal year 2006, not fiscal year 2005 as originally planned. The Department of Defense sought to push back the production rate of the LPD program, which, if enacted, will only cause the LPD program to experience price increases, once again. Moreover, if the recommendation holds, over 2,000 layoffs of highly skilled workers could occur at Avondale and Ingalls in Mississippi. Fortunately, the chair and ranking member support keeping LPD–23 on schedule for fiscal year 2005. I am appreciative, and I know the Marine Corps and people of Louisiana are appreciative.

During the debate on the budget resolution, I offered a resolution to increase spending for the National Guard and Reserve forces by $1.1 billion to meet unfunded equipment requirements. Our Guard and Reserve forces make up over 40 percent of our armed forces personnel, yet for years they barely received 8 percent of the funds in the defense budgets. Our Armed Forces could not have performed as brilliantly as they did in Operation Enduring Freedom and Operation Iraqi Freedom without our reliance on our National Guard and Reserve. Over 320,000 guardsmen and reservists have been activated since September 11, 2001. Many have been called up two and three times, which places tremendous stresses on the lives of our troops and their loved ones. Our citizen soldiers are being asked to perform the same tasks as our active forces, and they are doing so with expertise. But, they often have hand-me-down equipment. There are people near and dear to me stationed right now in Iraq in the Reserves. When their lives are on the line, I do not want them wondering if their Vietnam era equipment will work.

Again, I am pleased Senators STEVENS and INOUYE have made a strong commitment to bolstering our National Guard and Reserve. They funded the National Guard and Reserve equipment account at $750 million. This will allow our Guard and Reserve forces to purchase key equipment for modernization, such as laser targeting pods. The Senate also commits key funds to the modernization and long-term sustainment of the National Guard: $175 million for upgrades to National Guard Bradley fighting vehicles; $50 million and pledge for full funding for a Stryker Brigade for the National Guard, $70 million for Black Hawk helicopters, and $17 million to stand up 12 additional weapons of mass destruction civil support teams. This money will be well invested, and I know the men in women in our National Guard and Reserve will put this equipment to good use.

I also wish to thank Senator STEVENS and Senator INOUYE for their continued support of the National D-Day Museum in New Orleans, LA. Last year, we were saddened by the death of one of America's greatest historians, Dr. Stephen Ambrose. His works have chronicled, for perpetuity, the lives of Lewis and Clark, Dwight Eisenhower, and the millions of brave Americans who took up a call to arms in World War II in order to protect the United States and liberate the world.

In 1991, Dr. Ambrose embarked on a mission to create a museum to honor America's war heroes. He wanted to place the Museum in New Orleans because Andrew Jackson Higgins was a New Orleanian. Most people in the U.S. do not know who Andrew Jackson Higgins is, but we owe a great debt to Mr. Higgins. He created the landing crafts, or Higgins boats, used to carry U.S. G.I.s to the shores of northern France for the D-day invasion of 1944. In Dr. Ambrose's interviews with President Eisenhower, President Eisenhower stated that Andrew Jackson Higgins' boats were the reason America won World War II.

In June of 2000, on the 56th anniversary of D-day, the National D-Day Museum opened its doors and fulfilled the realization of Dr. Ambrose's dream. The museum has been a run-away success. When you walk through its exhibits, you cannot keep from being immersed in the history. To see a veteran explaining to his grand-children what life was like in World War II is truly remarkable.

Just last week, on July 7, the 1 millionth visitor walked through the doors of the D-Day Museum. It is an extraordinary accomplishment for a museum to welcome 1 million visitors in 37 months. Visitors to the Museum are saying they traveled to New Orleans just to tour the National D-Day Museum. Usually, people say they visit New Orleans for the food or the music. It is a true testament to the D-Day Museum that people are now thinking of the D-Day Museum before they think of creole food and jazz as reasons to vacation in New Orleans. Again, we might not be celebrating the millionth visitor if it were not for the commitments of Senator STEVENS and Senator INOUYE to help Dr. Ambrose make his dream a reality. The people of Louisiana and all one million visitors are grateful.

In closing, I look forward to approving the Defense appropriations bill and hope we can move to conference quickly so that we can best provide for our troops. I would be remiss if I did not commend the Defense Appropriations Subcommittee staff members their

diligence, too. Senators STEVENS and INOUYE navigated difficult waters and came up with a good bill, and for that I am appreciative.

Mr. HARKIN. Mr. President, I am very pleased we were able to maintain continued strong funding for the Army Peer-Reviewed Breast Cancer Research Program, BCRP, and for a number of other medical research programs in this bill. The BCRP has made a real difference in supporting innovative, effective research to help the many women and men who get breast cancer in this country. Because of its success, other medical research programs have been added, and there is always interest in adding more. The chairman has expressed concern about the potential effect of these new requests on the Defense budget, and the committee report includes language requesting the Department to look at possible additional sources of funding. I look forward to working with the Department, the Institute of Medicine, and others to ensure that this review strengthens the medical research programs and does not undermine or bias them, and I look forward to working with the chairman to ensure continued strong funding for these important programs.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business.

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

VOTE EXPLANATION

Mr. MURRAY. Mr. President, on Friday, July 11, 2003, I was unavoidably absent from the Senate and missed three rollcall votes. Had I been present, I would have voted ''yes'' on rollcall vote Nos. 272, 273 and 274. I particularly want the record to indicate my support for the Legislative Branch and Military Construction appropriations measures.

PROTECTING THE NATION'S PASSENGER AVIATION SYSTEM

Mr. KENNEDY. Mr. President, last week I joined Massport CEO Craig Coy, Logan Airport's Federal Security Director George Naccara, and Congressman Stephen F. Lynch to mark a significant milestone in our efforts to better protect the Nation's passenger aviation system. The occasion was the announcement that the Transportation Security Administration and Massport had reached an agreement concerning Federal reimbursements for Massport's installation of a comprehensive explosive detection baggage screening system.

That the announcement was made at Logan Airport was fitting because since 9/11 Massport has been a leader among airport operators in strengthening aviation security. In fact, Logan was the only major airport in the country to have met the deadline mandated by Congress in the Aviation and Transportation Security Act by having its permanent baggage screening system up and running by December 31, 2002.

In order to accomplish this feat, Massport had to invest nearly $146 million of its own money before it was clear that the Federal Government would reimburse any of these costs. Additionally, meeting this deadline required the around-the-clock efforts of over 700 laborers who completed 2 years of construction in less than 6 months. Finally, this effort required Massport to work in close collaboration with the Transportation Security Administration, an agency headed by dedicated and talented professionals, but also one that, having just been created, was still working to define its mission and scope in the 9/11 environment.

While there are still many security enhancements to be completed at Logan—as there are at every major airport in the country—solid and consistent progress is being made under Massport's new CEO, Craig Coy, and his management team. Just as they have done with regard to the new baggage screening system, Massport's leadership, security officials, and professional staff continue to work to define complex security challenges and to meet those challenges. And I believe they are setting a very strong example for those public agencies across the country charged with the complicated and costly responsibilities of protecting key pieces of our Nation's transportation, energy transmission, and public health infrastructure.

The manner in which Massport is approaching these new challenges is outlined succinctly in an April 1 Boston Business Journal editorial by John A. Quelch, a Harvard Business School professor and the current chairman of the board of the Massachusetts Port Authority. The performance model Quelch describes is, I think, instructive for other public agencies—and some corporate boards—that are struggling to adopt a governance structure that encourages performance and works to eliminate obstacles to achievement.

I ask unanimous consent to print the text of Chairman Quelch's article in the RECORD.

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

[From the Boston Business Journal, Apr. 1, 2003]

BETTER GOVERNANCE IN PUBLIC AGENCIES?

(By John A. Quelch)

Corporate executives say they're concerned that new and improved governance requirements will prove onerous and irrelevant, dissuade talented people from serving as nonexecutive directors, and eat up valuable board time that could be spent better on discussing the health of the business.

To ease their minds, these executives need look no further than well-run public agencies, where tough governance practices enhance professionalism and can be a source of competitive advantage.

Take, for instance, the Massachusetts Port Authority. With $350 million in annual revenues, Massport runs Logan Airport and the Port of Boston. Massport is governed by a politically balanced board of six members plus a chairman, appointed for staggered seven-year terms of the Massachusetts Governor. Following the tragedy of 9/11, an independent commission called for reduced political patronage in Massport appointments. A professional CEO with corporate experience was appointed following a nationwide search. A new, politically independent, chairman was also appointed.

Massport has since become a model of public agency governance. Consider these practices from which many corporations could learn a thing or two:

Frequent Oversight. The Board meets ten times a year, typically for four hours. Meeting agendas follow a systematic pattern, varying with the annual planning and budgeting cycle. Five committees, each chaired by a board member and with its own charter, meet at least twice a year and report back to the Board. These committees cover audit, human resources and compensation, security, community affairs, and facilities and real estate.

Zero Compensation. Board members are not compensated. Yet, despite the workload, attendance is consistent and commitment is high. Members are attracted by a shared interest in transportation and economic development challenges, and by the opportunity to apply their professional expertise in the public interest.

Voting Transparency. The state public meeting law requires all Massport board and board committee meetings open to the public. Discussions of security issues, litigation and real estate and collective bargaining negotiations can be held in executive session if agreed to by a public roll call vote of board members. Any member can request a roll call vote if (s)he wishes to put each board member on the record.

Patronage Control. A sunshine policy adopted by Massport requires that requests for patronage appointments be reported to legal counsel. All job openings have to be posted internally and externally and requests for charitable contributions are all channeled through an employee committee which disburses an annual budget and reports to the board.

Conflicts of Interest. Each board member maintains a Register of Interests, recording his or her outside employment, directorships in public companies and any governmental appointments. State law requires disclosure and/or recusal where conflicts arise.

Audit Independence. Massport's auditors provide no other consulting services to the agency and the audit partner must be rotated every five years. An internal audit function reports directly to and is evaluated by the board.

Shared Leadership. The roles of the chairman and chief executive are, by board resolution, separated, as is common practice in European companies but not the USA. The CEO is selected and evaluated by the board. All decision-making authority of the CEO is delegated from the board. Senior management appointments, as well as substantial financial commitments, require board approvals.

Improved governance is essential to enhancing Massport's newfound political independence and managerial professionalism. These efforts are enhancing the pride and commitment of the pro bono bond members, and commanding the respect of bond rating agencies and other stakeholders.

Though public agencies are not required to do so, Massport is now in compliance with almost all relevant New York Stock Exchange corporate governance recommendations. In addition, Massport's CEO and CFO

are leading the way among public agencies by being the first in the nation to voluntarily sign off on the annual accounts according to the terms of the Sarbanes-Oxley Act.

If the corporate world is to regain public confidence, it might do the unthinkable and follow the lead of public agencies that good governance can enhance rather then hinder performance.

TRIBUTE TO BONJWING

Mr. BROWNBACK. Mr. President, I rise to recognize my staff member Bonjwing Lee on this 15th day of July, 2003.

It is with both regret and heartfelt joy that my staff and I see Bonjwing leave my office today. I as well as many of my staff member have had the blessing of knowing Bonjwing nearly the entire 7 years of my tenure thus far in the Senate. Hailing from Kansas City, MO, he first came to service in my office as a bright young college student at Northwestern University and in the subsequent years has become a friend and family member to the Brownback crew and me.

For the past year and a half, Bonjwing has worked with me as a legislative aide. Professionally, the ''Jwinger,'' as he is affectionately called by his colleagues, has demonstrated diligence, dedication, kindness, and humility in his work, and his outstanding service has been deeply appreciated. Beyond the office, I am honored to call Bonjwing a personal friend. Through talks we have shared and interactions, I have come to know Bonjwing as a remarkable young man with unique perspectives. I have learned a great deal from his cultural heritage, his religious faith, active endeavors, talents, and amazing experiences, and for this I thank him.

Although I lose a valued staff member today and will miss his presence and company, I heartily congratulate Bonjwing Lee on his many successes and prayerfully wish him well as he heads off to take on the rigors of legal study at the University of Michigan School of Law this fall and to an exciting future beyond. As he has taught me that the Chinese never say goodbye, instead parting company with a promise, ''we shall meet again,'' I remain optimistic that our paths will cross again and look forward to my next meeting with Bonjwing.

I wish to leave Bonjwing with a verse from the Book of Philippians, IV: 9

Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.

HOSPICE AND HOME CARE IMPROVES QUALITY OF LIFE

● Mrs. BOXER. Mr. President, I rise today to tell you of two of my constituents from Merced, CA. I recently met with both of them and learned how the availability of home hospice and home health care in their homes improved their lives.

I had the opportunity to visit Carmel Flinders, a 93-year-old retired teacher with an engaging personality and a voracious appetite for reading books who lives at her home in Merced. On Christmas Eve, she was preparing for a large family gathering and unfortunately broke her hip and had to be rushed to Sacramento for surgery. Thanks to home health care paid for by Medicare, Carmel was able to return home and resume her life, supported by home health care workers and family members. She had the help of Rigo Mayoral, a caring physical therapist, who works for California Home Care and Hospice. She also benefitted from the assistance of Kim Holmes, a gifted nurse recently named Home Health Nurse of the year. It was inspiring to meet Carmel Flinders and the health care workers who have contributed to her strong recovery.

Americo Martignoni, and his wife, Eleanor, lived in the lovely home that they built more than 40 years ago. Americo was a retired farmer and veteran who was able to live at home with hospice care for the last 11 months. He was visited every week by Kerry Cheek, a licensed vocational nurse, and also assisted by Kaye Moyer, a certified home health aide. A lung cancer patient, with an indomitable spirit, Americo loved Eleanor's polenta and her legendary biscotti. These special people have a wonderful and supportive family of which they are so proud. Home hospice care, paid through Medicare, improved their lives while saving dollars. Mr. Martignoni died on July 7th at his home. He was a remarkable man and I extend my deepest condolences to his wife Eleanor and his family.

Medicare will soon celebrate its 38th birthday. It is gratifying to see this program at work, making a difference in the lives of my constituents. I saw the importance of this program through the eyes of two remarkable Americans, Carmel Flinders and Americo Martignoni.●

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

FREE TRADE AND WORKER PROTECTIONS

● Mr. KERRY. Mr. President, the Senate will soon consider implementing legislation for the Chile and Singapore Free Trade Agreements. These FTAs are comprehensive in nature and will serve well the interests of the United States and these two very important trading partners.

However, I am increasingly concerned with the notion that the Chile and Singapore FTAs should serve as models or templates for future trade negotiations. I feel strongly that future negotiations must reflect the particular concerns and uniqueness of each trading partner. This seems obvious, but those who follow trade negotiations have warned that the Bush administration may claim that the standards of the Chile and Singapore agreements are universally applicable. I hope those warnings are wrong because provisions that are acceptable given the circumstances in Chile and Singapore may not be acceptable in agreements with countries in very different situations.

International trade enhances economic opportunity and can serve to improve workers' rights. As such, future trade agreements must build upon the progress made to date by including comprehensive worker protections and strong enforcement provisions.

Over the past decade, the treatment of labor and environmental issues in trade agreements has evolved both in emphasis and enforcement. NAFTA represents an early stage in this evolution, addressing labor and environmental issues in the context of the agreement, albeit in side accords. The United States-Jordan Free Trade Agreement was the first FTA to include labor provisions in the actual text of the agreement and to subject those provisions to the same dispute settlement procedure as all other elements of the agreement.

Although the Chile and Singapore agreements should be the next step forward in this evolution towards strong and effectively enforced labor and environmental standards, they are in fact a step back. Unlike the United States-Jordan FTA, the only labor provision subject to dispute settlement is the requirement that each trading partner enforce its existing labor laws. Furthermore, there is no enforcement mechanism to ensure that Chile and Singapore will strive to uphold basic international labor rights.

As we pursue future trade agreements, we must encourage policies that avoid a downward spiral in working or environmental conditions. Trade agreements must be a catalyst to improve these standards. To achieve this end, American trade policy must be flexible: we must maintain a broad adherence to basic principles and at the same time address the unique characteristics of each trading partner.

Maintaining this flexibility is of utmost importance in our ongoing trade negotiations with six Central American countries. These countries provide an entirely different set of political and economic conditions than Chile, Singapore, and our other FTA partners. The administration must not ignore the fact that critical differences exist between the CAFTA countries and Chile and Singapore in labor and environmental areas. A fully enforceable obligation to adopt and enforce basic labor standards will improve the broader socioeconomic dynamics in Central

America. I have recently written to Ambassador Zoellick on this topic, along with Senators BAUCUS, BINGAMAN, and JEFFORDS. We expressed concern that the labor rights situation in a number of the Central American countries presents concerns of a significant degree different from those underlying the negotiations of the United States-Singapore and United States-Chile FTAs and urged that the CAFTA negotiations ought not be tied to previously negotiated agreements.

I will monitor progress of future trade negotiations closely and fully expect to see substantial progress in several areas. In particular, the inclusion of basic worker protections, as well as strong monitoring and enforcement provisions, are necessary to meet the challenges of an inclusive and progressive trade policy. ●

COMMENDING CHARLES E. ''CHUCK'' FRANK

● Mr. DURBIN. Mr. President, I wish to offer praise of Charles E. ''Chuck'' Frank of Chicago, IL, for his ongoing efforts to improve our environment. Mr. Frank's stance on environmental issues deserves particular commendation because in addition to being an active supporter of the environment, he is in the business of selling cars and trucks at one of the Chicago area's largest car dealerships, which was founded by his legendary father, ''Z'' Frank.

Mr. Frank's love for the outdoors started in the early years of his life when he spent hours camping, fishing, and pursuing other activities immersed in nature. His love and respect for the environment did not stop with childhood. Mr. Frank has made a personal and professional commitment to protect the environment that he so loved to ensure that future generations will be able to experience the same natural wonders that he was able to. This commitment led Mr. Frank to join the Sierra Club in 1975, and now he is a lifetime member and Vice President of the Sierra Club Foundation.

Mr. Frank has demonstrated his commitment to the environment he loves by working with the Sierra Club to secure a significant increase in the Corporate Average Fuel Economy standards. Offering a unique perspective from inside the automobile industry, he believes the current CAFE standards of 27.5 miles per gallon for cars and 20.7 miles per gallon for trucks are standards the fail to meet consumers' demands both for more cost-effective vehicles and solutions to the worsening problems of air pollution and global warming. He believes the technology in his industry can surpass the current standards, and believes that an increase to 40 miles per gallon for cars and 27.5 miles per gallon for trucks is entirely possible. Mr. Frank strongly advocates increasing the CAFE standards to these proposed levels to ensure stronger customer satisfaction and improved environmental conditions.

Mr. Frank has termed his business, ''The Country's #1 Conscientious Chevy Dealer,'' In Mr. Frank's case, this slogan goes beyond simple rhetoric and is absolutely true of his approach to his business. Mr. Frank believes so strongly in the need for an increase in the CAFE that he has pledged part of his business profits to the Sierra Club Clean Air Campaign. He is currently running advertisements in the Chicago area that detail the need for a raise in the CAFE standards and offer consumers an opportunity to have Mr. Frank's car dealership donate $200 to the Sierra Club for each car or truck sold. I commend Mr. Frank for demonstrating that issues that affect our Nation's public health and environment are just as important as the bottom line.

The tireless work that Chuck Frank has done as a champion of the environment and as a manager in the automobile industry should be an inspiration for us all to enact legislation to raise the CAFE standards. Mr. Frank's unique position demonstrates that business and environmental issues can go hand-in-hand. I thank Chuck Frank for his unwavering support for consumers of this country and the environment, and I am confident that his work will help move us toward the increase in CAFE standards that is so needed in this country.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

LAW ENFORCEMENT OFFICERS SAFETY ACT

● Mr. KERRY. Mr. President, I rise today to express my support for S. 253, the Law Enforcement Officers Safety Act. This groundbreaking legislation will enable law enforcement officers to protect themselves and our communities, wherever they are, whenever they are needed. This legislation authorizes off-duty and qualified retired officers to carry a firearm anywhere in the Nation to help ensure the safety and well-being of law abiding citizens. While I strongly support this goal, I hope that amendments on the Senator floor will add additional common sense restrictions to the bill.

Today, the authority of off-duty police officer to carry concealed weapons varies widely from State to State. This complex patchwork of Federal, State and local laws places an undue and unnecessary limitation on professionals sworn to defend the public interest. The Law Enforcement Officers Safety Act would allow active law enforcement officers to carry their weapons while traveling outside their own jurisdiction, anywhere in the country. However, the bill also preserves State laws that restrict the carrying of concealed weapons on private or government property.

Although we need to supplement the nationwide effort to increase security, it is critical that enactment of such legislation be limited to current licensed professionals. This new authority to carry concealed firearms should complement existing duty of police officers to protect their communities however, it must also provide clear channels of accountability.

I hope that the Senate will consider including the following common sense restrictions to improve this legislation for our officers and our citizens. First, we should limit this new authority to currently employed law enforcement officers. This will allow for reliable oversight by State and local authorities. We should also restrict the off-duty officer's firearm selection to handguns. This will reduce the potential for abuse and the unnecessary violence that high powered weapons may induce. We should also prevent off-duty officers from carrying weapons in places where alcohol is served. Clearly, guns and alcohol are a deadly combination, even in the hands of trained professionals.

Finally, even as we take comfort in the greater protection this legislation will provide, we must not lose sight of the fact that there is no substitute for a uniformed, on-duty police officer. The reluctance of the administration to provide adequate State fiscal relief has forced many police departments to downsize their police forces at a time when they have never been in greater demand. In addition, the inadequate funding of First Responders within the Homeland Security Department puts even greater strain on police departments and threatens our national security. Furthermore, the decision by Congress and this administration to deny level funding for the successful Community Oriented Policing program is a betrayal of the very communities that the Law Enforcement Officers Safety Act is designed to protect. Though there is much to be gained by supplementing community security with armed and trained citizens, there is also much to be lost by law enforcement entities are not fully funded.

I intend to support the Law Enforcement Officer's Safety Act. It is my hope that this is only the first step to giving those responsible for our protection the tools and resources that are necessary to uphold their oath.●

TRIBUTE TO ANNE MARIE PEDERSON

● Mr. BUNNING. Mr. President, I pay tribute to one of Kentucky's most benevolent humanitarians. Ann Marie Pederson, a graduate student at the University of Louisville, volunteers in the English-as-a-second-language, ESL, program through Kentucky Refugee Ministries. Through this program, Anne Marie works with refugees from over 25 different nationalities and ethnic groups throughout Kentucky.

Kentucky Refugee Ministries is a refugee resettlement office for the Episcopal Migration Ministries and Church World Service. The organization assists refugees legally admitted to the United States as victims of persecution for religious or political belief. Anne Marie

became involved with Kentucky Refugee Ministries after volunteering with a similar program in Jordan in 2000. Anne Marie, a rhetorician and composition graduate student at the University of Louisville, also obtained a master's degree in creative writing from George Mason University. Remarkably, English is her only language.

In one of her assignments, Anne Marie assisted a Bosnian family in accomplishing basic daily activities like shopping, driving, and setting up bank accounts. She also taught English conversation skills to two sisters from a Congolese refugee camp. Anne Marie is a mentor to refugee children from Kosovo, Mexico, and Jordan, serving as both a friend and a teacher.

