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Senate

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent the Senator from New York, Mrs. CLINTON, be recognized for 5 minutes to speak?

Mr. WARNER. We would have to lay this aside. We are waiting for the Chair to rule.

Mr. REID. It doesn't have to be laid aside.

Mr. WARNER. We wanted to clear the amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I promise I will speak very briefly. We discussed this amendment at great length today. This is an amendment designed to take care of and put in a special employee cohort, workers in some very dirty nuclear bomb plants in Iowa and Missouri, back in the 1940s and 1950s. At the request of the managers, we added a number of conditions to it. We worked through the authorizations, and the funding of it is by authorization. I believe we have worked that out.

I think the amendment will be set aside. If anybody is really interested in it we will be happy to refer them to the CONGRESSIONAL RECORD, and at the appropriate time we will come back and restate why this is so important. It is relatively inexpensive—\$180 million over 10 years. I hope my colleagues will be willing to accept it.

With that, I thank the managers and my cosponsors and I yield the floor.

Mr. WARNER. Mr. President, I want to say at this time, we started today's very productive session of amendments with Senator BOND, who has remained on the floor now I would say about 9 hours, to obtain what you have right now. Well done, sir.

Mr. BOND. I thank my colleague.

Mr. WARNER. If it is agreeable to my colleagues, I ask unanimous consent that amendment be laid aside.

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

AMENDMENTS NOS. 3173, AS MODIFIED; 3202, 3440, AS MODIFIED; 3163, AS MODIFIED; 3199, AS MODIFIED; 3172, AS MODIFIED; 3245, AS MODIFIED; 3285, AS MODIFIED; 3254; 3413, AS MODIFIED; 3246; 3390, AS MODIFIED; 3273, AS MODIFIED; 3284, AS MODIFIED; 3434, AS MODIFIED; 3401; 3237, AS MODIFIED; 3279, AS MODIFIED

Mr. WARNER. I now send a package of amendments to the desk and ask they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments will be considered en bloc.

Is there debate?

Mr. LEVIN. These amendments have been cleared, I believe, on both sides.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3173, AS MODIFIED

(Purpose: To provide for the supplemental subsistence allowance, imminent danger pay, family separation allowance, and certain federal assistance to be cumulative benefits; and to require a report on availability of social services to members of the Armed Forces)

On page 127, between the matter following line 5 and line 6, insert the following:

SEC. 621. RELATIONSHIP BETWEEN ELIGIBILITY TO RECEIVE SUPPLEMENTAL SUBSISTENCE ALLOWANCE AND ELIGIBILITY TO RECEIVE IMMINENT DANGER PAY, FAMILY SEPARATION ALLOWANCE, AND CERTAIN FEDERAL ASSISTANCE.

(a) ENTITLEMENT NOT AFFECTED BY RECEIPT OF IMMINENT DANGER PAY AND FAMILY SEPARATION ALLOWANCE.—Subsection (b)(2) of section 402a of title 37, United States Code, is amended by striking subparagraph (A) and inserting the following:

“(A) shall not take into consideration—

“(i) the amount of the supplemental subsistence allowance that is payable under this section;

“(ii) the amount of special pay (if any) that is payable under section 310 of this section, relating to duty subject to hostile fire or imminent danger; or

“(iii) the amount of family separation allowance (if any) that is payable under section 427 of this title; but”.

(b) ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—Section 402a of such title is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—(1)(A) A child or spouse of a member of the armed forces receiving the supplemental subsistence allowance under this section who, except for the receipt of such allowance, would otherwise be eligible to receive a benefit described in subparagraph (B) shall be considered to be eligible for that benefit.

“(B) The benefits referred to in subparagraph (A) are as follows:

“(i) Assistance provided under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(ii) Assistance provided under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(iii) A service under the Head Start Act (42 U.S.C. 9831 et seq.).

“(iv) Assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

“(2) A household that includes a member of the armed forces receiving the supplemental subsistence allowance under this section and, except for the receipt of such allowance, would otherwise be eligible to receive a benefit under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) shall be considered to be eligible for that benefit.”.

(c) REQUIREMENT FOR REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees of Congress named in paragraph (2) a report on the accessibility of social services to members of the Armed Forces and their families. The report shall include the following matters:

(A) The social services for which members of the Armed Forces and their families are eligible under social services programs generally available to citizens and other nationals of the United States.

(B) The extent to which members of the Armed Forces and their families utilize the social services for which they are eligible under the programs identified under subparagraph (A).

(C) The efforts made by each of the military departments—

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



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(i) to ensure that members of the Armed Forces and their families are aware of the social services for which they are eligible under the programs identified under subparagraph (A); and

(ii) to assist members and their families in applying for and obtaining such social services.

(2) The committees of Congress referred to in paragraph (1) are as follows:

(A) The Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate.

(B) The Committee on Armed Services of the House of Representatives.

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2004.

(2) Subsection (c) shall take effect on the date of the enactment of this Act.

AMENDMENT NO. 3202

(Purpose: To provide relief to mobilized military reservists from certain Federal agricultural loan obligations)

On page 131, between lines 17 and 18, insert the following:

SEC. 653. RELIEF FOR MOBILIZED MILITARY RESERVISTS FROM CERTAIN FEDERAL AGRICULTURAL LOAN OBLIGATIONS.

The Consolidated Farm and Rural Development Act is amended by inserting after section 331F (7 U.S.C. 1981f) the following:

“SEC. 332. RELIEF FOR MOBILIZED MILITARY RESERVISTS FROM CERTAIN AGRICULTURAL LOAN OBLIGATIONS.

“(a) DEFINITION OF MOBILIZED MILITARY RESERVIST.—In this section, the term ‘mobilized military reservist’ means an individual who—

“(1) is on active duty under section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12406, or chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress, regardless of the location at which the active duty service is performed; or

“(2) in the case of a member of the National Guard, is on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.

“(b) FORGIVENESS OF INTEREST PAYMENTS DUE WHILE BORROWER IS A MOBILIZED MILITARY RESERVIST.—Any requirement that a borrower of a direct loan made under this title make any interest payment on the loan that would otherwise be required to be made while the borrower is a mobilized military reservist is rescinded.

“(c) DEFERRAL OF PRINCIPAL PAYMENTS DUE WHILE OR AFTER BORROWER IS A MOBILIZED MILITARY RESERVIST.—The due date of any payment of principal on a direct loan made to a borrower under this title that would otherwise be required to be made while or after the borrower is a mobilized military reservist is deferred for a period equal in length to the period for which the borrower is a mobilized military reservist.

“(d) NONACCRUAL OF INTEREST.—Interest on a direct loan made to a borrower described in this section shall not accrue during the period the borrower is a mobilized military reservist.

“(e) BORROWER NOT CONSIDERED TO BE DELINQUENT OR RECEIVING DEBT FORGIVENESS.—Notwithstanding section 373 or any other provision of this title, a borrower who receives assistance under this section shall

not, as a result of the assistance, be considered to be delinquent or receiving debt forgiveness for purposes of receiving a direct or guaranteed loan under this title.”

AMENDMENT NO. 3440, AS MODIFIED

(Purpose: To promote a thorough investigation of the United Nations Oil-for-Food Program)

On page 272, after the matter following line 18, insert the following:

SEC. 1055. UNITED NATIONS OIL-FOR-FOOD PROGRAM

(a) RESPONSIBILITY OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE FOR SECURITY OF DOCUMENTS.—(1) The Inspector General of the Department of Defense, in cooperation with the Director of the Defense Contract Audit Agency and the Director of the Defense Contract Management Agency, shall ensure, not later than June 30, 2004, the security of all documents relevant to the United Nations Oil-for-Food Program that are in the possession or control of the Coalition Provisional Authority.

(2) The Inspector General shall—

(A) maintain copies of all such documents in the United States at the Department of Defense; and

(B) not later than August 31, 2004, deliver a complete set of all such documents to the Comptroller General of the United States.

(b) COOPERATION IN INVESTIGATIONS.—Each head of an Executive agency, including the Department of State, the Department of Defense, the Department of the Treasury, and the Central Intelligence Agency, and the Administrator of the Coalition Provisional Authority shall, upon a request in connection with an investigation of the United Nations Oil-for-Food Program made by the chairman of the Committee on Foreign Relations, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Governmental Affairs, the Select Committee on Intelligence, the Permanent Subcommittee on Investigations, or other committee of the Senate with relevant jurisdiction, promptly provide to such chairman—

(1) access to any information and documents described in subsections (a) or (c) that are under the control of such agency and responsive to the request; and

(2) assistance relating to access to and utilization of such information and documents.

(c) INFORMATION FROM THE UNITED NATIONS.—(1) The Secretary of State shall use the voice and vote of the United States in the United Nations to urge the Secretary-General of the United Nations to provide the United States copies of all audits and core documents related to the United Nations Oil-for-Food Program.

(2) It is the sense of Congress that, pursuant to section 941(b)(6) of the United Nations Reform Act of 1999 (title IX of division A of H.R. 3427 of the 106th Congress, as enacted into law by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-480), the Comptroller General of the United States should have full and complete access to financial data relating to the United Nations, including information related to the financial transactions, organization, and activities of the United Nations Oil-for-Food Program.

(3) The Secretary of State shall facilitate the providing of access to the Comptroller General to the financial data described in paragraph (2).

(d) REVIEW OF OIL-FOR-FOOD PROGRAM BY COMPTROLLER GENERAL.—(1) The Comptroller General of the United States shall conduct a review of United States oversight of the United Nations Oil-for-Food Program.

The review—

(A) in accordance with Generally Accepted Government Auditing Standards, should not interfere with any ongoing criminal inves-

tigations or inquiries related to the Oil-for-Food program; and

(B) may take into account the results of any investigations or inquiries related to the Oil-for-Food program.

(2) The head of each Executive agency shall fully cooperate with the review under this subsection.

(e) EXECUTIVE AGENCY DEFINED.—In this section, the term “Executive agency” has the meaning given that term in section 105 of title 5, United States Code.

AMENDMENT NO. 3163, AS MODIFIED

(Purpose: To provide for improved medical readiness of the members of the Armed Forces, and for other purposes)

On page 296, between lines 14 and 15, insert the following:

TITLE XIII—MEDICAL READINESS TRACKING AND HEALTH SURVEILLANCE

SEC. 1301. ANNUAL MEDICAL READINESS PLAN AND JOINT MEDICAL READINESS OVERSIGHT COMMITTEE.

(a) REQUIREMENT FOR PLAN.—The Secretary of Defense shall develop a comprehensive plan to improve medical readiness, and Department of Defense tracking of the health status, of members of the Armed Forces throughout their service in the Armed Forces, and to strengthen medical readiness and tracking before, during, and after deployment of the personnel overseas. The matters covered by the comprehensive plan shall include all elements that are described in this title and the amendments made by this title and shall comply with requirements in law.

(b) JOINT MEDICAL READINESS OVERSIGHT COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Medical Readiness Oversight Committee.

(2) COMPOSITION.—The members of the Committee are as follows:

(A) The Under Secretary of Defense for Personnel and Readiness, who shall chair the Committee.

(B) The Assistant Secretary of Defense for Health Affairs.

(C) The Assistant Secretary of Defense for Reserve Affairs.

(D) The Surgeons General of the Armed Forces.

(E) The Assistant Secretary of the Army for Manpower and Reserve Affairs.

(F) The Assistant Secretary of the Navy for Manpower and Reserve Affairs.

(G) The Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment.

(H) The Chief of the National Guard Bureau.

(I) The Chief of Army Reserve.

(J) The Chief of Naval Reserve.

(K) The Chief of Air Force Reserve.

(L) The Commander, Marine Corps Reserve.

(M) The Director of the Defense Manpower Data Center.

(N) A representative of the Department of Veterans Affairs designated by the Secretary of Veterans Affairs.

(O) Representatives of veterans and military health advocacy organizations appointed to the Committee by the Secretary of Defense.

