

SENATE—Thursday, September 20, 2001

The Senate met at 8:30 p.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of grace and God of glory, on the Congress pour Your power. Grant these leaders wisdom; grant them courage for the facing of this hour. We pray for our President, George W. Bush, tonight as he speaks to the joint session of Congress about the soul-sized issues confronting our Nation and the world. May this evening be a defining hour in our history. Reveal Your strategy for exorcising the evil treachery of terrorism. Draw us into Your inspiring presence, then into one another in shared patriotism, then to loyalty to our Commander in Chief in mutual commitment to seek and do Your will in the battle against this insidious, infamous threat to the freedom and peace of our world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the Chair as Acting President pro tempore.

MEASURES PLACED ON CALENDAR—S. 1438 AND S. 1439

Mr. REID. Madam President, I understand that the following bills are at the desk having been read for the first time: S. 1438 and S. 1439. I ask unani-

mous consent that it be in order en bloc for these two bills to have received a second reading, and I would then object to any further consideration of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bills will be placed on the calendar.

AUTHORITY TO APPOINT A COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES INTO THE HOUSE CHAMBER

Mr. REID. Madam President, I ask unanimous consent that the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. on Thursday, September 20, 2001.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 8:40 p.m. with Senators permitted to speak therein for up to five minutes.

A HOUSE UNITED

Mr. LEVIN. Mr. President, in the wake of the terrible events of September 11, 2001, there have been reports of senseless acts of gun violence against innocent Americans, whose only crime was their ethnicity or religion. In this time of national crisis we must not lose sight that it is our diversity, our freedom to worship, and our steadfast commitment to liberty and the rule of law that form the foundation of this great Nation. While it has shaken, standing together we can ensure that the American house remains strong. And it is unity that guarantees our ultimate victory.

SURVIVOR BENEFIT PLAN AMENDMENT TO THE NATIONAL DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 2002

Mr. THURMOND. Mr. President, today, I am offering an amendment to the national Defense authorization bill for fiscal year 2002 that would correct the longstanding injustice to the widows or widowers of our military retirees. The proposed legislation, which reflects the language of S. 145 which I introduced on January 23, 2001, would immediately increase for surviving spouses over the age 62 the minimum survivor Benefit Plan, SBP, annuity from 35 percent to 40 percent of the SBP covered retired pay. The bill would provide a further increase to 45 percent of covered retired pay as of October 1, 2004, and to 55 percent as of September 2011.

As I outlined in my many statements in support of this important legislation the Survivor Benefit Plan advertises, that if the service member elects to join the plan, his survivor will receive 55 percent of the member's retirement pay. Unfortunately, that is not so. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the amount of the survivor's Social Security benefit or to 35 percent of the SBP. This law is especially irksome to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as our constituent mail attests, believed their premium payments would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation for many years experience when they learn of the annuity reduction.

Uninformed services retirees pay too much for the available SBP benefit both, compared to what we promised and what we offer other Federal retirees. When the Survivor Benefit Plan was enacted in 1972, the Congress intended that the government would pay 40 percent of the cost to parallel the government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent. Contrast this with the Federal civilian

SBP, which has a 42-percent subsidy for those personnel under the Federal Employees Retirement System and a 50-percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the Federal civilian retiree.

Although the House conferees thwarted my previous efforts to enact this legislation into law, I am ever optimistic that this year we will prevail. I base my optimism on the fact that the National Defense Authorization Act for Fiscal Year 2001 included a sense of the Congress on increasing Survivor Benefit Plan annuities for surviving spouses age 62 or older. The sense of the Congress reflects the concern addressed by the legislation I am introducing again today.

Since I introduced S. 145, 32 of my colleagues joined as cosponsors to the bill. I hope my colleagues will speak in support of this important legislation and the Senate will adopt this amendment.

THE FIRST ENGINEER BATTALION

Mr. LIEBERMAN. Mr. President, I rise today in recognition of a military unit whose gallant service to our Nation extends over a century and a half.

The First Engineer Battalion, tracing its intrepid lineage to 1846, is the oldest Engineer Battalion in the United States Army. Having served in both the Mexican War and Civil War, they continued their valorous service to our great Nation through the Spanish American War, in Cuba, and in the Philippine Insurrection.