Her generosity and kindness has improved the lives of refugees in countless ways. Her patience, instruction, and friendship is an example for us all. Anne Marie Pederson is an exemplar of charity and a tribute to Kentucky. I thank the Senator for allowing me to recognize Anne Marie Pederson and voice her praises. She is Kentucky at its best.●

IN REMEMBRANCE OF R. HUGH BRADY

● Mr. CRAIG. Mr. President, it is never easy to say good-bye to a long-time friend, and it is even tougher when a community has to mourn the loss of a true humanitarian. Last Thursday, one of the most charitable men I have ever had the pleasure of knowing passed away at the age of 74 after a courageous battle with cancer.

His name was Hugh Brady and for many children in Idaho, he was the man who made sure they had the necessary sporting equipment to participate in the games they loved. In 1954, Hugh was hired as a salesman for Idaho Sporting Goods in Boise and traveled all over a three-State area providing uniforms and equipment to schools that needed it, especially those in the more rural areas. He became sole owner of Idaho Sporting Goods in 1969 and over the years sponsored thousands of children and teams in all types of sports.

On August 6, Hugh will be inducted into Idaho High School Activities Association Hall of Fame for his kind-hearted efforts off the field and his immense support for any child who had a desire to play no matter their ability. He wanted so badly to attend the ceremony, but it was not meant to be. Instead it will be a time to celebrate his wonderful life and reflect upon how one man was able to touch so many lives for the better.

Hugh lived by a simple rule he picked up from a used car salesman many years ago, and it served him well: Be honest to your wife, your banker and your customers. He expected honesty from his employees and to this day Idaho Sporting Goods is one of the most trusted businesses in Idaho.

I would like to pass along my heartfelt condolences to Hugh's family. Cherle, his wife of 52 years, and their 11 children are regulars around the Boise sports scene. Whether in the stands or on the field, the Brady's prove great ambassadors for athletics. His 33 grandchildren and 11 great-grandchildren carry on their tradition today. We will miss you, Hugh, but we will never forget all you gave so that others could play.●

PEACHES FROM SOUTH CAROLINA FARMERS

● Mr. HOLLINGS. Mr. President, today, 10,000 fresh, juicy peaches from my home State have been delivered to offices throughout the Senate, House, and U.S. Capitol. I want to thank the South Carolina Farm Bureau Federation and the South Carolina Peach Council for giving my colleagues and their staffs this taste of South Carolina.

For a tiny State, South Carolina is second only to California in peach production. This year we expect to harvest 130 million pounds, and because of all the rain the peaches are plumper and juicier than they have ever been. So with all due respect to my colleagues from Georgia, South Carolina is known as the ''Tastier Peach State'' for good reason.

I hope as all of us enjoy these peaches, we think about the farmers who get up early every morning and labor all summer in the heat and humidity to bring us this. We are so fortunate to have in this country safe, plentiful, and affordable fresh fruit and vegetables and none of us should ever take that for granted.

Finally, I remind the rest of America to ask for South Carolina peaches at their groceries.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-SINGAPORE FREE TRADE AGREEMENT—PM 44

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

To the Congress of the United States

I am pleased to transmit legislation and supporting documents to implement the United States-Singapore Free Trade Agreement (FTA). The Agreement will further open Singapore's markets and increase competition and consumer choice. This is America's first FTA with an Asian-Pacific nation, and we hope it will serve as a benchmark for future free trade agreements with other nations in the region. The Agreement will enhance prosperity in the United States and Singapore, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the ''Trade Act''). The Congress can help us take another important step by approving this Agreement and the implementing legislation. Without this Agreement, U.S. workers and businesses could be placed at a competitive disadvantage, because Singapore has signed or is currently working on free trade agreements with Japan, Canada, Australia, Mexico, and India.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. The Agreement locks in tariff-free access for all U.S. goods, including textile and agriculture products, and addresses other barriers to trade. It opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Through this FTA, Singapore will grant substantial additional market access to U.S. firms across a broad spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications. The Agreement also incorporates commitments on regulatory transparency that will be of special help to services business.

This Agreement provides state-of-the-art intellecutural property protection, including significant commitments on trade in digital products. It ensures that electronic commerce will stay free of duties and discriminatory rules. In addition, Singapore will accede to international treaties dealing with copyright and access issues for the Internet.

United States citizens and businesses that invest in Singapore will have significant increased protections. This Agreement enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Singapore will provide U.S. investors with important substantive protections that Singaporean investors already enjoy in the United States.

Singapore and the United States have also agreed to cooperate on the

environment and labor issues and to establish mechanisms to support those efforts. The FTA obligates each country to enforce its own labor and environmental laws and makes clear that domestic labor or environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Singapore is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic, security, and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2003.*

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-CHILE FREE TRADE AGREEMENT—PM 45

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

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Chile Free Trade Agreement (FTA). The Agreement will further open Chile's markets for U.S. manufactured goods, agricultural products, services, and investors. It will increase competition and consumer choice. The FTA will enhance prosperity in the United States and Chile, serve the interest of expanding U.S. commerce, and advance our overall national interest.

The U.S.-Chile FTA is the first United States free trade agreement with a South American country. We hope the FTA will add momentum to Chile's continued implementation of the free market economic policies that have made Chile a model for its Latin American neighbors. This Agreement will also encourage other countries in the Western Hemisphere to follow Chile's path, furthering our efforts to establish a Free Trade Area of the Americas.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the ''Trade Act''). The Congress can help us take another important step by approving this Agreement and the implementing legislation. United States workers and businesses are currently at a competitive disadvantage in the Chilean market. Chile is an associate member in Mercosur and has FTAs with many other countries, including Canada, Mexico, and the 15 members of the European Union. Securing an FTA with Chile will ensure that U.S. workers and businesses will receive treatment in the Chilean market that is as good as or better than their competitors.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. More than 85 percent of trade in consumer and industrial goods between the United States and Chile will be free of duties immediately upon implementation, and most remaining tariffs on U.S. exports to Chile will be eliminated within 4 years after that. More than three-quarters of U.S. farm goods will enter Chile duty free within 4 years and all duties on such goods will be phased out over 12 years. At the same time, the Agreement includes measures to ensure that U.S. firms and farmers have an opportunity to adjust to imports from Chile.

This Agreement opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Chile will grant substantial market access to U.S. firms across nearly the entire spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications.

This Agreement provides for state-of-the-art intellectual property protection and recognizes the importance of trade in the digital age by including significant commitments on trade in digital products. In addition, it ensures that electronic commerce will stay free of duties and discriminatory rules.

United States citizens and businesses that invest in Chile will have significant increased protections. This Agreement promotes rule of law and enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Chile will provide U.S. investors with important substantive protections that Chilean investors already enjoy in the United States.

The United States and Chile have also agreed to cooperate on environment and labor issues and to establish mechanisms to support those efforts. A number of important cooperative projects that will promote environmental protection are identified for future work. The FTA encourages the adoption of high labor and environmental standards, obligates each country to enforce its own labor and environmental laws, and makes clear that domestic labor and environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Chile is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2003.*

MESSAGES FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

H.R. 2673. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

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

H. Con. Res. 215. A concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafetaria plans and flexible spending arrangements, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. TAUZIN, Mr. THOMAS, Mr. BILIRAKIS, Mrs. JOHNSON of Connecticut, Mr.

DELAY, Mr. DINGELL, Mr. RANGEL, and Mr. BERRY.

ENROLLED BILL SIGNED

At 7:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

MEASURE REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 215. Concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–181. A joint resolution adopted by the Assembly of the State of Nevada relative to trade between the Republic of China on Taiwan and the United States; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 4

Whereas, it is our belief that it is the responsibility of the United States to promote the values of freedom, democracy, and a commitment to open markets and the free exchange of both goods and ideas both at home and abroad; and

Whereas, the Republic of China on Taiwan shares these values with the United States and has struggled throughout the past 50 years to create what is today an open and thriving democracy; and

Whereas, the United States must continue to support the growth of democracy and ongoing market opening in Taiwan if this relationship is to evolve and reflect the changing nature of the global system in the 21st Century; and

Whereas, despite the fact that Taiwan only recently became a member of the World Trade Organization and that it has no formal trade agreement with the United States, Taiwan has nevertheless emerged as the United States' eighth largest trading partner; and

Whereas, American businesses and workers have benefited greatly from this dynamic trade relationship, most recently in the computer and electronics sector; and

Whereas, Taiwan is a gateway to other Pacific Rim markets for United States exports, helping to preserve peace and stability within the entire region; and

Whereas, United States agricultural products have been particularly underrepresented in the list of United States exports to the region despite the importance of the market for growers of corn, wheat and soybeans: and

Whereas, a free trade agreement would not only help Taiwan's economy dramatically expand its already growing entrepreneurial class, but it would also serve an important political function; and

Whereas, the United States needs to support partner countries that are lowering trade barriers; and

Whereas, Taiwan has emerged over the past two decades as one of the United States' most important allies in Asia and throughout the world; and

Whereas, in the interest of supporting, preserving and protecting the democratic fabric of the government of the Republic of China on Taiwan, it is made clear that the United States supports the withdrawal of missiles deployed as a threat against Taiwan by the People's Republic of China; and

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom of dissent; and

Whereas, it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market opening, and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals; and

Whereas, the United States should also support the entry of Taiwan into the World Health Organization, the United Nations and other relevant international organizations: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge President George W. Bush and Congress to support a free trade agreement between the United States and Taiwan; and be it further

Resolved, That United States policy should include the pursuit of some initiative in the World Trade Organization that will give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the United States Secretary of State, the Secretary of Health, Education, and Welfare, the Speaker of the United States House of Representatives, the Vice President of the United States as presiding officer of the Senate, the Government of Taiwan, the World Trade Organization and the members of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–82. A resolution from the Senate of the Commonwealth of Pennsylvania relative to the Combat Medical Badge; to the Committee on Armed Services.

RESOLUTION

Whereas, the United States Army has denied the Combat Medical Badge to personnel of the 91 MOS who were assigned to duty aboard helicopter ambulances (DUSTOFF); and

Whereas, from 1962 through 1973, 496,573 missions were flown by DUSTOFF and more than 900,000 casualties were safely evacuated; and

Whereas, DUSTOFF missions are more hazardous than other rotary-wing operations as proven by the aircraft loss rate versus insertion and extraction missions; and

Whereas, the bravery and the medical skills of the aeromedic functioning in the heat of hard combat has often meant the difference between survival and death; and

Whereas, aeromedical personnel are able to triage and provide necessary emergency medical treatment en route to a definitive care facility, and many medics leave the helicopter to load multiple casualties, often under the intense enemy fire unarmed medevacs attract; and

Whereas, selective expansion of the Combat Medical Badge award occurred in the Persian Gulf War when the United States Army Chief of Staff authorized if for medics assigned to armor and ground cavalry units; and

Whereas, the conduct of the Persian Gulf War was characterized by armor and ground cavalry operations, while airmobile operations dominated the Vietnam War from logistics to combat to medevac; Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to enact legislation requiring the retroactive award of the Combat Medical Badge to all Vietnam personnel serving in the 91 MOS who were assigned to helicopter ambulances; and be it further

Resolved, That no inference of any diminution of the prestige of this award be assigned to the lawful and realistic expansion of eligibility; and be it further

Resolved, That initial presentations of the Combat Medical Badge be received by survivors of aeromedical personnel whose names appear on the Vietnam Veterans Memorial Wall; and be it further

Resolved, That copies of this resolution be transmitted to the President, presiding officers of each house of Congress and to each member of Congress from Pennsylvania

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POM–183. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to funding for the American Red Cross Armed Forces Emergency Services; to the Committee on armed Services.

SENATE RESOLUTION NO. 71

Whereas, for over a century, the American Red Cross has served as a link between the people of the United States and their Armed Forces; and

Whereas, under its Congressional Charter of 1905, the American Red Cross is entrusted to deliver emergency messages to members of the Armed Forces and their families; and

Whereas, Military commanders around the world rely on the Red Cross Armed Forces Emergency Services (AFES) to verify the need to approve leave for military personnel, and to provide financial support to enable them to return home when necessary; and

Whereas, in order to meet the Department of Defense requirements for emergency leave verification, Red Cross AFES is on call every hour of everyday and night for 13 million service members and their families; and

Whereas, the Red Cross AFES program maintains a global emergency communications network supported by 392 employees and 28,000 volunteers located in 961 chapters across the nation, on 108 military installations around the world, and at two AFES Centers located at Fort Sill, Oklahoma, and Falls Church, Virginia; and

Whereas, Michigan's 26 Red Cross chapters and its work on three installations provided emergency communications assistance to 6,238 military personnel and their families in fiscal Year 2002. Since last July, the American Red Cross in Michigan has seen a 43% increase in the number of military cases served over last year; and

Whereas, Operation Enduring Freedom, the war on terrorism, and the Iraq conflict have place increased demands on this vital program. The Red Cross and Congress can no longer rely on charitable contributions from the American public to support this required service, especially during the current economic downturn: Now, therefore, be it

Resolved by the Senate, That we memorialize Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004 to help fund costs associated with AFES

emergency communications and staff mobilization and deployment. We also support the inclusion of AFES funding in the Department of Defense budget request starting in fiscal year 2005; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–184. A concurrent resolution adopted by the Senate of the Legislature of the State of Hawaii relative to military bases; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 176

Whereas, beginning in 1988, the Pentagon began to downsize its military base structure with a series of base closures; and

Whereas, Congress accelerated the process by mandating scheduled base realignment and closures (BRAC) over the last decade and a half; and

Whereas, U.S. military bases establish a substantial economic and societal epicenter within the communities in which the bases are located; and

Whereas, the economies of a community, city, and even state become severely dependent upon the commerce and vitality created by the military personnel and their activities in the area; and

Whereas, all across the country, BRACs create a sudden economic vacuum that adversely impacts on the lives of the residents remaining after a military base has closed and its personnel have moved away; and

Whereas, one of the most immediate effects of a military base closure is the loss of jobs as businesses attempt to cope with the sudden decrease in commercial activity; and

Whereas, over the long-term, communities must deal with the extraordinary costs relating to the upkeep and redevelopment of the unoccupied military facilities and surrounding areas; and

Whereas, Hawaii has first-hand experience with the complexities and issues resulting from a military base closure with the closure of Barbers Point Naval Air Station in 1999; and

Whereas, Hawaii continues to struggle with the burdensome economic impacts and redevelopment problems of that closure; and

Whereas, in addition to the short-term economic loss that the State experiences when a base closes, long-term losses from such an exodus includes the loss of access to ''dual use technology''; and

Whereas, dual use technology is a term used for formerly high tech military equipment and applications that have been recently declassified for use by the general public for commercial purposes; and

Whereas, Hawaii companies benefit from their proximity to military bases and are able to convert dual use technology to economic gain due to this proximity; and

Whereas, during this time of heightened international tensions, the increased likelihood of attack by terrorists and rogue countries, and the fragile nature of Hawaii's economy further military base closures in the State of Hawaii would reduce the security of the State and the nation; and

Whereas, Hawaii is an island state that is heavily dependent upon air and sea industries; and

Whereas, tourism and federal expenditure are the top two sources of income to Hawaii, with tourism accounting for approximately $11 billion and federal expenditures accounting for $9.1 billion annually; and

Whereas, tourism has suffered greatly since September 11, 2001, and the current wars in the Middle East are causing further declines in visitor travel; and

Whereas, the impacts on the airline and visitor industries will be staggering and require years of recovery for the State's economy; and

Whereas, closure of military bases and the subsequent departure of the military when tourism is floundering would be catastrophic to Hawaii's economy; and

Whereas, the potential impact of base closures in Hawaii is so significant that a special commission should be established to address the issue to prevent base closures in Hawaii when possible: Now, therefore, be it

Resolved, By the Senate of the Twenty-Second Legislative of the State of Hawaii, Regular Session of 2003, the House of Representatives concurring, that the U.S. Congress is urged to discontinue closures of U.S. military bases in the State of Hawaii; and be it further

Resolved, That a Base Realignment and Closing Committee be established to work with federal, state, and military leaders to preserve local military bases and to position Hawaii to inherit work from other bases that are closed; and be it further

Resolved, That the Base Realignment and Closing Committee be comprised of at least the following members:

(1) Two members appointed by the Senate President:

(2) Two members appointed by the Speaker of the House of Representatives; and

(3) Two members appointed by the Governor; and be it further

Resolved, That additional members be appointed to the Base Realignment and Closing Committee as appropriate, from the public and private sectors and the military; and

Resolved, That the Base Realignment and Closing Committee report to the Legislative at least twenty days prior to the convening of the 2004 Regular Session regarding its work to preserve local bases; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the U.S. Senate, Speaker of the U.S. House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii.

POM—185. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to military bases; to the Committee on Armed Services.

SENATE RESOLUTION NO. 124

Whereas, beginning in 1988, the Pentagon began to downsize its military base structure with a series of base closures; and

Whereas, Congress accelerated the process by mandating scheduled base realignment and closures (BRAC) over the last decade and a half; and

Whereas, U.S. military bases establish a substantial economic and societal epicenter within the communities in which the bases are located; and

Whereas, the economies of a community, city, and even state become severely dependent upon the commerce and vitality created by the military personnel and their activities in the area; and

Whereas, all across the country, BRACs create a sudden economic vacuum that adversely impacts on the lives of the residents remaining after a military base has closed and its personnel have moved away; and

Whereas, one of the most immediate effects of a military base closure is the loss of jobs as businesses attempt to cope with the sudden decrease in commercial activity; and

Whereas, over the long-term, communities must deal with the extraordinary costs relating to the upkeep and redevelopment of the unoccupied military facilities and surrounding areas; and

Whereas, Hawaii has first-hand experience with the complexities and issues resulting from a military base closure with the closure of Barbers Point Naval Air Station in 1999; and

Whereas, Hawaii continues to struggle with the burdensome economic impacts and redevelopment problems of that closure; and

Whereas, in addition to the short-term economic loss that the State experiences when a base closes, long-term losses from such an exodus includes the loss of access to ''dual use technology''; and

Whereas, dual use technology is a term used for formerly high tech military equipment and applications that have been recently declassified for use by the general public for commercial purposes; and

Whereas, Hawaii companies benefit from their proximity to military bases and are able to convert dual use technology to economic gain due to this proximity; and

Whereas, during this time of heightened international tensions, the increased likelihood of attack by terrorists and rogue countries, and the fragile nature of Hawaii's economy, further military base closures in the State of Hawaii would reduce the security of the State and the nation; and

Whereas, Hawaii is an island state that is heavily dependent upon air and sea industries; and

Whereas, tourism and federal expenditures are the top two sources of income to Hawaii, with tourism accounting for approximately $11 billion and federal expenditures accounting for $9.1 billion annually; and

Whereas, tourism has suffered greatly since September 11, 2001, and the current wars in the Middle East are causing further declines in visitor travel; and

Whereas, the impacts on the airline and visitor industries will be staggering and require years of recovery for the State's economy; and

Whereas, closure of military bases and the subsequent departure of the military when tourism is floundering would be catastrophic to Hawaii's economy; and

Whereas, the potential impact of base closure in Hawaii is so significant that a special commission should be established to address the issue to prevent base closures in Hawaii when possible: Now, therefore be it

Resolved, By the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, that the U.S. Congress is urged to discontinue closures of U.S. military bases in the State of Hawaii; and be it further

Resolved, That a Base Realignment and Closing Committee be established to work with federal, state, and military leaders to preserve local military bases and to position Hawaii to inherit work from other bases that are closed; and be it further

Resolved, That the Base Realignment and Closing Committee be comprised of at least the following members:

(1) Two members appointed by the Senate President;

(2) Two members appointed by the Speaker of the House of Representatives; and

(3) Two members appointed by the Governor; and be it further

Resolved, That additional members be appointed to the Base Realignment and Closing Committee as appropriate, from the public and private sectors and the military; and be it further

Resolved, That the Base Realignment and Closing Committee report to the Legislature at least twenty days prior to the convening of the 2004 Regular Session regarding its work to preserve local bases; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the

U.S. Senate, Speaker of the U.S. House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii.

POM–186. A joint resolution adopted by the House of the Legislature of the State of Utah relative to a national missile defense system; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION 15

Whereas, the 1972 Anti Ballistic Missile (ABM) Treaty was signed with a nation that no longer exists;

Whereas, an increasing number of nations—including North Korea—either currently possess the capability to launch missile attacks against the United States or are working to obtain that capability;

Whereas, due in part to advances in technology, the possibility that a missile bearing a weapon of mass destruction will be used against United States forces or interests is higher today than it was during most of the Cold War;

Whereas, terrorist groups, not just states, may have the means to buy intercontinental ballistic missiles;

Whereas, the nation still has no defense against missile attack;

Whereas, the Cold War policy of ''mutual assured destruction'' assumed in arms control treaties is not sufficient to deter terrorist missile attacks; and

Whereas, defending against a missile attack is the government's moral obligation: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the state's congressional delegation to support and vote for all efforts to build and deploy a national missile defense system as rapidly as possible; be it further

Resolved, The a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–187. A resolution adopted by the House of the Assembly of the Commonwealth of Pennsylvania relative to the Combat Medical Badge; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 172

Whereas, the United States Army has denied the Combat Medical Badge to personnel of the 91 MOS who were assigned to duty aboard helicopter ambulances (DUSTOFF); and

Whereas, from 1962 through 1973, 496,573 missions were flown by DUSTOFF and more than 900,000 casualties were safely evacuated; and

Whereas, DUSTOFF missions are more hazardous than other rotary-wing operations as proven by the aircraft loss rate versus insertion and extraction missions; and

Whereas, the bravery and the medical skills of the aeromedic functioning in the heat of hard combat has often meant the difference between survival and death; and

Whereas, aeromedical personnel are able to triage and provide necessary emergency medical treatment en route to a definitive care facility, and many medics leave the helicopter to load multiple casualties, often under the intense enemy fire unarmed medevacs attract; and

Whereas, selective expansion of the Combat Medical Badge award occurred in the Persian Gulf War when the United States Army Chief of Staff authorized it for medics assigned to armor and ground cavalry units; and

Whereas, the conduct of the Persian Gulf War was characterized by armor and ground cavalry operations, while airmobile operations dominated the Vietnam War from logistics to combat to medevac; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to enact legislation requiring the retroactive award of the Combat Medical Badge to all Vietnam personnel serving in the 91 MOS who were assigned to helicopter ambulances; and be it further

Resolved, That no inference of any diminution of the prestige of this award be assigned to the lawful and realistic expansion of eligibility; and be it further

Resolved, That initial presentations of the Combat Medical Badge be received by survivors of aeromedical personnel whose names appear on the Vietnam Veterans Memorial Wall; and be it further

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

POM–188. A resolution from the House of Representatives of the Assembly of the Commonwealth of Pennsylvania relative to the Commonwealth's support for President Bush's actions against Saddam Hussein; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 115

Whereas, the United States Armed Forces, a total force comprised of active, National Guard and Reserve personnel, are now undertaking courageous and determined operations against the forces of Saddam Hussein's Regime; and

Whereas, the dictatorship of Iraq has continued to develop weapons of mass destruction in violation of United Nations Security Council Resolution 1441; and

Whereas, the dictator of Iraq, Saddam Hussein, has demonstrated a willingness to use weapons of mass destruction against neighboring nations and the citizens of Iraq; and

Whereas, Saddam Hussein threatens the Middle East and the global economy with the threat to use weapons of mass * * * Operation Iraqi Freedom, who are providing support and prayers for the loved ones currently engaged in military operations in Iraq; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the members of the President's cabinet, the Chairman of the Joint Chiefs of Staff and to the members of the Pennsylvania congressional delegation.