(P) An individual from civilian life who is recognized as an expert on military health care treatment, including research relating to such treatment.

(3) DUTIES.—The duties of the Committee are as follows:

(A) To advise the Secretary of Defense on the medical readiness and health status of the members of the active and reserve components of the Armed Forces.

(B) To advise the Secretary of Defense on the compliance of the Armed Forces with the

medical readiness tracking and health surveillance policies of the Department of Defense.

(C) To oversee the development and implementation of the comprehensive plan required by subsection (a) and the actions required by this title and the amendments made by this title, including with respect to matters relating to—

- (i) the health status of the members of the reserve components of the Armed Forces;
- (ii) accountability for medical readiness;
- (iii) medical tracking and health surveillance;
- (iv) declassification of information on environmental hazards;
- (v) postdeployment health care for members of the Armed Forces; and
- (vi) compliance with Department of Defense and other applicable policies on blood serum repositories.

(D) To ensure unity and integration of efforts across functional and organizational lines within the Department of Defense with regard to medical readiness tracking and health status surveillance of members of the Armed Forces.

(E) To establish and monitor compliance with the medical readiness standards that are applicable to members and those that are applicable to units.

(F) To improve continuity of care in coordination with the Secretary of Veterans Affairs, for members of the Armed Forces separating from active service with service-connected medical conditions.

(G) To prepare and submit to the Secretary of Defense and to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 1 of each year, a report on—

- (i) the health status and medical readiness of the members of the Armed Forces, including the members of reserve components, based on the comprehensive plan required under subsection (a) and the actions required by this title and the amendments made by this title; and
- (ii) compliance with Department of Defense policies on medical readiness tracking and health surveillance.

(4) **FIRST MEETING.**—The first meeting of the Committee shall be held not later than 90 days after the date of the enactment of this Act.

SEC. 1302. MEDICAL READINESS OF RESERVES.

(a) **COMPTROLLER GENERAL STUDY OF HEALTH OF RESERVES ORDERED TO ACTIVE DUTY FOR OPERATIONS ENDURING FREEDOM AND IRAQI FREEDOM.**—

(1) **REQUIREMENT FOR STUDY.**—The Comptroller General of the United States shall carry out a study of the health of the members of the reserve components of the Armed Forces who have been called or ordered to active duty for a period of more than 30 days in support of Operation Enduring Freedom and Operation Iraqi Freedom. The Comptroller General shall commence the study not later than 180 days after the date of the enactment of this Act.

(2) **PURPOSES.**—The purposes of the study under this subsection are as follows:

(A) To review the health status and medical fitness of the activated Reserves when they were called or ordered to active duty.

(B) To review the effects, if any, on logistics planning and the deployment schedules for the operations referred to in paragraph (1) that resulted from deficiencies in the health or medical fitness of activated Reserves.

(C) To review compliance of military personnel with Department of Defense policies on medical and physical fitness examinations and assessments that are applicable to the reserve components of the Armed Forces.

(3) **REPORT.**—The Comptroller General shall, not later than one year after the date of the enactment of this Act, submit a report on the results of the study under this subsection to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following matters:

(A) With respect to the matters reviewed under subparagraph (A) of paragraph (2)—

(i) the percentage of activated Reserves who were determined to be medically unfit for deployment, together with an analysis of the reasons why the member was unfit, including medical illnesses or conditions most commonly found among the activated Reserves that were grounds for determinations of medical unfitness for deployment; and

(ii) the percentage of the activated Reserves who, before being deployed, needed medical care for health conditions identified when called or ordered to active duty, together with an analysis of the types of care that were provided for such conditions and the reasons why such care was necessary.

(B) With respect to the matters reviewed under subparagraph (B) of paragraph (2)—

(i) the delays and other disruptions in deployment schedules that resulted from deficiencies in the health status or medical fitness of activated Reserves; and

(ii) an analysis of the extent to which it was necessary to merge units or otherwise alter the composition of units, and the extent to which it was necessary to merge or otherwise alter objectives, in order to compensate for limitations on the deployability of activated Reserves resulting from deficiencies in the health status or medical fitness of activated Reserves.

(C) With respect to the matters reviewed under subparagraph (C) of paragraph (2), an assessment of the extent of the compliance of reserve component personnel with Department of Defense policies on routine medical and physical fitness examinations that are applicable to the reserve components of the Armed Forces.

(D) An analysis of the extent to which the medical care, if any, provided to activated Reserves in each theater of operations referred to in paragraph (1) related to pre-existing conditions that were not adequately addressed before the deployment of such personnel to the theater.

(4) **DEFINITIONS.**—In this subsection:

(A) The term “activated Reserves” means the members of the Armed Forces referred to in paragraph (1).

(B) The term “active duty for a period of more than 30 days” has the meaning given such term in section 101(d) of title 10, United States Code.

(C) The term “health condition” includes a mental health condition and a dental condition.

(D) The term “reserve components of the Armed Forces” means the reserve components listed in section 10101 of title 10, United States Code.

(b) **ACCOUNTABILITY FOR INDIVIDUAL AND UNIT MEDICAL READINESS.**—

(1) **POLICY.**—The Secretary of Defense shall issue a policy to ensure that individual members and commanders of reserve component units fulfill their responsibilities for medical and dental readiness of members of the units on the basis of—

(A) frequent periodic health assessment of members (not less frequently than once every two years) using the predeployment assessment procedure required under section 1074f of title 10, United States Code, as the minimum standard of medical readiness; and

(B) any other information on the health status of the members that is available to the commanders.

(2) **REVIEW AND FOLLOWUP CARE.**—The regulations under this subsection shall provide for review of the health assessments under paragraph (1) by a medical professional and for any followup care and treatment that is needed for medical or dental readiness.

(3) **MODIFICATION OF PREDEPLOYMENT HEALTH ASSESSMENT SURVEY.**—In meeting the policy under paragraph (1), the Secretary shall—

(A) to the extent practicable, modify the predeployment health assessment survey to bring such survey into conformity with the detailed postdeployment health assessment survey in use as of October 1, 2004; and

(B) ensure the use of the predeployment health assessment survey, as so modified, for predeployment health assessments after that date.

(c) **UNIFORM POLICY ON DEFERRAL OF MEDICAL TREATMENT PENDING DEPLOYMENT TO THEATERS OF OPERATIONS.**—

(1) **REQUIREMENT FOR POLICY.**—The Secretary of Defense shall prescribe, for uniform applicability throughout the Armed Forces, a policy on deferral of medical treatment of members pending deployment.

(2) **CONTENT.**—The policy prescribed under paragraph (1) shall specify the following matters:

(A) The circumstances under which treatment for medical conditions may be deferred to be provided within a theater of operations in order to prevent delay or other disruption of a deployment to that theater.

(B) The circumstances under which medical conditions are to be treated before deployment to that theater.

SEC. 1303. BASELINE HEALTH DATA COLLECTION PROGRAM.

(a) **REQUIREMENT FOR PROGRAM.**—

(1) **IN GENERAL.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1092 the following new section:

“§ 1092a. Persons entering the armed forces: baseline health data

“(a) **PROGRAM REQUIRED.**—The Secretary of Defense shall carry out a program—

“(1) to collect baseline health data from all persons entering the armed forces;

“(2) to provide for computerized compilation and maintenance of the baseline health data; and

“(3) to analyze the data.

“(b) **PURPOSES.**—The program under this section shall be designed to achieve the following purposes:

“(1) To facilitate understanding of how exposures related to service in the armed forces affect health.

“(2) To facilitate development of early intervention and prevention programs to protect health and readiness.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1092 the following new item:

“1092a. Persons entering the armed forces: baseline health data.”.

(3) **TIME FOR IMPLEMENTATION.**—The Secretary of Defense shall implement the program required under section 1092a of title 10, United States Code (as added by paragraph (1)), not later than two years after the date of the enactment of this Act.

(b) **INTERIM STANDARDS FOR BLOOD SAMPLING.**—The Secretary of Defense shall require under the medical tracking system administered under section 1074f of title 10, United States Code, that—

(1) the blood samples necessary for the predeployment medical examination of a member of the Armed Forces required under subsection (b) of such section be drawn not earlier than 60 days before the date of the deployment; and

(2) the blood samples necessary for the postdeployment medical examination of a

member of the Armed Forces required under such subsection be drawn not later than 30 days after the date on which the deployment ends.

SEC. 1304. MEDICAL CARE AND TRACKING AND HEALTH SURVEILLANCE IN THE THEATER OF OPERATIONS.

(a) **RECORDKEEPING POLICY.**—The Secretary of Defense shall prescribe a policy that requires the records of all medical care provided to a member of the Armed Forces in a theater of operations to be maintained as part of a complete health record for the member.

(b) **IN-THEATER MEDICAL TRACKING AND HEALTH SURVEILLANCE.**—

(1) **REQUIREMENT FOR EVALUATION.**—The Secretary of Defense shall evaluate the system for the medical tracking and health surveillance of members of the Armed Forces in theaters of operations and take such actions as may be necessary to improve the medical tracking and health surveillance.

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit a report on the actions taken under paragraph (1) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following matters:

(A) An analysis of the strengths and weaknesses of the medical tracking system administered under section 1074f of title 10, United States Code.

(B) An analysis of the efficacy of health surveillance systems as a means of detecting—

(i) any health problems (including mental health conditions) of members of the Armed Forces contemporaneous with the performance of the assessment under the system; and

(ii) exposures of the assessed members to environmental hazards that potentially lead to future health problems.

(C) An analysis of the strengths and weaknesses of such medical tracking and surveillance systems as a means for supporting future research on health issues.

(D) Recommended changes to such medical tracking and health surveillance systems.

(E) A summary of scientific literature on blood sampling procedures used for detecting and identifying exposures to environmental hazards.

(F) An assessment of whether there is a need for changes to regulations and standards for drawing blood samples for effective tracking and health surveillance of the medical conditions of personnel before deployment, upon the end of a deployment, and for a followup period of appropriate length.

(c) **PLAN TO OBTAIN HEALTH CARE RECORDS FROM ALLIES.**—The Secretary of Defense shall develop a plan for obtaining all records of medical treatment provided to members of the Armed Forces by allies of the United States in Operation Enduring Freedom and Operation Iraqi Freedom. The plan shall specify the actions that are to be taken to obtain all such records.

(d) **POLICY ON IN-THEATER PERSONNEL LOCATOR DATA.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe a Department of Defense policy on the collection and dissemination of in-theater individual personnel location data.

SEC. 1305. DECLASSIFICATION OF INFORMATION ON EXPOSURES TO ENVIRONMENTAL HAZARDS.

(a) **REQUIREMENT FOR REVIEW.**—The Secretary of Defense shall review and, as determined appropriate, revise the classification policies of the Department of Defense with a view to facilitating the declassification of data that is potentially useful for the moni-

toring and assessment of the health of members of the Armed Forces who have been exposed to environmental hazards during deployments overseas, including the following data:

(1) In-theater injury rates.

(2) Data derived from environmental surveillance.

(3) Health tracking and surveillance data.

(b) **CONSULTATION WITH COMMANDERS OF THEATER COMBATANT COMMANDS.**—The Secretary shall, to the extent that the Secretary considers appropriate, consult with the senior commanders of the in-theater forces of the combatant commands in carrying out the review and revising policies under subsection (a).

SEC. 1306. ENVIRONMENTAL HAZARDS.

(a) **REPORT ON TRAINING OF FIELD MEDICAL PERSONNEL.**—

(1) **REQUIREMENT FOR REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the training on environmental hazards that is provided by the Armed Forces to medical personnel of the Armed Forces who are deployable to the field in direct support of combat personnel.

(2) **CONTENT.**—The report under paragraph (1) shall include the following:

(A) An assessment of the adequacy of the training regarding—

(i) the identification of common environmental hazards and exposures to such hazards; and

(ii) the prevention and treatment of adverse health effects of such exposures.

(B) A discussion of the actions taken and to be taken to improve such training.

