

Mr. REID. No objection.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—Continued

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate return to the underlying bill.

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

AMENDMENT NO. 826, AS MODIFIED

Mr. WARNER. Mr. President, as is so often the case here in the Senate during the course of deliberations, colleagues find a mutual ground by which they can resolve such differences as exist. And in this instance, the distinguished Senator from California, myself, and the distinguished Senator from New Jersey have joined together.

The amendment in the first degree of the Senator from Virginia remains in a document that I will shortly send to the desk. And the basic report language required in the amendment of the Senators from California and New Jersey is, likewise, in this document. They are coupled together.

So I ask unanimous consent that the amendment by the Senator from Virginia be modified. And I send the modified amendment to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mrs. BOXER. Reserving the right to object, I would like to say, I am very supportive of this. I just want to ask if it is the right thing for me to withdraw my amendment, or is that not necessary?

Mr. WARNER. Mr. President, I would so make that request. That was my understanding. I was going to do that after this amendment had been amended.

So if the Chair would rule on the modification of the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

Hearing none, it is so ordered.

The amendment (No. 826), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . COMPETITIVE AWARD OF CONTRACTS FOR IRAQI RECONSTRUCTION.

(a) REQUIREMENT.—The Department of Defense shall fully comply with the Competition in Contracting Act (10 U.S.C. 2304 et seq) for any contract awarded for reconstruction activities in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry.

(b) REPORT TO CONGRESS.—If the Department of Defense does not have a fully competitive contract in place to replace the March 8, 2003 contract for the reconstruction of the Iraqi oil industry by August 31, 2003, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing this sole-source contract to continue. A follow-up report shall be submitted to Congress each 60 days thereafter until a competitive contract is in place.

AMENDMENT NO. 825 WITHDRAWN

Mr. WARNER. Mr. President, at this time I respectfully ask the Chair to withdraw the amendment by the Senator from California.

Mrs. BOXER. I have no objection to withdrawing my amendment because it has, in fact, been made a part of the Warner amendment.

Mr. WARNER. That is correct.

Mr. REID. Mr. President, I also ask that this amendment have the name of the Senator from California on it, also.

Mr. WARNER. It is to be known as the Warner-Boxer—and also for the Senator from New Jersey, my friend, Mr. LAUTENBERG. The two of us go back many years.

Mr. LAUTENBERG. Further than we can remember.

Mr. WARNER. Yes, further back than we can remember.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from California is withdrawn.

Mr. WARNER. And the amendment of the Senator from Virginia is now known as the Warner-Boxer-Lautenberg amendment?

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

Mr. WARNER. Briefly, to explain to the Senate, basically what we have done is we have put into law the requirement that the Department of Defense shall fully comply with the Competition in Contracting Act for any contract awarded for reconstruction activities in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry.

Second, a report to Congress. If the Department of Defense does not have a fully competitive contract in place to replace the March 8, 2003 contract for the reconstruction of the Iraqi oil industry by August 31, 2003, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing the sole-source contract to continue. A followup report shall be submitted to Congress each 60 days thereafter until a competitive contract is in place.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague from Virginia.

I think when the Senate can work together, when we can cross over, one side to the other, we do good work. What we did is literally take one half of the amendment of the Senator from Virginia and one half of mine. What is

important to me is, if the Senate will speak in one voice, we will have a vote. I trust it will pass with a very wide margin, if not unanimously. The Senate will go on record, if we pass the Warner-Boxer amendment, as saying the following: We don't approve of this sole-source contract continuing, that we want to make sure the Army Corps, which says it is going to end this contract, is held accountable; that they are going to have to let us know if by August 30 they don't end the sole-source contract, and every 60 days thereafter they are going to have to let us know why they are continuing a \$7 billion sole-source contract.

That is all I wanted when I stood up a couple hours ago. That is all I want now. I am grateful to my friend for being openminded. It was a good debate.

I also say to my leader on the Armed Services Committee, Senator LEVIN, the ranking member, how helpful he has been to me. When I started, I had a proposal that might never have seen the light of day. He worked with me to make it relevant, make it work. Again, to Senators GRAHAM and LIEBERMAN and CLINTON and DURBIN and LAUTENBERG, before we looked like we had a winner here, they were with me. This is really very nostalgic for me. In my time in the House, I worked on the Armed Services Committee on military procurement before. I had hoped I wouldn't have to be standing here worried about military procurement, but it looks like it comes back like a bad dream.

I am hopeful the action we take this afternoon, just to let the Army Corps know we are all watching, Republicans and Democrats, will have a salutary effect on the termination of the sole-source contract and fair and open bidding. The taxpayers deserve no less. The business community deserves no less. Consumers deserve no less. Frankly, the people of Iraq deserve no less because we are trying to rebuild their country in the most efficient way we can.

I thank my friend again, Senator WARNER. I urge a yea vote on the Warner-Boxer amendment.

Mr. LAUTENBERG. Mr. President, will the manager yield a moment?

Mr. WARNER. Take such time as you need.

Mr. LAUTENBERG. Just a minute, because I want to second what we just heard from the Senator from California about my friend and colleague from Virginia. We have our policy differences. But when there is something that strikes the right note, I know for the many years we have served together, now about 20, including a 2-year lapse, we were able to agree on things here and there that meant a lot in terms of the process of our functioning.

I commend the Senator from Virginia for coming to a negotiated settlement and consensus view that accomplishes what we all wanted. I thank him for his

willingness to listen and for me to be able to participate.

I yield the floor.

Mr. HARKIN. Mr. President, I am pleased to join Senator WYDEN and other colleagues in sponsoring this amendment on contracting in Iraq and in support of the Warner-Boxer amendment No. 826. One of our key objectives for our work in Iraq is to convince the Iraqi people, other nations in the Middle East, and our allies that we are not occupying Iraq to get their oil and benefit big American corporations. We are there to provide the Iraqi people with basic services and infrastructure, human rights, and a more representative government. Given the massive problems we are having there, it is equally important to enable oversight by—and provide information for—Congress and the American people as well.

So it is unfortunate that we have started the reconstruction in Iraq on exactly the wrong note. Contracts have been let in secrecy, without open competition, to friends of the administration. The Army Corps of Engineers gave a contract that they thought was potentially worth \$7 billion to Halliburton with no competition at all. The contract is classified, and I have been told the reason it is classified is classified too. And information about it has only dribbled out. First we were told it was just to put out oil well fires. Later it slipped out that production and distribution of oil were included as well. Was this in the interest of the Iraqi people? Did they consider investigations suggesting excessive charges in previous Halliburton contracts? how can we tell?

The Agency for International Development, under guidance from the Pentagon, has also let contracts in secrecy with only limited competition between hand-picked companies. Bechtel, with its own ties to the administration, got the largest one. Again we don't know how they chose these companies.

These practices must end if we are to obtain the trust of people at home or abroad. And I have to say it is not clear that results so far justify this unusual way of doing things.

This modest amendment simply says that if the administration is going to let contracts for Iraqi reconstruction without full and open competition, it has to tell Congress and the American people what it is doing. They have to give the amount of the contract, the scope, a description of who was allowed to compete and why, and documents on why they did not allow full competition. Classified information could be redacted, but would still be given to appropriate Congressional committees.

Similarly, the Warner-Boxer amendment requires competitive contracting for reconstruction of the Iraqi oil industry. If the administration does not cut off the Halliburton contract by August 31 and allow full competition for that work, as it has said it would, the amendment requires report to Congress.

The amendments will not ensure open competition, but at least they will bring daylight to shine on the administration's activities, and will allow the American and Iraqi people to see what is being done with our money and their future.

Mr. LEVIN. Mr. President, I understand the yeas and nays are going to be requested. I thank my good friend from California for her kind words and, as always, the Senator from Virginia for his willingness to work to try to advance the Senate's proceedings in a fair and thoughtful way. I thank him as always for his willingness to try to find some way to bring together diverse views.

Mr. WARNER. Mr. President, by way of concluding remarks, we have set forth a joint statement which hopefully will be enacted into law. I commend my two colleagues for their work. I don't fully share some of the allegations raised with regard to the suspicions connected with this contract. It is for that reason the contract should see the full rays of sunlight and be explored. Committees of Congress will eventually be exploring this same issue.

This document simply establishes a procedure by which this can be done. It is my expectation we will recognize that those in authority in the Department of Defense, recognizing the urgency of time following the basic cessation, not the full cessation but basic cessation of hostilities, have to move with swiftness. That is the underlying reason. Eventually this contract can be substantiated as in compliance with the law.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been previously ordered.

The question is on agreeing to amendment No. 826, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning

Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine

Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold

Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl

Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed

Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Kerry

The amendment (No. 826), as modified, was agreed to.

Mrs. BOXER. 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.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. My distinguished ranking member, working in conjunction with our leadership, is of the view that we are rapidly approaching the point at which we can seek third reading and have final passage. I hope that within a matter of a few minutes we can determine that option and its availability.

Mr. LEVIN. We are almost there, Mr. President, but not quite.