POM–189. A resolution adopted by the Livingston Parish Council of the State of Louisiana relative to support for President of the United States and the U.S. Armed Forces; to the Committee on Armed Services.

POM–190. A concurrent resolution adopted by the Senate of the Legislature of the State of New Hampshire relative to the Northeast multispecies fishing industry; to the Committee on Commerce, Science, and Transportation.

CONCURRENT RESOLUTION NO. 2

Whereas, the New England fishing industry, including New Hampshire fishermen, have worked tirelessly over the last decade to rebuild the fishing stocks off New England and have increased their community effort to work towards better conservation practices and sustainability; and

Whereas, the new federal fishing restrictions imposed by the National Marine Fisheries Service have severely curtailed fishing opportunities available to New Hampshire fishermen and may well put these small commercial fishermen in financial jeopardy in the present and in the future; and

Whereas, the methodology for estimating fish populations, which became the basis for these new federal fishing restrictions, might be based on faulty science due to the fact that the federal government's research vessel used uncalibrated scientific fishing equipment for more than 2 years, possibly painting a more dire picture of fish stocks than might exist; and

Whereas, a recent federal court ruling required the Secretary of Commerce to publish an interim rule to be in compliance with the overfishing, rebuilding, and by catch provisions of the Sustainable Fisheries Act; and

Whereas, the proposed interim rule proposed additional restrictions to include a freeze on days at sea at the highest annual level used from fishing years 1996 to 2000 and a 20 percent cut from that level; and

Whereas, the use of days at sea from the fishing years 1996 to 2000 as a vessel's new ''baseline'' fails to take into account a number of factors, including participation in formerly ''exempted fisheries,'' creates inequitable results and thereby unfairly penalizes fisherman who were encouraged to enter these ''exempt fisheries''; and

Whereas, the head of stock assessment for the National Marine Fisheries Service has stated faulty gear on a trawler used to collect data about groundfish stocks may have led to inaccurate findings and New Hampshire fishermen have suspected the federal fisheries stock assessments were seriously flawed; and

Whereas, New England fishermen, including New Hampshire fishermen, have readily complied with voluntary conservation measures only to be penalized by this ''good faith'' compliance; and

Whereas, the goals to allow the regeneration of groundfish stocks in the waters off the New England coast while protecting those individuals and their significant investments who bring that resource to the public are not mutually exclusive; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the United States Senate and House of Representatives seek legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the following conditions have been met, and not before May 1, 2006:

I. all regulations now and in the future must be adjusted based on fairness and equity, and social and economic needs of communities in accordance with the national standards;

II. all collection and analysis of scientific information must be sound and supply the best methods and technology available;

III. All National Oceanic and Atmospheric Administration trawl survey vessels should be independently reviewed for stock status reference points, definitions for all stocks should be implemented, the incorporation of state-of-the-art survey devices should be made on these research vessels, and a independent review made of trawl survey protocol; and

That the Secretary of Commerce be allowed to relax federal regulations on an emergency basis as appropriate to address issues of fairness and equity within the Interim Final Rule; and

That greater federal funding be made for cooperative research within the fishing industry and the scientific community; and

That copies of this resolution be forwarded by the senate clerk to the governor, the executive director of the fish and game department, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Commerce, the administrator of the National Oceanic

and Atmospheric Administration, and the members of the New Hampshire congressional delegation.

POM–191. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to regulating spam, unsolicited commercial email; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 93

Whereas, an increasing problem to individuals and businesses using email is the growing volume of unsolicited bulk commercial email messages. What started as an annoyance has become a major problem for many, with estimates of several billion unsolicited bulk messages sent every week. The cost of this mail, both in lost worker time and adding computer equipment to process or block the spam, is an increasing burden for those receiving spam, while the costs of senders are negligible; and

Whereas, along with the problems created by the accelerating volume of spam, other components of this issue include the number of deceptive and offensive messages and the use of this technology to operate a variety of scams; and

Whereas, many states, including Michigan, have discussed ways to cope with the onslaught of unsolicited bulk commercial messages. Congress has also faced this issue. Numerous approaches have been mentioned. These range from requiring truthfulness in return addresses to efforts to increase vigilance against fraud to the creation of ''do-not-spam'' lists. While the appropriate form of federal response may take one of these or other strategies, it is increasingly clear that federal action is essential and holds far more promise of dealing with the problem effectively than state actions alone; Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to regulate spam, unsolicited bulk commercial email; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–102. A resolution adopted by the Senate of the General Court of the Commonwealth of Massachusetts relative to the development of a national geologic repository; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the Nuclear Waste Policy Act of 1982 established a program requiring the United States Department of Energy to begin accepting and disposing of spent nuclear fuel and waste from all commercial power plants no later than January 31, 1998; and

Whereas, the act required ratepayers, through their electric bills, to fund this program by paying a fee into the Federal Nuclear Waste Fund, a fund into which the ratepayers of the commonwealth have already paid nearly $500,000,000; and

Whereas, the United States Government has failed to meet its obligation to remove spent nuclear fuel from the commonwealth on a priority basis to a centralized federal site, especially the spent fuel stranded at the single-unit decommissioning reactor site in the town of Rowe; and

Whereas, spent nuclear fuel can be stored safely at reactor sites but there are compelling national interests that require completing the siting process necessary to consolidate commercial and defense spent fuel and waste into 1 secure federal repository location; and

Whereas, the President of the United States has recently recommended, after decades of study and the expenditure of billions of ratepayer dollars, that the Yucca Mountain site in the state of Nevada is scientifically sound and suitable for development as the nation's long term geological repository for nuclear waste; and

Whereas, the Department of Energy's alternative plan, if the Yucca Mountain site is not approved for development by the United States Congress, is to end all work at Yucca Mountain and store the spent nuclear fuel at reactor sites for the next 100 to 10,000 years; therefore be it

Resolved, That the Massachusetts General Court calls upon the United States Senate and House of Representatives to adopt a joint resolution in its current session approving Yucca Mountain for development as the nation's permanent geologic repository; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this commonwealth.

POM—193. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to migration to Hawaii from freely associated states; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 36

Whereas, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau (collectively, Freely Associated States), formerly part of the Trust Territory of the Pacific Islands under the United Nations Charter, entered into an agreement with the government of the United States known as the Compact of Free Association (Compact); and

Whereas, the Compact was entered into with these nations in part to terminate the trusteeship, recognize their independence, provide them with critical economic development aid, and allow their people to immigrate freely to the United States; and

Whereas, under the Compact, the United States provides direct economic assistance, federal services, and military protection to these nations, in exchange for defense rights; and

Whereas, the Compact, codified as Title II of Public Law 99–239, was established in 1986 between the United States and the Republic of the Marshall Islands and the Federated States of Micronesia, and in 1994 with the Republic of Palau, codified as Title II of Public Law 99–658; and

Whereas, section 104(e)(1) of Title I, Public Law 99–239, regarding the interpretation of and United States policy regarding the Compact, states that in approving the Compact, ''it is not the intent of the Congress to cause any adverse consequences for ... the State of Hawaii''; and

Whereas, section 104(e)(4) of Title I, Public Law 99–239, provides that ''if any adverse consequences to ... the State of Hawaii result from implementation of the Compact of Free Association, the Congress will act sympathetically and expeditiously to redress those adverse consequences''; and

Whereas, section 104(e)(5) of Title I, Public Law 99–239, appropriated funds beginning after September 30, 1985, to cover the costs, if any, incurred by Hawaii ''resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia''; and

Whereas, section 104(e)(2) of Title I, Public Law 99–239, requires the President of the United States to report annually to the Congress on the impact of the Compact on the State of Hawaii, identifying any adverse consequences resulting from the Compact and making recommendations for corrective action, focusing on such areas as trade, taxation, immigration, labor, and environmental regulations; and

Whereas, section 104(e)(3) of Title I, Public Law 99–239, further provides that in preparing these reports to Congress, the President shall request the views of the government of the State of Hawaii and transmit the full text of those views to Congress as part of those reports; and

Whereas, the interpretation of and United States policy regarding the Compact as set forth in section 104 of Title I, Public Law 99–239, with respect to the Federated States of Micronesia and the Republic of the Marshall Islands, also applies to the Republic of Palau, pursuant to section 102(a) of Title I, Public Law 99–658, thereby making the State of Hawaii eligible for additional funds resulting from increased demands placed on the educational and social services of the State of Hawaii by immigrants from the Freely Associated States; and

Whereas, payments from the United States to the Republic of Marshall Islands and the Federated States of Micronesia under the Compact of Free Association will end on October 1, 2003, and Compact re-negotiation talks have been continuing; and

Whereas, instead of mitigating the incentive for Freely Associated states citizens to migrate by improving the overall quality of life in the Freely Associated States through increased economic aid, the United States has proposed giving additional funds to regions affected by ''Compact impacts,'' while creating ''various mechanisms'' to ensure that migrants from Freely Associated States are eligible for admission; and

Whereas, although the renegotiated Compacts with the Republic of the Marshall Islands and the Federated States of Micronesia will most likely continue to provide islanders with visa-free entry to the United States, the United States Congress should review the migration issue and increase the amount of aid available for the Compact's educational and social impact on Hawaii; and

Whereas, many residents of the Freely Associated States are attracted to the State of Hawaii due to the State's increased employment and educational opportunities, as well as similar Pacific Island culture and lifestyle; and

Whereas, drawn by the promise of better medical care and a better education for their children, over six thousand Freely Associated State citizens have migrated to and are currently residing in Hawaii; and

Whereas, Freely Associated States citizens that enter the United States may have contagious diseases, criminal records, or chronic health problems—conditions that are normally grounds for inadmissibility into the United States; and

Whereas, the 1996 federal Welfare Reform Act cut off access to federal welfare and medical assistance programs, forcing citizens of the Freely Associated States residing in Hawaii to rely on state aid; and

Whereas, the cost of supporting Freely Associated States citizens residing in Hawaii, largely in healthcare and education, totaled more than $101,000,000 between 1998 and 2002; and

Whereas, Freely Associated States students have higher costs than other students due to poor language and other skills, and because such students enter and leave school a few times each year, their integration into the school system has been difficult; and

Whereas, since the Compact went into effect in 1986 until 2001, Hawaii has spend over $64,000,000 to educate Freely Associated

States citizens and their children in public schools, $10,000,000 in 2000 alone; and

Whereas, last year, the number of Freely Associated States students in primary and secondary public schools in Hawaii increased by twenty-eight per cent, resulting in costs to the State of over $13,000,000 for school year 2001–2002, and ringing the total cost for education, since 1988, to about $78,000,000; and

Whereas, during the academic school year 2001–2002, the University of Hawaii lost over $1,200,000 in tuition revenue systemwide, as a result of students from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau paying resident rather than non-resident tuition; and

Whereas, inadequate and delayed federal compensation to Hawaii's education system results in a cost to Hawaii's own children and contributes to Hawaii being substantially below many other states in per pupil expenditures for public school children in kindergarten through twelve; and

Whereas, state medical assistance payments for Freely Associated States citizens from 1998 to 2002 totaled $14,961,427, and financial assistance payments during the same period totaled $13,378,692, with costs borne solely by the State of Hawaii; and

Whereas, the financial stability and viability of private hospitals and medical providers is threatened by staggering debts and write-offs for medical services provided to Freely Associated States citizens residing in Hawaii, in spite of state Medicaid reimbursements; and

Whereas, between 1998 and 2002, $10.1 million in operating losses attributable to healthcare for Freely Associated States citizens residing in Hawaii were incurred at three Honolulu hospitals (the Queen's Medical Center, Straub Clinic and Hospital, and Kapiolani Medical Center for Women and Children), and these types of losses were also incurred at the twenty other hospitals in the State; and

Whereas, community health centers estimate an annual cost of $420,000 for services to Freely Associated States citizens residing in Hawaii; and

Whereas, the Department of Health has also been significantly impacted by the cost of public health services to Freely Associated States citizens residing in Hawaii, with $967,000 spent on screening vaccination and treatment of communicable diseases and $190,000 spent for immunization and outreach by public health nurses; and

Whereas, inadequate and delayed federal compensation threaten to overwhelm Hawaii's health care systems, leading to potential cutbacks in services and personnel that would impact all of Hawaii's citizens; and

Whereas, it is imperative that Hawaii be granted immediate and substantial federal assistance to meet these mounting costs; and

Whereas, the fact that Micronesians should qualify for federal benefits, while residing in Hawaii and the rest of the United States, can best be summed up by the resolution which was adopted September 9, 2001, in Washington, D.C., by Grassroots Organizing for Welfare Leadership, supporting the insertion of language in all federal welfare, food, and housing legislation, because Micronesians are eligible for these and other benefits as ''qualified non-immigrants'' residing in the United States; and

Whereas, the United States government is now owning up to its responsibility for what the United States did to the Micronesian people by refusing them food stamps and other federal benefits when they come to Hawaii and the rest of the United States seeking help; and

Whereas, the excuse by the United States government to deny any aid to the Micronesians in the United States is the word ''non-immigrant'' used in the Compact of Free Association to describe Micronesians who move to Hawaii and the United States; and

Whereas, Micronesians have also developed high rates of diabetes, high blood pressure, and obesity as a result of American dietary colonialism; and

Whereas, it is the intent of this Resolution to encourage the responsible entities to implement the provisions of the Compact of Freely Associated States, which authorizes compact impact funds to be made available to states that welcome and provide services to the people of the Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau, because most of the Freely Associated States citizens who migrate to Hawaii do so for medical problems related to the United States' military testing of nuclear bombs; now, therefore,

Resolved, By the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, that the Bush Administration and the United States Congress are requested to appropriate adequate financial impact assistance for health, education, and other social services for Hawaii's Freely Associated States citizens; and

Resolved, That the Bush Administration and the United States Congress are requested to insert language in all federal welfare, food, and housing legislation which says that Micronesians are eligible for federal food stamps, welfare, public housing, and other federal benefits as ''qualified non-immigrants'' residing in the United States; and

Resolved, That the Bush Administration and the United States Congress are requested to restore Freely Associated States citizens' eligibility for federal public benefits, such as Medicaid, Medicare, and food stamps; and

Resolved, That Hawaii's congressional delegation is requested to introduce legislation in the United States Congress calling for further review of the migration issue and for increased aid for the educational and social impact of the Compact of Free Association, and any newly renegotiated Compact, on the State of Hawaii; and

Resolved, That Hawaii's congressional delegates are requested to assure financial reimbursements, through the establishment of a trust, escrow, or set-aside account, to the State of Hawaii for educational, medical, and social services and to Hawaii's private medical providers who have provided services to Freely Associated States citizens; and

Resolved, That certified copies of this Resolution be transmitted to the President of the United States; U.S. Secretary of State; President of the U.S. Senate; Speaker of the U.S. House of Representatives; members of Hawaii's congressional delegation; the Presidents of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, and their respective Honolulu Offices; the national negotiating teams of the Compact of Free Association; the Governor; State Attorney General; Directors of Health and Human Services; President of the University of Hawaii; Superintendent of Education; Chair of the Board of Agriculture; Grassroots Organizing for Welfare Leadership; Micronesians United; the United Church of Christ; Hawaii Conference of Churches; and the United Methodist Church of Honolulu.

POM–194. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Interstate Traveler Project; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 89

Whereas, the Interstate Traveler Project is an elevated maglev (magnetic levitation) rail mass transit system that is based upon a conduit cluster concept powered by hydrogen and solar power. The project promises to provide travelers with a clean, quiet, safe, reliable mode of transportation. The intent of the project is to create the world's first switchable maglev rail network that will provide interurban/intercity pedestrian, automobile, and light freight transit services. The project will simultaneously produce, store, and distribute hydrogen, which will not only serve as an alternative energy source, but also give Michigan's automakers the incentive to produce hydrogen internal combustion engines, fuel cell cars, and the manufacturing opportunity to build maglev rail cars; and

Whereas, by fully integrating with the interstate highway system, existing transportation infrastructure, and mass transit systems, the Interstate Traveler Project seeks to reduce traffic congestion and air pollution while improving traffic safety and efficiency. The Interstate Traveler Project substations will utilize the existing interstate highway system's entrances and exits, providing a seamless link of private automobiles, pedestrian traffic, existing municipal bus routes, and taxi services. These substations will also support the hydrogen distribution system, as well as fiber optics, water, electricity, and other utilities. Although the Interstate Traveler Project is ideally suited for the interstate highway system, it may also be integrated with existing and abandoned railroad right-of-ways or along other appropriate lands; and

Whereas, the Interstate Traveler Project is consistent with the 2003 State of the Union address, which called on Congress to appropriate $1.2 billion for hydrogen fuel cell technology; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA–21) and/or other related federal programs; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–195. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to custom inspectors in Michigan; to the Committee on Finance.

HOUSE RESOLUTION NO. 281

Whereas, The events of September 11, 2001, have shattered the illusion that past practices are adequate when it comes to security issues. One of the most important elements of security for our state is the need for stronger and more thorough measures at Michigan's international points of entry. While some people have long called for increased resources at border crossings, there is little disputing the significance of this now; and

Whereas, Because of its unique and mutually beneficial relationship with Ontario, Michigan includes some of the busiest crossing points along the entire United States-Canada border. In addition to the number of people who cross the border each year, the amount of equipment and goods here far surpasses the traffic in other regions. The importance of free trade to both our countries is reflected in the volume of material that comes into Michigan each day; and

Whereas, Although there may eventually be other ways to heighten security at border crossings with new technologies and other

strategies, the most effective, immediate, and practical approach to take is to increase significantly the number of customs agents working at entry points. No single step offers a greater return than putting more trained and dedicated customs agents at our international border crossings. In addition to the added measure of security from better inspections and examinations of people and goods entering the country, the increased staffing would also bring benefits by reducing delays as much as is practical; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to increase the number of customs inspectors at Michigan's international border crossings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–196. A joint resolution adopted by the Assembly of the State of Nevada relative to the U.S. Social Security Act; to the Committee on Finance.

JOINT RESOLUTION 3

Whereas, In 1977, Congress amended the Social Security Act to provide that pensions earned in federal, state or local government employment not covered by social security be treated as if they were social security benefits, specifically requiring that if a person receives such a government pension, the social security benefits payable to that person as a spouse or surviving spouse be reduced by the amount of the government pension, which provision is commonly known as the Government Pension Offset; and

Whereas, Congress further amended the Social Security Act in 1983, reducing the amount of the Government Pension Offset to an amount equal to two-thirds of the amount of the government pension, but simultaneously enacting what is commonly known as the Windfall Elimination Provision, which requires reductions in the primary social security benefit earned by a person in employment covered by social security if the person also receives a pension from a federal, state or local government not covered by social security; and

Whereas, Government employees in 15 states, including Nevada, earn pension benefits that are not covered by social security; and

Whereas, The reductions in benefits effected by these provisions can be significant, the Windfall Elimination Provisions reducing the earned benefits of a person subject to it by up to 60 percent and the Government Pension Offset eliminating spousal benefits in their entirety for 9 out of every 10 retired government workers to whom it applies; and

Whereas, The retirement security and economic well-being of over 300,000 government retirees is degraded by the Government Pension Offset, some of whose benefits are also subject to reduction pursuant to the Windfall Elimination Provision; and

Whereas, Each provision has had unintentional consequences, the Windfall Elimination Provision causing a relatively larger reduction in benefits paid to workers with low incomes, while the Government Pension Offset applies disproportionately to women, often dropping their income in retirement below the poverty line, with the ironic effect of making them eligible for more costly welfare benefits, such as food stamps; and

Whereas, Growing awareness of the inequities imposed by the Windfall Elimination Provision and the Government Pension Offset threatens efforts to attract and retain persons into public service in the affected states, particularly into teaching, a field which is notoriously underpaid, whose ranks are disproportionately filled with women and for which there is a critical shortage; and

Whereas, There is pending before the 108th Session of Congress the Social Security Fairness Act of 2003. H.R. 594 and S. 349, which would repeal both the Government Pension Offset and the Windfall Elimination Provision; and

Whereas, The repeal of these provisions would restore fairness and equity to the most vulnerable federal, state and local government retirees and eliminate disincentives for public service in the affected states; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada. Jointly. That the members of the Nevada Legislature hereby urge Congress to amend the Social Security Act by repealing the provisions, commonly known as the Government Pension Offset and the Windfall Elimination Provision, that require reductions in the amount of social security benefits paid to persons who also receive pensions earned in federal, state or local government employment not covered by social security; and be it further.

Resolved. That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM—197. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to Medicare; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 133

To memorialize the Congress of the United States to enact legislation to correct the flawed Medicare hospital outpatient prospective payment system methodology in order to ensure that all hospitals are appropriately reimbursed for drugs and biologics as well as to ensure beneficiary access to innovative biotechnology drugs.

Whereas, the federal Medicare program for seniors and the disabled has a responsibility to pay enough for beneficial new technologies in order to ensure that beneficiaries have access to the best care; and

Whereas, the Medicare program should be a prudent purchaser of health care items and services, however, decision making should be made according to what is in the best interests of the individual patient, not reimbursement amounts; and

Whereas, the 2003 Medicare Hospital Outpatient Prospective Payment System regulation implemented on January 1, 2003, by the Centers for Medicare and Medicaid Services includes drastic reductions in reimbursements for innovative and biotech drugs covered by Medicare; and

Whereas, the imposed reductions in reimbursements imposed by Centers for Medicare and Medicaid Services may have resulted in limiting beneficiary access to innovative but expensive care; and

Whereas, fair, stable and rational reimbursements, devoid of perverse financial incentives to use cheaper treatments, will ensure patient access to new technologies; and

Whereas, our senior citizens and the disabled deserve access to the best medicine America has to offer. Therefore, be it *Resolved* that the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to correct the flawed Medicare hospital outpatient prospective payment system methodology in order to ensure that all hospitals are appropriately reimbursed for drugs and biologics and to ensure beneficiary access to innovative biotechnology medicines. Be it further, *Resolved* that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Delegation to the United States Congress.

POM–198. A joint resolution adopted by the Legislature of the State of Maine relative to the social security offsets of the government pension offset and the windfall elimination provision; to the Committee on Finance.