(c) **REPORT ON RESPONSES TO HEALTH CONCERNS OF MEMBERS.**—

(1) **REQUIREMENT FOR REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Health Affairs shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on Department of Defense responses to concerns expressed by members of the Armed Forces during post-deployment health assessments about possibilities that the members were exposed to environmental hazards deleterious to the members' health during a deployment overseas.

(2) **CONTENT.**—The report regarding health concerns submitted under paragraph (1) shall include the following:

(A) A discussion of the actions taken by Department of Defense officials to investigate the circumstances underlying such concerns in order to determine the validity of the concerns.

(B) A discussion of the actions taken by Department of Defense officials to evaluate or treat members and former members of the Armed Forces who are confirmed to have been exposed to environmental hazards deleterious to their health during deployments of the Armed Forces.

SEC. 1307. POST-DEPLOYMENT MEDICAL CARE RESPONSIBILITIES OF INSTALLATION COMMANDERS.

(a) **REQUIREMENT FOR REGULATIONS.**—The Secretary of Defense shall prescribe a policy that requires the commander of each military installation at which members of the Armed Forces are to be processed upon redeployment from an overseas deployment—

(1) to identify and analyze the anticipated health care needs of such members before the arrival of such members at that installation; and

(2) to report such needs to the Secretary.

(b) **HEALTH CARE TO MEET NEEDS.**—The policy under this section shall include proce-

dures for the commander of each military installation described in subsection (a) to meet the anticipated health care needs that are identified by the commander in the performance of duties under the regulations, including the following:

(1) Arrangements for health care provided by the Secretary of Veterans Affairs.

(2) Procurement of services from local health care providers.

(3) Temporary employment of health care personnel to provide services at such installation.

SEC. 1308. FULL IMPLEMENTATION OF MEDICAL READINESS TRACKING AND HEALTH SURVEILLANCE PROGRAM AND FORCE HEALTH PROTECTION AND READINESS PROGRAM.

(a) **IMPLEMENTATION AT ALL LEVELS.**—The Secretary of Defense, in conjunction with the Secretaries of the military departments, shall take such actions as are necessary to ensure that the Army, Navy, Air Force, and Marine Corps fully implement at all levels—

(1) the Medical Readiness Tracking and Health Surveillance Program under this title and the amendments made by this title; and

(2) the Force Health Protection and Readiness Program of the Department of Defense (relating to the prevention of injury and illness and the reduction of disease and non-combat injury threats).

(b) **ACTION OFFICIAL.**—The Secretary of Defense may act through the Under Secretary of Defense for Personnel and Readiness in carrying out subsection (a).

SEC. 1309. OTHER MATTERS.

(a) **ANNUAL REPORTS.**—

(1) **REQUIREMENT FOR REPORTS.**—

(A) Chapter 55 of title 10, United States Code, is amended by inserting after section 1073a the following new section:

“§ 1073b. Recurring reports

“(a) **ANNUAL REPORT ON HEALTH PROTECTION QUALITY.**—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives each year a report on the Force Health Protection Quality Assurance Program of the Department of Defense. The report shall include the following matters:

“(A) The results of an audit of the extent to which the serum samples required to be obtained from members of the armed forces before and after a deployment are stored in the serum repository of the Department of Defense.

“(B) The results of an audit of the extent to which the health assessments required for members of the armed forces before and after a deployment are being maintained in the electronic database of the Defense Medical Surveillance System.

“(C) An analysis of the actions taken by the Department of Defense personnel to respond to health concerns expressed by members of the armed forces upon return from a deployment.

“(D) An analysis of the actions taken by the Secretary to evaluate or treat members and former members of the armed forces who are confirmed to have been exposed to occupational or environmental hazards deleterious to their health during a deployment.

“(2) The Secretary of Defense shall act through the Assistant Secretary of Defense for Health Affairs in carrying out this subsection.

“(b) **ANNUAL REPORT ON RECORDING OF HEALTH ASSESSMENT DATA IN MILITARY PERSONNEL RECORDS.**—The Secretary of Defense shall issue each year a report on the compliance by the military departments with applicable policies on the recording of health assessment data in military personnel records. The report shall include a discussion of the extent to which immunization status and

predeployment and postdeployment health care data is being recorded in such records.”.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073a the following new item:

“1073b. Recurring reports.”.

(2) INITIAL REPORT.—The first report under section 1073b(a) of title 10, United States Code (as added by paragraph (1)), shall be completed not later than 180 days after the date of the enactment of this Act.

(b) INTERNET ACCESSIBILITY OF HEALTH ASSESSMENT INFORMATION FOR MEMBERS OF THE ARMED FORCES.—Not later than one year after the date of the enactment of this Act, the Chief Information Officer of each military department shall ensure that the online portal website of that military department includes the following information relating to health assessments:

(1) Information on the Department of Defense policies regarding predeployment and postdeployment health assessments, including policies on the following matters:

(A) Health surveys.
(B) Physical examinations.
(C) Collection of blood samples and other tissue samples.

(2) Procedural information on compliance with such policies, including the following information:

(A) Information for determining whether a member is in compliance.
(B) Information on how to comply.
(3) Health assessment surveys that are either—

(A) web-based; or
(B) accessible (with instructions) in printer-ready form by download.

SEC. 1310. USE OF CIVILIAN EXPERTS AS CONSULTANTS.

Nothing in this title or an amendment made by this title shall be construed to limit the authority of the Secretary of Defense to procure the services of experts outside the Federal Government for performing any function to comply with requirements for readiness tracking and health surveillance of members of the Armed Forces that are applicable to the Department of Defense.

AMENDMENT NO. 3199, AS MODIFIED

(Purpose: To authorize United Service Organizations, Incorporated (USO) to procure supplies and services from the General Services Administration supplies and services on the Federal Supply Schedule)

On page 195, between lines 10 and 11, insert the following:

SEC. 868. AVAILABILITY OF FEDERAL SUPPLY SCHEDULE SUPPLIES AND SERVICES TO UNITED SERVICE ORGANIZATIONS, INCORPORATED.

Section 220107 of title 36, United States Code, is amended by inserting after “Department of Defense” the following: “, including access to General Services Administration supplies and services through the Federal Supply Schedule of the General Services Administration.”

AMENDMENT NO. 3172, AS MODIFIED

(Purpose: To express the sense of the Senate that perchlorate contamination of ground and surface water is becoming increasingly problematic to the public health of people in the United States)

On page 48, between lines 7 and 8, insert the following:

SEC. 326. SENSE OF SENATE ON PERCHLORATE CONTAMINATION OF GROUND AND SURFACE WATER.

(a) FINDINGS.—The Senate makes the following findings:

(1) Because finite water sources in the United States are stretched by regional drought conditions and increasing demand

for water supplies, there is increased need for safe and dependable supplies of fresh water for drinking and use for agricultural purposes.

(2) Perchlorate, a naturally occurring and manmade compound with medical, commercial, and national defense applications, which has been used primarily in military munitions and rocket fuels, has been detected in fresh water sources intended for use as drinking water and water necessary for the production of agricultural commodities.

(3) If ingested in sufficient concentration and in adequate duration, perchlorate may interfere with thyroid metabolism, and this effect may impair the normal development of the brain in fetuses and newborns.

(4) The Federal Government has not yet established a drinking water standard for perchlorate.

(5) The National Academy of Sciences is conducting an assessment of the state of the science regarding the effects on human health of perchlorate ingestion that will aid in understanding the effect of perchlorate exposure on sensitive populations.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) perchlorate has been identified as a contaminant of drinking water sources or in the environment in 34 States and has been used or manufactured in 44 States;

(2) perchlorate exposure at or above a certain level may adversely affect public health, particularly the health of vulnerable and sensitive populations; and

(3) the Department of Defense should—

(A) work to develop a national plan to remediate perchlorate contamination of the environment resulting from Department’s activities to ensure the Department is prepared to respond quickly and appropriately once a drinking water standard is established;

(B) in cases in which the Department is already remediating perchlorate contamination, continue that remediation;

(C) prior to the development of a drinking water standard for perchlorate, develop a plan to remediate perchlorate contamination in cases in which such contamination from the Department’s activities is present in ground or surface water at levels that pose a hazard to human health; and

(D) continue the process of evaluating and prioritizing sites without waiting for the development of a Federal standard.

AMENDMENT NO. 3245, AS MODIFIED

(Purpose: To require two reports on operation of the Federal Voting Assistance Program and the military postal system together with certain actions to improve the military postal system)

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. OPERATION OF THE FEDERAL VOTING ASSISTANCE PROGRAM AND THE MILITARY POSTAL SYSTEM.

(a) REQUIREMENT FOR REPORTS.—(1) The Secretary of Defense shall submit to Congress two reports on the actions that the Secretary has taken to ensure that—

(A) the Federal Voting Assistance Program functions effectively to support absentee voting by members of the Armed Forces deployed outside the United States in support of Operation Iraqi Freedom, Operation Enduring Freedom, and all other contingency operations; and

(B) the military postal system functions effectively to support the morale of the personnel described in subparagraph (A) and absentee voting by such members.

(2)(A) The first report under paragraph (1) shall be submitted not later than 60 days after the date of the enactment of this Act.

(B) The second report under paragraph (1) shall be submitted not later than 60 days after the date on which the first report is submitted under that paragraph.

(3) In this subsection, the term “Federal Voting Assistance Program” means the program referred to in section 1566(b)(1) of title 10, United States Code.

(b) IMPLEMENTATION OF RECOMMENDED POSTAL SYSTEM IMPROVEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth—

(1) the actions taken to implement the recommendations of the Military Postal Service Agency Task Force, dated 28 August 2000; and

(2) in the case of each such recommendation not implemented or not fully implemented as of the date of report, the reasons for not implementing or not fully implementing such recommendation, as the case may be.

AMENDMENT NO. 3285, AS MODIFIED

(Purpose: To amend title 32, United States Code, to provide for the use of members of the National Guard on full-time National Guard duty for carrying out homeland security activities in support of Federal agencies)

On page 208, between lines 16 and 17, insert the following:

SEC. 906. HOMELAND SECURITY ACTIVITIES OF THE NATIONAL GUARD.

(a) AUTHORITY.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

“§ 116. Homeland security activities

“(a) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—The Governor of a State may, upon the request by the head of a Federal agency and with the concurrence of the Secretary of Defense, order any personnel of the National Guard of the State to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out homeland security activities, as described in subsection (b).

“(b) PURPOSE AND DURATION.—(1) The purpose for the use of personnel of the National Guard of a State under this section is to temporarily provide trained and disciplined personnel to a Federal agency to assist that agency in carrying out homeland security activities.

“(2) The duration of the use of the National Guard of a State under this section shall be limited to a period of 180 days. The Governor of the State may, with the concurrence of the Secretary of Defense, extend the period one time for an additional 90 days to meet extraordinary circumstances.

“(c) RELATIONSHIP TO REQUIRED TRAINING.—A member of the National Guard serving on full-time National Guard duty under orders authorized under subsection (a) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that subsection. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out homeland security activities. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

“(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State for homeland security activities does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the homeland security activities that units and

personnel of the National Guard of a State may perform:

“(1) The performance of the activities may not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

“(2) National Guard personnel will not degrade their military skills as a result of performing the activities.

“(3) The performance of the activities will not result in a significant increase in the cost of training.

“(4) In the case of homeland security performed by a unit organized to serve as a unit, the activities will support valid unit training requirements.

“(e) PAYMENT OF COSTS.—(1) The Secretary of Defense shall provide funds to the Governor of a State to pay costs of the use of personnel of the National Guard of the State for the performance of homeland security activities under this section. Such funds shall be used for the following costs:

“(A) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses (including all associated training expenses, as determined by the Secretary), as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of homeland security activities.

“(B) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of homeland security activities.

“(2) The Secretary of Defense shall require the head of an agency receiving support from the National Guard of a State in the performance of homeland security activities under this section to reimburse the Department of Defense for the payments made to the State for such support under paragraph (1).