Mr. WARNER. Unless there are further matters that the Senators wish to address with regard to the underlying bill, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 806, AS MODIFIED

Mr. WARNER. Mr. President, the distinguished ranking member and I will now proceed to continue with amendments that have been agreed to on both sides.

Mr. President, I ask unanimous consent amendment No. 806 be modified with the changes at the desk.

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

The amendment (No. 806), as modified, is as follows:

On page 17, after line 9, insert the following:

SEC. 108. REDUCTION IN AUTHORIZATION.

The total amount authorized to be appropriated under section 104 is hereby reduced by \$3,300,000, with \$2,100,000 of the reduction to be allocated to SOF rotary upgrades and \$1,200,000 to be allocated to SOF operational enhancements.

Mr. WARNER. The amendment has been agreed to on both sides.

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

The amendment (No. 806), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 828

Mr. LEVIN. Mr. President, on behalf of Senators KERRY and KENNEDY, I offer an amendment which would authorize transportation of dependents to the presence of members of the Armed Forces who are retired for illness or injury as a result of active duty.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. KERRY, for himself and Mr. KENNEDY, proposes an amendment numbered 828.

The amendment is as follows:

(Purpose: To authorize the transportation of dependents to the presence of members of the Armed Forces who are retired for illness or injury as a result of active duty)

At the end of subtitle C of title VI, add the following:

SEC. 634. TRANSPORTATION OF DEPENDENTS TO PRESENCE OF MEMBERS OF THE ARMED FORCES WHO ARE RETIRED FOR ILLNESS OR INJURY INCURRED IN ACTIVE DUTY.

Section 411h(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) Under the regulations prescribed under paragraph (1), transportation described in subsection (c) may be provided for not more than two family members of a member otherwise described in paragraph (3) who is retired for an illness or injury described in that paragraph if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of the family member would be in the best interests of the family member.”; and

(4) in paragraph (3), as so redesignated, by striking “paragraph (1)” and inserting “paragraph (1) or (2)”.

Mr. LEVIN. The amendment has been agreed to on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 828) was agreed to.

Mr. LEVIN. 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.

AMENDMENT NO. 829

Mr. WARNER. Mr. President, on behalf of Senator VOINOVICH, I offer an amendment which ensures that personnel who attend the Air Force Institute of Technology from the Army, Navy, and Marine Corps, have the costs of their education paid for similarly to the naval postgraduate school.

It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. VOINOVICH, proposes an amendment numbered 829.

The amendment is as follows:

(Purpose: To provide that requirements on coverage of the costs of instruction at the Naval Postgraduate School shall also apply with respect to costs of instruction at the Air Force Institute of Technology)

On page 103, between lines 18 and 19, insert the following:

“(3) The Department of the Army, the Department of the Navy, and the Department of Transportation shall bear the cost of the instruction at the Air Force Institute of Technology that is received by officers detailed for that instruction by the Secretaries of the Army, Navy, and Transportation, respectively. In the case of an enlisted member permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis).”

The PRESIDING OFFICER. Is there debate?

Mr. WARNER. This has been cleared on both sides.

Mr. LEVIN. We have no objection.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 829) was agreed to.

Mr. LEVIN. 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.

AMENDMENT NO. 830

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON, I offer an amendment which ensures that Impact Aid continues for military dependents at installations that have been conveyed to local communities such as Brooks Air Force Base but the military continues to reside in the base housing.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 830.

The amendment is as follows:

(Purpose: To amend the section 351 funding authority to include authority for the funds to be used for making Impact Aid basic support payments to local educational agencies affected by the Brooks Air Force Base Demonstration Project, including amounts computed on the basis of Federal property that is converted non-Federal property)

On page 71, strike lines 12 through 21, and insert the following:

(d) AVAILABILITY OF FUNDS FOR LOCAL EDUCATIONAL AGENCIES AFFECTED BY THE BROOKS AIR FORCE BASE DEMONSTRATION PROJECT.—

(1) Up to \$500,000 of the funds made available under subsection (a) may (notwithstanding the limitation in such subsection) also be used for making basic support payments for fiscal year 2004 to a local educational agency that received a basic support payment for fiscal year 2003, but whose payment for fiscal year 2004 would be reduced because of the conversion of Federal property to non-Federal

ownership under the Department of Defense infrastructure demonstration project at Brooks Air Force Base, Texas, and the amounts of such basic support payments for fiscal year 2004 shall be computed as if the converted property were Federal property for purposes of receiving the basic support payments for the period in which the demonstration project is ongoing, as documented by the local educational agency to the satisfaction of the Secretary.

(2) If funds are used as authorized under paragraph (1), the Secretary shall reduce the amount of any basic support payment for fiscal year 2004 for a local educational agency described in paragraph (1) by the amount of any revenue that the agency received during fiscal year 2002 from the Brooks Development Authority as a result of the demonstration project described in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) The term “educational agencies assistance” means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).

(2) The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term “basic support payment” means a payment authorized under section 8003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)).

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 830) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 831

Mr. WARNER. Mr. President, I offer an amendment on behalf of Senator DOMENICI which expresses the sense of the Senate on the reconsideration of the decision to terminate the border and seaport inspection duties of the National Guard as part of its drug interdiction and counterdrug mission. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, for himself, Mr. MCCAIN, Mr. NELSON of Florida, and Mr. CORNYN, proposes an amendment numbered 831.

The amendment is as follows:

(Purpose: To state the sense of the Senate on the reconsideration of the decision to terminate the border and seaport inspection duties of the National Guard as part of its drug interdiction and counter-drug mission)

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

SEC. 1039. SENSE OF SENATE ON RECONSIDERATION OF DECISION TO TERMINATE BORDER SEAPORT INSPECTION DUTIES OF NATIONAL GUARD UNDER NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG MISSION.

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

(1) The counter-drug inspection mission of the National Guard is highly important to preventing the infiltration of illegal narcotics across United States borders.

(2) The expertise of members of the National Guard in vehicle inspections at United

States borders have made invaluable contributions to the identification and seizure of illegal narcotics being smuggled across United States borders.

(3) The support provided by the National Guard to the Customs Service and the Border Patrol has greatly enhanced the capability of the Customs Service and the Border Patrol to perform counter-terrorism surveillance and other border protection duties.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should reconsider the decision of the Department of Defense to terminate the border inspection and seaport inspection duties of the National Guard as part of the drug interdiction and counter-drug mission of the National Guard.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 831) was agreed to.

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

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

The motion to lay on the table was agreed to.

ENVIRONMENTAL RESTORATION OF THE FORMER EAKER AIR FORCE BASE

Mr. PRYOR. Mr. President, I would like to bring the Senate's attention to a matter important to Blytheville in Mississippi County, AR. Blytheville is the former home of Eaker Air Force Base. In 1992, Eaker closed and ended a 50-year legacy between the U.S. Air Force and the people of Blytheville. During Eaker's 50 years, the Air Force benefited from local support of Eaker—support that ensured an atmosphere where the Air Force could complete critical missions.

Today, a decade following Eaker's closure, the folks at Blytheville are trying to move forward and locate new businesses at the former base. Regrettably, abandoned, decaying buildings with asbestos siding and pipe insulation were left behind after the Air Force's departure and this environmental hazard is preventing any potential economic development on these lands. Our Federal Government regulations are clear concerning these types of hazards and the required remediation thereof. It is my understanding that many of these buildings were scheduled for demolition by the Air Force prior to the base closure. It is further my understanding that there is a potential for the asbestos to become airborne as these building begin to collapse.

Mississippi County currently has the highest unemployment rate in the State. It was not the intent of the base closure process to leave a local community with environmentally hazardous waste, however, this is precisely what has occurred. The county cannot relocate new business in the facilities until the cleanup is complete.

I want to bring closure to this issue and I hope that Chairman WARNER and Senator LEVIN will join me in looking into this matter. I plan on contacting the Air Force to get a formal response to the environmental issues at the

former Eaker Air Force Base. Again, I thank my colleagues for any support that they might provide in helping the people of Blytheville, AR.

Mrs. LINCOLN. Mr. President, I want to associate myself with the remarks made by Senator PRYOR. This is a matter that I discussed with Senator INOUE last year during the consideration of the Defense appropriations bill. For reasons unknown, environmental restoration of the former Eaker Air Force Base has languished for over a decade. It is past time to address this issue. It is time to clean up this land and enable the people of Blytheville to find new tenants that can contribute to the local economy.

The people of Blytheville deserve Federal assistance to clean up the asbestos left behind by the Air Force. For 50 years, residents of Blytheville proudly support Eaker Air Force Base as home to a group of strategic air command B-52 bombers and more than 3,000 military personnel, before its closure in 1992. Before the closure, the military accounted for 15.2 percent of personal earnings, the largest of any industry in the county.

Through industrial expansion at the Arkansas Aeroplex, I believe significant strides can be made to turn the economic situation in Blytheville around. The Aeroplex is home to a 2-mile runway. In fact, the runway could serve as an alternate landing site for the NASA space shuttle. The potential for new business is abundant, but the opportunities are hampered because of the asbestos-filled buildings.