JOINT RESOLUTION

Whereas, under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in the Social Security benefits; and

Whereas, these laws, contained in the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II, Federal Old-Age, Survivors, and Disability Insurance Benefits, and known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees, particularly women; and

Whereas, the Windfall Elimination Provision reduces by a formula the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of lower- and moderate-income public service workers, such as school teachers, clerical workers and school cafeteria employees, whose wages are low to start; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

Whereas, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

Whereas, in some cases, additional support in the form of income, housing, heating, prescription drug and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

Whereas, other participants in Social Security do not have their benefits reduced in this manner; and

Whereas, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

Whereas, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute were paid into Social Security prior to that time; and

Whereas, bills are present in Congress in both the House of Representatives and the Senate, known as ''The Social Security Fairness Acts,'' that would amend the Social Security Act, 42 United states Code, Chapter 7, Subchapter II and totally repeal both the Government Pension Offset and the Windfall Elimination Provision; now, therefore, be it

Resolved, That We, your Memorialists, request that the President of the United States and the United states Congress work together to support reform proposals that include the following protections for low- and moderate-income government retirees:

1. Protections permitting retention of a combined public pension and Social Security benefit with no applied reductions;

2. Protections permanently ensuring that level of benefits by indexing it to inflation; and

3. Protections ensuring that no current recipient's benefit is reduced by the reform legislation; and be it further

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

POM–199. A joint resolution adopted by the Assembly of the State of Nevada relative to compensation for losses of revenue for public education; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION NO. 5

Whereas, For many years, the State of Nevada, along with the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Oregon, Utah, Washington and Wyoming, have grappled with the challenge of providing the best education for their residents; and

Whereas, The State of Nevada and the other western states face unique challenges in achieving this goal; and

Whereas, From 1979 to 1998, the expenditures per pupil increased approximately 28 percent in the western states, 34 percent in the State of Nevada and 57 percent in the remaining states in the Nation; and

Whereas, In the 2000–2001 school year, the pupil-teacher ratio in public schools was approximately 18 to 1 in the western states, 19 to 1 in the State of Nevada and 15 to 1 in the remaining states in the Nation; and

Whereas, The difficulty experienced by Nevada and the other western states in providing quality education to their residents is exacerbated by projections that enrollment in public schools from 2002 to 2011 is expected to increase by approximately 7 percent in Nevada and the other western states and decrease by approximately 3 percent in the remaining states in the Nation; and

Whereas, The ability of the State of Nevada and other western states to fund public education is further hindered by and directly related to the fact that the Federal Government holds large percentages of the land located in those states; and

Whereas, While states fund public education largely with revenue earned from the assessment of state and local property taxes, states cannot assess such property taxes on land in the state held by the Federal Government; and

Whereas, The State of Nevada and the other western states face greater burdens than the remaining states in the Nation in raising revenue from state and local property taxes to fund public education as the Federal Government holds approximately 52 percent of the land located in the western states, 87 percent of the land located in the State of Nevada and only 4 percent of the land located in the remaining states; and

Whereas, According to the Action Plan for Public Lands and Education (APPLE) developed by the APPLE Steering Committee established by Speaker Marty Stephens of the Utah House of Representatives, the estimated annual loss of revenue from the inability of a state to assess property taxes for public education on land in the state held by the Federal Government is approximately $4 billion in the western states and approximately $116 million in the State of Nevada; and

Whereas, The ability of the State of Nevada and other western states to fund public education is also limited by the fact that the Federal Government shares with states only a portion of the royalty revenues that the Federal Government receives from the natural resources on land in the state held by the Federal Government; and

Whereas, The amount of such royalties received by states for public education is further reduced because land held by the Federal Government is less likely to be developed and federal laws often place stipulations on the use of royalty payments made to states; and

Whereas, According to the Action Plan for Public Lands and Education (APPLE), the estimated annual loss of revenue as a result of federal policies concerning royalty payments is approximately $1.8 billion in the western states and approximately $6 million in the State of Nevada; and

Whereas, The Federal Government should compensate the State of Nevada and other western states for the significant impact of lands in those states held by the Federal Government; and

Whereas, Just compensation provided by the Federal Government to the State of Nevada and the other western states will allow those states to be on equal footing with the rest of the Nation in their efforts to provide education for their residents; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the Nevada Legislature urge Congress to appropriate just compensation to the State of Nevada for the losses of revenue for public education from the impact of land held by the Federal Government within the boundaries of the State of Nevada; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–200. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the United States Food and Drug Administration's policies on pharmaceutical sales and pharmaceutical companies; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 105

Whereas, the rules and regulations that the Federal Drug Administration imposes on pharmaceutical companies affect the cost of pharmaceutical research and the cost of retesting drugs; and

Whereas, although they comprise only a small part of the total health care cost, drug prices are rising rapidly; and

Whereas, major pharmaceutical companies are merging thereby creating less drug choices for citizens to choose from; and

Whereas, there is an extremely high cost of bringing a drug to the market. Now, therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to study the impact that the United States Food and Drug Administration's policies, rules, and regulations may have on pharmaceutical companies and the development of new pharmaceuticals. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–201. A joint resolution adopted by the Legislature of the State of Maine relative to the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, on January 8, 2002, President Bush signed into law the No Child Left Behind Act of 2001, referred to in this resolution as ''the Act,'' which applies to all states that accept federal Title I education dollars; and

Whereas, the State of Maine receives federal Title I dollars and is therefore subject to the Act's requirements;

Whereas, the Act mandates that every public school in Maine must make adequate yearly progress toward the goal of 100% student proficiency in math, reading and language arts and science by school year 2013–2014; and

Whereas, the Act requires that an entire school be identified as failing to make adequate yearly progress in any school year when the school as a whole or any one of the following subgroups within that school fails to make such progress: students with learning disabilities and students with limited English proficiency; and

Whereas, it may be extremely difficult for the subgroup of students with disabilities to make adequate yearly progress in each of the measured areas each year, since those students are identified as belonging in that subgroup because of significant educational challenges, well above and beyond the normal challenges encountered by nondisabled students, that adversely affect their capacities to achieve proficiency in the measured areas; and

Whereas, it will be extremely difficult for the subgroup of students with limited English proficiency to meet the adequate yearly progress standard in the area of reading and language arts since those students are required to be tested in English after only 3 years in the public school system, which will rarely be a sufficient time for such students to become proficient in English; and

Whereas, failure by either the disabilities subgroup or the limited English proficiency subgroup in any given year to meet any one of the State's proficiency expectations or that year will result in identification of the school as a whole as failing to make adequate yearly progress; and

Whereas, the Act imposes a series of escalating consequences and financial costs on local schools and school units that fail to make adequate yearly progress for 2 or more years in a row, including offering intradistrict school choice and transportation; supplemental services, including private tutoring for eligible students; and the possibility of wholesale dismissal of teachers, paraprofessionals and administrators who are considered ''relevant'' to the school's failure to make adequate yearly progress; and

Whereas, the Act requires the State of Maine and local school units to develop additional new testing in grades 3, 5, and 7, which will further limit the time that teachers and students are able to spend on achieving Maine's system of learning results; and

Whereas, the Act also requires that all Maine public school teachers who teach in core academic subjects meet federal ''highly qualified'' standards by the end of the 2005–2006 school year, with teachers new to the profession all having to pass a rigorous state test in the areas they will be teaching; and

Whereas, the Act also requires that all paraprofessionals and educational technicians working in programs funded by Title I must meet certification standards that are often higher than those that currently apply in Maine; and

Whereas, the Act imposes significant costs on local school units, teachers, and paraprofessionals for the funding of staff development, certification upgrades, course work, choice-related transportation and private tutoring, as well as the unavoidable costs and dislocation that would arise in the event of mandatory school restructuring and staff dismissals; and

Whereas, the State of Maine has had high standards of learning in its system of learning results since 1995, long before enactment of the Act, including a comprehensive statewide assessment of student achievement through the Maine Educational Assessment and including a new system of local assessment to go into effect by the end of the 2003–2004 school year; and

Whereas, the State of Maine for many years has been one of the highest-ranked states in the nation in school achievement, ranking first in the nation in 1999 in the performance of its kindergarten to grade 12 system, ranking first in the nation in 1999 as the best state in which to raise a child, ranking first in the nation in 2001 in the state high school completion rate and regularly ranking among the top states in the nation in student academic performance on national testing in 4th and 8th grades; and

Whereas, the State of Maine has obtained its strong educational achievements through the efforts of its students, teachers and schools and its own system of learning results prior to enactment of the No Child Left Behind Act of 2001; and

Whereas, enactment of the Act resulted in only a $4,600,000 increase in Title I funding for the State of Maine in 2002 over and above the 2001 level that applied before the new Act's mandates; and

Whereas, the congressional appropriation for Title I costs was $3.15 billion short of the congressional authorization in 2002 and $4.32 billion short in 2003 and a projected $6.15 billion short in 2004, for a total shortfall of $13.2 billion over the 3-year period; now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people of the State and on behalf of the State's outstanding system of public elementary and secondary school education, respectfully urge and request that the President of the United States and the Congress of the United States accommodate Maine's special circumstances by issuing a waiver of the requirements under the No Child Left Behind Act of 2001 for the State's public schools; and be it further

Resolved, That in the event that no such waiver is forthcoming, the United States Congress should appropriate full funding of the Act at the authorization levels called for by the Act itself; and be it further

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

POM–202. A joint resolution adopted by the Legislature of the State of Maine relative to funding for AmeriCorps; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, AmeriCorps is the domestic version of the internationally respected Peace Corps. It consists of 70,000 volunteers who serve either full-time or less than full-time in local schools and nonprofit agencies. AmeriCorps members perform volunteer service that meets a community need and recruit citizens to work alongside them; and

Whereas, over 1,500 Maine people have served full-time and part-time in Maine communities through the federally funded AmeriCorps program during the past 9 years; and

Whereas, during 2003, nearly 200 AmeriCorps volunteers are scheduled to serve in Maine communities to help local nonprofit, educational and municipal organizations address critical health, environmental, educational, housing, public safety and homeland security issues; and

Whereas, Maine AmeriCorps members are catalysts, building stronger communities by engaging, on average, 32 local citizens per AmeriCorps member in volunteer service that solves local problems and meets critical local needs. In 2003, AmeriCorps members can be expected to meet or exceed their 2002 success of 9,000 citizens recruited and placed in service to communities; and

Whereas, in just the last 4 years, AmeriCorps service has qualified Maine citizens for over $2,100,000 in federal financial aid for higher education or payment of student loans; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States recognize the valuable role AmeriCorps plays in Maine communities. We request that AmeriCorps be funded as needed in these times of budget cutting across the Nation in the fiscal year 2003 supplemental budget so that Maine communities are able to receive help from AmeriCorps volunteers and meet the critical needs of our citizens; and be it further

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

POM–203. A joint resolution adopted by the Legislature of the State of Maine relative to calculating rates in the Woods Wage Survey, establishing heavy equipment operational rates, and removing barriers to the health and safety of persons harvesting forest products; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

Whereas, the United States Department of Labor H–2 Bonded Labor Program is still used to employ loggers by timber harvesting companies that operate in the forests of Maine; and

Whereas, a 1999 United States Department of Labor-sponsored study of the H–2 program and the Maine logging industry recommended a number of changes in the H–2 program; and

Whereas, piece and equipment rates established annually for the H–2 program essentially represent piece and equipment rates not only for Canadian bonds but also United States loggers who work in Maine timber harvesting operations; and

Whereas, the timber harvesting segment of the Maine forest products industry is characterized by greater use of mechanized equipment to harvest the trees in the Maine woods and the rates of operational reimbursement for that equipment have not changed in 30 years; and

Whereas, the 1999 bonded labor study found that ''changes to the annual Woods Wage Survey and the establishment of heavy equipment reimbursement rates will make the H–2 program more efficient in ensuring its goals''; and

Whereas, the varying and conflicting definitions of, criteria for and application of independent contractor status by federal agencies also represent a significant challenge to the forest products industry and other industries; and

Whereas, these varying and conflicting definitions and applications of independent contractor status make it difficult for members of the forest products industry and other industries to efficiently operate their businesses in compliance with these laws, which are intended to define and characterize the employer-employee relationship; and

Whereas, some of these varying and conflicting definitions and applications of independent contractor status, particularly Section 530 of the federal Revenue Act of 1978, as amended, encourage and enable some industry members to use these laws to gain a competitive advantage over those industry members struggling to obey both the letter and the spirit of these laws; and

Whereas, these varying and conflicting definitions and applications of independent contractor status have made it difficult, if not impossible, for federal agencies to successfully prosecute individuals and businesses who willfully violate the letter and spirit of these laws; now, therefore, be it

Resolved, That We, your Memorialists, for the continued viability of the timber harvesting industry in Maine, respectfully recommend, urge and request the Members of the Maine Congressional Delegation to:

1. Submit and support legislation requiring the United States Department of Labor to establish reimbursement rates for heavy equipment operation under the H–2 program;

2. Urge the United States Department of Labor to conduct a thorough examination of the current methodology for calculating the various rates reflected in the annual Woods Wage Survey for the H–2 program, particularly the methodology for calculating hourly wage rates, and specifically urge the department to examine the methodology for its Woods Wage Survey for accuracy, rigor and types of workers included in the survey's universe;

3. Submit and support legislation to clarify and make more consistent the definitions, applications and criteria for independent contractors in federal law; and

4. Review Section 530 of the federal Revenue Act of 1978, as amended, with the Internal Revenue Service to ensure that is current application does not represent a barrier to the health and safety of those who work in the forest products industry and that, if warranted, the delegation submit and support legislation that will clarify the application of Section 530 of the federal Revenue Act of 1978, as amended; and be it further

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

POM–204. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to bovine tuberculosis; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 87

Whereas, Bovine tuberculosis is an infectious disease that poses a significant risk to domestic livestock, wildlife, companion animals, and humans throughout the world; and

Whereas, Bovine tuberculosis has many severe impacts beyond the disease itself. It increases costs, limits markets for livestock producers nationally and internationally, depresses interest in the state's hunting and tourism industries, and requires state resources for its eradication. These factors have impacted the families of northeastern Lower Michigan significantly; and

Whereas, Since the discovery of bovine tuberculosis in wild white-tailed deer in Michigan in 1995, and in cattle in 1998, the state of Michigan, in a partnership with Michigan State University, the livestock industry, the hunting and outdoors community, and local and federal officials, has worked diligently to control, contain, and eradicate the disease; and

Whereas, Through an aggressive testing plan for livestock and wildlife, Michigan is able to demonstrate to other states and the world that this disease is not present throughout the entire state of Michigan and that the tremendous efforts undertaken with both livestock and wildlife are moving the state toward eradication; and

Whereas, Federal assistance on technical, financial, and staff levels has been critical to Michigan's efforts to eradicate bovine tuberculosis; and

Whereas, With many other current and emerging plant and animal diseases, resources are challenged at both the federal and state levels to address these diseases adequately; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to continue providing assistance to Michigan to help eradicate bovine tuberculosis; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Department of Agriculture.

POM–205. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Federal Prison Industries' unfair advantages in business competition; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 103

WHEREAS, in 1934, Federal Prison Industries (FPI) was created as a government corporation. This system operates more than 100 factories, utilizes more than 20,000 inmate workers, and compiles total sales of approximately $500 million annually from over 150 products; and

WHEREAS, While the role that FPI plays in promoting the development of marketable skills among inmates has clear merits, this operation enjoys unfair advantages over private sector manufacturers. Even beyond the obvious wages and benefits advantages inmate workers offer, other factors favor FPI. This is especially true through certain governmental procurement policies, including a ''mandatory source'' requirement that severely limits competition; and

WHEREAS, Michigan is harmed significantly by the advantages FPI has over private manufacturers, especially within the furniture industry. Thousands of Michigan workers have lost their jobs in recent years, and the favorable policies for FPI are major contributing factors in these job losses; and

WHEREAS, In the past, legislation has been considered in Congress to address directly the issue of the preferential treatment afforded FPI in bidding for government contracts. This unfair situation needs to be corrected to preserve jobs and to restore fairness in the marketplace; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Office of the President of the United States.

POM–206. A joint resolution adopted by the Senate of the Legislature of the State of Colorado relative to the Aurora Veterans' Memorial; to the Committee on Veterans' Affairs.

SENATE JOINT RESOLUTION 03–029

Whereas, In 1918, the Army established the Army General Hospital No. 21 to serve World War I veterans, which hospital was later renamed Fitzsimons Army Medical Center to honor 1st Lieutenant William T. Fitzsimons, the first Army officer killed in World War I; and

Whereas, On October 7, 2002, the Aurora City Council approved a memorial concept to pay tribute to the many living and fallen military veterans from the city of Aurora; and

Whereas, The Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument will be located in Generals' Park, on the Fitzsimons campus; and

Whereas, Artist and veteran Gene Martin will bring his vision to reality with a stunning sculpture entitled ''National Debt'' depicting a hand reaching down from above, spilling over with dog tags; and

Whereas, The approximately fifty readable dog tags in the sculpture, as well as four of the five black granite base panels, will be engraved with the names and other information of military veterans whose home of record was Aurora and who died as a result of combat action, in the line of duty, during the time since the Spanish-American war; and

Whereas, The proposed sculpture, from bronze and stainless steel with a black granite base, will be surrounded by a fifty-eight foot pentagon-shaped ring of approximately nine thousand commemorative paver and donor bricks located on the ground and vertically on the inside of the inner pentagon-shaped sandstone wall which will incorporate five massive cornerstones, each with a six foot bench; and

Whereas, Three flagpoles will be displayed. Six foot by ten foot American and POW/MIA flags will fly on the center fifty-foot pole, and six foot by ten foot Colorado state and City of Aurora flags will each fly on shorter forty-five foot flagpoles located to the north and south of the center pole. All three flagpoles will face east and will be brilliantly lit at night along with the ''National Debt'' sculpture; and

Whereas, The Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument will permanently honor the spirit and sacrifice of Aurora veterans and their commitment to the defense of our nation and serve as a reminder that we owe a debt of gratitude to our veterans; and

Whereas, A special documentary will be produced explaining the entire history and concept of the memorial, further honoring the fallen heroes who sacrificed their lives; and

Whereas, The Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument will also inspire future generations, deepening their appreciation of the accomplishments, dedication, and sacrifices of veterans in creating the foundation for a more stable, peaceful, and prosperous world, and will further serve as a reminder of what can be accomplished when people unite in pursuit of a just cause; and

Whereas, Governor Bill Owens has expressed his support for the establishment of the Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument as evidenced by his letter dated March 17, 2003; now, therefore, be it

Resolved by the Senate of the Sixty-fourth General Assembly of the State of Colorado, the House of Representatives concurring herein: That we, the members of the Sixty-fourth General Assembly of the State of Colorado, recognize and pay tribute to the veterans, living and fallen, of Aurora and of all of Colorado, and we support the efforts of the Aurora Veterans' Affairs Commission in erecting the Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument. Be it further

Resolved, That copies of this Joint Resolution be sent to President George W. Bush; Vice President Richard Cheney; Secretary of State Colin Powell; Secretary of Defense Donald Rumsfeld; Secretary of Veterans Affairs Anthony Principi; Colorado's congressional delegation; Aurora Mayor Paul Tauer; the Aurora City Council; the Aurora Veterans Affairs Commission; and Jerry L. Staples, Director, Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument.

POM–207. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 70

Whereas, on February 11, 2003, Representative Neil Abercrombie, along with other members, introduced H.R. 664 in the United States House of Representatives, which bill was then referred to the Committee on Veterans' Affairs; and

Whereas, H.R. 664 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, H.R. 664 would mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, H.R. 664 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, H.R. 664 would also increase the rate of payment of compensation benefits and burial benefits to certain Filipino veterans designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts; now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That the United States Congress is respectfully urged to support the passage of H.R. 664, to improve benefits for Filipino veterans of World War II and the surviving spouses of those veterans; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, and the Secretary of Veterans Affairs.

POM–208. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to improving benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 69

Whereas, on January 7, 2003, Senator Daniel K. Inouye introduced S. 68 in the United States Senate, which bill was read twice and then referred to the Committee on Veterans' Affairs; and

Whereas, S. 68 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans' Affairs to furnish care and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic; now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii congressional delegation, and the Secretary of Veterans Affairs.

POM–209. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 8

Whereas, one of the prime missions of the Department of Veterans Affairs is to nurture the health of those who have served their country and who qualify for medical care; and

Whereas, Congress has authorized an increase in the medication copayment from $2 to $7 and applied it to each month's supply rather than each prescription refill, pursuant to the Veterans Millennium Health Care and Benefits Act of 1999; and

Whereas, this change results in a $21 copayment for a 3 months' supply of even minor medications such as aspirin or antacid; and

Whereas, while the Department of Veterans Affairs gains financially, the effect of such changes discourage veterans from seeking help and is contrary to the Department's mission: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the general court of New Hampshire hereby urges that the Congress of the United States make the necessary changes concerning the copayment of $7 per prescription, rather than each prescription refill, and return to the $2 copayment pursuant to the Veterans Millennium Health Care and Benefits Act of 1999; and

That copies of this resolution signed by the speaker of the house of representatives and the president of the senate be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of Veterans Affairs, and to each member of the New Hampshire congressional delegation.

POM–210. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Texas relative to the State Children's Health Insurance Program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 57

Whereas, Federal funding for the State Children's Health Insurance Program (SCHIP), enacted in 1997 by the United States Congress, is provided through state-specific, annual allotments; and

Whereas, Several states have been unable to use all of their allotments, while other states spent all available funds; and

Whereas, Absent a statutory change, states with excess funds from prior years would lose millions in funding and put underserved children's health in jeopardy; and

Whereas, The State of Texas's two-year appropriations cycle delayed the initiation of the SCHIP program, presenting barriers to the full utilization of early-year SCHIP allotments; and

Whereas, The State of Texas began the 2002–2003 biennium enrolling more children in SCHIP faster than any other state in the country; and

Whereas, The State of Texas, specifically, stands to lose $248 million in unspent SCHIP funds: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to enact legislation amending Title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program; and, be it further

Resolved, That the Texas secretary of State forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, and all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record of the United States of America.

POM–211. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Texas relative to Medicaid spending; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 56

Whereas, State Medicaid spending currently accounts for approximately 22 percent of total state spending; and

Whereas, Under the Federal Medical Assistance Percentage, the federal share of state Medicaid spending provided to the State of Texas has decreased by 4.2 percent over the past 10 years; and

Whereas, Average monthly Medicaid caseloads in the State of Texas are projected to increase to 2,885,583 by fiscal year 2005 from 2,376,193 in fiscal year 2003; and

Whereas, Prescription drug costs are a major factor driving Medicaid expenditures, and annual Medicaid prescription levels in the State of Texas are projected to rise to 40,257,515 by fiscal year 2005, from 33,859,094 in fiscal year 2003; and

Whereas, The Congressional Budget Office projects that Medicaid spending under the current system will more than double by the year 2012; and

Whereas, Section 1115 of the Social Security Act grants the secretary of health and human services broad authority to waive certain laws relating to Medicaid or SCHIP for the purpose of conducting pilot, experimental or demonstration projects which are likely to promote the objectives of the program; and

Whereas, Section 1115 demonstration waivers allow states to change provisions of their Medicaid or SCHIP programs, including eligibility requirements, the scope of services available, the freedom to choose a provider, a provider's choice to participate in a plan, the method of reimbursing providers, and the statewide application of the program; and

Whereas, The State of Florida has successfully experimented with the ''cash and counsel'' program, a consumer-directed care model for the purchase of attendant care and other community care services under a Section 1115 demonstration waiver; and

Whereas, In early 2002, both houses of the legislature of the State of Florida voted unanimously to continue with a consumer-directed care approach for the purchase of attendant care and other community care services; Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Secretary of the United States Department of Health and Human Services to authorize any section 1115 demonstration waivers, and any other related waivers, requested by State of Texas for the purposes of implementing a consumer-directed care program for the purchase of attendant care and other community care services under the state Medicaid program; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, the secretary of the United States Department of Health and Human Services and all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record of the United States of America.