“(f) MEMORANDUM OF AGREEMENT.—The Secretary of Defense and the Governor of a State shall enter into a memorandum of agreement with the head of each Federal agency to which the personnel of the National Guard of that State are to provide support in the performance of homeland security activities under this section. The memorandum of agreement shall—

“(1) specify how personnel of the National Guard are to be used in homeland security activities;

“(2) include a certification by the Adjutant General of the State that those activities are to be performed at a time when the personnel are not in Federal service;

“(3) include a certification by the Adjutant General of the State that—

“(A) participation by National Guard personnel in those activities is service in addition to training required under section 502 of this title; and

“(B) the requirements of subsection (d) of this section will be satisfied;

“(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general), that the use of the National Guard of the State for the activities provided for under the memorandum of agreement is authorized by, and is consistent with, State law;

“(5) include a certification by the Governor of the State or a civilian official of the State designated by the Governor that the activities provided for under the memorandum of agreement serve a State security purpose; and

“(6) include a certification by the head of the Federal agency that the agency will have a plan to ensure that the agency's requirement for National Guard support ends not

later than 179 days after the commencement of the support.

“(g) EXCLUSION FROM END-STRENGTH COMPUTATION.—Notwithstanding any other provision of law, members of the National Guard on active duty or full-time National Guard duty for the purposes of administering (or during fiscal year 2003 otherwise implementing) this section shall not be counted toward the annual end strength authorized for Reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 12011 and 12012 of title 10.

“(h) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report regarding any assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

“(1) The number of members of the National Guard excluded under subsection (g) from the computation of end strengths.

“(2) A description of the homeland security activities conducted with funds provided under this section.

“(3) An accounting of the amount of funds provided to each State.

“(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform homeland security activities under this section.

“(i) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

“(j) DEFINITIONS.—For purposes of this section:

“(1) The term ‘Governor of a State’ means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

“(2) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.”

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

“116. Homeland security activities.”

AMENDMENT NO. 3254

(Purpose: To repeal a requirement for an officer to retire upon termination of service as Superintendent of the Air Force Academy)

On page 84, between the matter following line 13 and line 14, insert the following:

SEC. 535. REPEAL OF REQUIREMENT FOR OFFICER TO RETIRE UPON TERMINATION OF SERVICE AS SUPERINTENDENT OF THE AIR FORCE ACADEMY.

(a) REPEALS.—Sections 8921 and 9333a of title 10, United States Code, are repealed.

(b) CLERICAL AMENDMENTS.—Subtitle D of title 10, United States Code, is amended—

(1) in the table of sections at the beginning of chapter 867, by striking the item relating to section 8921; and

(2) in the table of sections at the beginning of chapter 903, by striking the item relating to section 9333a.

AMENDMENT NO. 3413, AS MODIFIED

(Purpose: To amend the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program)

On page 285, line 1, insert “, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives” after “Representatives”.

On page 285, between lines 9 and 10, insert the following:

(g) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B)(i) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need; or

“(ii) the candidate is a participant in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1101 of the National Defense Authorization Act for Fiscal Year 2005.”

On page 285, line 9, strike “(g)” and insert “(h)”.

AMENDMENT NO. 3246

(Purpose: To permit qualified HUBZone small business concerns and small business concerns owned and controlled by service-disabled veterans to participate in the mentor-protégé program of the Department of Defense)

At the end of subtitle G of title X, add the following:

SEC. . MENTOR-PROTEGE PILOT PROGRAM.

Section 831(m)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(F) a small business concern owned and controlled by service-disabled veterans (as defined in section 8(d)(3) of the Small Business Act); and

“(G) a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act).”

AMENDMENT NO. 3390, AS MODIFIED

(Purpose: To express the sense of Congress on the Global Partnership Against the Spread of Weapons of Mass Destruction)

At the end of subtitle F of title X, add the following:

SEC. 1055. SENSE OF CONGRESS ON THE GLOBAL PARTNERSHIP AGAINST THE SPREAD OF WEAPONS OF MASS DESTRUCTION.

It is the sense of Congress that the President should be commended for the steps taken at the G-8 summit at Sea Island, Georgia, on June 8-10, 2004, to demonstrate continued support for the Global Partnership against the Spread of Nuclear Weapons and Materials of Mass Destruction and to expand the Partnership by welcoming new members and using the Partnership to coordinate non-proliferation projects in Libya, Iraq and other countries; and that the President should continue to—

(1) expand the membership of donor nations to the Partnership;

(2) insure that Russia remains the primary partner of the Partnership while also seeking to fund through the Partnership efforts in other countries with potentially vulnerable weapons or materials;

(3) develop for the Partnership clear program goals;

(4) develop for the Partnership transparent project prioritization and planning;

(5) develop for the Partnership project implementation milestones under periodic review;

(6) develop under the Partnership agreements between partners for project implementation; and

(7) give high priority and senior-level attention to resolving disagreements on site

access and worker liability under the Partnership.

AMENDMENT NO. 3273, AS MODIFIED

(Purpose: To revise and extend the authority for an advisory panel on review of Government procurement laws and regulations)

On page 158, between lines 6 and 7, insert the following:

SEC. 805. REVISION AND EXTENSION OF AUTHORITY FOR ADVISORY PANEL ON REVIEW OF GOVERNMENT PROCUREMENT LAWS AND REGULATIONS.

(a) RELATIONSHIP OF RECOMMENDATIONS TO SMALL BUSINESSES.—Section 1423 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 106-136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ISSUES RELATING TO SMALL BUSINESSES.—In developing recommendations under subsection (c)(2), the panel shall—

“(1) consider the effects of its recommendations on small business concerns; and

“(2) include any recommended modifications of laws, regulations, and policies that the panel considers necessary to enhance and ensure competition in contracting that affords small business concerns meaningful opportunity to participate in Federal Government contracts.”.

(b) REVISION AND EXTENSION OF REPORTING REQUIREMENT.—Section 1423(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended—

(1) by striking “one year after the establishment of the panel” and inserting “one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005”; and

(2) by striking “Services and” both places it appears and inserting “Services,”;

(3) by inserting “, and Small Business” after “Government Reform”; and

(4) by inserting “, and Small Business and Entrepreneurship” after “Governmental Affairs”.

AMENDMENT NO. 3284, AS MODIFIED

(Purpose: To require an independent report on the efforts of the National Nuclear Security Administration to understand the aging of plutonium in nuclear weapons)

On page 394, after line 22, insert the following:

SEC. 3122. REPORT ON EFFORTS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION TO UNDERSTAND PLUTONIUM AGING.

(a) STUDY.—(1) The Administrator for Nuclear Security shall enter into a contract with a Federally Funded Research and Development Center (FFROC) providing for a study to assess the efforts of the National Nuclear Security Administration to understand the aging of plutonium in nuclear weapons.

(2) The Administrator shall make available to the FFROC contractor under this subsection all information that is necessary for the contractor to successfully complete a meaningful study on a timely basis.

(b) REPORT REQUIRED.—(1) Not later than two years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study on the efforts of the Administration to understand the aging of plutonium in nuclear weapons.

(2) The report shall include the recommendations of the study for improving the knowledge, understanding, and application of the fundamental and applied sciences related to the study of plutonium aging.

(3) The report shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 3434, AS MODIFIED

(Purpose: To express the sense of the Senate on the effects of cost inflation on the value range of the contracts to which a small business contract reservation applies)

On page 164, after line 18, insert the following:

SEC. 816. SENSE OF THE SENATE ON EFFECTS OF COST INFLATION ON THE VALUE RANGE OF THE CONTRACTS TO WHICH A SMALL BUSINESS CONTRACT RESERVATION APPLIES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in the administration of the requirement for reservation of contracts for small businesses under subsection (j) of section 15 of the Small Business Act (15 U.S.C. 644), the maximum amount in the contract value range provided under that subsection should be treated as being adjusted to the same amount to which the simplified acquisition threshold is increased whenever such threshold is increased under law; and

(2) the Administrator for Federal Procurement Policy, in consultation with the Federal Acquisition Regulatory Council, should ensure that appropriate governmentwide policies and procedures are in place—

(A) to monitor socioeconomic data concerning purchases made by means of purchase cards or credit cards issued for use in transactions on behalf of the Federal Government; and

(B) to encourage the placement of a fair portion of such purchases with small businesses consistent with governmentwide goals for small business prime contracting established under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term “simplified acquisition threshold” has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

AMENDMENT NO. 3401

(Purpose: To amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, and achieve greater equity for departments serving large jurisdictions)

(The amendment is printed in the RECORD of Monday, June 7, 2004)

AMENDMENT NO. 3237, AS MODIFIED

(Purpose: To ensure fairness in the standards applied to members of the Army in the awarding of the Combat Infantryman Badge and the Combat Medical Badge for service in Korea in comparison to the standards applied to members of the Army in the awarding of such badges for service in other areas of operations)

On page 86, between lines 9 and 10, insert the following:

SEC. 543. PLAN FOR REVISED CRITERIA AND ELIGIBILITY REQUIREMENTS FOR AWARD OF COMBAT INFANTRYMAN BADGE AND COMBAT MEDICAL BADGE FOR SERVICE IN KOREA AFTER JULY 28, 1953.

(a) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for revising the Army’s criteria and eligibility requirements for award of the Combat Infantryman Badge and the Combat Medical Badge for service in the Republic of Korea after July 28, 1953, to fulfill the purpose stated in subsection (b).

(b) PURPOSE OF REVISED CRITERIA AND ELIGIBILITY REQUIREMENTS.—The purpose for revising the criteria and eligibility requirements for award of the Combat Infantryman Badge and the Combat Medical Badge for service in the Republic of Korea after July 28, 1953, is to ensure fairness in the standards applied to Army personnel in the awarding of such badges for Army service in the Republic of Korea in comparison to the standards applied to Army personnel in the awarding of such badges for Army service in other areas of operations.

AMENDMENT NO. 3279, AS MODIFIED

(Purpose: To require a report on any relationships between terrorist organizations based in Colombia and foreign governments and organizations)

On page 269, between lines 2 and 3, insert the following:

(f) REPORT ON RELATIONSHIPS BETWEEN TERRORIST ORGANIZATIONS IN COLOMBIA AND FOREIGN GOVERNMENTS AND ORGANIZATIONS.

(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense and the Director of Central Intelligence, submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that describes—

(A) any relationships between foreign governments or organizations and organizations based in Colombia that have been designated as foreign terrorist organizations under United States law, including the provision of any direct or indirect assistance to such organizations; and

(B) United States policies that are designed to address such relationships.

(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 3279

Mr. NELSON of Florida. Mr. President, I rise to address amendment No. 3279 to the pending bill. This amendment asks the administration to report on any relationships between foreign governments or groups operating within their territories and foreign terrorist organizations in Colombia. It also asks the administration to describe United States policies that are designed to address such relationships.

This amendment, tragically, is extremely timely in light of today’s news. This morning’s Miami Herald reported that in Little River, Colombia, in the province of Norte de Santander, over 30 peasants were murdered in cold blood. Terrorists entered their residences and shot them to death with automatic weapons. The FARC is suspected to have committed this crime. While Colombia, with tremendous support of the U.S., has made great strides in fighting narcoterrorism under President Uribe, there is still much work to be done, as is underscored by yesterday’s events.

The FARC and the ELN, Colombia’s two main rebel groups, both of which have been designated by the United States as foreign terrorist organizations, continue to conduct terrorist attacks against civilians in their campaign against the Colombian government. These groups are also heavily involved in the drug trade that does so

much harm to Colombia and to our own country. At a time when Colombia is making slow but steady gains in its long struggle against the FARC, the last thing it needs is to have neighboring countries providing assistance to these brutal adversaries.

To be perfectly blunt, my primary concern is with Venezuela. On my visit to Colombia and Venezuela in April, I heard some disturbing accounts from various U.S. officials of instances in which the FARC had been able to cross the line into Venezuela and conduct operations from that side of the border from virtual safe havens. Colombian authorities are also suspicious that the Chavez government has been willing to, at a minimum, look the other way while FARC elements operate in Venezuela, if not actually permitting some level of coordination.