I look forward to working with Senator PRYOR on this matter, and I hope our colleagues from the Senate Armed Services Committee will assist us on this issue.

Mr. LEVIN. I also would be glad to help the Senator get this issue addressed and will work with you in contracting the Air Force.

HOUSE PROVISION ON MEALS READY TO EAT (MRE)

Mr. BAYH. As the chairman knows, I am a strong supporter of Buy American requirements, and am generally open to strengthening current law, but the House Armed Services authorization bill contains a provision that could impact our ability to produce MREs. This provision specifically deals with the packaging requirements for MREs procured by DOD.

Mr. WARNER. I have not seen the provision but it sounds like it might be a concern.

Mr. INHOFE. If the distinguished Senator from Virginia would yield, Mr. Chairman, I also have concerns about this provision and the effects it would have on our ability to meet production needs to get necessary meals to our service men and women in the field.

Mr. BAYH. Mr. President, it is my understanding the implementation of the House provision could seriously impact the industry's production capacity and relegating MRE restocking to old, slower technology producing less desirable meal options.

Mr. WARNER. I was unaware of this matter, but want to assure the Senator from Indiana and the Senator from Oklahoma that the Senate will give this provision a thorough review in conference with the House.

Mr. BAYH. I thank the distinguished chairman and the Senator from Oklahoma for their interest in the matter and look forward to working with them to resolve this issue.

Mr. INHOFE. I thank the chairman and the Senator from Indiana and look forward to working with them on this issue as we proceed with the bill.

THE BAN ON LOW-YIELD NUCLEAR WEAPONS

Mr. BINGAMAN. Mr. President, we have in the Senate repealed the ban on low-yield nuclear weapons, specifically, section 3136 of the National Defense Authorization Act for fiscal year 1994, Public Law 103-160.

Mr. LEVIN. We have included, however, a requirement for the specific authorization for low-yield warhead development beyond phase 2A or 6.2A. With this amendment, Congress and this committee, will continue to play an important oversight role on nuclear weapons development.

Mr. BINGAMAN. I have submitted an amendment which has been accepted, that requires the Secretaries of the Departments of Defense, Energy, and State, to provide Congress by March 1, 2004, an assessment of the effects, if any, that such a repeal will have on the ability of the United States to achieve its nonproliferation objectives, and whether or not, changes in programs or activities would be required to achieve these objectives. I have asked that this report be submitted in an unclassified form with a classified annex, if needed.

Mr. LEVIN. I believe a careful, systematic study is needed by the executive branch on the effects of such a repeal, and especially, how it affects nations such as Russia, where we are co-operatively working to reduce the proliferation of weapons of mass destruction.

Mr. BINGAMAN. The Senator is correct. There is concern on the signal that this repeal could send to other nations, especially those we are working with to stem the proliferation of nuclear weapons. In particular, my intent in submitting this amendment was the effect that the repeal would have on the Cooperative Threat Reduction Program, which was started by Senators NUNN, LUGAR, and DOMENICI. I want to be assured that we do not send any bad-faith signals to Russia, and other countries, that participate in the program. The United States spends over a billion dollars a year in this effort; the repeal of the low-yield ban must not negatively affect this investment of the taxpayers' money.

Mr. LEVIN. I share this concern. I will work with the Senate Armed Services Committee, through our important oversight role, to insure that the Cooperative Threat Reduction Program continues to be carried out effectively by

the Departments of Defense and Energy, especially now that we have repealed the ban on low-yield nuclear weapons.

Mr. BINGAMAN. I appreciate the committee's help in this important matter.

Mr. CHAMBLISS. Mr. President, I rise today to express my concern with the administration's approach to competitive sourcing and the revisions to Circular A-76 currently under consideration by the Office of Management and Budget and the Office of Federal Procurement Policy. Currently, "competitive sourcing" as defined and interpreted through Circular A-76 is biased against work performed by Government employees. Some examples of this are: 1, there are very limited provisions for work, including work that has been previously outsourced, being competed and returned to the Government, and, 2, any function that has ever been studied for outsourcing is required to be restudied for outsourcing every 5 years.

With this in mind, I urge the administration to incorporate provisions in the revised A-76 to be released in the coming months. The following items must be included for our support:

One, remove all barriers to moving previously outsourced or "inherently governmental" work into Government facilities and develop clear provisions for competing previously outsourced work. The spirit of A-76 should be to have an even flow of workload between public and private facilities and a level playing field for public and private entities upon which they can compete for work.

Two, encourage public-private partnerships and establish clear provisions for allowing public-private partnerships to compete for work competitively sourced under A-76.

Three, more explicitly define "inherently governmental" so that it will be clear which activities are not subject to A-76 studies.

Four, eliminate the requirement once an A-76 competition has been awarded to the Government, for the work to be reviewed again every 5 years and subject to recompetition. The option to restudy should remain but the requirement to restudy should be eliminated.

Mr. INHOFE. Mr. President, I strongly agree with the Senator from Georgia. I truly believe our depots are a national asset and we should address the basic question of "core" requirements. Currently, there is no acceptable definition of "inherently governmental" functions or "core" which can guide the administration and the Department of Defense as they decide which functions should be competed for outsourcing. As we have seen in both Iraq and Afghanistan, the United States does not have the luxury of time in addressing the threats of tomorrow. Before we start making short-term decisions, we need to look at the long-term effects and requirements in support of national defense.

Mr. KENNEDY. Mr. President, I thank my colleagues for their comments and add my own.

Last November, the Office of Management and Budget proposed the most sweeping changes to the rules on outsourcing of Government work since the last 1950s. Now, the administration wants to use the proposal to privatize at least 225,000 Department of Defense civilian jobs over the next several years.

The proposed changes have received strong criticism from the General Accounting Office, GAO, executive branch agencies, and Federal employee organizations. The CIA wrote that they will be unable to meet their own statutory requirements to protect their intelligence sources and methods if they fully implemented the revision. The Department of Transportation raised concern about the adverse impact of the changes on women and minorities employed by the Federal Government.

The proposed revisions could undermine public-private competition. Under the plan, if an agency is unable to complete public-private competitions in 1 year, it could automatically privatize the work. After an outcry from agencies and the public, OMB indicated that it would consider changes, but it is far from clear what the changes will be.

In addition, the proposal allows so-called "streamlined" competitions for activities involving 65 or fewer employees and lasting no more than 90 days. Under current rules, the Federal employee or the contractor must be at least 10 percent or \$10 million more efficient to win a bid. Under this "streamlined" method, there would be no such requirement. Clearly, the potential savings and efficiency created by competition would be threatened and would be contrary to the recommendation of the Commercial Activities Panel, the panel charged with reviewing outsourcing policies, for which all of the contractor and administration representatives voted.

The proposal would also include an automatic bias in favor of contractors. It imposes a 12 percent overhead cost on all Federal employee bids, and then imposes a superfluous charge for indirect labor costs, but it does not impose the same charges on contractor bids, even though both Federal employees and contractors would have similar overhead costs. The DoD inspector general has said that the 12 percent overhead factor is "unsupportable."

In addition, the proposal is likely to reduce the standard of living for tens of thousands of Americans. By artificially inflating the costs of in-house personnel, contractors have incentives to reduce costs by providing unfair compensation packages for those who perform Government work. Good jobs with fair wages and opportunities for advancement would be turned into lower wage jobs with no benefits and no security. According to the Economic Policy Institute, more than one in 10 Federal

contract workers already earns less than a living wage.

The proposed revisions also apply different competition requirements to Federal employees and contractors in other ways that raise serious fairness concerns. Contractors have an incentive to low-ball their proposal, since there is relatively little likelihood of real private sector competition. The inspector general of the Department of Defense has reported that over three-fifths of the contracts he and his staff surveyed suffered from "inadequate completion."

Clearly, the proposed revisions will have significant implications for undermining competition and reducing opportunities for Federal employees to compete fairly for their own jobs.

Today, there is far too little real competition for contracts to provide goods and services of Federal agencies. We should be getting the most out of every taxpayer dollar. But, less than 1 percent of Department of Defense service contracts are subject to full public-private competition.

Government procurement should be based on what is best for taxpayers and our national defense. We face great challenges to the Nation's security in these difficult times. More than ever, we rely on the Department of Defense and its dedicated employees. As the military budget grows rapidly, we must see that taxpayers and our men and women in uniform obtain the benefits too. True competition is more critical today than ever.

Mr. CHAMBLISS. I thank the Senator from Oklahoma and the Senator from Massachusetts for their comments. I agree that we should not make short-term decisions on these issues, that more precise definitions of "inherently governmental" and "core" are required to guide competitive sourcing decisions and public-private partnerships, and that the "streamlined" procedure OMB is advocating are a step in the wrong direction. I look forward to working with my colleagues and the administration to ensure any revision to A-76 are done carefully and do not discriminate against our Federal workforce.

BIOBASED PRODUCTS

Mr. BOND. Mr. President, I would like to engage my colleague, Senator WARNER, in a colloquy.