POM–212. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to seafood import restrictions and antibiotics; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 57

Whereas, on May 8, 2003 Senate Concurrent Resolution No. 18 of the 2003 Regulation Session was enrolled by the Louisiana Legislature; and

Whereas, Senate Concurrent Resolution No. 18 called for the United States Government to improve enforcement of food import restrictions on seafood imports containing chloramphenicol, nitrofurans, and other banned veterinary drugs in order to protect American consumers and ensure the safety of the food supply; and

Whereas, language was added to Senate Concurrent Resolution No. 18 at the request of the American Seafood Distributors Association (ASDA) to state that, ''United States based companies involved in the importation and processing of shrimp are opposed to the use of chloramphenicol and are working with

the domestic shrimp industry and the Food and Drug Administration to develop effective protocols, including in-country testing, certification of foreign testing facilities and other means to detect banned antibiotics and to exclude all tainted products from the United States market''; and

Whereas, the fact that both the domestic industry and companies importing seafood into the United States are opposed to the use of chloramphenicol and all other banned drugs in imported seafood is a benefit to all United States consumers; and

Whereas, the specific working of the amendment added at the request of the ASDA may be misinterpreted that the Louisiana Legislature supports testing of imported seafood in foreign countries: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana desires to clarify Senate Concurrent Resolution No. 18 of the 2003 Regular Session, enrolled on May 8, 2003, that the Louisiana Legislature only supports the testing of imported seafood by the Federal Food and Drug Administration within the boundaries of the United States; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–213. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to funding for the Louisiana University of Medical Services; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 108

Whereas, Louisiana suffers with one of the worst health environments in the country, including a high infant mortality rate, a high rate of low birth weight babies, and an incidence of stroke that is 1.3 times that of the rest of the country, outside of the ''stroke belt''; and

Whereas, despite the best efforts of medical education institutions in Louisiana, the deficit of primary care physicians continues; and

Whereas, less than one-half of the 1998 graduates of medical education institutions in Louisiana selected a primary care specialty; and

Whereas, Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine, is a non-profit organization designed to address the shortage of primary care physicians in small towns, rural areas, and underserved areas; and

Whereas, the faculty and staff of the College of Primary Care Medicine are committed to a teaching program that addresses the shortage of primary care physicians both in Louisiana and nationwide; and

Whereas, throughout the educational experience at the College of Primary Care Medicine of the Louisiana University of Medical Sciences, Inc., the student will be exposed to a wide variety of primary health care settings; and

Whereas, through the program at the College of Primary Care Medicine of the Louisiana University of Medical Sciences, Inc., the traditional basic medical sciences will be thoroughly presented, and students will be given all the tools necessary to be successful on the United States Medical Licensing Examination: Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine; and be it further

Resolved, That a copy of this Resolution be transmitted to the President of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation to the United States Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 1403. A bill to provide for the establishment of a new Department of Veterans Affairs medical facility for veterans in the Columbus, Ohio, area; to the Committee on Veterans' Affairs.

By Mr. McCAIN (for himself and Mr. STEVENS):

S. 1404. A bill to amend the Ted Stevens Olympic and Amateur Sports Act; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1405. A bill to designate the facility of the United States Postal Service located at 514 17th Street Moline, Illinois, as the ''David Bybee Post Office Building''; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself, Mr. BURNS, Mr. BAUCUS, Mr. JOHNSON, Mr. CRAPO, Mr. DASCHLE, and Mr. CONRAD):

S. 1406. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EDWARDS:

S. 1407. A bill to regulate concentrated animal feeding operations for the protection of the environment and public health, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of South Carolina (for himself, Mr. REID, and Mr. MILLER):

S. 1408. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 1409. A bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. INOUYE, Mr. GRASSLEY, and Mr. DASCHLE):

S. 1410. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. CHAFEE):

S. 1411. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1412. A bill to suspend the implementation of the revised definitions of Metropolitan Statistical Areas applicable to Kent, Ottawa, Muskegon, and Allegan Counties in the State of Michigan; to the Committee on Governmental Affairs.

By Mrs. BOXER:

S. 1413. A bill to authorize appropriations for conservation grants of the Environmental Protection Agency, to direct the Secretary of the Army and the Secretary of the Interior to conduct expedited feasibility studies of certain water projects in the State of California, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. MILLER, Mrs. HUTCHISON, Mr. CRAIG, Mr. CORNYN, Mr. SESSIONS, Mr. DOMENICI, Mr. CHAMBLISS, Mr. BURNS, Mr. SUNUNU, Mr. ENZI, Mr. BUNNING, Mr. ALLEN, Mr. STEVENS, Mr. CAMPBELL, Mr. GRASSLEY, Mr. THOMAS, Mr. GRAHAM of South Carolina, and Mr. CRAPO):

S. 1414. A bill to restore second amendment rights in the District of Columbia; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1415. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. FRIST):

S. 1416. A bill to implement the United States-Chile Free Trade Agreement; to the Committee on Finance and the Committee on the Judiciary, jointly, pursuant to section 2103(b)(3) of Public Law 107–210.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. FRIST):

S. 1417. A bill to implement the United States—Singapore Free Trade Agreement; to the Committee on Finance and the Committee on the Judiciary, jointly, pursuant to section 2103(b)(3) of Public Law 107–210.

By Mr. DORGAN (for himself, Mr. LOTT, Mr. HOLLINGS, Ms. COLLINS, Mr. FEINGOLD, Ms. SNOWE, Mr. KERRY, Mrs. HUTCHISON, and Mr. WYDEN):

S.J. Res. 17. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. SMITH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 198, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 300

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there

should be a national day in recognition of Jackie Robinson.

S. 489

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 569

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 593

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 593, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment has occurred.

S. 602

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 602, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 614

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 614, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 622

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 622, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 764

At the request of Mr. CAMPBELL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 793

At the request of Mr. BYRD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 793, a bill to provide for increased energy savings and environmental benefits through the increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.

S. 846

At the request of Mr. SMITH, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 875

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 973

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1053

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1053, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products.

S. 1076

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1129

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1344

At the request of Mr. CORZINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1344, a bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions, and for other purposes.

S. 1349

At the request of Mr. SMITH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1387

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1387, a bill to amend the Immigration and Nationality Act to authorize the establishment of guest worker programs, to provide for the adjustment of status of certain aliens unlawfully present in the United States to the status of a non-immigrant guest worker, and for other purposes.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Louisiana

(Ms. LANDRIEU), the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

AMENDMENT NO. 1017

At the request of Mr. ALLARD, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of amendment No. 1017 proposed to S. 1, a bill to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the Medicare program and to strengthen and improve the Medicare program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—JULY 11, 2003

By Ms. SNOWE (for herself, Mr. REID, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH, Mr. CORZINE, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. WARNER, Mr. INOUYE, Mrs. LINCOLN, Ms. STABENOW, Mr. DURBIN, Mr. CHAFEE, Ms. COLLINS, and Mrs. BOXER):

S. 1396. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I am pleased today to join Senator SNOWE in introducing legislation that will promote equity and fairness for women.

The Equity in Prescription and Contraception Coverage Act of 2003, EPICC, requires insurance plans that provide coverage for prescription drugs to provide the same coverage for prescription contraceptives.

Senator SNOWE and I first introduced EPICC about 6 years ago. We have been working across party lines and across the ideological spectrum to gain support from our colleagues in the Senate, and I am proud to report that EPICC had 44 cosponsors from both parties in the 107th Congress.

It is time for us to come together and enact this legislation. It will prevent unintended pregnancies, reduce the number of abortions performed in this country, and address unmet health needs of American women.

We can find not only common ground but also a common sense solution in the legislation I am introducing with Senator SNOWE.

By making sure women can afford their prescription contraceptives, our bill will help to reduce the staggering rates of unintended pregnancy in the United States, and reduce the number of abortions performed.

It is a national tragedy that half of all pregnancies nationwide are unintended, and that half of those will end in abortions. It is a tragedy, but it doesn't have to be. If we work together, we can prevent these unintended pregnancies, and abortions.

One of the most important steps we can take to prevent unintended pregnancies, and to reduce abortions, is to make sure American women have access to affordable, effective contraception.

There are a number of safe and effective contraceptives available by prescription. Used properly, they greatly reduce the rate of unintended pregnancies.

However, many women simply can't afford these prescriptions, and their insurance doesn't pay for them, even though it covers other prescriptions.

That is not fair. We know women on average earn less than men, yet they must pay far more than men for health-related expenses.

According to the Women's Research and Education Institute, women of reproductive age pay 68 percent more in out-of-pocket medical expenses than men, largely due to their reproductive health-care needs.

Because many women can't afford the prescription contraceptives they would like to use, many do without them—and the result, all too often, is unintended pregnancy and abortion.

This isn't an isolated problem. The fact is, a majority of women in this country are covered by health insurance plans that do not provide coverage for prescription contraceptives.

This is unfair to women . . . and it's bad policy that causes additional unintended pregnancies, and adversely affects women's health.

Senator SNOWE and I first introduced our legislation in 1997. Since then, the Viagra pill went on the market, and one month later it was covered by most insurance policies.

Birth control pills have been on the market since 1960, and today, 43 years later, they are covered by only one-third of health insurance policies.

So, most insurance policies pay for Viagra. But most of them don't pay for prescription contraceptives that prevent unintentional pregnancies and abortions.

This isn't fair, and it isn't even cost-effective, because most insurance policies do cover sterilization and abortion procedures. In other words, they won't pay for the pills that could prevent an abortion . . . but they will pay for the procedure itself, which is much more costly.

The Federal Employee Health Benefits Program, which has provided contraceptive coverage for several years, shows that adding such coverage does not make the plan more expensive.

In December 2000, the U.S. Equal Employment Opportunity Commission, EEOC, ruled that an employer's failure to include insurance coverage for prescription contraceptives, when other prescription drugs and devices are covered, constitutes unlawful sex discrimination under Title VII of the Civil Rights Act of 1964.

On June 12, 2001, a Federal district court in Seattle made the same finding in the case of Erickson vs. Bartell Drug Company.

These decisions confirm that we have know all along; contraceptive coverage is a matter of equity and fairness for women.

We are not asking for special treatment of contraceptives—only equitable treatment within the context of an existing prescription drug benefit.

This legislation is right because it's fair to women.

It's right because it will prevent unintended pregnancies, a goal we all share.

And it's right because it is more cost-effective than other services—including abortions, sterilizations and tubal ligations—that most insurance companies routinely cover.

This is common sense, cost-effective legislation . . . and it is long overdue.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. STEVENS):

S. 1404. A bill to amend the Ted Stevens Olympic and Amateur Sports Act; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today, I am joined by Senator STEVENS in introducing the United States Olympic Committee Reform Act of 2003. This legislation is designed to reform the governance structure of the United States Olympic Committee, USOC, in response to a series of embarrassing events that has beset the USOC and threatened the organization's credibility in the eyes of our athletes, the American people, and the international sports community.

While the current mission of the USOC is to ''preserve and promote the Olympic ideal as an effective, positive role model that inspires all Americans,'' turmoil within the organization over the past decade has seriously compromised that mission and has amplified significant problems that exist within its governance structure and culture. By failing to place the organization ahead betrayed the Olympic ideals that they pledged to preserve.

The bill that we are introducing today is the product of three hearings held this year by the Senate Committee on Commerce, Science, and Transportation in response to several USOC scandals and in an effort to help begin reforming the organization. It also is informed by the report of an independent commission requested by the Commerce Committee to review the USOC, and a review by an internal USOC task force, both of which were released last month.

The bill would make significant improvements to the governance structure of the USOC by reducing the size of the current board of directors from

124 to nine members and by creating an assembly of USOC stakeholders. Unlike the current duopolistic leadership structure of the USOC, the board would be the primary governing body of the USOC, and it would appoint a chief executive officer to carry out its policies and run its day-to-day operations. As such, the USOC will become a more efficient and effective organization, as well as one with a more logical and transparent structure.

In addition, the bill would maintain the authority of athletes and national governing bodies in the operation of the USOC, require increased financial transparency, and provide whistleblower protection for USOC employees. Most importantly, however, this bill would streamline the organization to allow a larger percentage of USOC revenues to be dedicated to support amateur athletes. Instead of supporting a large and wasteful corporate structure, the reformed USOC will be able to dedicate fewer resources to a small and more effective governing body.

We must be mindful that the Olympic movement is not about people who attach themselves to the USOC for their own benefit. It is a movement that is driven by athletes who dedicate their bodies and souls to improving their God-given talent with the hope of someday realizing their Olympic dreams. The USOC is an entity entrusted by the American people with the privilege of being the custodian of these dreams. We must act quickly to ensure that the self-serving agendas of individual USOC constituencies are no longer paramount to the common objectives of the organization.

The problems that plague the USOC compromise the organization's ability to operate effectively and efficiently and undermine the credibility of the organization. I believe this bill would provide realistic remedial measures to these problems, and I urge my colleagues to support its expeditious enactment.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Olympic Committee Reform Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) There is a widespread loss of confidence in the United States Olympic Committee.

(2) Restoring confidence in the United States Olympic Committee is critical to achieving the original intent of the Ted Stevens Amateur and Olympic Sports Act.

(3) Confusion exists concerning the primary purposes and priorities of the United States Olympic Committee.

(4) The current governance structure of the United States Olympic Committee is dysfunctional.

(5) The ongoing national corporate governance debate and recent reforms have important implications for the United States Olympic Committee.

(6) There exists no clear line of authority between the United States Olympic Committee volunteers and the United States Olympic Committee paid staff.

(7) There is a widespread perception that the United States Olympic Committee lacks financial transparency.

SEC. 3. AMENDMENT OF TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.).

SEC. 4. GOVERNANCE OF THE UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Act (36 U.S.C. 220501) is amended by adding at the end the following:

''SUBCHAPTER III. GOVERNANCE

''§ 220541. Board of directors

''(a) IN GENERAL.—The board of directors is the governing body of the corporation and shall establish the policies and priorities of the corporation. The board of directors shall have the full authority to manage the affairs of the corporation.

''(b) STRUCTURE OF THE BOARD.—

''(1) IN GENERAL.—The board of directors shall consist of 9 elected members and the ex officio members described in paragraph (3).

''(2) ELECTED MEMBERS.—The elected directors, elected as provided in subsection (g), are—

''(A) 5 independent directors, as defined in the constitution and bylaws of the corporation;

''(B) 2 directors elected from among those nominated by the Athletes' Advisory Council, who at the time of nomination meet the specifications of section 220504(b)(2)(B) of this title; and

''(C) 2 directors elected from among those nominated by the National Governing Bodies' Council.

''(3) EX OFFICIO MEMBERS.—The ex officio members are—

''(A) the speaker of the assembly; and

''(B) the International Olympic Committee member or members from the United States who are required to be ex officio members of the executive organ of the corporation under the terms of the Olympic Charter.

''(c) TERMS OF OFFICE.—

''(1) ELECTED DIRECTORS.—The term of office of an elected director shall be 4 years. An individual elected to replace a director who does not serve a full 4-year term shall be elected initially to serve only the balance of the expired term of the member that director replaces. No director shall be eligible for reelection, except a director whose total period of service, if elected, would not exceed 6 years. The chair of the board shall be eligible to serve an additional 2 years as required to complete his or her term as chair.

''(2) STAGGERED TERMS.—Notwithstanding paragraph (1), of the directors first elected to the board after the date of enactment of the United States Olympic Committee Reform Act—

''(A) 2 of the directors elected under paragraph (2)(A) shall be elected for terms of 2 years;

''(B) 3 of the directors elected under paragraph (2)(A) shall be elected for terms of 4 years;

''(C) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 2 years;

''(D) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 4 years;

''(E) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 2 years; and

''(F) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 4 years.

''(3) EX OFFICIO MEMBERS.—The speaker of the assembly shall serve as a non-voting ex officio member of the board while holding the position of speaker of the assembly. An International Olympic Committee member shall serve as an ex officio member of the board for so long as the member is a member of that Committee.

''(d) VOTING.—

''(1) ELECTED MEMBERS.—Each elected director shall have 1 vote on all matters on which the board votes, consistent with the constitution and bylaws of the corporation.

''(2) EX OFFICIO MEMBERS.—Each voting ex officio member shall have 1 vote on matters on which the ex officio members vote, consistent with the constitution and bylaws of the corporation, and the votes of the ex officio members shall be weighted such that, in the aggregate, the votes of all voting ex officio members are equal to the vote of one elected director.

''(3) TIE VOTES.—In the event of a tie vote of the board, the vote of the chair of the board shall serve to break the tie.

''(4) QUORUM.—The board may not take action in the absence of a quorum, which shall be 7 members, of whom at least 3 shall be members described in subsection (b)(2)(A).

''(e) CHAIR OF THE BOARD.—The board shall elect 1 of the members described in subsection (b)(2) to serve as chair of the board first elected after the date of enactment of the United States Olympic Committee Reform Act. The chair of the board shall preside at all meetings of the board and have such other duties as may be provided in the constitution and bylaws of the corporation. No individual may hold the position of chair of the board for more than 4 years.

''(f) COMMITTEES.—

''(1) IN GENERAL.—The board of directors shall establish the following 4 standing committees:

''(A) The Audit Committee.

''(B) The Compensation Committee.

''(C) The Ethics Committee.

''(D) The Nominating and Governance Committee.

''(2) COMMITTEE MEMBERSHIP.—The Compensation Committee shall consist of 3 board members selected by the board. The Audit Committee, Ethics Committee, and Nominating and Governance Committee shall each consist of—

''(A) 3 board members described in subsection (b)(2)(A), selected by the board;

''(B) 1 board member described in subsection (b)(2)(B), selected by the board; and

''(C) 1 board member described in subsection (b)(2)(C), selected by the board.

''(3) ADDITIONAL COMMITTEES.—The board may establish such additional committees, subcommittees, and task forces as may be necessary or appropriate and for which sufficient funds exist.

''(g) NOMINATION AND ELECTION.—

''(1) IN GENERAL.—The nominating and governance committee shall recommend candidates to the board of directors to fill vacancies on the board as provided in the constitution and bylaws of the corporation. For each vacancy that is to be filled by a nominee of the Athletes' Advisory Council or the National Governing Bodies' Council, the Athletes' Advisory Council or the National Governing Bodies' Council shall recommend 3 individuals to the nominating and governance committee, which shall nominate 1 of

the recommended individuals to the board of directors.

''(2) RECUSAL OF MEMBERS ELIGIBLE FOR RE-ELECTION.—Any member of the nominating and governance committee who is eligible for re-election by virtue of serving for an initial term of less than 2 years shall be recused from participation in the nominating and recommendation process.

''(3) BOARD TO ELECT MEMBERS.—Except as provided in section 4(c)(2) of the United States Olympic Committee Reform Act, the board of directors shall elect directors from the candidates proposed by the nominating and governance committee.

''§ 220542. Assembly

''(a) IN GENERAL.—

''(1) FORUM FUNCTION.—The assembly shall be a forum for all stakeholders of the corporation. The assembly shall have an advisory function only, except as otherwise expressly provided in this chapter.

''(2) VOTING ON MATTERS RELATING TO THE OLYMPIC GAMES.—The assembly shall have the right to vote on, and shall have ultimate authority to decide, matters relating to the Olympic Games. The board of directors shall determine whether a matter is a question relating to the Olympic Games on which the assembly is entitled to vote. The determination of the board shall be final and binding.

''(3) MEETINGS.—The assembly shall convene annually in a meeting open to the public. The board of directors may convene special meetings of the assembly.

''(4) ANNUAL BUDGET.—The board of directors shall establish an annual budget for the assembly, as provided in the constitution and bylaws of the corporation. In establishing the budget, the board of directors shall take into account the interest of the corporation in minimizing the costs associated with the assembly.

''(b) STRUCTURE OF THE ASSEMBLY.—

''(1) IN GENERAL.—The assembly shall consist of—

''(A) representatives of the constituencies of the corporation specified in section 220504 of this title (other than former United States Olympic Committee members);

''(B) the International Olympic Committee's members for the United States; and

''(C) not more than 3 individuals who have represented the United States in an Olympic Games not within the preceding 10 years, selected through a process to be determined by the board of directors in accordance with the constitution and bylaws of the corporation.

''(2) AMATEUR ATHLETE REPRESENTATION.—Amateur athletes shall constitute not less than 20 percent of the membership in the assembly.

''(c) VOTING.—

''(1) REPRESENTATIVES OF THE NATIONAL GOVERNING BODIES.—Representatives of the national governing bodies shall constitute not less than 51 percent of the voting power held in the assembly.

''(2) AMATEUR ATHLETES.—Amateur athletes shall constitute not less than 20 percent of the voting power held in the assembly.

''(d) SPEAKER OF THE ASSEMBLY.—The speaker of the assembly shall be a member of the assembly (who, as a member, is entitled to vote) who is elected by the members of the assembly for a 4-year term. An individual may not serve as speaker for more than 4 years. The speaker shall preside at all meetings of the assembly and serve as a nonvoting ex officio member of the board of directors as provided in section 220541. The speaker shall have no other duties or powers (other than the right to vote), except as may be expressly assigned by the board of directors.

''§ 220543. Chief executive officer

''(a) IN GENERAL.—The corporation shall have a chief executive officer who shall not be a member of the board of directors. The chief executive officer shall be selected by, and shall report to, the board of directors, as provided in the constitution and bylaws of the corporation. The chief executive officer shall be responsible, with board approval, for filling other key senior management positions as provided in the constitution and bylaws of the corporation.

''(b) DUTIES.—The chief executive officer shall, either directly or by delegation—

''(1) manage all staff functions and the day-to-day affairs and business operations of the corporation, including but not limited to relations with international organizations; and

''(2) implement the mission and policies of the corporation, as determined by the Board.

''§ 220544. Whistleblower procedures and protections

''The corporation, through the board of directors, shall establish procedures for—

''(1) the receipt, retention, and treatment of complaints received by the corporation regarding accounting, auditing or ethical matters; and

''(2) the protection against retaliation by any officer, employee, director or member of the corporation against any person who submits such complaints.''.

(b) TRANSITION.—The individuals serving as members of the board of directors of the United States Olympic Committee on the date of enactment of this Act shall continue to serve as the board of directors until a board of directors has been elected under subsection (c)(2) of this section.

(c) INITIAL NOMINATING AND GOVERNANCE COMMITTEE.—

(1) IN GENERAL.—Until the initial board of directors has been elected and taken office, the nominating and governance committee required by section 220541(f) of title 36, United States Code, shall consist of—

(A) 1 individual selected by the Athlete's Advisory Council from among its members;

(B) 1 individual selected by the National Governing Bodies' Council from among its members;

(C) 1 individual selected by the public-sector directors of the United States Olympic Committee from among such directors serving on the date of enactment of this Act;

(D) 1 individual selected by the Independent Commission on Reform of the established by the United States Olympic Committee in March, 2003, from among its members, who shall chair the committee; and

(E) 1 individual selected by the Governance and Ethics Task Force established by the United States Olympic Committee in February, 2003, from among its members.

(2) ELECTION OF NEW BOARD OF DIRECTORS.—The nominating and governance committee established by paragraph (1) shall—

(A) elect an initial board or directors who shall serve for the terms provided in section 220541(c)(2) of title 36, United States Code; and

(B) elect 1 of the members described in section 220541(b)(2)(A) of that title to serve as chair until the terms of the members elected under subparagraph (A) have expired.