Threatening to compound the "safe haven" problem for the United States and Colombia is the fact that Venezuela also harbors a potent market in false documentation, such as passports and other identity cards. I am increasingly concerned at the ease with which, simply by buying off officials for \$800 or \$900, one can acquire fully legitimate, yet false, documents in Venezuela—everything from a passport to a driver's license. I am certainly concerned that international terrorist groups will discover their ability to acquire and make use of forged Venezuela documents to conduct terrorist attacks, and I raised these important issues with Venezuelan officials during my visit.

Naturally, the Venezuelan government disputes these serious allegations. What this amendment would do is help us establish the facts. If groups in Colombia that our government has designated as foreign terrorist organizations are receiving support or assistance from Venezuela, or any of Colombia's other neighbors, or any other state for that matter, we need to know about it and adjust our policies accordingly.

Right now, Colombia needs all the help it can get from its neighbors. In asking the administration to report on whether terrorist groups may have relationships with or be operating in neighboring countries such as Venezuela, perhaps we can address this problem in a more regional context and better understand what Colombia is up against.

I thank the chairman and ranking member and their staffs for their support.

AMENDMENT NO. 3401

Mr. DODD. Mr. President, it is my understanding that Senate amendment No. 3401 is acceptable to both the chair and ranking member. This amendment would reauthorize the Assistance to Firefighters Grant Program, or the FIRE Act, for the next 6 years.

It is based on bipartisan legislation introduced by Senator DEWINE and myself on May 11, 2004. The bill, S. 2411, currently has 39 co-sponsors, including

the distinguished Chairman and Ranking Member of the Senate Armed Services Committee.

As many of our colleagues know, the Senate approved by unanimous consent the original FIRE Act as part of the Defense Authorization bill 4 years ago. There is some precedent, then, for this amendment to the current Defense Authorization bill, despite the fact that the legislation falls under the jurisdiction of the Senate Commerce Committee.

Unless Congress quickly reauthorizes the FIRE Act grant program, it will expire at the end of the current fiscal year on September 30, 2004. If this legislation is not quickly enacted, fire departments throughout the Nation will not receive the assistance they need to fight fires, save lives, and protect their own.

I have consulted with the distinguished Chairman of the Senate Commerce Committee about the urgency of reauthorizing the FIRE Act before the fiscal year ends. He is fully aware of the fact that we have precious few legislative days left on the Senate Calendar. Accordingly, he has indicated to me his intention to hold a hearing on the reauthorization bill on July 8, with a markup to follow before the August recess.

Assuming that this schedule holds firm, my expectation is that legislation passed by the Commerce Committee would take the place of amendment No. 3401. In the event that work on the Defense Authorization Act is not completed this year, I am also prepared to move the FIRE Act reauthorization as a free-standing bill. Alternatively, should the Commerce Committee not act on this legislation, the Senate will have at least acted to reauthorize the FIRE Act adopting amendment No. 3401.

In closing, I thank Senator MCCAIN for his leadership on this issue, and his unwavering commitment over the years to advancing the cause of firefighters. I also commend Chairman WARNER and Senator LEVIN for their willingness to help the Nation's fire services on the Defense Authorization bill both today and 4 years ago. Finally, I would like to express my appreciation to Senator HOLLINGS for his wise counsel and strong support for the FIRE Act initiative.

I yield to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President. I thank the Senator from Connecticut. I am prepared to accept this amendment based on the understanding he has reached with the distinguished Chairman of the Commerce Committee.

As Senator DODD indicated, the Commerce Committee plans to hold a hearing on the FIRE Act on July 8, with a markup expected shortly thereafter. I look forward to working with Senators MCCAIN, DODD, and DEWINE to ensure that this important legislation to help our Nation's fire departments is enacted into law this year.

Mr. MCCAIN. I thank the distinguished Chairman of the Armed Services and my friend from Connecticut for the opportunity to work with them to reauthorize this important program.

As Chairman of the committee of jurisdiction over the Assistance to Firefighters Grant Program, I am familiar with this program's success. This program provides grants to local fire departments using a competitive, merit-based review process. I agree with my colleagues that this program is an example of a well-run government program that should be reauthorized, and am proud to be a cosponsor of S. 2411.

I have consented to allow Senator DODD's amendment be added to this important legislation as a placeholder. The Senate Commerce Committee intends to hold a hearing on S. 2411 on July 8, 2004, and then we expect to report the bill out of Committee by the August recess. It is my intention that this reported version of S. 2411 be used to replace the placeholder during the conference for S. 2400.

I thank Senators DODD, WARNER, and DEWINE for their leadership on this issue, and look forward to working with them to pass this legislation this year.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Before the Senator from New York speaks, I wonder if I might get the attention of the distinguished whip?

If we can have assurance, as the managers depart the floor, to do some other work, that this will be the final action on this bill tonight?

Mr. REID. I will indicate, as both managers know, tomorrow Senator LAUTENBERG is going to offer two amendments, Senator DURBIN is going to offer two amendments, Senator REED is going to offer his amendment, if he so chooses, on missile defense, and I am going to offer my amendment on current receipts.

Mr. WARNER. Mr. President, the distinguished Senator from Nevada went over that with me, and that strikes me as a very good day. If a Republican Senator desires an amendment, we will work him or her into the queue as the case may be.

Mr. REID. Absolutely.

Mr. WARNER. Then we might mention also the schedule for Monday?

Mr. REID. On Monday, we have Senator LEVIN, Senator DAYTON, Senator BYRD, and Senator BINGAMAN, and there may be others as the day progresses.

Mr. WARNER. That is correct. These are the amendments that have been forthcoming on the other side of the aisle.

I am prepared to assist my colleagues on this side if they have matters, but we are really working toward what the majority leader, in consultation with

the distinguished Democratic leader, indicates. We are going to conclude this bill on Tuesday.

Mr. REID. We will do our very best—Tuesday night or Wednesday morning. But we are doing quite well.

Mr. WARNER. It is largely due to the tremendous cooperation on both sides. So we have the assurance that this will be the completion of the work tonight?

Mr. REID. Absolutely.

Mr. WARNER. I thank the distinguished leader.

Mr. REID. There will be no more votes. The Chair already announced that. Can the Senator from New York be recognized for 5 minutes?

The PRESIDING OFFICER. Is there objection? The Senator from New York is recognized for 5 minutes.

Mr. WARNER. And the Senator from Missouri wishes to speak for how many minutes?

Mr. TALENT. I would like 5, but I probably will not use them.

Mr. WARNER. Five minutes to follow the Senator from New York.

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

Mr. REID. If the Senator will yield for a unanimous consent, I ask unanimous consent the Senator from North Dakota, Mr. CONRAD, be added as a cosponsor to amendment No. 3432, which has already been agreed to.

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

AMENDMENT NO. 3163, AS MODIFIED

Mrs. CLINTON. Mr. President, I rise to thank the chairman and ranking member for the work they and their staffs have done, along with the Senator from Missouri and myself and our staffs, to accept an amendment that addresses two issues critical to our men and women in uniform. First, through this amendment we are attempting to develop better policies and information in order to track the health of soldiers and others in uniform after a deployment overseas.

Second, we are seeking to improve the medical and dental readiness of our National Guard members and reservists.

Last month, Senator TALENT and I introduced the Armed Forces Personnel Medical Readiness and Tracking Act of 2004. I am delighted that many of the ideas we have advocated are included in this legislation because of our amendment.

It has been a pleasure working with my colleague on the Armed Services Committee, Senator TALENT, and with his staff.

When I was First Lady, I worked to bring attention to the problems and symptoms that many of our veterans returning from the 1991 gulf war experienced. This constellation of symptoms came to be known as the Gulf War Syndrome.

During Senate Armed Services Committee hearings in February 2003, before the current Iraq war, I asked the Chairman of the Joint Chiefs, General Myers, and each of the Service Chiefs,

whether they would be monitoring and tracking the health of our soldiers who are deployed in the gulf.

They assured me they would. But I am afraid that based on reports from soldiers returning from this deployment, we have not done all we should to screen and track the health of our soldiers. Indeed, several weeks ago we had several soldiers from the 442 MP unit out of Orangeburg, NY, who are being treated at Fort Dix for injuries and symptoms they incurred in Iraq, including headache, sleeplessness, and many others.

We know very well our enemy stops at nothing. The use of Sarin in an artillery shell in Iraq last month demonstrates more than ever the need to have adequate information about the health of our young men and women.

The legislation we have championed that is being adopted seeks to establish procedures to ensure that the information is systematically collected so that, if soldiers return exhibiting certain symptoms, there will be a base of information on which we can determine what could have caused that.

The amendment requires the Department of Defense to develop a comprehensive plan to improve medical readiness and tracking before, during, and after deployment. It establishes a Joint Medical Readiness Oversight Committee to advise the Secretary of Defense on the medical readiness and health status of members of the active Reserve components.

It requires compliance of the Armed Forces with medical readiness and tracking policies. It requires that we develop and implement the annual readiness plan.

The committee will include DOD officials and experts in the military service organizations, veterans service organizations, and civilians.

Finally, current law requires the information about the health of soldiers returning from deployment to be collected, but it appears these provisions are not being enforced. So we require audits of blood serum collection programs, as well as the predeployment and postdeployment health assessment database that DOD is supposed to maintain.

These problems have come to light because of our many Guard and Reserve members who have been deployed, and we are finding too many examples where they don't have the requisite medical readiness and where they are not sufficiently tracked.

This is an effort to do what we should do—the right thing to treat our young men and women in uniform. I am hoping it provides a good base for us to learn more about what they are supposed to do during their deployment in the gulf and elsewhere around the world.

I thank my colleague from Missouri as well as the chairman and ranking member for working with us and I look forward to seeing this implemented to further the health of our young men and women.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I wish to say a few words on our amendment, but before I do that, let me take a minute to compliment again Senator BOND, who laid down the amendment and Senator HARKIN for cosponsoring it, to assist former employees in Iowa and Missouri who were affected because they worked in plants that produced the atomic materials from which we made the atom bombs which won the war and then kept us safe.

Because of their exposure to the radiation, they have become ill and they deserve compensation. They are not getting it because of the convoluted procedures that are currently in place. We simply want to allow them to be treated separately as already occurs with employees in the four States.

I admire the way Senator BOND has fought like a tiger for those employees. I have joined him in doing that.

I appreciate the work of the managers of the bill in trying to figure out a way to accept that amendment. I hope we can, indeed, do that. It is just a matter of justice for these employees.

I also wish to speak for a moment about the amendment which Senator CLINTON and I offered based on the legislation which we sponsored together some weeks ago. I want to return her kind words and say it has been a pleasure to work with her and her staff on a strong bipartisan basis to make these changes which we think are necessary to protect the health of our men and women in the military, and also to make certain they are ready to be deployed when they need to be deployed. Those are the two things we are trying to do.

Before employees, service men and women are deployed to combat theaters, we require that a blood sample be drawn from them, and after they return that another blood sample be drawn from them.

The point is, it has happened too often in the past where service men and women coming back from active duty show signs and symptoms of illness, and we can't figure out what is wrong. We need baseline blood tests so we can tell the extent to which their blood is deviate and their health symptoms are deviating from what they were before deployment. This will give us a clue as to what is wrong with them so we can avoid another gulf war syndrome episode.

I have had vets from Missouri over several years talking to me about this issue. We allow the military to do it today, particularly with regard to reservists and guardsmen because it is often not done because local commanders want to get them deployed and into the theater.

This is very important and now it will be the law. I am grateful to the managers of the amendment for accepting that part of the amendment.

The other point is to simply improve the health of our Active and Reserve component service men and women. We put in place a joint committee to oversee the medical tracking system that is supposed to be in place but isn't implemented as well as it should be.