As we know, Executive Order 13101 provides guidance to the head of each executive agency, including the Secretary of Defense, regarding the use and procurement of recycled and biodegradable products. In fact, the Order states each agency head "... shall incorporate waste prevention and recycling in the agency's daily operations and work to increase and expand markets for recovered materials through greater Federal Government preference and demand for such products."

I think that now is a great opportunity to once again encourage the Department of Defense to procure products that both reduce waste and enhance recycling. I am aware that

biobased products have been developed using a new composite material consisting primarily of limestone and renewable starch for the production of food serviceware. Manufacturers of these products maintain that they have proven to be strong, provide good insulation, and biodegrade in marine and composting environments. I am told that in recent years, biobased products have become more prevalent and more cost competitive. Moreover, I believe that these products have been tested in the Pentagon cafeterias and are being considered for use in other Defense facilities.

I support environmentally friendly products such as biobased products. In my home State of Missouri, we have a manufacturing plant in the City of Lebanon that produces equipment for manufacturing biobased products. The plant has already produced eight machines. By the end of the year, the plant will have produced 50 additional machines. By 2004, the plant will have built 100 additional machines. In addition, due to the high demand for biobased products, the plant is also producing biobased food serviceware. The plant takes up 50,000 square feet and requires 90 full-time and temporary workers. I appreciate the jobs and business created by this multimillion-dollar endeavor, and I am proud that we have a Missouri-manufactured product that reduces the impacts of waste on our environment.

Mr. WARNER. I appreciate the Senator's concerns and support his efforts in this area.

• Mr. KERRY. Mr. President, military planning is about balancing risk and cost. Resources will always be limited. And actions will always incur costs, whether financial or political. In the fiscal year 2004 Defense Authorization Bill, the Bush administration sought to develop a new generation of nuclear weapons that would risk blurring the distinction between conventional and nuclear arms. While the financial cost of this decision would not be insignificant, the political costs internationally—and the costs to America's security—could be enormous.

Since the dawn of the nuclear age, the United States has sought to limit the spread of nuclear weapons. We have signed treaties, we have cajoled allies, we have threatened adversaries, and, in the Nuclear Non-Proliferation Treaty, we made it the stated goal of the United States to pursue real nuclear disarmament. The President has stated that the spread of nuclear weapons, when taken with the global danger posed by terrorism, represents the greatest threat to America's security. We have fought one war over weapons of mass destruction in Iraq. We are locked in a perilous stalemate with North Korea over their nuclear weapons program. We remain concerned about the pursuit of nuclear weapons in places like Iran. And we worry that the Indian-Pakistan border might witness the first exchange of nuclear arms.

We find ourselves in an increasingly contradictory position. On the one hand the Bush administration says that it will pursue whatever measures might be necessary to stop the spread of nuclear weapons around the world. Yet in our own affairs, the administration has broken dangerous new ground. Their Nuclear Posture Review urged the development of new nuclear weapons in order to target deeply buried, hardened targets or chemical and biological agents on the battlefield. Earlier this year, the president signed an order raising the prospect of American first-use of nuclear weapons against a non-nuclear state. These are dangerous and sobering developments. They underscore the perils of this new age. But these policies do not make us safer. Indeed, I would argue they risk making us less secure.

The greatest challenge to the security of the United States is the threat of terrorist armed with weapons of mass destruction. There is little debate of this assertion. At a time when stopping the proliferation of weapons of mass destruction and securing those that already exist is the principal security challenge of our time, it is inconceivable to me that the Bush administration would seek the authority to develop new weapons of our own. It is another example of the administration acting unilaterally and damaging America's long-term interests in the process.

The most effective means to thwart the nuclear ambitions of others is our own moral leadership backed by unquestioned military might. That moral leadership is predicated on the way we conduct ourselves. In short, our efforts to keep nuclear arms out of the hands of others will lack international credibility and support—and ultimately success—if we are determined to develop new nuclear weapons of our own. Without international support, our best efforts to prevent the spread of nuclear weapons will be greeted with cynicism and, quite simply, fail.

Our unquestioned military might is not predicated on the development of new nuclear weapons or our ability to target underground bunkers with nuclear bombs; rather it flows from our investment in conventional arms, our ability to project power around the world, our demonstrated capability to strike any point on the planet with precision, and the investment we make in the men and women of our armed forces.

In fact, the United States alone has demonstrated the ability to achieve near-strategic effects through the use of conventional precision munitions. No other country can do that. No other country is even close. Given that fact, it is not clear why this administration is willing to bear the international costs of developing a weapon that will raise new questions about America's intentions and hinder our leadership in the fight against proliferation without providing any new military utility.

The two most likely scenarios in which United States military might use these new weapons, whether low-yield nuclear weapons or larger bunker-busters, are in striking deeply buried, hardened targets and in defeating chemical and biological agents on the battlefield. In both cases, there are conventional alternatives to the use of nuclear weapons. Deeply buried and hardened facilities can be disabled by using conventional munitions to seal their entrances. Other munitions such as incendiary and thermobaric bombs have proven effective in Afghanistan. A nuclear detonation, in contrast, would eject a plume of radioactive debris that would contaminate the surrounding region, sickening civilians in the area and endangering the well-being of American military personnel. Crossing the nuclear threshold to accomplish these missions would be overkill, it would violate accepted norms of behavior, and it would produce a damaging political backlash against the United States and our interests.

There has emerged in recent years an American way of war. Different observers have ascribed different characteristics to it, but nearly all recognize that among its features is a concern and respect for non-combatants. The Secretary of Defense has even noted the additional risk taken by our aircrews to avoid civilian casualties in Afghanistan and Iraq. The use of nuclear weapons, however, would imperil anyone near a target with exposure to dangerous levels of radiation, introducing a new horrific possibility to the euphemism "collateral" damage.

Some have contended that a low-yield nuclear weapon, detonated at some depth, would provide shielding from the dangerous fallout associated with nuclear detonation. According to Rob Nelson, a nuclear physicist at Princeton University, however, a nuclear bunker buster with a yield of one-tenth of one kiloton—about two hundred times smaller than the bomb dropped on Hiroshima—would need to penetrate to a depth of 230 feet prior to detonation for the earth to absorb the totality of the blast. To provide some perspective, the Pentagon's only current nuclear earth penetrating weapon can reach a depth of only about 20 feet in dry earth. At this depth, a 0.1 kiloton weapon would eject hazardous debris and likely fail to damage a robust, deeply buried, hardened structure.

Finally, by pursuing new, "usable" nuclear weapons designs, this administration underscores to every rogue regime in the world the value of nuclear arms, whether that value is real or not. This is the wrong message for the United States to send. In its place, we must find new ways to demonstrate to countries around the world that these weapons are affordable, unusable, and undesirable.

Now is the wrong time to consider developing a new class of American nuclear arms. Instead of researching and developing new weapons, we must redouble our efforts to secure the nuclear

weapons already in the world's inventories and safeguard the stores of nuclear materials scattered in unsecured facilities around the world. There is simply no compelling need for a new generation of nuclear weapons. They will not add any meaningful value to our arsenal. But they will undermine our efforts to stem the growth of nuclear stockpiles around the world while making America less secure and the risks of war and catastrophic terrorism even greater.

The future is not about a return to the city-busting bombs of the past, nor smaller yield nuclear weapons that might blur the distinction—in some minds—between conventional and nuclear arms. Rather, the future is about eliminating the threat posed to us all by such weapons. Our strength and our power at this moment in history is unrivaled. Now is the time for bold leadership that makes the world safer from nuclear dangers, not more eager for new weapons.●

Mr. ROBERTS. Mr. President, I rise in support of the National Defense Authorization Act for fiscal year 2004. I commend Chairman WARNER and Ranking Member LEVIN for their skillful stewardship.

I believe the committee completed its mark-up in near record time, with one of the fastest subcommittee marks in history occurring at the panel I currently chair, the Subcommittee on Emerging Threats and Capabilities.

Nonetheless, Senator JACK REED and I were able to provide funding for a number of important programs. We focused not only on enhancing the capabilities of our men and women in uniform, but also on those initiatives that address threats we face right now here at home.

In fact, since Chairman WARNER established the subcommittee in the Winter of 1999, most of the "emerging threats" have become current realities. I am talking in particular about the use and potential use by terrorists of weapons of mass destruction (WMD).

I am certainly thankful for the leadership of President Bush as we try to navigate through this environment, one that includes apocalyptic terror groups acquiring and employing WMD.

Let us remember, day to day, it is the President of the United States who is responsible for preventing terrorism where we live and work. I am confident President Bush is doing all he can to protect us.

He may not be popular in European cafes, universities, or newspapers, but he gets results for us here at home. Foreign actors, be they governments, individuals, or groups, know our President will hold them accountable for terrorism against us. Perhaps more than any policy action or innovation, this posture contributes to success in achieving a secure environment in which we find ourselves right now.

Up against the most asymmetric, organized, determined, and merciless enemy the United States has ever

faced, we have not had a major terror attack in the homeland since beginning the Global War on Terrorism shortly after 9/11. In this urgent threat warning atmosphere, knock on wood, Mr. President.