(d) CONFORMING AMENDMENTS.—

(1) REPRESENTATION REQUIREMENTS.—Section 220504(b) is amended—

(A) by striking ''representation of—'' and inserting ''representation on its board of directors and in its assembly of—''; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

''(B) ensure that—

''(i) the membership and voting power of such amateur athletes is not less than 20 percent of the membership and voting power of each committee, subcommittee, working group, or other subordinate decision-making group, of the corporation; and

''(ii) the voting power held by members of the board of directors who were nominated by the Athlete's Advisory Council is not less than 20 percent of the total voting power held in the board of directors;''.

(2) CONSTITUTION AND BYLAWS.—Section 220505(a) is amended—

(A) by striking ''bylaws.'' and inserting ''bylaws consistent with this chapter, as determined by the board of directors. The board of directors shall adopt and amend the constitution and bylaws of the corporation, consistent with this chapter.'';

(B) by inserting ''the board of directors proposes and approves by majority vote such an amendment and'' after ''only if''; and

(C) by striking ''publication,'' in paragraph (1) and inserting ''publication and on its website,''.

(3) OMBUDSMAN TO REPORT TO BOARD OF DIRECTORS.—Section 220509(b) is amended—

(A) by inserting ''the board of directors and'' in paragraph (1)(C) after ''report to'';

(B) by striking ''corporation's executive director'' in paragraph (2)(A)(i) and inserting ''board of directors'';

(C) by striking clauses (ii) and (iii) of paragraph (2)(A) and inserting the following:

''(ii) The board of directors shall hire or not hire such person after fully considering the advice and counsel of the Athlete's Advisory Council.'';

(D) by striking ''corporation'' the first place it appears in paragraph (2)(B) and inserting ''board of directors'';

(E) by striking ''to the corporation's executive committee by either the corporation's executive director'' in paragraph (2)(B)(ii) and inserting ''by 1 or more members of the board of directors''; and

(F) by striking ''corporation's executive committee'' in paragraph (2)(B)(iii) and inserting ''board of directors''.

(4) ELIGIBILITY REQUIREMENTS.—Section 220522(a)(4)(B) is amended by striking ''corporation's executive committee'' and inserting ''board of directors''.

(5) CHAPTER ANALYSIS.—The chapter analysis for chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III. GOVERNANCE

''220541. Board of directors
''220542. Assembly
''220543. Chief executive officer
''220544. Whistleblower procedures and protections''.

SEC. 5. REPORTS.

Section 220511 is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

''(a) BIENNIAL REPORT.—On or before the first day of June of every other year, the corporation shall transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 2 years, including—

''(1) annual financial statements—

''(A) audited in accordance with generally accepted accounting principles by an independent certified public accountant; and

''(B) certified by the chief executive officer and the chief financial officer of the corporation as to their accuracy and completeness;'';

(2) by striking ''4-year period;'' in subsection (a)(2) and inserting ''2-year period;''; and

(3) by inserting ''free of charge on its website (or via a similar medium that is widely available to the public), and otherwise'' in subsection (b) after ''persons''.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1405. A bill to designate the facility of the United States Postal Service located at 514 17th Street Moines, Illinois, as the ''David Bybee Post Office Building''; to the Committee on Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to name the U.S. Post Office at 514 17th Street in Moline, IL after my friend, David Bybee, who suffered a fatal heart attack last year.

Dave was a hard working and dedicated public servant who served as a National Business Agent for the Chicago Region of the National Association of Letter Carriers for twenty-five years. In 1967, Mr. Bybee became a letter carrier for the Postal Service and after just two years was elected President of Letter Carriers Local 318. Bybee then became the Regional Administrative Assistant for three years and also worked as Secretary to the Illinois State Association of Letter Carriers from 1971 to 1977. Three years later, Bybee was elected the National Business Agent to the National Association of Letter Carriers for the 17,000 members of the Chicago Region. Mr. Bybee held that position and also served as Vice President of the Illinois AFL-CIO until his death on May 31, 2002.

In recognition of his lifetime work on behalf of the letter carriers of Illinois, the local union he first served as President was named the David M. Bybee Branch of the National Association of Letter Carriers in 1992.

Mr. Bybee did not let his busy work schedule interfere with his family life. He was devoted to his wife, Judy, and their two sons, John and Michael. Dave Bybee also found time to serve his community as fire chief of Carbon Cliff, a school board member, and kept active in the Moline Elks Club.

Post offices are often designated in honor of individuals who have made valuable contributions to their community, State, and country. I can think of no more fitting way to permanently and publicly recognize David Bybee's dedication than to name the Moline, IL post office in his honor. It would be a most appropriate way to commemorate his exemplary service to the Moline community and to postal workers across Illinois and the Nation.

By Mr. DORGAN (for himself, Mr. BURNS, Mr. BAUCUS, Mr. JOHNSON, Mr. CRAPO, Mr. DASCHLE, and Mr. CONRAD):

S. 1406. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, today I am reintroducing a bipartisan bill to remedy a long-standing inequity in pesticide pricing between agricultural chemicals sold in Canada and similar use chemicals sold in the United States. This pesticide price disparity has caused an undue cost burden on our American farmers putting them at a distinct disadvantage when competing in the world grain market.

Currently, American and Canadian farmers use the same chemicals on their fields; but they are marketed under different labels and sold at much lower cost north of the border. This bill simply eliminates that inequity by setting up a process that would allow American farmers to access these lower-priced—but substantively identical—pesticides.

This legislation would direct the Environmental Protection Agency, EPA, upon the request of anyone who can comply with the pesticide registration requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, to register a Canadian pesticide for use in the United States. This registration would take effect if, after analysis by the EPA, the pesticides are of similar use and composition in both countries. The bill also has provisions to allow EPA to delegate portions of the registration process to individual states with EPA having the final authority over the process. This is to conserve the resources of the EPA and at the same time utilize the expertise of State agriculture departments around the country.

The new labels for the chemicals would still be under the strict scrutiny of the Environmental Protection Agency as would their use. This would continue to insure safety in the food supply. Food safety is a top priority for all of us. Chemical safety is a top priority for all of us. This bill keeps those priorities intact.

I have come before the Senate time and again to talk about the hidden inequities of trade. Trade must be fair, and the pricing inequities of Canadian and United States similar use pesticides have been a glaring weakness of the free trade initiative. For far too long, American farmers have watched their neighbors to the north apply pesticides that are used in both countries, used on the same crops, and yet Canadian producers get a price cut.

Our farmers are also concerned that similar use pesticides are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities which are subsequently imported and consumed in the United States. They rightfully believe it to be unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. If commodities grown with the use of these Canadian pesticides are deemed safe enough for import and consumption in the United States, why would we make American producers pay 117 percent to 193 percent more in chemical costs to produce the same crops? The current scenario doesn't make sense.

This bill is not an ending, but a beginning. Hidden trade barriers and schemes riddle the fabric of our trade agreements. We cannot continue to accept trade practices that on the one hand hamstring Americans, and on the other hand, unduly promote our competitors. We cannot allow our competitors to sell us commodities treated with lower priced chemicals that are used both in Canada and the United States, tell our consumers that the chemicals used on those commodities are perfectly safe, and yet not give our producers access to those same chemicals at a lower price. This is a classic example of free trade gone bad.

We ought not accept second best all of the time, and this bill is a step in bringing American producers back to a level playing field.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES.

(a) IN GENERAL.—Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a) is amended by adding at the end the following:

''(i) REGISTRATION OF CANADIAN PESTICIDES.—

''(1) DEFINITIONS.—In this subsection:

''(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

''(i) is registered for use as a pesticide in Canada;

''(ii) is identical or substantially similar in its composition to a comparable domestic pesticide registered under this section; and

''(iii) is registered in Canada by the registrant of the comparable domestic pesticide or by an affiliated entity of the registrant.

''(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide—

''(i) that is registered under this section;

''(ii) the registration of which is not under suspension;

''(iii) that is not subject to—

''(I) a notice of intent to cancel or suspend under any provision of this Act;

''(II) a notice for voluntary cancellation under section 6(f); or

''(III) an enforcement action under any provision of this Act;

''(iv) that is used as the basis for comparison for the determinations required under paragraph (4);

''(v) that is registered for use on each site of application for which registration is sought under this subsection;

''(vi) for which no use is the subject of a pending interim administrative review under subsection (c)(8);

''(vii) that is not subject to any limitation on production or sale agreed to by the Administrator and the registrant or imposed by the Administrator for risk mitigation purposes; and

''(viii) that is not classified as a restricted use pesticide under subsection (d).

''(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—The Administrator may register a Canadian pesticide if the registration—

''(i) complies with this subsection;

''(ii) is consistent with this Act; and

''(iii) has not previously been disapproved by the Administrator.

''(B) PRODUCTION OF ANOTHER PESTICIDE.—A pesticide registered under this subsection shall not be used to produce a pesticide registered under this section or section 24(c).

''(C) REGISTRANT.—

''(i) IN GENERAL.—The Administrator may register a Canadian pesticide under this subsection on the application of any person.

''(ii) APPLICATION.—If the Administrator registers a Canadian pesticide under this subsection on application of any person, the applicant shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(D) ADMINISTRATOR.—Not later than 60 days after a person submits a complete application for the registration of a Canadian pesticide under this subsection, the Administrator shall—

''(i) approve the application; or

''(ii)(I) disapprove the application; and

''(II) provide the applicant with a statement of the reasons for the disapproval.

''(E) DELEGATION.—

''(i) IN GENERAL.—Subject to clause (ii), the Administrator may delegate a function of the Administrator under this subsection.

''(ii) APPROVAL.—The Administrator shall approve or disapprove any final action taken under this subsection as the result of a function delegated to a State.

''(3) APPLICANT REQUIREMENTS.—A person seeking registration of a Canadian pesticide under this subsection shall—

''(A) demonstrate to the Administrator that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

''(B) submit to the Administrator a copy of—

''(i) the label approved by the Pesticide Management Regulatory Agency for the Canadian pesticide; and

''(ii) the label approved by the Administrator for the comparable domestic pesticide.

''(4) CRITERIA FOR REGISTRATION.—The Administrator may register a Canadian pesticide under this subsection if the Administrator—

''(A) obtains the confidential statement of formula for the Canadian pesticide;

''(B) determines that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide;

''(C) for each food or feed use authorized by the registration—

''(i) determines that there exists an adequate tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

''(ii) identifies the tolerances or exemptions in the notification submitted under subparagraph (E);

''(D) obtains a label approved by the Administrator that—

''(i) includes all statements, other than the establishment number, from the approved labeling of the comparable domestic pesticide that are relevant to the uses registered by the Administrator; and

''(ii) excludes all labeling statements relating to uses that are not registered by the Administrator; and

''(E) not later than 10 business days after the issuance of the registration, publish in the Federal Register a written notification of the action of the Administrator that includes—

''(i) a description of the determination made under this paragraph; and

''(ii) a statement of the effective date of the registration;

''(5) LABELING OF CANADIAN PESTICIDES.—

''(A) IN GENERAL.—Each container containing a Canadian pesticide registered by the Administrator shall bear the label that is approved by the Administrator under this subsection.

''(B) DISPLAY OF LABEL.—The label shall be securely attached to the container and shall be the only label visible on the container.

''(C) ORIGINAL CANADIAN LABEL.—The original Canadian label on the container shall be preserved underneath the label approved by the Administrator.

''(D) PREPARATION AND USE OF LABELS.—After a Canadian pesticide is registered under this subsection, the registrant shall—

''(i) prepare labels approved by the Administrator for the Canadian pesticide; and

''(ii) conduct or supervise all labeling of the Canadian pesticide with the approved labeling.

''(E) REGISTERED ESTABLISHMENTS.—Labeling of a Canadian pesticide under this subsection shall be conducted at an establishment registered by the registrant under section 7.

''(6) REVOCATION.—

''(A) IN GENERAL.—After the registration of a Canadian pesticide, if the Administrator finds that the Canadian pesticide is not identical or substantially similar in composition to a comparable domestic pesticide, the Administrator may issue an emergency order revoking the registration of the Canadian pesticide.

''(B) TERMS OF ORDER.—The order—

''(i) shall be effective immediately;

''(ii) may prohibit the sale, distribution, and use of the Canadian pesticide in a State; and

''(iii) may require the registrant of the Canadian pesticide to purchase and dispose of any unopened product subject to the order.

''(C) REQUEST FOR HEARING.—Not later than 10 days after issuance of the order, the registrant of the Canadian pesticide subject to the order may request a hearing on the order.

''(D) FINAL ORDER.—If a hearing is not requested in accordance with subparagraph (C), the order shall become final and shall not be subject to judicial review.

''(E) JUDICIAL REVIEW.—If a hearing is requested on the order, judicial review may be sought only at the conclusion of the hearing on the order and following the issuance by the Administrator of a final revocation order.

''(F) PROCEDURE.—A final revocation order issued following a hearing shall be reviewable in accordance with section 16.

''(7) LIMITS ON LIABILITY.—No action for monetary damages may be heard in any Federal or State court against—

''(A) the Administrator acting as a registering agency under the authority of and consistent with this subsection for injury or damage resulting from the use of a product registered by the Administrator under this subsection; or

''(B) a registrant for damages resulting from adulteration or compositional alteration of a Canadian pesticide registered under this subsection if the registrant did not have and could not reasonably have obtained knowledge of the adulteration or compositional alteration.

''(8) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—

''(A) IN GENERAL.—On request by the Administrator the registrant of a comparable domestic pesticide shall provide to the Administrator that is seeking to register a Canadian pesticide under this subsection information that is necessary for the Administrator to make the determinations required by paragraph (4).

''(B) PENALTY FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant of a comparable domestic pesticide fails to provide to the Administrator, not later than 15 days after receipt of a written request by the Administrator, information possessed by or reasonably accessible to the registrant that is necessary to make the determinations required by paragraph (4), the Administrator may assess a penalty against the registrant of the comparable pesticide.

''(ii) AMOUNT.—The amount of the penalty shall be equal to the product obtained by multiplying—

''(I) the difference between the per-acre cost of the application of the comparable domestic pesticide and the application of the Canadian pesticide, as determined by the Administrator; and

''(II) the number of acres in the United States devoted to the commodity for which the registration is sought.

''(C) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty under this paragraph shall be assessed unless the registrant is given notice and opportunity for a hearing in accordance with section 14(a)(3).

''(D) ISSUES AT HEARING.—The only issues for resolution at the hearing shall be—

''(i) whether the registrant of the comparable domestic pesticide failed to timely provide to the Administrator the information possessed by or reasonably accessible to the registrant that was necessary to make the determinations required by paragraph (4); and

''(ii) the amount of the penalty.

''(9) PENALTY FOR DISCLOSURE.—

''(A) IN GENERAL.—The Administrator shall not make public information obtained under paragraph (8) that is privileged and confidential and contains or relates to trade secrets or commercial or financial information.

''(B) DISCLOSURE.—Any employee of the Environmental Protection Agency who willfully discloses information described in subparagraph (A) shall be subject to penalties described in section 10(f).

''(10) DATA COMPENSATION.—The Administrator and a person registering a Canadian pesticide under this subsection shall not be liable for compensation for data supporting the registration if the registration of the Canadian pesticide in Canada and the registration of the comparable domestic pesticide are held by the same registrant or by affiliated entities.

''(11) FORMULATION CHANGES.—

''(A) IN GENERAL.—The registrant of a comparable domestic pesticide shall notify the Administrator of any change in the formulation of a comparable domestic pesticide or a Canadian pesticide registered by the registrant or an affiliated entity not later than 30 days before any sale or distribution of the pesticide containing the new formulation.

''(B) STATEMENT OF FORMULA.—The registrant of the comparable domestic pesticide shall submit, with the notice required under subparagraph (A), a confidential statement of the formula for the new formulation if the registrant has possession of or reasonable access to the information.

''(C) SUSPENSION OF REGISTRATION FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant fails to provide notice or submit a confidential statement of formula as required by this paragraph, the Administrator may issue a notice of intent to suspend the registration of the comparable domestic pesticide for a period of not less than 1 year.

''(ii) EFFECTIVE DATE.—The suspension shall become final not later than the end of the 30-day period beginning on the date of the issuance by the Administrator of the notice of intent to suspend the registration, unless during the period the registrant requests a hearing.

''(iii) HEARING PROCEDURE.—If a hearing is requested, the hearing shall be conducted in accordance with section 6(d).

''(iv) ISSUES.—The only issues for resolution at the hearing shall be whether the registrant has failed to provide notice or submit a confidential statement of formula as required by this paragraph.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by adding at the end of the items relating to section 3 the following:

''(4) Mixtures of nitrogen stabilizers and fertilizer products.
''(g) Registration review.
''(h) Registration requirements for antimicrobial pesticides.
''(1) Evaluation of process.
''(2) Review time period reduction goal.
''(3) Implementation.
''(4) Annual report.
''(i) Registration of Canadian pesticides.
''(1) Definitions.
''(2) Authority to register Canadian pesticides.
''(3) Applicant requirements.
''(4) Criteria for registration.
''(5) Labeling of Canadian pesticides.
''(6) Revocation.
''(7) Limits on liability.
''(8) Provision of information by registrants of comparable domestic pesticides.
''(9) Penalty for disclosure.
''(10) Data compensation.
''(11) Formulation changes.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.

By Mr. GRAHAM of South Carolina (for himself, Mr. REID, and Mr. MILLER):

S. 1408. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) IN GENERAL.—Subsection (m) of section 274 of the Internal Revenue Code of 1986 (relating to additional limitations on travel expenses) is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 1409. A bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the ''Rebuild America Act of 2003,'' a bill to improve our national transportation and water infrastructure and to stimulate economic growth.

This bill promises to do what the latest tax cut will not: provide an immediate economic stimulus without increasing the Federal budget deficit. Whereas the President's economic advisors have said that the latest tax cut will create 1.4 million jobs by the end of 2004, at a cost of $350 billion, this bill will create as many as 2 million jobs at a tenth the cost.

These jobs could be created in as little as three months, as the bill is specifically designed to fund transportation and water infrastructure projects which are ready to go within 90 days.

Not only would those jobs bring some of the 9 million Americans who are unemployed and seeking jobs back into the workforce, it would generate long-term economic benefits from the increased productivity of our transportation infrastructure.

This bill will do more to stimulate the economy at less cost than the tax cut because it is directed squarely at our most urgent needs. Unlike the recent tax cut, which largely benefits high income taxpayers who are likely to save any windfall they receive, infrastructure spending is necessarily injected into the economy.

According to the Department of Transportation, each $1 billion in new infrastructure investment creates 47,500 new jobs: 26,500 direct jobs for construction workers, engineers, contractors, and other on-site employees, and 21,000 indirect jobs resulting from the spending associated with the investment.

These are jobs our economy desperately needs, particularly in the transportation and nonresidential construction sectors, which have been hit hard by the recent downturn. While new home construction has sustained the homebuilding trades, there are now 715,000 unemployed private construction workers, most of whom were laid off due to a downturn in nonresidential building. That represents an 80 percent increase from three years ago.

As anyone who has taken a hard look at our transportation needs can attest, federal funding for highways, transit, aviation, high-speed rail, and ports, among other areas, remains inadequate.

Without those funds, we are on the verge of falling behind the rest of the developed world in the quality of our infrastructure. I recently visited the port of Hong Kong and was amazed by the automated technology used to process thousands of containers each day with fewer employees than would be required to move an equivalent amount of cargo at even our most advanced ports.

And while many countries around the world, including France, China, Germany, and Japan, now have operating MAGLEV train systems, the United States does not have a single demonstration MAGLEV line operating anywhere in the country.

Increasingly, global industry demands a level of efficiency and reliability which requires substantial upgrades to existing infrastructure. In California, where computer and electronic products account for 51 percent of the State's manufacturing exports, the trend is toward lighter, higher value shipments. Nationwide, shipments of below 1,000 lbs accounted for 18 percent of total value in 1977, and 32 percent of value in 1997, a dramatic increase.

Those changes put a premium on speed and reliability, without which ''just-in-time'' manufacturing and lean inventory controls are impossible. A company such as Hewlett Packard, which uses Intel processors made in California in servers which it assembles in Texas, must be able to ship processors without risk of even a 24-hour delay.

This bill takes a big step toward ensuring that level of speed and reliability by dedicating $50 billion to infrastructure upgrades. And I must stress the huge incremental value of that spending in the context of reauthorization of the Transportation Equity Act for the 21st Century, TEA–21, which is expected this year.

Reauthorization of TEA–21 will dedicate more than $250 billion toward transportation projects over the next six years, but even that level of funding will only allow us to tread water. Maintenance of existing infrastructure will consume much of that spending.

To take one example, the Department of Transportation estimates that $20.6 billion is needed annually to maintain and improve performance of public transit systems alone.

The $50 billion provided by the ''Rebuild America Act'' will go beyond current maintenance and actually improve overall productivity by allowing substantial upgrades to go forward. Specifically, the bill provides:

$5 billion in additional authority for Federal-aid highway capital investments, drawn from the $19 billion surplus in the Highway Trust Fund.

$3 billion in transit capital and operating grants, drawn from the surplus in the Highway Trust Fund.

$3 billion in airport development projects, including $2 billion in airport improvement program grants to enhance airport safety, efficiency, and capacity.

$14 billion of tax-credit high-speed rail bonds for infrastructure construction and the acquisition of rolling stock.

$7.5 billion for capital investment in passenger and freight rail, including $2.5 billion for Amtrak.

$2.5 billion for port security grants to ports and marine facility operators.

$11.5 billion for wastewater and drinking water infrastructure, to be administered

through the existing Clean Water State Revolving Fund and Safe Drinking Water State Revolving Fund.

$1.5 billion to fund investment in currently authorized water resources infrastructure projects.

$1.5 billion in grants to economically distressed communities for economic development.

$500 million for the repair and alteration of Federal buildings.

In my home State of California, the infrastructure needs that could be addressed by this bill are particularly great. Although the just-completed BART link to San Francisco International Airport is a major achievement, we still remain a long way off from the long-term goal of ringing the Bay Area with BART stations.

And despite the recent economic downturn, California's economy remains the engine of much of the country's economic growth, and California's population continues to grow. That puts tremendous demands on our roads, airports, and transit systems, and is one reason why Los Angeles and the San Francisco Bay Area are consistently ranked as the top two urban areas in the U.S. with the longest annual delays per rush-hour driver.

This bill will provide a total of $1.8 billion in new funds for California transportation and safe drinking water infrastructure, and more than $1.5 billion more for high speed and passenger and freight rail. All told, the bill will create well over 100,000 new jobs in California.

That could bring us farther toward fulfilling one of California's most urgent needs, a high speed rail link from the Bay Area all the way south to San Diego. Without high speed rail there is little hope of taking some of the pressure off of California's over-burdened highways and airports.

In addition to the transportation improvements contemplated by the bill, I would like to say a few words about the need for additional funds for port security and clean drinking water.

Since the attacks of September 11 it has become clear that our ports should be one of the first lines of defense against attempts to bring weapons of mass destruction into this country. And yet the funds we have dedicated to securing our ports have been woefully inadequate.