We require that reservists receive detailed health assessments at least every 2 years. Right now they only get exams every 5 years.

We require routine health baselines for all our recruits entering the armed services so we will know the health status of people when they enter the military.

There are a number of other good measures as well.

I only have 5 minutes. I imagine I have used most of that.

Let us say it has been a pleasure to work with the Senator from New York and her staff. We are jointly grateful to the Senator from Virginia and the Senator from Michigan for their openness on this amendment, and we are pleased that it was agreed to and look forward to holding it through the rest of the process.

I yield my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3235

Mr. BROWNBACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3235.

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

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

The amendment is as follows:

(Purpose: To increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language)

On page 280, after line 22, insert the following:

SEC. ____ . BROADCAST DECENCY ENFORCEMENT ACT OF 2004.

(a) **SHORT TITLE.**—This section may be cited as the "Broadcast Decency Enforcement Act of 2004".

(b) **INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.**—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Notwithstanding subparagraph (A), if the violator is—

“(i)(I) a broadcast station licensee or permittee; or

“(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

“(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed \$275,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$3,000,000 for any single act or failure to act.”; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (C)”.

Mr. BROWNBACK. Mr. President, on this amendment, I am being joined by Senator LIEBERMAN and Senator ZELL MILLER.

It is a simple issue. I want to take a few minutes to explain it. I am hopeful we will get strong support in this body as in the House. A similar bill came up earlier in the House and it passed that body 391 to 22. The same issue passed the Commerce Committee in the Senate 14 to 0 on a recorded vote.

It is an issue of fines and decency on over-the-air broadcasts—whether it be radio or television.

I think it is important to put my comments in context today by explaining the policy history of this issue; that is, decency on over-the-air public airwaves.

At the invention of television, our Nation established a public policy of providing citizens with free over-the-air television. It gave broadcasters wishing to provide that service with the use of valuable spectrum. Not everyone can broadcast over the Nation's public airwaves. These are airwaves owned by the public. That is why the statute requires the Federal Communications Commission to evaluate not just the ability but the character of an entity to operate.

When handing out a broadcast license, in return for a license, each broadcaster agrees not to air indecent or obscene content between the hours of 6 a.m. and 10 p.m. The broadcaster gets a valuable piece of spectrum, which is public property. The broadcaster gets the right to use that. In exchange, one of the requirements is they not broadcast indecent or obscene content between the hours of 6 a.m. and 10 p.m.

Fines and license revocations have always been the discipline tool available to the FCC to help enforce America's longstanding commitment to broadcast decency.

This is an issue about license. It is an issue about the use of public property, and some modest limitation of that.

We live in a nation where we hold the first amendment in high regard, as well we should. In an effort to maintain the free exchange of information, thoughts, and opinions, we strive to avoid government involvement in communications content.

At the same time, as a nation, we strive to project decency and justice for all. As a nation raising children, we do the same. With the turning of a tuning knob, or the click of a remote, mi-

nors all across America are presented with the content of the public airwaves.

Broadcasters have a legal and a moral duty to ensure that American taxpayers—and especially children—are not assaulted by explicit material.

For years, we have been asking and waiting for the broadcasters to police themselves in this effort. Unfortunately, instead of fulfilling the public interest duty, they have allowed the content to grow steadily worse and worse.

Meanwhile, the companies that own the broadcast stations have grown steadily larger—and not surprisingly. Some of these broadcasters' profit margins have made them immune to the FCC's current fine structure. Let me give you an example.

Today's maximum fine for an indecent broadcast is \$27,500. That seems like a lot of money—and it is to some. But it isn't to others. Compare that fact to a 30-second commercial during the 2004 Super Bowl which cost advertisers an average of \$2.3 million for a 30-second ad.

In the words of the FCC Commissioner, Michael Powell, these fines are peanuts to the big media conglomerates. That is why we are here to increase the fine structure for indecency and obscene broadcasts. The threat of these fines will be taken seriously and force broadcasters to protect their consumers from explicit content.

Nothing in this amendment forges any new ground in broadcast decency law. The intent is simple: To increase the fines for indecent broadcasts to mask the realities of today's media markets. This amendment would increase the maximum fines tenfold, from \$27,500 to \$270,000, with a maximum \$3 million cap per incident per day.

Why do we need to do this? We need this amendment to end the growing volume of graphic content on free over-the-air broadcasts. Remember, broadcasters profit from exclusive and free use of the public airwaves which gives them unique access to all Americans, particularly America's youth. With that access to our country's intellectual, moral, and social development comes a set of moral and social responsibilities and obligations that are agreed to in the licensing process.

I am very disappointed by the apparent confusion the broadcasters are having between the right to do something and the right thing to do when it comes to the public airwaves.

Recently, FOX and VIACOM announced they were going to appeal the FCC Bono ruling so they can use the “F” word on broadcast television. This is their response in spite of the fact that the FCC overturned the original rule in response to a fierce public outcry.

This hostile response the public is getting from broadcasters is inexcusable. We see time and again media leaders defending their profit-driven

motives by airing explicit content and then falsely hiding behind their so-called first amendment rights. Broadcasters have joined the shock jocks of the country to shout down those who publicly question harmful content as an anti-first-amendment censor. In abandoning their duty to adhere to decency standards, broadcasters point to the absence of decency regulations on cable television. This is just a red herring. We are talking about public airwaves and a public right to air decent material.

The broadcasters argue they have a right to air indecent, obscene, and profane material. But that is a disgraceful abuse of the first amendment. I support the first amendment and its guarantees of free speech. It is the basis of much of the freedoms we enjoy in our great democracy. But there are limits, and particularly here, where we are dealing with a public license and the use of public property where the licensee has agreed to not broadcast indecent material.

This principle has been affirmed by the Supreme Court of the United States in the famous Pacifica case where it was upheld that the Government had the right to protect the public airwaves. This case came to the Court in the early 1970s when George Carlin's famous "filthy words monologue" was broadcast during the middle of the day on a New York radio station owned by Pacifica Foundation. A father driving with his son heard the broadcast and complained to the FCC. The FCC said that if those kinds of words were used again, the radio station airing them would be fined. Just like today, the broadcasters challenged the ruling and the case went all the way to the Supreme Court. The Court upheld the FCC action and added that it could continue to fine broadcasters in the future because broadcasters had to take special care not to air material that would offend or shock children.

The majority opinion stressed that of all the forms of communication, broadcasting has the most limited first amendment protection because it extends into the privacy of the home and is uniquely accessible to children.

The FCC has been too lax for too long enforcing the law on broadcasters. A recent public outcry has been a wake-up call for the FCC. The Commission told us they do not have all the tools they need for effective enforcement. That is why we are here today.

Passing this legislation will tell the broadcasters that we are serious about protecting our airwaves and we will give the FCC updated tools to get the job done. I don't know if I need to remind my colleagues that this came to the forefront at this year's Super Bowl, an event families across the country watch together. At the halftime show, the incident between Justin Timberlake and Janet Jackson set off a firestorm that had been brewing for a long period of time.

Finally people said: Look, I have had enough; I don't want to see this any

more, particularly when I am watching TV with my family. That is what launched this forward.

We have been waiting for years for the broadcasters to voluntarily take care of this growing problem. They have failed. Instead, they are fighting tooth and nail for the availability to air graphic material so they can increase their profit margins.

America deserves better. That is why we need to make the consequences of broadcasting indecency punitive so the standards are no longer ignored.

I urge my colleagues to vote for this amendment. Increasing the fines will help clean up our Nation's free, over-the-air television and radio by holding accountable broadcasters who use the public airwaves and individuals who use the opportunity of a live performance to gain notoriety through indecent acts.

As I noted previously, this has been considered by the Senate Commerce Committee and it has passed unanimously in that committee. It has been considered previously by the House of Representatives, which has voted 391 in favor with only 22 against increasing these fines. They actually have some teeth in today's marketplace. I urge my colleagues to vote for this amendment.

I ask for the yeas and nays when we vote on this Monday. I further ask unanimous consent that when we go back to this amendment on Monday that I be recognized first to speak if there are any further amendments that are proposed to this that are to be considered on Monday.

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

The Senator has requested the yeas and nays.

Mr. BROWNBACK. Mr. President, I have been informed that we need colleagues on the other side to respond to yeas and nays and I will not ask for that until we do get that agreement from my colleagues on the other side of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I send to the desk a second-degree amendment to the pending amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself and Mr. ENSIGN, proposes an amendment numbered 3457 to amendment No. 3235.

Mr. BURNS. 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:

At the end of the amendment, add the following:

SEC. . ADDITIONAL FACTORS IN INDECENCY PENALTIES; EXCEPTION.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)), as amended by section 102 of this Act, is further amended by adding at the end the following:

"(F) In the case of a violation in which the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material, the Commission shall take into account, in addition to the matters described in subparagraph (E), the following factors with respect to the degree of culpability of the violator:

"(i) Whether the material uttered by the violator was live or recorded, scripted or unscripted.

"(ii) Whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material.

"(iii) If the violator originated live or unscripted programming, whether a time delay blocking mechanism was implemented for the programming.

"(iv) The size of the viewing or listening audience of the programming.

"(v) The size of the market.

"(vi) Whether the violation occurred during a children's television program (as such term is used in the Children's Television Programming Policy referenced in section 73.4050(c) of the Commission's regulations (47 C.F.R. 73.4050(c)) or during a television program rated TVY, TVY7, TVY7FV, or TVG under the TV Parental Guidelines as such ratings were approved by the Commission in implementation of section 551 of the Telecommunications Act of 1996, Video Programming Ratings, Report and Order, (CS Docket No. 97-55, 13 F.C.C. Rcd. 8232 (1998)), and, with respect to a radio broadcast station licensee, permittee, or applicant, whether the target audience was primarily comprised of, or should reasonably have been expected to be primarily comprised of, children.

"(G) The Commission may double the amount of any forfeiture penalty (not to exceed \$550,000 for the first violation, \$750,000 for the second violation, and \$1,000,000 for the third or any subsequent violation not to exceed up to \$3,000,000 for all violations in a 24 hour time period notwithstanding section 503(b)(2)(C)) if the Commission determines additional factors are present which are aggravating in nature, including—

"(i) whether the material uttered by the violator was recorded or scripted;

"(ii) whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material;

"(iii) whether the violator failed to block live or unscripted programming;

"(iv) whether the size of the viewing or listening audience of the programming was substantially larger than usual, such as a national or international championship sporting event or awards program;

"(v) whether the obscene, indecent or profane language was within live programming not produced by the station licensee or permittee; and

"(vi) whether the violation occurred during a children's television program (as defined in subparagraph (F)(vi))."

Mr. BURNS. This is a friendly second-degree amendment. We have talked about and, of course, we know that the bill that has been voted out of the committee and is waiting for floor action moves this along.

We were all shocked and dismayed over the spectacle at the Super Bowl this year. Those responsible should be severely punished for such a vulgar display of tastelessness.

That being said, this high-profile, well-publicized incident could prompt

Congress to go too far. In some areas of this bill, we did go too far. This second-degree amendment fixes that.

While I fully support the underlying Brownback legislation, I am offering this second-degree amendment to protect the interests of small broadcasters that should not be punished for the events outside of their control.

I am sorry I did not see the halftime show during the Super Bowl. I saw who it was going to be. It was put on by MTV, which I never watch, for very good reason. It ought to be a pay channel. I moved over to the poker tournament on ESPN, so I missed the whole spectacle. But, nonetheless, lots of families did not.

In the case of the Super Bowl, for example, many affiliates were furious their viewership was exposed to such a spectacle. The amendment I offer simply calls on the FCC to consider the size and revenues of the stations in question, as well as whether they had anything to do with producing the offensive content in question. In other words, we have small market television stations that have no control on content but may find themselves in a lawsuit for indecent content that might be broadcast.