Indeed, there have been recent attacks in Saudi Arabia, Israel and North Africa. At the same time, however, the State Department reports that, globally, 2002 saw the lowest number of incidents of terrorism since 1969, a 44 percent drop from 2001. That is the lowest number of attacks since the birth of modern terrorism.

I recall these facts because the nature of recent comments from certain Members who suggest virtually every act of terrorism is somehow the fault of our Commander in Chief. That is not only inaccurate but counterproductive to the war against terrorism.

In closing, I would like to briefly summarize the funding authorizations achieved by the Subcommittee on Emerging Threats & Capabilities for fiscal year 2004 include the following:

\$88.4 million to field an additional 12 Weapons of Mass Destruction-Civil Support Teams (WMD-CST), resulting in a total of 44 teams by the end of 2004.

\$76.6 million to the Chemical Biological Installation/Force Protection Program, doubling the number of bases, from 15 to 30, that will be fully equipped with a highly effective suite of manual and automated chemical and biological detection equipment.

\$147.0 million in innovative technologies to combat terrorism and defeat asymmetrical threats.

\$135.0 million to rapidly accelerate the development and acquisition of unmanned systems such as UAVs.

\$1.5 billion in university based research for transformational defense technologies.

\$10.7 billion for the Defense Science and Technology program, including an additional \$515.0 million for critical, high-payoff science and technology programs, including approximately \$150.0 million for technologies to combat terrorism.

\$6.7 billion for the Special Operations Command, including an additional \$107.0 million for weapons systems, psychological operations capabilities, and enhanced intelligence.

\$450.8 million for the Department of Defense's Cooperative threat Reduction (CTR) Program, as well as authorization for CTR projects and activities outside the states of the Former Soviet Union, and one year authority to waive the conditions that must be met before continuing the Russian chemical demilitarization program at Schuch'ye.

Again, I commend Senators WARNER and LEVIN. I also thank Senator REED for being an outstanding partner in completing the tasks given to our panel this year. We believe we are continuing the committee's investment in science and technology, cutting-edge systems, and efforts to prevent the proliferation of WMD.

I thank the Chair and I urge my colleagues to support the Fiscal Year 2004 National Defense Authorization Act.

Mr. LAUTENBERG. Mr. President, I am going to support this national Defense authorization bill, S. 1050, but I would like to speak candidly about my reservations about it.

When I left the Senate in early 2001, weapon development and troop deployment concerns indeed, even the idea of serious national security threats seemed to be fading into the obscurity of our cold war past. Over the past 2½ years, this has changed. We now live in a world of multiple and continuously emerging threats, emanating not only from states but also from nonstate transnational groups.

What's more, we live in a time when America's superior armed services have been called up for missions that embody the essence of defense transformation. Defense transformation means that our country can overthrow the Taliban regime in Afghanistan 6,000 miles away almost solely from the air. It has allowed special operations forces to train antiterrorist units in places such as Georgia and the Philippines. Finally, defense transformation has meant that military commanders can direct precision-guided weapons at specific office buildings in downtown Baghdad from a command room in Florida.

Today we debate the merits of this national defense bill and the important issues it raises regarding the future of weapons control and military research, technology, and development. Let us first acknowledge and express gratitude to the men and women of our armed services. We are proud of their successful wartime mission to liberate Iraq. We wish them continued success in their peace time mission to secure stability for the Iraqi people.

As we support our troops in Iraq, Afghanistan, and elsewhere, we must keep in mind that their ultimate mission is to defend not only America's security interests but also the cause of global security. I have spoken about a new set of threats that require a transformation of our defense budget and priorities. I believe, however, that it is incumbent upon Congress to conceive of defense transformation—indeed our near-and short-term defense needs—in a way that will also seek to protect world peace.

I am concerned about elements of S. 1050 that allow the Pentagon greater flexibility in developing, testing, and producing new types of nuclear weapons. The diplomatic and security costs of even beginning research on these new types of nuclear weapons far outweigh any marginal benefits of such weapons.

These new nuclear weapon initiatives will further weaken the already struggling international efforts to halt the spread of nuclear weapons. U.S. influence with the international community will erode if it seeks to upgrade U.S. nuclear weapons while demanding that other countries, such as Iran and North Korea, disarm.

Dr. Mohamed El Baradei, Director of the International Atomic Energy Agency, recently said that instead of developing new nuclear weapons, the U.S. should send a message to potential proliferators that, "Even though we have nuclear weapons, we are moving to get rid of them. We are going to develop a system of security that does not depend on nuclear weapons because that's the way we want the world to move."

I agree with Dr. Baradei; I believe the best way to deter nations trying to develop nuclear capabilities is to send the signal that the prospect of nuclear warfare is an idea confined to science fiction movies.

I have supported the amendments offered by Senators REED, FEINSTEIN, and others intended to modify rather than repeal the 1994 Spratt-Furse prohibition on research and development of low-yield nuclear weapons. Secretary Rumsfeld has argued that these mini-nukes could be the ideal weapon for going after deeply buried stashes of chemical and biological weapons—the sort roguish regimes and terrorist groups like al-Qaida might attempt to conceal.

But at the same time, the Pentagon is considering adapting existing conventional warheads for such bunker busting jobs. We don't need both types of weapons to do the same job. By dangerously treating nuclear weapons as just another explosive in the arsenal, rather than as a deterrent weapon of last resort, researching low-yield nukes threatens to blur the line between conventional and non conventional weapons. Given our interest in preserving the seriousness with which the world regards the nonproliferation treaty, we should not be doing anything in our own arsenals that would confuse this distinction.

I would also like to call attention to my amendment, S. 722, that will help protect many endangered species. I am pleased that this amendment passed.

I would also like to call attention to an amendment that I have sponsored along with Senator BOXER and Senator WARNER regarding a noncompetitive contract granted by the Department of Defense to Halliburton Co. for the reconstruction of Iraq. This amendment will ensure that this no-bid contract gives way to a competitively bid contract expeditiously. I am pleased by the bipartisan cooperation and Senator WARNER's leadership in the passage of this amendment.

In recent weeks, I have become concerned with the lack of transparency regarding this particular contract—worth up to \$7 billion—awarded in a no-bid process to Halliburton and Co.'s subsidiary. The scope of the contract—both the actual task order and the dollar amount—were not fully disclosed by the administration, and information leaked out about it piecemeal, when the Army was pressed for it. It is extremely important that the Pentagon divulge information about the con-

tracts it awards in a public and systematic fashion.

I believe that this Defense authorization bill has merits and provides comprehensive funding for the Department of Defense's needs. It will effectively meet the needs of our men and women in the armed services. I am, frankly, very concerned about its authorization of low-yield nuclear weapons research, ballistic missile development, and its reduction of the constraints on nuclear weapons testing.

Ms. LANDRIEU. Mr. President, on June 6, 2000, the National D-Day opened in New Orleans, LA. This museum was the culmination of a vision of the late Stephen Ambrose. Dr. Ambrose dedicated his life to chronicling American heroes, including Dwight D. Eisenhower. It was President Eisenhower who mentioned to Dr. Ambrose that World War II was won in New Orleans because of the Higgins landing craft, designed by Andrew Jackson Higgins, which enabled Allied Forces to launch successful amphibious invasions.

The National D-Day Museum has been an unquestioned success as a tourist attraction, meeting place for veterans, and teaching tool for men and women, young and old, wishing to learn more about World War II. Already, over 1 million people have come through the museum's turn-styles.

America has a need to preserve its historical accounts and mementos from World War II. The National D-Day Museum is committed to such preservation. As a result of its mission, the museum has already had to expand and is building a 250,000 square-foot addition. We must preserve the stories and artifacts of the "Greatest Generation."

Accordingly, I submitted an amendment to designate the National D-Day Museum as "America's National World War II Museum." We owe it to the Great Generation to maintain a museum that pays tribute to their great sacrifices so that we may live today in freedom.

Mr. FEINGOLD. Mr. President, I rise to add my thoughts to the debate on the defense budget for fiscal year 2004.

First and foremost, I want to thank the members of the United States Armed Forces for the excellent work that they are doing in the ongoing fight against terrorism, their efforts in Iraq, and the many missions they have been assigned elsewhere at home and abroad. These dedicated men and women do an exemplary job in every mission that they have been asked to undertake, often at great personal sacrifice. They spend time away from their homes and families in different parts of the country and the world, and are placed into harm's way in order to protect the American people and our way of life. We owe a huge debt of gratitude to all our soldiers, sailors, airmen, marines, and members of the Coast Guard for their selfless service.

I am pleased that this bill authorizes a 3.7-percent pay raise for our men and

women in uniform, and that it includes a provision authorizing additional pay for members of the Guard and Reserve who have been called to active duty multiple times.