Last year I introduced comprehensive legislation to improve security at our ports, and to inspect more of the 16 million containers which come through those ports each year. Currently, only one to two percent of those containers are inspected, and the possibility of a dirty bomb or nuclear device being shipped in via container remains alarmingly real.

This bill provides an additional $2.5 billion for port security, which would go some of the way toward meeting the $6 billion in expenses the Coast Guard anticipates over the next 10 years for ports to comply with security standards imposed under the Maritime Transportation Security Act.

With respect to clean drinking water, a very different, but equally important, priority, this bill provides $11.5 billion for wastewater and drinking water infrastructure investment. That funding is important because the Administration continues to insist on funding cuts for the Clean Water and Safe Drinking Water State Revolving Funds.

Even level funding will not allow us to upgrade existing water treatment facilities, many of which were built in the 1970s, when the federal government first began to take a major role in the construction of drinking water infrastructure. Many of those facilities will require substantial improvements and overhauls over the next two decades as pipes and equipment fall into disrepair.

In the West, the magnitude of water supply contamination by perchlorate, a chemical used in rocket fuel, has only recently become apparent. The costs of cleaning up perchlorate in California alone will likely stretch into the billions of dollars, and some of those funds must come from the Safe Drinking Water State Revolving Fund, which would receive $1.5 billion under this bill.

With the Federal budget deficit certain to top $400 billion this year, and with the gross federal debt projected to increase by over $5 trillion by 2013, there is a real question as to where these funds will come from.

I am glad to say, therefore, that this bill is fully offset and would not add at all to our deficit. The bill uses three offsets to recoup the $34 billion cost of the bill, two of which are designed to limit corporate fraud, and the last of which extends customs user fees.

The bulk of the funds used to offset the bill are generated by limiting the ability of large corporations to shelter income from taxation. A recent report by the Joint Economic Committee on corporate fraud at the Enron Corporation speaks to the magnitude of this problem.

For several years Enron reported huge profits to its shareholders, while reporting little or no taxable income to the IRS. We now know that Enron executives treated their tax division as a for-profit entity within the company and set annual revenue targets for the division.

Between 1996 and 1999, Enron reported aggregate profits of $2.1 billion on its income statement, while claiming aggregate losses, for tax purposes, of $3 billion. Some of that gap can be explained by the massive tax deductions Enron took for employee stock deductions, and the rest stemmed from the closely guarded tax-shelter transactions designed for the company by banks, accountants, and legal firms.

This bill closes those Enron-specific loopholes, but also strengthens a very simple provision which will have a big impact on shutting down future loopholes.

The so-called ''Economic Substance Doctrine'' imposed by the bill states that any transaction which has no material economic impact on the business of the company, but which is purely designed for the purpose of tax avoidance, shall be disallowed for tax purposes.

That will allow enhance the ability of tax courts to crack down on companies that engage in off balance sheet transactions, artificial income shifting, uneconomic financing transactions, and other tax avoidance schemes which are not designed to provide any profit to the company beyond a tax savings.

In the same vein, the bill puts an end to the practice of setting up corporate headquarters offshore in order to avoid corporate taxes at home. This practice is not only blatantly unpatriotic, but also creates an imbalanced playing field for companies that abide by the spirit of the law but are forced to compete with firms that don't.

This bill will require such corporate expatriates to continue to pay U.S. taxes even if they move abroad. All told, these provisions fully offset the cost of the infrastructure improvements included in the bill.

Just about any American you talk to will tell you that our economy is not in good shape. A quick look at the front page of newspapers shows that our stock markets remain well below their 2000 high, that more people face long-term unemployment than at any time in the past two decades, and that businesses are not making new investments.

The tax cut which was recently signed into law is the wrong medicine for our economy, and will do little to reverse our current course. In fact, it may well increase uncertainty and act as a long-term drag on the economy by increasing the federal debt and putting pressure on long-term interest rates.

I urge my colleagues to support this bill as a much better means of stimulating economic growth, and one which will pay long-term dividends in terms of improved roads, railways, and water treatment facilities.

Rather than simply hand down a burden of debt to our children and grandchildren, this bill would create a lasting legacy of modern infrastructure for their benefit.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. INOUYE, Mr. GRASSLEY, and Mr. DASCHLE):

S. 1410. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President. Today, I am introducing legislation called, ''The Access to Medical Treatment Act, AMTA'', on behalf of myself and my colleagues, Senators HATCH, INOUYE, GRASSLEY, and DASCHLE.

This legislation is important for thousands of Americans who suffer from illness or disease for which conventional medical treatments offer little or no promise of cure or relief.

Many Americans are plagued with the hopelessness of debilitating pain caused by illness. For some of these patients, non-conventional treatments could offer much needed relief. Thousands of other Americans live with potentially fatal diseases that are unresponsive to traditional medical treatments. Increasing the options for treatment by utilizing unconventional therapy could provide newfound hope for lifesaving results.

AMTA addresses limits placed on unconventional medical care and would allow Americans access to many promising, even proven, treatments that are currently restricted. For example, the bill would lift some restrictions on treatments that have been approved and used in other countries. The bill would also allow access for many additional patients to drugs or therapies otherwise available through the Food and Drug Administration, FDA, human clinical trials.

This legislation establishes parameters for the use of such non-conventional therapies. A health care practitioner may provide the medical treatment requested by a patient under certain guidelines. First, the health care practitioner must personally examine the patient, the treatment must be within the practitioner's appropriate range of practice, it must not violate any existing licensing laws, and the treatment must comply with the Controlled Substances Act. Next, there must be no reason for the practitioner to conclude that the treatment will cause danger to the patient. The patient must be informed, in writing, of the contents and methods of treatment, its possible side effects, anticipated benefits, results of prior use of treatment on other patients, and any other information necessary to fully meet the requirements for informed consent of human subjects in FDA regulations.

I believe we have some of the best medicine, technology, and health care providers in the United States. However, there are vast amounts of information yet to be learned on disease and treatment. We must not allow ourselves to be exclusively, perhaps, myopically, focused on traditional forms of treatment when some Americans find no relief from them. Those with debilitating pain and disease should have access to new options for relief, especially when conventional treatments fail.

We owe it to the American people to engage in this crucial discussion on access to non-conventional forms of medical treatments. There are many questions that need to be addressed. We must begin to address them by exploring the new and innovative forms of therapy that exist, and by engaging in an educated dialogue on this issue.

By Mr. KERRY (for himself and Mr. CHAFEE):

S. 1411. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, our Nation is facing an affordable housing crisis. Recent changes in the housing market have limited the availability of affordable rental housing across the country and have dramatically increased the cost of those that remain. More families are forced to pay more than 50 percent of their income for housing at a time when Federal spending on housing programs are under attack. That is why, along with Senator CHAFEE, I am again proposing to address the severe shortage of affordable housing by introducing legislation that will establish a National Affordable Housing Trust Fund and begin a rental housing production program.

The Affordable Housing Trust Fund that is established in this legislation would create a production program that will ensure 1.5 million new rental units are built over the next 10 years for extremely low-income families and working families. The goal is to create long-term affordable, mixed-income developments in areas with the greatest opportunities for low-income families. Seventy-five percent of Trust Fund assistance will be awarded, based on need, through matching grants to States and local jurisdictions. The States and local jurisdictions will allocate funds on a competitive basis to projects that meet Federal requirements, such as mixed-income projects and long-term affordability, and that address local needs. The remainder of the funding will be competitively awarded by the Department of Housing and Urban Development, HUD, to intermediaries, such as the Enterprise Foundation, which will be required to leverage private funds. A portion of the Trust Fund will be used to promote home ownership activities for low-income Americans.

The Trust Fund would be paid for out of surplus revenue generated by the Federal Housing Administration and Government National Mortgage Administration after ensuring their fiscal safety and soundness. These Federal housing programs generate billions of dollars in excess income, which currently goes to the general Treasury for use on other Federal priorities. It is time to stop taking housing money out of housing programs. These excess funds should be used to help alleviate the current housing crisis. According to current projections, approximately $28 billion will be available for the Trust Fund between now and 2008.

The need for affordable housing is severe. Many working families have been unable to keep up with the increase in housing costs. Today, for many low-income families and their children, the cost of privately owned rental housing is simply out of reach. According to the National Housing Conference, more than 14 million families spent over half of their income on housing in 2001. Today, working families in this country increasingly find themselves unable to afford housing. A person trying to live in Boston would have to make more than $35,000 annually, just to afford a two-bedroom apartment. This means teachers, janitors, social workers, police officers and other full-time workers may have trouble affording even a modest two-bedroom apartment.

The cost of rental housing keeps going up. According to the Consumer Price Index, CPI, contract rents began to rise above the rate of inflation in 1997 and have continued every year since. Rental costs have outpaced renter income gains for households across the board. Low wage workers have been hardest hit by the increase in cost of rental housing.

Because of the lack of affordable housing, too many families are forced to live in substandard living conditions putting their children at risk. Children living in substandard housing are more likely to experience violence, hunger, lead poisoning and to suffer from infectious diseases such as asthma. They are more likely to have difficulties learning and more likely to fall behind in school. Our Nation's children depend upon access to affordable rental housing.

At the same time the cost of rental housing has been increasing, there has been a significant decrease in affordable rental housing units. More than 1.8 million affordable housing units have been demolished over the past decade. Making matters worse, many current affordable housing providers are deciding to opt-out of their Section 8 contracts or are prepaying their HUD-insured mortgages. These decisions have further limited the availability of affordable housing across the country. Many more providers will be able to opt-out of their Section 8 contracts in the next few years, further limiting the availability of affordable housing in our nation. The current decline has already forced many working families eligible for Section 8 vouchers in Boston to live outside the city because there are no available rental housing units which accept vouchers.

The loss of affordable housing has exacerbated the housing crisis in this country, and the Federal Government must take action. We have the resources, yet we are not devoting these resources to fix the problem. Despite the fact that more families are unable to afford housing and there are fewer affordable rental housing units, we have decreased Federal spending on critical housing programs. Between 1978 and 1995, the number of households receiving Federal housing assistance was increased by almost 3 million. From 1978 through 1984, an additional 230,000 families received Federal housing assistance each year. This number dropped significantly to 126,000 additional households each year from 1985 through 1995.

In 1996, this nation's housing policy went all the way back to square one—not only was there no increase in families receiving housing assistance, but the number of assisted units actually decreased. From 1996 to 1998, the number of HUD assisted households dropped by 51,000.

During this time of rising rents, increased housing costs, and the loss of affordable housing units, it is incomprehensible that we are not doing more to increase the amount of housing assistance available to working families. Yet in the face of these critical housing problems and the effect it has on our children, the Bush Administration is working to dismantle many federal programs that help Americans find affordable housing. The Bush Administration has proposed to block grant the Section 8 Voucher program, which I believe will reduce the number of families with children eligible for Federal housing assistance and increase housing costs for those families who remain. A recent Center on Budget and Policy Priorities study that shows President Bush's fiscal year 2004 budget request is inadequate to fund all Section 8 housing vouchers needed in fiscal year 2004. Specifically, the lack of funding in the voucher program request means that approximately 184,000 vouchers now in use serving low-income families will not be funded. In Massachusetts, this would mean a reduction of more than 6,000 vouchers or nearly ten percent of the vouchers projected to be in use in October 2003. If the President's request is enacted into law, the Center on Budget and Policy Priorities believes that it is likely that some families that now rely on vouchers to help pay their rent will lose assistance, placing these families at high risk of eviction and, in some cases, homelessness. President Bush's fiscal year 2004 budget request also proposes cutting an additional $2.45 billion from existing housing programs and eliminating the HOPE VI program, which has helped revitalize neighborhoods around the country. These cuts come on top of an earlier Bush Administration action to abolish the Public Housing Drug Elimination Grant program.

The Bush Administration changes in Federal housing programs mean that the Commonwealth of Massachusetts and many other States will likely receive a reduction in Federal housing funds in fiscal year 2004. Almost every State is facing serious budget deficits and are forced to dramatically increase spending on homeland security. Additional funds are not available to make up the decline in Federal spending. The future is even bleaker. These reductions at HUD follow the enactment of two separate tax cuts, which primarily benefit the wealthiest in our society, that will make it almost impossible for any significant increases in the HUD's budget over the next decade. We need to bring housing resources back to where they belong. The National Affordable Housing Trust Fund will provide desperately needed funds to begin production of affordable housing in the United States. Enacting the Housing Trust Fund legislation is an important step in the right direction to add resources to housing and to help begin producing housing again.

We can no longer ignore the shortage of affordable housing in America, and the impact it is having on families and children around the country. It is still unclear to me why this lack of housing has not caused more uproar. How many families are to be pushed out of their homes and into the streets, before action is taken. I believe it is time for our nation to take a new path—one that ensures that all Americans, especially our children, has the opportunity to live in decent, affordable and safe housing. Everyone knows that decent housing, along with neighborhood and living environment, play enormous roles in shaping young lives. Federal housing assistance, has assisted millions of low-income children across the nation and has helped develop stable home environments. However, too many children still live in families that have substandard housing or are homeless. These children are less likely to do well in school and less likely to be productive citizens. Because of the positive effect that this legislation would have on America's children, the Trust Fund was included in the Act to Leave No Child Behind, a comprehensive proposal by the Children's Defense Fund to assist in the development of our nation's children.

I urge you to support this legislation to restore our commitment to provide affordable housing for all families. We can no longer turn our backs on those who struggle every day just to put a roof over their family's head.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1412. A bill to suspend the implementation of the revised definitions of Metropolitan Statistical Areas applicable to Kent, Ottawa, Muskegon, and Allegan Counties in the State of Michigan; to the Committee on Governmental Affairs.

Ms. STABENOW. Mr. President, I rise today to introduce legislation along with Mr. LEVIN, that would stop the implementation of a new Metropolitan Statistical Area, MSA, in the Michigan counties of Kent, Ottawa, Muskegon, and Allegan, KOMA.

On June 6, 2003, the Office of Management and Budget issued its Bulletin No. 03–04 on Revised Definition of Metropolitan Statistical Areas, New Definitions of Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on the Use of the Statistical Definitions in These Areas.

This bulletin finalizes a process that began with the last census. Statistical areas, as explained by the OMB, are designed solely for statistical purposes. As stated in the bulletin, they are designed to ''provide nationally consistent definitions in collecting, tabulating, and publishing Federal statistics for a set of geographic areas.'' The problem is that the are used for much more than that. They are principal tool for allocating Federal dollars. And, although OMB recognizes this, it will ''not take into account or attempt to anticipate any nonstatistical uses that may be made of the MSAs.''

This is a serious problem. On one hand, we are implementing new MSAs to serve basic statistical purposes. On the other hand, these new MSAs are critical for the allocation of Federal money and OMB does not consider, in the least bit, how these new MSAs may negatively or positively affect communities. It is easy for OMB staff to say that their hands are tied by rules and strict methodologies, but this is not about number-crunching. This is about real dollars for Michigan.

I have heard from numerous constituents in West Michigan who are concerned about how these new statistical, designations will affect Medicaid and Medicare payments, Housing and Urban Development grants, Community Development Block Grants, and other important programs in Michigan. I share these concerns and want to make sure that we do not allow a new system of Federal dollar allocations to come into effect that would hurt West Michigan. We need time to study the impact of the new MSAs. That is why I am offering legislation to stay the implementation of the new West Michigan MSAs until October 1, 2004, leaving the current Kent-Ottawa-Muskegon-Allegan, KOMA, MSA in place.

The KOMA region has developed a common identity over the last decade. It shares regional challenges such as tourism, transportation networks, environmental protection, and community health. Business leaders have worked hard to market the region as a common community with much to offer potential new businesses and families looking to relocate. I do not want these leaders to lose this marketing tool. By the OMB setting up a new MSA with no consideration of the economic and social integration of the existing MSA, we could see the undermining of a great deal of progress for this part of Michigan.

We, in Congress, should eventually look at this issue of MSAs comprehensively. We should ensure that communities do not have to fact this uncertainty every decade with a new census. We should either ensure that the OMB takes into account economic and other community concerns when creating MSAs or we should make sure that Federal funding allocations are not made through MSAs. Regardless, in the short run, it is essential that the hospitals, the community development organizations, the business leaders, and the social service providers of West Michigan who are raising these concerns with me have time to study the problem and understand the impact of OMB's decision. Once that has been studied, we can work with OMB and

the interested parties to ensure that there is no loss of Federal money to West Michigan.

By Mrs. BOXER:

S. 1413. A bill to authorize appropriations for conservation grants of the Environmental Protection Agency, to direct the Secretary of the Army and the Secretary of the Interior to conduct expedited feasibility studies of certain water projects in the State of California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing the California Affordable Quantity and Quality Water Act of 2003, CAL-AQQWA.

Nowhere is the need for a comprehensive water policy that includes innovative recycling and reuse principles more urgently felt than in California. Water agencies and elected officials throughout the State are constantly planning, and struggling, to balance California's agricultural, municipal, industrial and environmental water needs.

This challenge becomes all the more acute in the face of the State's declining Colorado River surplus allocation and growing population. California is facing an annual loss of about 800,000 acre feet from the Colorado River. And population forecasts project an additional 15 million residents in California over the next 20 years.

Unfortunately, funding to pursue and implement much-needed, environmentally beneficial water infrastructure projects is not readily available, and many good water management ideas are left languishing on the shelf. CAL-AQQWA can help move many of these ideas forward and into production.

There are two sections in this bill. The first section authorizes expedited feasibility studies for 22 water projects in California. Funding priority would be given to projects that would provide environmental and other benefits. Costs for these studies would be shared between the local sponsors and the Federal Government.

Studies in this bill explore a variety of innovative water supply strategies, including groundwater recharge; recycled water distribution for landscaping, wetlands restoration, agricultural use, industrial use, and general irrigation; surface water storage alternatives; groundwater storage; desalination; conservation; and groundwater demineralization. If fully implemented, these water projects may provide up to 630,000 acre feet of water per year in California. These additional acre feet would allow local authorities to decrease their dependence on imported water sources.

The second section of this bill increases funding for the Environmental Protection Agency's Conservation Grant programs, including $2 billion in fiscal year 2004 for the drinking water state revolving loan program. EPA conservation grants provide funding for measures that include: urban conservation, low-flow toilets, water meter installation or retrofit, desalination projects, wastewater treatment system upgrades for compliance with Clean Water Act requirements, and groundwater recharge facilities projects.

Water agencies and local officials throughout California are constantly struggling to meet all of our state's water needs. My hope is that this legislation will bring us closer to meeting the challenges facing our growing population by studying and expanding the proven benefits of water conservation and recycling.

Let me conclude by noting that seven of the studies in the bill would be conducted by the Army Corps of Engineers. I support moving forward with additional Corps studies. But I also recognize we need to reform the Corps. As part of any reform effort for the Corps, I would like to see that costly or controversial Corps projects be subject to independent review; that any environmental harm caused by Corps projects be fully mitigated in a timely manner; that the public will have access to the information necessary to fully participate in the Corps' planning process; that the Corps' procedures for determining project costs and benefits will be modernized; and that Corps projects will be designed and operated in a manner that protects our precious natural resources.

I encourage my colleagues to take a close look at this bill, and I ask for their support.

By Mr. HATCH (for himself, Mr. MILLER, Mrs. HUTCHISON, Mr. CRAIG, Mr. CORNYN, Mr. SESSIONS, Mr. DOMENICI, Mr. CHAMBLISS, Mr. BURNS, Mr. SUNUNU, Mr. ENZI, Mr. BUNNING, Mr. ALLEN, Mr. STEVENS, Mr. CAMPBELL, Mr. GRASSLEY, Mr. THOMAS, Mr. GRAHAM of South Carolina, and Mr. CRAPO):

S. 1414. A bill to restore second amendment rights in the District of Columbia; to the Committee on Governmental Affairs.

Mr. HATCH. Mr. President, I rise today to introduce the District of Columbia Personal Protection Act. This is an extremely important piece of legislation. Most importantly, this bill goes a long way toward restoring the constitutionally guaranteed right of Americans who reside in the District of Columbia to possess firearms.

It is no secret that the District of Columbia, our great Nation's Capital, suffers from the most startling violent crime rates in the country. It has the highest, the absolute highest, murder rate per capita in the country. According to the Bureau of Justice Statistics, and despite the most stringent gun control laws in the country, in 8 out of the 9 years between 1994 and 2002, Washington DC had the highest murder rate in the country. In fact, the results are in for 2002, and unfortunately they continue to paint a grim picture. The District of Columbia has again reclaimed its rather unenviable title as the ''Murder Capital of the United States''.

It is time, to restore the rights of law-abiding citizens to protect themselves and to defend their families against murderous predators. All to often, we read in the paper about yet another vicious murder carried out against an innocent District of Columbia resident. Try to imagine the horror that the victim felt when he faced a gun-toting criminal and could not legally reach for a firearm to protect himself. We must act now to stop the carnage and put law-abiding citizens in a position to exercise their right to self defense. It is time to tell the citizens of the District of Columbia that the Second Amendment of the Constitution applies to them, and not only to their fellow Americans in the rest of the country. The District of Columbia Personal Protection Act would do exactly that.

Let me take a moment to highlight what this legislation would do. This bill would: 1. permit law-abiding citizens to possess handguns and rifles in their homes and businesses; 2. repeal the registration requirements for firearms and ammunition; 3. eliminate criminal penalties for possession and carrying of firearms in their homes and businesses; and 4. correct an erroneous provision which wrongly treats some firearms as if they were machineguns.

Over the years, I have heard over and over again from some of my friends on the other side of the aisle that the way you reduce violent, gun-related crime is by prohibiting the possession of firearms. Even if law-abiding citizens are prohibited from possessing firearms, my liberal friends argue, it is a small price to pay for safety and security.

Well, I want to take this opportunity to dispel these unfounded myths. These myths, I might add, are exposed as such by situations like we have today in the District of Columbia. I have said it before, but I will say it again, excessive regulation and the systematic erosion of the rights guaranteed by the Second Amendment do not deter violent, gun-toting criminals. Enacting and vigorously enforcing stiff penalties for those that commit crimes with guns deters violent crime. Not only is this the proven and effective approach to reducing gun violence, it also preserves the constitutionally guaranteed rights of law-abiding men and women to own and possess firearms.

In fact, I recently held a hearing that examined the Administration's gun crime reduction initiative, Project Safe Neighborhoods. This initiative has been incredibly successful. It takes the precise approach that I have advocated—strict and vigorous enforcement of crimes committed with guns. It says to criminals, ''If you use a gun during the commission of a crime, you will do very serious and very hard time.'' And it does so, without trampling on the

rights of law-abiding American men and women.

Today, unfortunately but not surprisingly, the state of affairs in the District of Columbia has highlighted exactly what those of us who care deeply about the Second Amendment of the Constitution have always feared: murderous criminals possess firearms and are free to prey upon law-abiding citizens; and law-abiding citizens—precisely because they are law-abiding citizens—may not possess a firearm in their homes to protect themselves and their families.

The prohibition of firearms in the District of Columbia is as ineffective and deplorable as it is unconstitutional; it is high-time we rectify this wrong. I urge my colleagues to support this measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''District of Columbia Personal Protection Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the rest of the United States for sporting use and for lawful defense of persons, homes, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only disarm law-abiding citizens.