Finally, I believe, as we approach these issues, we must take a hard look at the declining standards across all media. I understand there have been industry efforts to develop indecency guidelines that will apply fairly and evenly across all media platforms that distribute content. I think this approach could prove enormously beneficial in setting unified standards so individual broadcasters understand what is expected of them. Additional clarity in terms of content standards would also eliminate excuses among those who choose to push the envelope, the limits of vulgarity for commercial gain.

Nothing in the broadcast industry has been talked about so much as the halftime at this year's Super Bowl. It has absolutely been on the minds of broadcasters across this country.

The American people clearly expect Congress to act on the indecency issue. So I call on my colleagues to adopt this second-degree amendment I have offered, which will help to produce real solutions without unduly penalizing small broadcasters.

Mr. President, 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. BROWNBACK. 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. BROWNBACK. Mr. President, in speaking to the Burns second-degree amendment, this is an amendment that was considered in the Commerce Committee and added to the base bill at that time. What he is proposing to do

makes a lot of sense. I do not see a problem with that at all, so I would be supportive of doing that.

Overall, we want to get this to move it forward. The House has moved on this action. The FCC is seeking this authority. So we really want to try to get this to move on through the process, if at all possible. We are not having further rollcall votes until Monday, so we will proceed at that time, and I will ask for a rollcall vote then.

Mr. GREGG. Mr. President, earlier today the Senate adopted the Murray amendment No. 3427, to facilitate the availability of childcare for the children of members of the Armed Forces on active duty in connection with Operation Iraqi Freedom or Operation Enduring Freedom.

I support that amendment but wanted to additionally acknowledge efforts that are already underway in the private sector to help support those who are risking their lives to keep us safe.

I would like to speak about the American spirit. We are a people who can do great things when united. We have witnessed this in recent months with dozens of home-front stories of the many great deeds of Americans in support of our troops and our Nation's efforts abroad in the war on terror.

There is Spirit of America, a private group which set out to raise \$100,000 to build TV stations in Iraq. Americans responded with thousands of donations totaling \$1.52 million. Federal Express donated the domestic shipping costs of the equipment for this gift to the country of Iraq. Those stations are being built now and will offer the Iraqi people a national and independent news source that is not Al-Jazeera. This is great.

This American spirit is also responsible for the gift of 10,000 school supply kits, 3 tons of medical supplies, and 2 tons of 'friendship' Frisbees to the Iraqi people, all paid for and donated by Americans.

You hear about American students donating books to Iraqi schools and sending letters to Iraqi children.

And now, thousands of childcare providers have united across the country to donate childcare services to National Guard and Reserve members home on 2 week R&R leave from Iraq and Afghanistan to allow them to carry out personal business, take their spouses out on a date, or enjoy other recreational activities while they are home.

Operation Childcare is an effort of the Nation's network of childcare resource and referral, NACCRRA, their local agencies, and thousands of childcare providers across the country to give back to those men and women who are fighting to keep us safe. This program was designed for those members of the military who do not live near military bases and therefore do not have access to family support programs provided to Active-Duty personnel.

So far, over 4,700 centers and individual providers have signed on to Op-

eration Childcare. In my home State of New Hampshire there are 35 providers who are donating childcare to our guardsmen and reservists. These numbers continue to grow, as more people hear about the program.

Childcare providers who volunteer their time for Operation Childcare will receive official recognition, but I suspect many would agree with one childcare provider in Tennessee who said:

You don't have to recognize me—I am just thrilled and honored to be able to do something to help our troops.

NACCRRA should be applauded for their efforts in organizing this service for our service members.

This is but a snapshot of the home-front efforts being carried out by thousands of Americans across this country. The American people are truly united behind our men and women in uniform. This is the American spirit that continues to inspire.

Mr. DEWINE. Mr. President, I am pleased to put my full support behind an agreement made between Senators DODD, MCCAIN, WARNER, LEVIN, and HOLLINGS to attach the Assistance to Firefighters Act of 2004, as amendment No. 3309, to the pending Department of Defense Authorization bill.

Each day, we entrust our lives and the safety of our families, friends, and neighbors to the capable hands of the brave men and women in our local police departments. These individuals are willing to risk their lives and safety out of a dedication to their citizens and their commitment to public service.

We ask local firefighters to risk no less than their lives, as well, every time they respond to an emergency fire alarm, a chemical spill, or as we saw on September 11—terrorist attacks. We ask them to risk their lives responding to the nearly 2 million reports of fire that they receive on an annual basis. Every 18 seconds while responding to fires, we expect them to be willing to give their lives in exchange for the lives of our families, neighbors, and friends. One hundred firefighters lost their lives in 2002 in the line of duty, and nearly 450 lost their lives in 2001. The unyielding commitment these individuals have made to public safety surely deserves an equally strong commitment from the Federal Government.

In 2000, Congress affirmed the value of having a properly trained, equipped, and staffed fire service by passing the Firefighter Investment and Response Enhancement, FIRE, Act—legislation that Senator DODD and I introduced, along with Congressmen PASCRELL, WELDON, and many others, on the House side. In the 4 years since the FIRE Act became law, fire departments have made significant progress in terms of filling the substantial needs outlined in the National Fire Protection Association's "needs assessment."

To date, Congress has appropriated nearly \$2 billion dollars for the FIRE Act program. Virtually every penny of

that amount has gone directly to local fire departments through FIRE grants to provide firefighter personal protective equipment, training to ensure more effective firefighting practices, breathing apparatus, new firefighting vehicles, emergency medical services supplies, fire prevention programs, and other important uses.

The direct nature of the FIRE Act grant program—funds literally go straight from the Federal Government to local fire departments—is an extremely important aspect of the law, particularly in light of the difficulties we are seeing with other homeland security grant programs getting money to flow directly to the intended recipients.

FIRE Act grants are awarded based on a competitive, peer-review process that helps ensure that the most important needs are filled first and that funding will be used in an effective manner. I am proud to note that 86 of Ohio's 88 counties have received FIRE Act funding up to this point and that the fire service in my home state is much better prepared to respond to emergencies as a result. The bottom line is this: The FIRE Act program has proven to be an extremely valuable tool for fire-based first responders.

The time has come to reauthorize this important legislation—to build upon the successes of the original FIRE Act and to refine the program where improvements can be made. Amendment No. 3309, which I am offering along with Senator DODD, accomplishes just that.

Our amendment focuses on four central themes. First, we take steps to make the grant program more accessible for fire departments serving small, rural communities and to eliminate barriers to participation faced by departments serving heavily populated jurisdictions. Second, we codify changes made in program administration since its transfer to the recently created Department of Homeland Security. Third, the amendment increases the emphasis within the program on life-saving Emergency Medical Services and technologies. And fourth, we evaluate the program through a series of reports to help ensure that resources are targeted to the areas of greatest need. These priorities have been developed jointly with the fire service, and represent a means to strengthen the FIRE Act program for years to come.

Our amendment would help the FIRE Act program more accessible for fire departments serving the very largest and smallest jurisdictions in America. Our experience over the past four years has been that a number of features in the program make participation difficult for departments serving these populations. Career fire departments, most of which serve populations well in excess of 50,000, have been receiving only a small percentage of the total grants thus far. After consulting with the fire service organizations, fire chiefs in my home State of Ohio, and

officials administering the program at the Department of Homeland Security, we have found that there are two main reasons why this has been the case.

First, matching requirements for large departments, currently fixed at 30 percent, have been particularly difficult to meet. Second, current law dictates that departments—whether they serve a large city, such as Cleveland and have numerous fire stations, or a small town, such as Cedarville, OH, and have only one station—are eligible for the exact same level of funding each year: \$750,000. These two elements of the current program have caused a number of large fire departments to forgo applying for FIRE grants. With respect to smaller, often volunteer-based departments serving populations of 20,000 or less, budgets are often so limited that meeting the current match is simply not possible. Many of these departments struggle with even the most basic needs, such as having an adequate number of staff available to respond to a structure fire.

Our legislation addresses each of these problems in a simple and straightforward fashion. Specifically, the amendment would reduce matching requirements by one third for departments serving communities of 50,000, and by one half for departments serving 20,000 or fewer residents in order to encourage increased participation by these departments. The amendment also would re-structure caps on grant amounts to reflect population served, with up to \$2,250,000 for departments serving one million or more, \$1,500,000 for departments serving between 500,000 and one million, and \$1,000,000 for departments serving fewer than 500,000 residents. Together, these two changes would go a long way toward increasing the accessibility of the program for the very largest and smallest departments in the United States.

The second major component of our legislation has to do with the transfer of the FIRE Act Administration from the Federal Emergency Management Administration, FEMA, to the Department of Homeland Security, DHS. When FEMA's functions were transferred into the DHS, the FIRE grant program, along with the U.S. Fire Administration, also were transferred to DHS. As a part of that transfer, formal administration of the FIRE grant program has been delegated to the Department to the Office of Domestic Preparedness, ODP, which oversees all DHS grant programs. While the U.S. Fire Administration—the real fire experts within the Federal Government—remains involved, we need to take steps to formalize the management of the program following the transfer to DHS.

There are a number of reasons for solidifying program administration in law, chief among them being the ability of fire departments across our Nation to plan for the future, and the ability to ensure an ongoing role for fire experts in the process. First, our

amendment gives the Secretary of Homeland Security overall authority for the program. This just makes sense given the Secretary's current home within ODP. Additionally, the amendment would codify in law practices currently in use by ODP—peer review by experts from national fire service organizations, a formal role for the U.S. Fire Administration, and collaborative meetings to recommend grant criteria.

These steps would benefit the program for years to come and would help bring stability to the increasingly mature FIRE grant program. Perhaps more importantly, formalizing the role of the U.S. Fire Administrator and national fire service organizations would help resolve a fundamental tension between the mission of the FIRE Act program, to improve firefighting and EMS resources nationwide for all hazards, and the mission of its caretaker, ODP, to focus on terrorism prevention and response.

It makes sense for ODP, as the central clearinghouse for grant programs within DHS, to manage the FIRE grant program. Equally so, it makes sense to build features into the program which would help ensure that the FIRE grant program will remain dedicated solely to the fire and Emergency Medical Services, EMS, communities and will not be diluted over time into a generic terrorism-prevention program. Our amendment carefully strikes this balance.

The third major focus of this amendment is on finding ways to improve safety and to save lives. We do this in a number of ways. First, we have teamed up with national fire service organizations to incorporate firefighter safety research into the fire prevention and safety set-aside program. This new research, supported by a 20 percent increase in funds for the prevention and safety set-aside, would help reduce the number of firefighter fatalities each year and would dramatically improve the health and welfare of firefighters nationwide.

Second, we place an increased emphasis on Emergency Medical Services. In most communities, the fire department is the chief provider for all emergency services, including EMS. To illustrate this point, a 2002 National Fire Protection Association study indicates that fire departments received more than seven times as many calls for EMS assistance as they did for fires. When our family members, neighbors, and friends need immediate medical help, we turn to EMS providers, and we rely on this help to be as effective and timely as possible. It is our duty in structuring the FIRE grant program, then, to do everything we can to give EMS squads the assistance they need to carry out this important mission.

Despite the overwhelming ratio of EMS calls to fire calls, the FIRE grant program has not adequately reflected the importance of EMS over the past few years, with about 1 percent of all grants going specifically for EMS purposes. While there is no question that a

number of other grants have indirectly benefited EMS and that departments do invest their own money into this service, more can and should be done through the FIRE Act to boost our EMS capabilities nationwide. To accomplish this goal, we do a number of things in the amendment, including specifically including fire-based EMS professionals in the peer review process and allowing EMS grant requests to be combined with those for equipment and training. We have already seen evidence that new, combined structure is making excellent progress this year in shifting a greater emphasis to EMS within the program.

Additionally, we include language to incorporate independent, nonprofit EMS squads into the FIRE grant program for the first time. While our work with national fire service organizations on this particular provision has been productive and is ongoing, its intent is clear—and that is to try to bring the emphasis within the FIRE grant program on EMS closer to the level of demand in the field for this life-saving service. I am pleased that we have this language in the amendment and believe that through markup in the Commerce Committee next month, and perhaps later during conference consideration of the underlying bill, we can find an even better solution for increasing support for EMS.