The First Engineer Battalion was reorganized and expanded in World War I to form the First Engineer Regiment, assigned to the First Division, fighting in every major engagement in France. They were cited by the French Government with the French Fourragere and two Croix De Guerres. Taking part in North African landings and invasions of Sicily and Normandy during World War II, they were awarded three Presidential Unit Citations, two additional Croix De Guerres with Palm, the Medaille Militaire, and the Belgian Fourragere. Earning eight campaign streamers, they distinguished themselves across two continents. They again were called to Southeast Asia in support of the "Big Red One" being awarded three Meritorious Unit Commendations, Vietnamese Cross of Gallantry with Palm, and Vietnamese Civil Action Honor Medal. Deploying to Germany as part of REFORGER exer-

cises and to Southwest Asia as part of Desert Shield and Desert Storm they were again lauded for their actions and awarded the Valorous Unit Citation.

We cannot take lightly their dauntless and meritorious service to our Nation. Nor can we forget the valiant actions of those who served in building the necessary infrastructure for our troops under the most adverse and hazardous conditions. For over two-thirds of our Nation's history, their accomplishments, both individually and collectively, were pivotal not only to a successful combat effort, but to establishing and maintaining the legacy of which the Combat Engineers may be justifiably proud.

I join in expressing the respect, admiration, and grateful appreciation of our Nation as they gather for their annual reunion in Ashville, NC, later this month.

SBP ELIGIBILITY FOR MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY

Mrs. HUTCHISON. Mr. President, on September 11, 2001, our lives were changed irrevocably. It is a day none of us will forget, a day where each of us will remember exactly where we were when we heard our nation had been attacked and our freedom had been assaulted.

We lost so many innocent civilians in New York and so many dedicated military personnel in Washington, DC. The amendment I am introducing today deals with the military. Each of them has made a choice: to defend our Nation, its freedom, and its principles. On September 11, we were reminded of how real that sacrifice is, and how critical those contributions are.

We all witnessed the destruction of innocent people and American landmarks. These evil acts did not destroy our spirit, our faith, or our hope. And they will never destroy our freedom—because Americans are resilient, and our men and women in uniform brave.

It is why, in my career in public service, I have dedicated myself to supporting and defending these noble men and women and their families who serve our Nation in the Armed Forces. Their courage, their work, and their efforts are important, honorable, and inspiring.

We have only just started to deal with the greatest loss to our country since Pearl Harbor; only started to uncover the lasting effects of this heinous evil, and once again our military has been among those directly hit. In the months ahead we will respond and those who serve will put their lives on the line.

This is why I introduced legislation in June to ensure that all military personnel who die in the line of duty, like those who died serving their country at

the Pentagon, are able to receive retirement benefits they have earned. In the military, personnel are not vested in retirement benefits unless they have served 20 years or more, or unless the services medically retire them before death. Clearly, someone who dies in the line of duty cannot fulfill either of these requirements, meaning their families do not receive their pro rata share of retirement pensions. It is horrible enough for a family to lose a loved one—it is an even greater hardship for them to not receive these earned benefits.

I think it is only right that those who die while defending our country and our principles can know that their families will be taken care of by their country. Therefore, today I am submitting an amendment to the Defense authorization bill that will ensure that the surviving spouse receives survivors' retirement benefits commensurate with the number of years their loved one has served—effective September 10, 2001.

This is the very least we can do for the families of our men and women in uniform, for the families who lost loved ones on September 11. They have made the ultimate sacrifice, and we must take care of them now. This is no different from a civilian worker's family receiving the retirement accumulated by a lost loved one.

Tragically, two of the very men who were working with me on this legislation were killed at the Pentagon on that fateful day. Gary F. Smith, the Chief of Army Retirement Services and a retired Army Lieutenant Colonel, and Max Beilke, a member of his staff, a retired Army Master Sergeant, were impressive men who had provided invaluable assistance to me and my staff on this legislation. On June 15, Colonel Smith wrote my staff about this legislation saying, "Those of us who work on these issues daily know how important this will be. We'll keep our fingers crossed and hope it will get into law."

In memory of Colonel Smith and Master Sergeant Beilke, I ask that we pass this amendment for those who died September 11 and those who will die in the future in the service of our country.

As the true impact of September's horrifying events become even clearer, this legislation would offer a measure of support for families facing unbelievable tragedy. It is, again, the least we can do.

RECOGNITION TO ONE OF GEORGIA'S FINEST: COCA-COLA COMPANY

Mr. MILLER. Mr. President, I rise today to pay tribute to the spirit of giving and compassion exhibited by one of the world's finest multi-national companies, the Coca-Cola Company. Coke's employees and bottlers have