The men and women of our National Guard and Reserve are a cornerstone of our national defense, and we should ensure that they have adequate pay and benefits. I am pleased that the Senate adopted an amendment to give guardsmen and reservists the opportunity to enroll in TRICARE, the military's health care program, whether or not they are on active duty. The provision also would enable these personnel to elect to keep their civilian health insurance for their families while on active duty with a federal reimbursement program. We owe it to our guardsmen and reservists to give these options to help to ensure that they and their families have access to affordable, stable health care coverage.

I have long advocated for the creation of an additional 23 Weapons of Mass Destruction Civil Support Teams, which are staffed by full-time members of the National Guard. These important teams play a vital role in assisting local first responders in investigating and combating these new threats. As the events of September 11, 2001, so clearly and tragically demonstrated, local first responders are on the front lines of combating terrorism and responding to other large-scale incidents. The tragic events of September 11, the ongoing threat of terrorist activities, and the ongoing military action in Iraq make the presence of at least one WMD-CST in each State all the more imperative.

Currently, there are 32 full-time WMD-CSTs and 23 part-time teams. As a Senator representing one of the states without a full-time team, I was pleased that last year's DoD authorization bill included a statutory requirement that 23 additional full-time teams be established, and that at least one team be located in every State and territory. I want to thank the chairman and the ranking member of the Armed Services Committee for working with me to ensure that resources for 12 of these 23 teams are provided in this bill. I look forward to working with the chairman and ranking member of the Appropriations Committee to ensure that the resources authorized in this bill for the new WMD-CSTs are appropriated.

I am also pleased that the committee report contains language asking the Pentagon to include funding for the remaining 11 full-time WMD-CSTs in its fiscal year 2005 budget request. I urge the Secretary of Defense to do so, and to make every effort to select and begin staffing, training, and equipping the 12 new teams authorized by this bill as expeditiously as possible. These teams will improve the overall capability of Wisconsin and other States with part-time teams to respond to potential WMD threats in the future.

On a related matter, as I noted on the floor earlier this week, I share the

concern expressed by many of our colleagues about a provision in the Committee-passed bill that would repeal the 10-year ban on research and development of low-yield nuclear weapons, or so-called "mini-nukes." Lifting this ban could be the first step in a resumption of nuclear testing and the creation of new classes of nuclear weapons, which I oppose. I regret that the Senate failed to pass an amendment offered by Senators FEINSTEIN and KENNEDY, of which I was a cosponsor, that would have reinstated this ban. While proponents of lifting the ban argue that it will permit only study into the development of mini-nukes, I am concerned that such study will be the first step toward the eventual resumption of an active nuclear program by the United States.

Nuclear weapons, low-yield or otherwise, are relics of the cold war. Instead of a true transformation during which outdated systems are replaced with new technology geared toward combating emerging threats, this bill regrettably continues the process of piling on expensive new versions of the weapon systems that we used to fight and win the cold war. We cannot keep adding on to this behemoth defense budget. There are projects and programs that can and should be subtracted.

As an editorial in the May 20 New York Times points out:

[G]ood ideas for reforming the military are included [in this bill]. But so are outdated submarines and jet fighters designed for combat against the defunct Soviet threat. There is a reasonable \$1.7 billion for the next generation of unmanned aerial drones and an unreasonable \$42 billion for anachronistic fighter planes. As social, education and health care programs are being squeezed, the Pentagon is asking for \$9.1 billion to build a missile defense system that does not work yet.

On that last point, I am deeply concerned about the \$9.1 billion included in this bill for missile defense. We continue to pour billions and billions of taxpayer dollars into this still unproven program year after year, despite the fact that DoD has not developed performance criteria for this system and does not have an operational testing program in place to verify whether such criteria can be met.

I remain concerned about the President's December 2002 decision to field a ground-based interceptor system by October 2004, despite the fact that the system has not yet been fully tested. I am troubled that, despite this accelerated schedule, the Pentagon has proposed cutting the number of tests that were slated to be conducted on this costly program. While not everyone agrees on whether we actually need a missile defense system, I think we can all agree that such a system should work.

I was pleased to support an amendment offered by the Senator from Rhode Island, Mr. REED, that will require the Pentagon to develop performance criteria for the missile defense

system and an operational test plan for these criteria. I am pleased that the Senate adopted a modified version of the amendment, and I look forward to reviewing these performance criteria.

I will support this flawed bill, but with some reluctance. While it provides a well-deserved pay increase and other benefits for our men and women in uniform, it clings to the hardware of the cold war. Our military personnel deserve top-notch equipment that will help them to combat the threats of the 21st century. I regret that there is little in the way of true transformation in this bill, and I will continue to work to change the cold war mentality of the Pentagon.

I ask unanimous consent that the complete text of the New York Times editorial be printed in the RECORD.

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

[From the New York Times, May 20, 2003]

THE DEFENSE BUDGET SPILLS FORTH

Mammoth defense spending bills bloated with both new military technology and obsolescent weaponry are being rushed to break-neck approval this week as the administration exploits Congress's weakness for leaving no defense contractor unrewarded. The costliest defense budget since the cold war—more than \$400 billion and counting—is being gavelled through by the Republican leadership in a breathtaking few days of glancing debate. Good ideas for reforming the military are included. But so are outdated submarines and jet fighters designed for combat against the defunct Soviet threat.

There is a reasonable \$1.7 billion for the next generation of unmanned aerial drones and an unreasonable \$42 billion for anachronistic fighter planes. As social, education and health care programs are being squeezed, the Pentagon is asking for \$9 billion to build a missile defense system that does not work yet.

The waste easily runs into the tens of billions of dollars, making Congress's haste this week all the more outrageous. The armed forces obviously deserve decent pay, better housing and the most effective new technologies and weapons. But these bills provide windfalls for the military, for defense contractors and, not incidentally, for lawmakers who need the hometown pork and fat-cat contributions being subsidized by the new double-dip military-industrial complex. For all his tough talk, Defense Secretary Donald Rumsfeld is not taking on the generals and Congress to challenge the voracious old ways of military budgeting.

Ms. LANDRIEU. Mr. President, over 220,000 Guardsmen and Reservists were mobilized as part of Operation Enduring Freedom. Additionally, over 100,000 were activated as part of Operations Noble Eagle and Enduring Freedom. While the Soldiers and Sailors Civil Relief Act and the Uniformed Servicemembers Employment and Reemployment Rights Act, provide a number of protections of our Guard and Reserve personnel, there are no Federal protections for the educational status of Guardsmen and Reservists involuntarily activated while participating in higher education.

Currently, over 30 percent of Guard and Reserve personnel are enrolled in

post-high school education. If they are activated while enrolled in higher education, there are no safeguards to ensure that their academic status is preserved during activation; that they receive refunds or credits for the portion of the school year they paid for but could not complete to mobilization; that college grants and scholarships are preserved; or that they have a right to re-enroll in the educational institution upon their return from active duty.

I submitted an amendment whereby involuntarily called up student Reservists and Guardsmen would be able to take a leave of absence during the activation and for 1 year after the conclusion of such military duty from their institutions of higher education. Furthermore, the student shall be entitled to be restored to the same educational status, without loss of credit, and offered a right to re-enroll at the same educational institution where the student was enrolled prior to activation. Grants and scholarships shall be reinstated. Moreover, students shall be entitled to a refund of tuition and fees for classes they could not complete due to activation or be allowed to enroll in such classes subsequent to their re-enrollment at no cost.

Soon, thousands of Guardsmen and Reservists will be coming home from Iraq and Afghanistan. They will be eager to re-enroll in colleges, universities, and trade schools. Let's help these heroes get back to the classroom as effortlessly as possible.

Mr. BOXER. Mr. President, I support passage of the fiscal year 2004 Defense Authorization bill.

Our military men and women can rest assured that the Congress of the United States stands behind them—especially when they are doing so much for this country in Iraq, Afghanistan, and throughout world. I appreciate their dedication and service to this grateful nation.

That is why it is important to support the many good provisions that are in this bill—especially a well-earned pay raise and improved benefits for our uniformed men and women. I applaud the work of Senator WARNER and Senator LEVIN on these quality of life issues and am especially pleased that they supported my amendment to study how we can provide additional benefits to those who are so frequently deployed that they are only home for hours at a time. This bill also includes a provision to address the issue of children who are left behind when both military parents are deployed to a combat zone—an important priority of mine since I was a member of the House of Representatives.

I am also pleased that the Congress passed my amendment to provide fairness to taxpayers and businesses by making sure that the Department of Defense replaces its sole source contract with Halliburton to provide oil related services in Iraq with a contract that is subject to full and open competition.

However, this does not mean I support everything in this bill. Most alarmingly are the provisions in the legislation that advance the research and development of new high-tech nuclear weapons. These weapons will not make us more secure, but instead encourage other nations to join us in a new nuclear arms race. I urge the President to reverse his dangerous policy of advocating the development of new "usable" nuclear weapons.

I am also disappointed that we did not have the opportunity to address the issue of a future round of base closures. California was disproportionately impacted by previous rounds of the base closure process. Even years later, my state continues to wait for the Department of Defense to meet its responsibility and provide funding for the environmental cleanup of former military installations. For these reasons, I believe the next round of base closures should not go forward in 2005 as scheduled.