Third, we create a new incentive program within the FIRE Act that encourages departments to invest in life-saving Automated External Defibrillator, AED, devices. These devices are capable of dramatically reducing the number one cause of firefighter death in the line of duty—heart attacks. Our incentive program essentially says to fire departments that if you equip each of your firefighting vehicles with a defibrillator unit, we will give you a one-time discount on your matching requirement. Congress has expressed, time and again, strong support for getting these devices out to communities through various grant programs. It is our hope that we can maintain that commitment by extending support for lifesaving defibrillator technologies to fire departments across the country.

Fourth, we eliminate a burdensome and unintended matching requirement for fire prevention grants. These grants generally go to non-profit organizations, such as National SAFE KIDS, to provide for fire safety awareness campaigns, smoke detector installations in low-income housing, and other important prevention efforts. Though no match was required in the first few years of the program, a recent legal opinion from the Office of Domestic Preparedness has reversed course and instituted a 10 percent match for grantees. This unanticipated requirement, which is extremely difficult for nonprofits with limited capital, has had a debilitating effect on the prevention program and needs to be eliminated. Our legislation does just that.

Together, these commonsense features of our amendment would dra-

matically improve the safety of our communities, as well as the firefighters who bravely serve them.

The fourth section of this amendment centers on a comprehensive review of the FIRE grant program. This review, to be conducted in part by the National Fire Protection Association, and in part by the General Accounting Office, GAO, seeks to evaluate the program with an eye toward ensuring that resources are targeted to the areas of greatest need. A similar study by the National Fire Protection Association conducted shortly after passage of the initial FIRE Act was extremely helpful as far as identifying the nature of the fire service needs. Ultimately, this part of the amendment is about making sure that the billions of taxpayer dollars authorized by this legislation are used in the most responsible and effective manner possible.

Our amendment is a good amendment. It is comprehensive and collaboratively drafted with input from fire and emergency services experts from across the country. The National Safe Kids Campaign, the International Association of Fire Fighters, the International Association of Fire Chiefs, the National Volunteer Fire Council, the International Association of Arson Investigators, the International Society of Fire Service Instructors, and the National Fire Protection Association, among others, all support our legislation.

Furthermore, the process agreed upon between Senators DODD, MCCAIN, and WARNER for consideration of our amendment is a good process. Senator MCCAIN, in his capacity as chairman of the Committee of jurisdiction—the Commerce Committee—has graciously agreed to allow our amendment to be attached to the underlying bill, with the expectation that language reported out of his committee next month will be inserted in its place during conference negotiations. This arrangement gives our legislation the best possible opportunity to pass the Senate, with the added benefit of thorough deliberative consideration through the committee structure. I appreciate Chairman MCCAIN's, and ranking member HOLLINGS' willingness to take this approach, Senator DODD's hard work to reach a positive resolution to the matter, and Senators WARNER and LEVIN's willingness to facilitate this agreement by accepting the amendment at this time. The efforts of all three Senators deserve the praise of the firefighting community.

As was the case in 2000, the Department of Defense authorization bill has become the vehicle of choice for the FIRE Act legislation. I am optimistic that the final result this year will be the same as it was then, concluding with passage of our amendment into law. I am proud to introduce this amendment with my friend and colleague from Connecticut and look forward to working to ensure that the Federal Government increases its com-

mitment to the men and women who make up our local fire departments. We owe them and their service and dedication nothing less than our full support.

SCIENCE & TECHNOLOGY FUNDING LEVELS

Mr. SANTORUM. Mr. President, I rise today to engage the distinguished Senator from New Mexico, Senator JEFF BINGAMAN, concerning the Department of Defense Science and Technology—S&T—program.

Senator BINGAMAN and I are both former members of the Senate's Committee on Armed Services and have a deep appreciation for the importance of the Department of Defense's S&T program in meeting current and future defense needs.

Mr. BINGAMAN. The Senator from Pennsylvania is correct in noting our strong support for the Department's S&T programs. During the 106th Congress, I introduced an amendment—SA 199—cosponsored by Senators SANTORUM, KENNEDY, and LIEBERMAN, to S. Con. Res. 20, the Senate's Budget Resolution for Fiscal Year 2002, that was designed to ensure the long-term national security of the United States through a robust Department of Defense S&T program. Additionally, during the 105th Congress, I introduced an amendment—SA 2999—cosponsored by Senators SANTORUM and LIEBERMAN, to S. 2057, the Fiscal Year 1999 National Defense Authorization Act, articulating a sense of the Senate on the ideal level of funding for our Department of Defense's S&T program.

Mr. SANTORUM. The Senator from New Mexico is correct. He has been a strong advocate for our Department of Defense S&T program for many years. It is worth noting that together, we have succeeded in raising the profile of these budget accounts and helped to influence the levels requested for the S&T program in the annual budget request submitted by this and other administrations. I also want to thank Senator BINGAMAN for his support for my amendment—SA 182—to H. Con. Res. 83, the Senate's Budget Resolution for Fiscal Year 2002, which sought to increase funding devoted to the Department of Defense's Basic Research—6.1—account. It is by investing in these budget accounts that we will reap the technology benefits that will sustain our military edge over our adversaries.

Mr. BINGAMAN. We also agree that by funding these vital programs at over 3 percent of the total Defense Department budget, we will be demonstrating a commitment and leadership in an area critical to U.S. national security. Past research carried out with S&T program funding has provided the foundation for protecting U.S. military personnel and ensuring U.S. technological superiority on the battlefield. Hand-held translators, unmanned systems, thermobaric bombs, and laser-guided and global positioning systems are just a few examples of the many technologies resulting from S&T investments that are used today to remove personnel from harm's way, enhance

battlespace awareness, and address new threats.

Mr. SANTORUM. Additionally, we are united in advocating continued support for these critical programs so we can meet our national security needs of tomorrow. The Department of Defense's S&T program provides a unique contribution to the job of equipping and protecting our men and women in uniform and defending America. S&T funding supports education and training for future scientists and engineers—leading to technological advancements that shape defense technologies, including engineering, mathematics, and physical, computer and behavioral sciences. Throughout the decades of the 1950s, 1960s, 1970s and 1980s, the Department of Defense and other federal agencies sustained their commitments to these investments in American universities. This investment can be measured by the number of systems relied upon by America today to project power and maintain our interests around the globe.

Mr. BINGAMAN. Furthermore, American universities offer the Department of Defense the laboratories and knowledge base necessary to successfully complete this transformation objective. The Department of Defense has historically played a major federal role in funding basic research and has been a significant sponsor of engineering research and technology development conducted in American universities.

Mr. SANTORUM. Senator BINGAMAN is correct. For over 50 years, Department of Defense investment in university research has been a dominant element of the Nation's research and development infrastructure and an essential component of the United States capacity for technological innovation.

Mr. BINGAMAN. I thank Senator SANTORUM for his observations on the importance of robust Department of Defense S&T program funding, and I urge that we continue to advocate funding the S&T program at a level of at least at 3 percent of the total Department of Defense appropriation.

Mr. SANTORUM. The Senator is correct in his statement and I too support the 3 percent S&T program funding goal.

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

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

MORNING BUSINESS

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

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

TRIBUTE TO THE SENATE AND HOUSE

Mr. FRIST. Mr. President, I would like to take a moment to thank all of

the dedicated Members of the Senate family who poured their hearts into making President Reagan's final journey to the Nation's Capitol a dignified and fitting tribute.

Lawmakers and dignitaries from all corners of the globe, Supreme Court justices, Federal officials and hundreds of thousands of citizens made their way to the Rotunda last week to pay their final respects to our 40th President.

It was a solemn and stately event. Each moment radiated a sense of history. I would like to thank some of the Senate individuals whose hard work made last week possible: 1. Sergeant at Arms Bill Pickle; his deputy, Keith Kennedy; protocol officer, Becky Daugherty; Capitol information officer, Laura Parker; and the Sergeant at Arms staff; 2. Alan Hantman, the architect of the Capitol, and the Capitol Superintendent, Carlos Elias; 3. Terry Gainer and the Capitol Police who, under extraordinary pressure, maintained security with discretion and consideration; 4. Emily Reynolds the Secretary of the Senate; her deputy, Mary Suit Jones; and their hard working staff; 5. The Senate Chaplain Pastor Barry C. Black whose sonorous and reflective tributes captured the public's love for President Reagan; 6. All of the volunteers who handed out bereavement cards to the public, manned the condolence booths, and handed out water to the thousands of visitors waiting patiently to see the President; and 7. The Capitol Guide service which worked round the clock.

My sincere thanks also go to Chairman LOTT and Senator DODD. Their steady leadership over the proceedings was crucial.

Likewise, the President of the Senate and the President Pro Tempore presided over the Senate on this momentous occasion with dignity and distinction.

I also wish to extend my thanks to my colleagues in the House of Representatives. Throughout, both chambers worked closely and patiently to carry out a tribute that I think all would agree properly reflected and celebrated President Reagan's extraordinary legacy.

I specifically thank: 1. The Speaker and his dedicated staff; 2. The House Sergeant at Arms and doorkeeper, Bill Livingood; 3. The House chief administrative officer, Jay Eagen; 4. The Clerk of the House, Jeff Trandahl; and 5. The House Chaplain, Reverend Daniel P. Coughlin. His stirring remarks are now a part of America's history.

Finally, to the Reagan family: Through a bleak and solemn week-long procession, their love and respect for Ronald Reagan was a beacon to us all. The Reagan family showed an uncommon dignity and grace that raised us up and touched our hearts.

We will never forget their love. And we will never forget how Ronnie loved his Nancy, and how hard it was for her, even at the very last, to let him go.

Thank you to the Reagan family. And thank you to the man who led us

so well and loved his country so deeply—Ronald Wilson Reagan, 40th President of the United States.

TRIBUTE TO THE CAPITOL POLICE

Mr. REID. Mr. President, today I want to take a moment to both thank and commend our U.S. Capitol Police for their outstanding actions during the evacuation of the Capitol complex last week.

As we now know, the decision to evacuate was made on a moment's notice when a private airplane flew into restricted airspace and could not be contacted. Our Capitol Police put the lives of the people who work in Congress ahead of their own. The Capitol and surrounding buildings were vacated within minutes.

In addition to thousands of employees and Members of Congress, hundreds of dignitaries from around the world had come to the Capitol last Wednesday to pay their respects to President Ronald Reagan. The Capitol Police executed the evacuation with efficiency and professionalism.

Fortunately, the threat proved to be a false alarm, and it was again the Capitol Police who screened and helped each individual as they reentered the buildings.

Only a few weeks ago I had the honor of speaking at the re-dedication ceremony of the Capitol Police headquarters. This would be an honor for any Senator, but it is especially so for me, because I served as a U.S. Capitol Policeman years ago.

The Capitol Police force has changed quite a bit over the years. It was founded in 1828 with three nonuniformed watchmen. Before that, only one guard protected the Capitol.

Today, more than 1,300 professionally trained men and women serve as Capitol Police officers. Their challenges have obviously become more formidable, but their main focus still lies in protecting life throughout the complex of congressional buildings, parks, and streets.

I would like to take a moment to recognize 3 Capitol Police officers who have been killed in the line of duty: Sgt. Christopher Eney was killed on August 24, 1984, during a training exercise; Jacob "J.J." Chestnut was killed on July 24, 1998, while guarding his post at the Capitol; and John Gibson was killed on July 24, 1998, while protecting the lives of visitors, staff, and the Office of the House Majority Whip.

The police headquarters building is now named in honor of these 3 fallen heroes. A few weeks ago, at the re-dedication ceremony, I had the opportunity to meet some of the children of these men, now grown. Speaking with them reminded me of the sacrifice that these officers and their families had made.

Likewise, the events of last week reminded me that our U.S. Capitol Police officers put their lives on the line every day, to protect all of us. For that we can never thank them enough.