(6) Legislation is required to correct the District of Columbia's law in order to restore the rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 303.43 of title 1, District of Columbia Code, is amended by adding at the end the following: ''This section shall not be construed to permit the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons otherwise permitted to possess firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor regulated by the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.''.

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

Section 2501.01(10) of title 7, District of Columbia Code, is amended to read as follows:

''(10) Machine gun means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot automatically, more than 1 shot by a single function of the trigger.''.

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

Section 2502.01 of title 7, District of Columbia Code, is amended—

(1) in subsection (a)—

(A) by striking '', and no person or organization in the District shall possess or control any firearm, unless the person or organization holds a valid registration certificate for the firearm''; and

(B) by striking beginning with ''A registration'' through paragraph (3); and

(2) in subsection (b)—

(A) in paragraphs (1) and (2), by striking ''firearm or'';

(B) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(C) by striking paragraph (3).

SEC. 6. REPEAL D.C. HANDGUN BAN.

Section 2502.02 of title 7, District of Columbia Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or'' after the semicolon;

(B) in paragraph (3), by striking ''; or'' and inserting a period;

(C) by striking paragraph (4); and

(D) by striking ''(a)''; and

(2) by striking subsection (b).

SEC. 7. REPEAL HANDGUN AMMUNITION BAN.

Section 2506.01 of title 7, District of Columbia Code, is repealed.

SEC. 8. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 2507.02 of title 7, District of Columbia Code, is repealed.

SEC. 9. ADDITIONAL REPEALS.

Sections 2502.03, 2502.04, 2502.05, 2502.06, 2502.07, 2502.08, 2502.09, 2502.10, and 2502.11 of title 7, District of Columbia Code, are repealed.

SEC. 10. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

Section 2507.06 of title 7, District of Columbia Code, is amended—

(1) by striking ''that:'' through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

SEC. 11. REMOVE CRIMINAL PENALTIES FOR CARRYING PISTOL IN ONE'S DWELLING OR OTHER PREMISES.

Section 4504(a) of title 22, District of Columbia Code, is amended—

(1) in the matter before paragraph (1), by inserting '', except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded,'' before ''a pistol''; and

(2) in paragraph (1), by striking ''a pistol, without a license pursuant to District of Columbia law, or''.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1415. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building'', to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today proudly to introduce legislation to rename the postal facility at 141 Weston Street in Hartford, CT, as the ''Barbara B. Kennelly Post Office Building.'' Barbara Kennelly is a dear friend, a former member of the House of Representatives, and an outstanding citizen of Connecticut who has dedicated her life to public service on behalf of the citizens of our great State. It is long past time, and the very least that we can do to pay tribute to her in this small but lasting way.

Barbara's life of public service came as no surprise to those of us who knew her and her family—the first family of Connecticut politics, I might add. Her father, John M. Bailey, was one of the all time great political legends of our State—a powerful political leader, confidante of John F. Kennedy, and Democratic Party chairman under Presidents Kennedy and Johnson. I devoted the better half of my senior year at Yale to the study of Bailey and wrote my senior thesis, later turned into a book, on his brilliant and sophisticated use of political power. Barbara's mother was active in Democratic politics long after the death of her husband in 1975, her brother Jack served as the chief state attorney in Connecticut, and her late husband Jim was a Speaker of the Connecticut House. Politics has been in Barbara's bones practically from the time she was born.

She once told a newspaper that politics didn't ''come naturally, but certainly it's a lot easier when you see members of your family doing it. Obviously I was watching my father all the time and learning through osmosis.''

She had good instructors and she learned well. After serving on the Hartford City Council and as Connecticut's Secretary of State, Barbara was elected to Congress in 1982 and served with distinction until 1999, when she answered her party's call to run for governor.

Like her father, she was a hard-driving and skilled tactician in the House, working the back corridors of politics and shunning the bright lights of the modern media ever in search of a nine-second sound bite.

She was an insider, a loyal Member of the House leadership, and a golf partner to the likes of Danny Rostenkowski. She rose in through the party ranks making few enemies, seeking consensus, playing fair, and gathering strength one vote at a time.

Through the 1980s and 1990s, she was one of the more powerful women in the Congress—part feminist hero, part backroom pol. She had a knack for getting along with the good old boys even as she pushed the boundaries for women's rights.

In 1984, she was thrilled to be chosen to nominate Geraldine Ferraro as the first woman Vice Presidential candidate on a Democratic ticket. Years

afterward, Barbara said that moment was one of the high points of her career. But there would be many others. In her second term, House Speaker Tip O'Neill recognized her ability and appointed her to serve on the prestigious tax-writing Ways and Means Committee, a committee most members wait years to join. She also became the first woman member of the House Intelligence Committee. And in 1991, she became the first woman to join the House leadership as a chief deputy whip.

We miss her strong presence and her wise counsel here in Congress but are grateful for her continuing work on behalf of seniors as the President of the National Committee to Preserve Social Security and Medicare. I appreciate the opportunity to help honor a great woman in this way. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BARBARA B. KENNELLY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, shall be known and designated as the ''Barbara B. Kennelly Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Barbara B. Kennelly Post Office Building.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1232. Mr. STEVENS (for himself and Mr. WARNER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1233. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1234. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, supra.

SA 1235. Mr. STEVENS (for Mr. GRAHAM, of South Carolina (for himself and Mr. HOLLINGS)) proposed an amendment to the bill H.R. 2658, supra.

SA 1236. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, supra.

SA 1237. Mr. INOUYE (for Mr. MILLER) proposed an amendment to the bill H.R. 2658, supra.

SA 1238. Mr. INOUYE (for Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) proposed an amendment to the bill H.R. 2658, supra.

SA 1239. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1240. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1241. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1242. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1243. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1244. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2658, supra.

SA 1245. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1246. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1247. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1248. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1249. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1250. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1251. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1252. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1253. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1254. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1255. Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to amendment SA 1244 proposed by Mr. BYRD (for himself and Mr. CORZINE) to the bill H.R. 2658, supra.

SA 1256. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1257. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 2658, supra.

SA 1258. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, supra.

SA 1259. Mr. ALLEN proposed an amendment to the bill H.R. 2658, supra.

SA 1260. Mr. INOUYE (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill H.R. 2658, supra.

SA 1261. Mr. INOUYE (for Mr. CONRAD) proposed an amendment to the bill H.R. 2658, supra.

SA 1262. Mr. INOUYE (for Mr. BREAUX (for himself and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 2658, supra.

SA 1263. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 2658, supra.

SA 1264. Mr. DORGAN proposed an amendment to the bill H.R. 2658, supra.

SA 1265. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1266. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1232. Mr. STEVENS (for himself and Mr. WARNER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Amounts appropriated by this Act may be used for the establishment and support of 12 additional Weapons of Mass Destruction Civil Support Teams, as follows:

(1) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $23,300,000.

(2) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $16,000,000.

(3) Of the amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $25,900,000.

(4) Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $1,000,000.

SA 1233. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $2,000,000 may be available for the development of integrated systems analysis capabilities for bioterrorism response exercises.

SA 1234. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading ''PROCUREMENT, MARINE CORPS'', up to $1,500,000 may be used for the procurement of highly versatile nitrile rubber collapsible storage units.

SA 1235. Mr. STEVENS (for Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be available for Marine

Corps Communications Systems (PE#0206313M) for Critical Infrastructure Protection.

SA 1236. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

SEC. 8124. Of the total amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $1,500,000 may be used for for the procurement of TSC–750 computer systems.

SA 1237. Mr. INOUYE (for Mr. MILLER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be available for Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

SA 1238. Mr. INOUYE (for Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $2,000,000 may be available for night vision goggles in advanced helicopter training.

SA 1239. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be available for the Rotary, Multi-Fuel, Auxiliary Power Unit.

SA 1240. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'', up to $3,000,000 may be available for Army Reserve Information Operations for Land Forces Readiness for Information Operations Sustainment.

SA 1241. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $23,000,000 may be available for modifications to complete the conversion of a C–130J aircraft to EC–130J Commando Solo configuration for the Special Operations Command.

SA 1242. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading ''MISSILE PROCUREMENT, AIR FORCE'', $669,310,000 shall be available for the Evolved Expendable Launch Vehicle.

SA 1243. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading ''MISSILE PROCUREMENT, AIR FORCE'', up to $669,310,000 may be used for the Evolved Expendable Launch Vehicle.

SA 1244. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of Defense, including funds appropriated for the Department before the date of the enactment of this Act that remain available for obligation as of that date, may be available for the involuntary call or order to active duty of any member of the National Guard or other Reserve component for purposes of the deployment of the member overseas as follows:

(1) A single deployment overseas of 180 days or more.

(2) More than one deployment overseas in any 360-day period.

SA 1245. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''OPERATIONAL TEST AND EVALUATION, DEFENSE'', up to $12,800,000 may be available for the joint gulf range complex upgrade.

SA 1246. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $20,000,000 may be available for the Halvorsen Loader.

SA 1247. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $6,000,000 may be available for the Combat Trauma Patient Simulation.

SA 1248. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''AIRCRAFT PROCUREMENT, NAVY'', up to $100,000,000 may be available for the EA–6B ICAP III Program.

SA 1249. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''AIRCRAFT PROCUREMENT, NAVY'', up to $5,500,000 may be available for the EA–6B Ready Room Mission Rehearsal System.

SA 1250. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $7,600,000 may be

available for the Live Fire Test and Training (LFT&T) Program.

SA 1251. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,250,000 may be available for the Low-Cost Retractable Needle.

SA 1252. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $10,000,000 may be available for the National Functional Genomics Center.

SA 1253. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $2,000,000 may be available for the Center of Excellence in Military Low Vision Research (PE#0603002A).

SA 1254. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $4,000,000 shall be available for the Center for Adaptive Optics.

SA 1255. Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to amendment SA 1244 proposed by Mr. BYRD (for himself and Mr. CORZINE) to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the word SEC. and insert:

8124. (a) There is established a Commission on Overseas Deployments.

(b)(1) The Commission shall be composed of 11 members of whom—

(A) three shall be appointed the President;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) two shall be appointed by the Majority Leader of the Senate, in consultation with the Secretary of Defense;

(D) two shall be appointed by the Minority Leader of the Senate, in consultation with any person who served as Secretary of Defense pursuant to an appointment to such position by President Jimmy Carter or President Bill Clinton; and

(E) two shall be appointed by the Minority Leader of the House of Representatives.

(2) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) The Commission shall meet at the call of the Chairman. The Commission shall hold its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(4) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) The Commission shall select a Chairman and Vice Chairman from among its members.

(c) The Commission shall—

(1) conduct a comprehensive examination of overseas deployments of members of the Armed Forces, and analyze the resulting adverse effects on personnel, readiness, and operation tempos on members of the active and reserve components of the Armed Forces;

(2) examine current overseas rotation policies and practices for active and reserve component forces and how those policies and practices affect military readiness, unit and individual training, quality-of-life for members and their dependents, and retention of career and noncareer members.

(d)(1) Not later than 120 days after the date of the enactment of this Act, the Commission shall submit to the congressional defense committees a report on the results of the examination and analysis under subsection (c).

(2) The report shall include recommendations on ways to reduce the burden of overseas deployments while maintaining readiness, overseas presence, and support for the National Military Strategy.

(3) The report and recommendations shall also address the overall size, structure, and sufficiency of the Armed Forces in relation to current requirements for overseas deployments and presence, the adequacy of the current balance and mix of active and reserve component forces, and the adequacy of the current balance and mix of critical, high-demand low-density units the rotation and assignment of members of the Armed Forces married to each other, limitations on the periods of overseas tours, and unaccompanied tours in hardship locations.

(e) The Commission shall consult with the congressional defense committees in carrying out its duties under this section.

(f) The Commission shall terminate 90 days after the submission of the report under subsection (d).

(g) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $3,000,000 may be used for carrying out this section.

SA 1256. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table as follows:

Insert after section 8123 the following:

SEC. 8124. (a) CLOSURE OF NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.—Notwithstanding any other provision of law, the Secretary of the Navy shall close Naval Station Roosevelt Roads, Puerto Rico, no later than six months after the date of the enactment of this Act.

(b) DISPOSAL.—(1) The Secretary of the Navy shall exercise the authority granted to the Administrator of the General Services pursuant to section 545 of title 40, United States Code, and dispose of the real property and associated personal property at the former Naval Station by public sale.

(2) The Secretary of the Navy may transfer excess personal property or dispose of surplus personal property located at the installation pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 521 et seq.).

(c) AVAILABILITY OF FUNDS.—The Secretary of the Navy may use funds in the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) to implement the closure of the former Naval Station.

(d) TREATMENT OF PROCEEDS.—There shall be deposited into the Account referred to in subsection (c) the proceeds of sale from the disposal of property authorized by subsection (b) for the benefit of the Department of the Navy.

SA 1257. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $3,000,000 may be available for the Long Range Biometric Target Identification System.

SA 1258. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

''Sec. . Of the total amount appropriate by title IV under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', up to $2,500,000 may be made used for the study of geospatial visulization technologies.

SA 1259. Mr. ALLEN proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $4,000,000 may be available for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section (PE#0603114N).

SA 1260. Mr. INOUYE (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill H.R. 2658, making appropriations for

the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''Research and Development Defense Wide'', up to $3,500,000 may be used for National Consortium on Masins Research for Program Element number 03058846.

SA 1261. Mr. INOUYE (for Mr. CONRAD) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,500,000 may be available for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project.

SA 1262. Mr. INOUYE (for Mr. BREAUX (for himself and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $800,000 may be available for the Tulane Center for Missile Defense, Louisiana.

SA 1263. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''DEFENSE PRODUCTION ACT PURCHASES'', up to $3,000,000 may be available for a Flexible Aerogel Material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels.

SA 1264. Mr. DORGAN proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Not later than July 29, 2003, the President shall submit to Congress a budget amendment to the budget of the President for fiscal year 2004, as submitted to Congress in 2003 under section 1105(a) of title 31, United States Code, setting forth in full the amounts required for fiscal year 2004 for United States military operations in Iraq and Afghanistan in fiscal year 2004.

SA 1265. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment to be proposed by her to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' for Army Missile Defense System Integration (Non Space), up to $1,500,000 may be used for the Low Cost Avionics program to establish avionic system standards utilizing commercial, open architecture design methodologies.

SA 1266. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading ''MISSILE PROCUREMENT, AIR FORCE'', up to $619,310,000 may be used for the Evolved Expendable Launch Vehicle.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 16, 2003, at 10:00 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by a joint hearing with the House Committee on Resources, Office of Native American and Insular Affairs, on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act, and H.R. 2440, the Indian Health Care Improvement Act Amendments of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 15, at 2:30 p.m. to receive testimony regarding the compact of free association with the Federated States of Micronesia and the Republic of the Marshall Islands.

THE PRESIDING OFFICER. Without objeftion, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, July 15, 2003, at 10:00 a.m., to receive testimony on An Examination of U.S. Tax Policy and Its Effect on the International Competitiveness of U.S.-Owned Foreign Operations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commission on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 15, 2003 at 10:00 a.m., to hold a hearing on Successes and Challenges for U.S. Policy to Haiti.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commission on Governmental Affairs be authorized to meet on Tuesday, July 15, 2003, at 9:30 a.m., for a hearing entitled ''Nowhere to Turn: Must Parents Relinquish Custody in Order to Secure Mental Health Services for Their Children?, Part One: Families and Advocates.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commission on Health, Education, Labor and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Reauthorization of the Substance Abuse and Mental Health Services Administration during the session of the Senate on Tuesday, July 15, 2003, at 10:00 a.m.

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

COMMITTEE ON VETERANS AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 15, 2003, for a hearing to receive a report by Ronald F. Conley, the National Commander of the American Legion. The hearing will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

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

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a joint hearing on ''Visa Issuance, Information Sharing and Enforcement in a Post-9/11 Environment: Are We Ready Yet?'' on Tuesday, July 15, 2003, at 2:30 p.m. in SD226.

Panel I: Mr. Jess T. Ford, Director, International Affairs Division, General Accounting Office, Burke, Virginia.

Panel II: Ms. Janice L. Jacobs, Deputy Assistant Secretary, Visa Service, Department of State, Carbondale, Illinois; Mr. Michael T. Dougherty, Director of Operations, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, McLean, Virginia; Mr. Jayson P. Ahern, Assistant Commissioner, Bureau of Customs and Border Protection, Department of Homeland Security, Ashburn, Virginia.

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

PRIVILEGES OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Jennifer Bacigalupi, an assistant in my office, during today's session.

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

Mr. INOUYE. I ask unanimous consent that Stephen Tela, a legislative fellow assigned to Senator KENNEDY's office, be accorded floor privileges during today's consideration of H.R. 2658.

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

Mr. REID. I ask unanimous consent a staff person in Senator BINGAMAN's office be granted privileges during the pendency of this bill. His name is Jonathan Epstein, a congressional fellow.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that William Greer and Ryan Pratt of Senator LOTT's office be granted the privilege of the floor for the remainder of the day.

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

CHECK TRUNCATION ACT OF 2003

Mr. STEVENS. Mr. President, I ask that the Chair now lay before the Senate a message from the House on H.R. 1474.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 1474) entitled ''An Act to facilitate check truncation by authorizing substitute checks, to foster innovative in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Oxley, Mr. Bachus, Mr. LaTourette, Ms. Hart, Mr. Tiberi, Mr. Frank of Massachusetts, Mr. Sanders, and Mr. Ford.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate insist on its amendment to the House bill, agree to a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees at a ratio of 3 to 2.

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

The Presiding Officer appointed Mr. SHELBY, Mr. BENNETT, Mr. ALLARD, Mr. SARBANES, and Mr. JOHNSON as conferees on the part of the Senate.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2003

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 193, S. 764.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 764) to extend the authorization of the Bulletproof Vest Partnership Grant Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing the Bulletproof Vest Partnership Grant Act of 2003, S. 764, a bill to reauthorize an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers.

This bill marks the third time that I have had the privilege of teaming with my friend and colleague Senator CAMPBELL to work on this legislation. We authored the Bulletproof Vest Grant Partnership Act of 1998 in response to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with lifesaving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

Two years later, we successfully passed the Bulletproof Vest Partnership Grant Act of 2000, and I hope we will go three-for-three this time around. Senator CAMPBELL brings to our effort invaluable experience in this area and during his time in the Senate he has been a leader in the area of law enforcement. As a former deputy sheriff, he knows the dangers law enforcement officers face when out on patrol. I am pleased that we have been joined in this effort by Judiciary Chairman HATCH, Judiciary Committee Senators BIDEN, SCHUMER, KOHL and FEINGOLD, as well as five other Senate cosponsors.

Our bipartisan legislation will save the lives of law enforcement officers across the country by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful Department of Justice program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests. In Vermont, 148 municipalities have been fortunate to receive funding for the purchase of almost 1200 vests. Without the federal funding given by this program, I daresay that there would be close to that number of police officers without vests in Vermont today.

The Bulletproof Vest Partnership Grant Act of 2003 will further the success of the Bulletproof Vest Partnership Grant Program by re-authorizing the program through fiscal year 2007. Our legislation would continue the Federal-State partnership by authorizing up to $50 million per year for matching grants to State and local law enforcement agencies and Indian tribes at the Department of Justice to buy body armor.

Not only should we reauthorize this program, but also we should work to see that it is fully funded. While the Bulletproof Vest Partnership Program funding has been consistently authorized at $50 million per year, that amount gets whacked in half during the appropriations process. Law enforcement agencies, however, clearly need our help to purchase vests—for the current fiscal year, the Bulletproof Vest Partnership office received funding requests from small jurisdictions, with populations under 100,000, totaling $59 million—more than double the funds appropriated. The authorizing legislation requires that smaller jurisdictions receive priority funding through this program. Those requests consumed the entire amount of funds available and for the first time ever awards could only be made to small jurisdictions.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I look forward to Senate passage today of the bipartisan Bulletproof Vest Partnership Grant Act, and I hope the House and the President will promptly act on this lifesaving legislation to help better to protect our law enforcement officers.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The bill (S. 764) was read the third time and passed, as follows:

S. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bulletproof Vest Partnership Grant Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2004'' and inserting ''2007''.

NATIONAL HEALTH CENTER WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 195, S. Res. 140.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 140) designating the week of August 10, 2003, as ''National Health Center Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 140

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 13,000,000 people at more than 4,000 health delivery sites, in urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system by meeting escalating health needs and reducing health disparities;

Whereas these health centers provide care to 1 of every 5 low-income babies born in America, 1 of every 8 uninsured individuals, 1 of every 9 medicaid beneficiaries, 1 of every 9 people of color, and 1 of every 10 rural Americans, and these Americans would otherwise lack access to health care;

Whereas these health centers and other innovative programs in primary and preventive care reach out to almost 750,000 homeless persons and nearly 850,000 farmworkers;

Whereas these health centers make health care responsive and cost-effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers have increased the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money that empowers communities to find partners and resources, and to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 25 percent of a health center's budget, with the remainder provided by State and local governments, medicare, medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, and work together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school, and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for 60,000 community residents; and

Whereas the designation of the week of August 10, 2003, as ''National Health Center Week'' would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 10, 2003, as ''National Health Center Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, JULY 16, 2003

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, July 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, with the first 15 minutes under the control of the majority leader or his designee and the next 15 minutes under the control of Senator MIKULSKI or her designee, provided that following that time, the Senate proceed to consideration of H.R. 2330, the Burma sanctions bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, at the leader's request, following morning business, the Senate will take up H.R. 2330, the Burma sanctions bill, under a 1-hour time agreement. Upon the use or yielding back of that time, the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. Under the previous order, there will be up to 30 minutes equally divided in relation to the Dorgan amendment and 40 minutes equally divided in relation to the Bingaman amendment. Following the use or yielding back of that time, the Senate will proceed to three stacked rollcall votes related to the Dorgan amendment, the Bingaman amendment, and the Burma bill.

Therefore, if all debate time is used, the first vote in tomorrow's session will occur at approximately 12:10 p.m., and that vote will be the first in a series of three stacked votes.

Following that series of votes, the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. It is the majority leader's intention to complete action on that bill tomorrow. I share deeply that desire. Therefore, any Members who have amendments are encouraged to contact either me, as the manager of the bill, or Senator INOUYE so that they can schedule the appropriate time for the amendment's consideration. I also inform the Members that votes should be expected throughout the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Missouri, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

AUTHORITY FOR BILL INTRODUCTIONS

The PRESIDING OFFICER. Further in my capacity as a Senator from Missouri, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, it be in order until 8 o'clock this evening for bill introductions as provided for under the trade promotion authority.

Without objection, that is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, July 16, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 2003:

EXECUTIVE OFFICE OF THE PRESIDENT

KRISTIN J. FORBES, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE RANDALL S. KROSZNER, RESIGNED.

HARVEY S. ROSEN, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE MARK B. MCCLELLAN.

DEPARTMENT OF STATE

ROBERT B. CHARLES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS), VICE R. RAND BEERS, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMASINA V. ROGERS, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2009. (REAPPOINTMENT)

CONFIRMATION

Executive nomination confirmed by the Senate July 15, 2003:

THE JUDICIARY

LONNY R. SUKO, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 15, 2003, withdrawing from further Senate consideration the following nomination:

WILLIAM PRESTON GRAVES, OF KANSAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 10, 2005, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2003.