It is my hope that these unfortunate shortcomings in the bill can be addressed either in a conference committee with the House or during consideration of the fiscal year 2004 defense appropriations bill.

Mr. INHOFE. Mr. President, as the war in Iraq demonstrated, our troops are the finest in the world. Through their mastery of precision-guided weapons, they minimized casualties of noncombatants and effectively contained war's inevitable destruction. In just 21 days, they liberated Iraq, a country almost the size of California, from a brutal tyranny.

Many factors contributed to the success of the Iraq war. In my view, the most important—and this, I believe, is true of any war—was training. To be strong in battle, soldiers must train as they fight. On U.S. training ranges, our troops engage in highly realistic, combat ready exercises, preparing them to fight and protect themselves in battle. This is what they deserve.

But gradually, those readiness exercises—so critical to the military's training mission—are steadily being constrained and inhibited. Slowly, but surely, training simulations bear little connection with the true-to-life. The cause is straightforward but very disturbing: the extreme agenda of some environmental groups, whose hostile lawsuits are precipitating a crisis in training.

Environmental groups such as the Natural Resources Defense Council and the Center for Biological Diversity have launched an unconscionable war on the military. They believe there are no compromises, even when the issue involves protecting and preparing our troops for battle. They would rather file lawsuits—something they are quite good at, incidentally—than find commonsense solutions to balance environmental protection with the best military training available.

These lawsuits are gradually eroding not just the land available for training

and readiness, but are gravely diminishing the actual training exercises and live-fire simulations that are so critical to prepare for real-life combat.

Despite the claims made by environmental groups, the Pentagon has demonstrated a strong commitment to environmental stewardship. The evidence is overwhelming. But land development is fast encroaching upon military facilities, driving wildlife and endangered species into the relative sanctuary of training ranges.

The military has made environmental accommodations time and time again, but there is only so much it can do. The flood of environmental lawsuits is diverting the military away from its all-important training mission. As a result, training slowly but surely is dying a death of a thousand cuts.

There are too many egregious examples to recount here. The situation facing Camp Pendleton in California bears special mention. Camp Pendleton is considered the premier training base for the Marines. Because of a lawsuit filed by the Natural Resources Defense Council to list the gnatcatcher as endangered, 57 percent of the base may become "critical habitat," which in effect means no training and readiness exercises in that area.

Also, there are 17 miles of beach at Camp Pendleton—because of environmental restrictions, only 200 yards of beach are available to practice amphibious landings. All military vehicles that come ashore during an amphibious landing are restricted to designated roads. Troops can only come ashore in single file columns, which is hardly a good simulation of actual warfighting conditions.

To address these problems, the Pentagon has a reasonable, commonsense proposal to clarify existing environmental laws. Contrary to statements by some of my colleagues, the Pentagon is not seeking blanket exemptions from current laws. To say otherwise is simply false.

Take, for example, the provision clarifying how the Endangered Species Act applies to training bases. DoD wants to continue a policy first implemented by the Clinton administration's Fish and Wildlife Service. The proposal would codify Integrated Natural Resource Management Plans, INRMPSs, in place of critical habitat designations.

INRMPSs, which are required to provide for, among other things, fish and wildlife management, land management, forest management, fish and wildlife-oriented recreation, and wetland protection, allow the military to balance species protection and training needs.

DoD's proposal explicitly requires DoD to consult with the Fish and Wildlife Service and the National Marine Fisheries Service under section 7 of ESA. Also, the Interior Secretary must approve INRMPSs in writing. Other provisions of ESA, as well as statutes such

as the National Environmental Policy Act, also would continue to apply.

Thus it is simply unconscionable that this is characterized as a "sweeping exemption." My Democratic colleagues also contend that such a clarification isn't necessary because ESA already contains national security exemptions. Ironically, while complaining about a proposed provision that, in effect, continues to subject DoD to ESA, my colleagues want to pursue exemptions under current law. In practice, those exemptions mean DoD could ignore existing statutory requirements altogether under ESA.

Yesterday, 51 Senators voted for an amendment sponsored by Senators LAUTENBERG and JEFFORDS that effectively guts the ESA provision in the fiscal year 2004 Defense reauthorization bill. The amendment upsets the balance struck between species protection and training. It tilts irresponsibly in favor of species protection, which is not the mission of DoD.

The amendment says DoD must "conserve the species," rather than, as stated in the bill's original language, provide "conservation benefits." The distinction is significant because "conserve" means DoD must recover species. This is an unacceptably high threshold, one that even Fish and Wildlife has been unable to meet under ESA.

According to original 1973 ESA, conserve means "to use and use all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this act are no longer necessary. Such methods and procedures include but are not limited to all activities associated with scientific resources and management, such as research, law enforcement, habitat acquisition and maintenance promulgation, live trapping, and transplanting." As is obvious, the burdens on DoD training and readiness would be enormous.

DoD opposes the amendment because it could have perverse and unintended consequences, such as removing the Fish and Wildlife Service's flexibility to make decisions based on the differing circumstances facing each training range. Also, DoD and the Department of the Interior believe it will lead to more lawsuits, not less—exactly what DoD is trying to prevent.

The question remains: What should DoD's most important focus be, training or recovering the gnatcatcher?

I am also very disturbed by statements characterizing DoD's training predicament. Some Senators alluded to the March 13 testimony of EPA Administrator Christie Whitman before my committee. Governor Whitman, said, "I don't believe that there is a training mission anywhere in the country that is being held up or not taking place because of the environmental protection regulations." With all due respect to Governor Whitman, the EPA does not have jurisdiction over the Endangered Species Act,

which, of all the existing laws addressed in the Pentagon's proposal, is responsible for the most serious training restrictions.

Moreover, I am extremely troubled by the way some Senators have summarized a General Accounting report on military encroachment. To say "the GAO found the military has presented no evidence that the Endangered Species Act has impaired training" is utterly false and irresponsible.

Here is what the GAO said about encroachment in its report:

Over time, the impact of encroachment on training ranges has gradually increased. While the effect varies by service and individual installation, in general encroachment has limited the extent to which training ranges are available or the types of training that can be conducted. This limits units' ability to train as they would expect to fight and/or requires units to work around the problem.

Barry Holman, director of the GAO's Defense Capabilities and Management section, and author of the June 2002 encroachment report, stated in his testimony before the House Government Reform Committee on May 16, 2002:

One thing I want to make clear, I would not want anyone to conclude from looking at that report that GAO is saying 'no data, no problem.' We're not saying that. I think it's very clear . . . that there are limitations on training.

In addition to the ESA clarification in the base bill, I filed an amendment to clarify how the Superfund law applies to military training and readiness. Though it appears this issue will not be addressed as part of the Defense authorization bill this year, it does deserve some explanation.

Live-fire training, which is the "capstone event of a unit's training cycle," has come under heavy fire from environmental groups. The Army at Fort Richardson is engaged in a lawsuit that could shut down firing munitions at Eagle River Flats range. If environmentalists succeed, live fire operations at every Army range—more than 400 sites—could be severely constrained, seriously threatening training and readiness for our men and women in uniform.

This suit is not an isolated incident—there is another one much like it regarding the range at Vieques in Puerto Rico. The pattern is clear, and the Committee on Environment and Public Works received testimony as to the real agenda behind this pattern of lawsuits.

Describing yet another lawsuit by an eco-radical group against the Department of Defense, witness Frank Gaffey, president and CEO of the Center for Security Policy, stated illuminatingly "a plaintiff in the lawsuit was Melanie Dutchen who was described in the New York Times as an Anchorage activist with Greenpeace who said, 'Obviously the hope of this litigation is that delay will lead to cancellation.' She went on to say, 'That is what we always hope for in these suits.' I believe this is sort of an instructive insight into why the

Defense Department is concerned, not only about the circumstances that you personally observed, in terms of limitations and impediments to training, but the train wreck that is coming. It is not something that is coming up by accident. It is coming about, I believe, by people, at least some of whom, have very little interest in the readiness of our military."

My amendment will try to stop this by clarifying how RCRA and CERCLA apply to live-fire training ranges. I worked closely with the Pentagon and State officials—in particular, Doug Benevento of Colorado's Department of Public Health and Environment—in drafting compromise language that will balance training needs with environmental protection.

This amendment would codify and confirm longstanding regulatory policy of EPA and every State concerning regulation of munitions on operational ranges under RCRA and CERCLA. The amendment excludes military munitions from the definition of "solid waste" under CERCLA. That way, the military can perform live fire training exercises without having to break up those exercises with extensive, time-consuming clean-up operations.

But this change would still offer environmental protections under existing law. Again, as stated previously, this is not an exemption. Cleanup of operational ranges is not required so long as material stays on range, but if such material moves off range, it still must be addressed under existing law. Also, if munitions cause an "imminent and substantial endangerment on range, EPA will still retain its authority to address it on range under CERCLA.

If we fail to address these and other issues the Pentagon has put before us, we are doing a great disservice to our men and women in uniform. Unfortunately, it appears that Congress will pass only a few pieces of the Pentagon's proposal this year. I think it is imperative, for the sake of our troops, that we address the remaining pieces next year.

Ms. SNOWE. Mr. President, I rise to speak on the Senate version of the fiscal year 2004 national Defense authorization bill.

First, I would like to thank the chairman and the ranking member of the Senate Armed Services Committee for their work on this vital legislation. As a former member of the committee, I am acutely aware of the intense effort required to bring the National Defense Authorization Act to the floor every year. For the chairman and ranking member to be able to bring this bill to the floor with a unanimous vote out of committee is a testament to their leadership. I would also like to thank each of my colleagues who are members of the committee for their invaluable contributions to this bill.

I will take a few moments and discuss some of the provisions of the bill that I believe are important to providing the men and women of our

armed services the tools they need to protect our Nation.

First and foremost, I am encouraged that the committee has supported the President's shipbuilding budget that will provide the Navy with an additional seven ships. As the former Chair of the Seapower Subcommittee, I have been concerned for many years about the downward trend in naval shipbuilding that was moving us inexorably towards a 250-ship Navy or less. The administration proposed in its budget to procure seven new Navy ships in fiscal year 2004 and a total of 52 new Navy ships through fiscal year 2009. While this results in an average build rate of 8.6 ships, almost at the 8.9 ships per year necessary to maintain a 310-ship fleet, this average is skewed by the 14 ships the Navy says it intends to build in fiscal year 2009. Fourteen ships is twice the number of ships we have in the bill for fiscal year 2004.

Indeed, if we just look at the proposed shipbuilding plan for the next 5 years, from fiscal year 2004 to fiscal year 2008, there are only 38 ships in the plan, an average of 7.6 ships per year. This is an improvement but still results in the inability to maintain a 310-ship Navy, much less the 360- to 375-ship Navy the current Chief of Naval Operations has said is required to support his Sea Power 21 vision.

We can't afford to risk this essential component of our worldwide defense force. After all, 80 percent of the planet's population lives along the coastal plains of the world, and it is the Navy that has the capability to project power in regional coastal flashpoints around the globe—a capability that is imperative if we are to maintain military superiority and defend America's national interests in the 21st century.

It is the Navy we increasingly rely on to engage the enemy away from our shores. As we saw during Operation Iraqi Freedom, the Navy provides our only means of assured access. Today we are engaged in Southwest Asia and other littoral areas of the world away from our cold war bases in Europe, Japan, and Korea. Our inability to land troops in Turkey during Operation Iraqi Freedom and our withdrawal from bases in Saudi Arabia only highlight the need for a flexible, mobile sea-based defense.

The strength of those surface action groups and carrier battle groups are our major surface combatants. They provide air defense, launch Tomahawk missiles to strike the enemy, interdict opposing naval forces—they truly are the backbone of the fleet. We must do everything we can to ensure that we maintain a strong and healthy shipbuilding base particularly with respect to major surface combatants, for it is only through healthy competition that fresh ideas and reduced costs can be achieved.

To maintain a 116-ship surface combatant force, given the projected service life of 35 years for DDG-51 Class ships, requires a sustained replacement

rate of over three ships per year. If you assume a 30-year service life, which is more realistic historically, sustaining even the 116-ship surface combatant force would require annual procurement of almost 4 DDGs each year.

I believe it is in the vital national interest of America to procure a minimum of three major surface combatants a year, not just this year or next, but in every year. I am encouraged that this bill supports that level of procurement.

We must also look to the future and work to increase the warfighting capability and operating efficiency of these Aegis destroyers as they age. We must embark on a modernization program now to incorporate new technologies and systems that will allow us to operate these vessels more effectively with reduced manpower. This bill begins that process by authorizing \$20 million for the design, nonrecurring engineering and installation planning of DDG-51 modernization and optimized manning upgrades for incorporation on fiscal year 2004 and/or fiscal year 2005 new construction ships.

The bill also supports the President's request for \$158 million for the Littoral Combat Ship in the R&D accounts. However, just as the committee is, I am concerned about counting on an undeveloped ship concept to provide the 375-ship force structure called for by the Chief of Naval Operations and its concomitant impact on the major surface combatant force. I support the bill's call for a determination, through a cycle of analysis and experimentation, of the ship's ability to deliver the expected capabilities.

Furthermore, the bill correctly identified the looming gap in attack submarines by noting that decommissioning the USS *Jacksonville*, rather than refueling her, would put the Navy below the QDR recommended attack submarine force of 55 submarines. In fact, the Navy also recognized this gap and placed the refueling of the USS *Jacksonville* on the Navy's Unfunded Program List to support near term submarine force structure. This bill authorizes \$248 million for that refueling overhaul, noting the need for the refueling as "compelling."

I cannot express strongly enough my belief that we must fund shipbuilding to reflect the increasing demands we place on the Navy. The \$12 billion included in this bill is needed and appreciated, but it only represents about 3 percent of the total defense budget. For all we expect of our Navy in today's world, we must do everything we can to provide them with the ships and weapons systems they need.

In regard to the homeland security role of the Department of Defense, the bill authorizes an additional \$400 million over the President's budget request to expand unit capabilities, field additional sensor systems, and prepare to engage the threat here and abroad. For example, the bill contains an additional \$107 million for those special operations forces that have been so effective in Operation Iraqi Freedom and

Operation Enduring Freedom. At home, DoD will be able to deploy an additional 12 Weapons of Mass Destruction Civil Support Teams with the funds provided in this bill. In addition, it also provides \$173 million for chemical and biological detection and protection technologies such as those being developed in my home State of Maine.

The University of Maine system has been on the forefront of the development of chemical and biological sensors and decontamination systems. The bill provides them with \$1 million this year to begin the development of an environmentally friendly photocatalytic decontamination agent that holds much promise for the safe and rapid decontamination of exposed personnel as well as for the remediation of chemical agent and manufacturing and storage facilities.

It is this type of investment in new science and technology efforts that will provide our forces with the advanced capabilities we saw used so effectively over the past 2 months. I am encouraged that this bill provides \$10.7 billion for the science and technology accounts which brings us close to the goal of setting aside 3 percent of the defense budget to invest in the "seed corn" of our future military capability. From that investment we see the expansion in our research, development and test and evaluation efforts as evidenced by the commitment of \$63.2 billion toward those activities, including over a billion in DD(X) destroyer R&D.

The bill also addresses the need to modernize our military infrastructure by authorizing over \$9.0 billion in military construction, an increase of \$373 million over the budget request including the addition of \$200 million for quality-of-life projects for members and their families. This bill wisely increases investments in stateside facilities while reducing investments overseas while the United States assesses its long-term overseas basing requirements.

Finally, and most importantly, the bill continues our commitment to the men and women in the Armed Forces and their families through the enactment of several important pay and benefits provisions. First, it institutes a 3.7 percent across-the-board pay raise and once again provides an additional targeted pay raise for the senior non-commissioned officers and midcareer personnel who are the backbone of our military. The bill contains several provisions which will directly aid the families of service members such as an increase in the family separation allowance and a high-tempo allowance of \$1,000 per month for those troops and sailors deployed away from home for extended periods of time.

Can any of us who watched the poignant homecoming of the USS *Abraham Lincoln* earlier this month after 10 months at sea, the longest carrier deployment since Vietnam, doubt that those dedicated sailors and marines had earned every penny?

In closing, let me say that I hope that as we move this bill towards final

passage, we do everything we can to strengthen the bill for those brave young men and women who defend our Nation each and every day. We must do no less.

Ms. COLLINS. Mr. President, I rise today to discuss an amendment to the Defense Authorization bill which Senator VOINOVICH and I have submitted. Our amendment would, among other things, provide for the creation of a National Security Personnel System encompassing the Defense Department's 735,000 civilian employees.

In April, the Department delivered to Congress a proposal to grant the Secretary of Defense authority to dramatically restructure the Department's civilian personnel system. The proposal was designed to provide the Department with the flexibility and agility it needs so it can respond to sudden changes in our security environment. To accomplish this objective, the Department's proposal would give Secretary Rumsfeld not only the personnel flexibilities Congress granted to the Secretary of Homeland Security, but also additional authority to unilaterally waive many personnel regulations.

Of primary importance to the Department of Defense were the following three personnel flexibilities: First, the authority to replace the current General Schedule, 12-grade pay system with a performance-based pay system in which workers would no longer be awarded an automatic, across-the-board pay increase; second, the authority to conduct on-the-spot hiring for hard-to-fill positions; and third, the authority to raise collective bargaining to the national level rather than negotiating with more than 1,000 local units.

Our proposal would grant the Secretary these authorities. It would provide the Secretary of Defense with the three pillars of his personnel proposal and thus would allow for a needed overhaul of an antiquated system. But we do not give the Secretary all he asked for; instead, we have attempted to strike the right balance between promoting a flexible system and protecting employee rights.

Over the past 3 weeks, Senator VOINOVICH and I have repeatedly reached out to a wide variety of interested parties in an attempt to put together a bipartisan proposal. As of today, I believe we have made a considerable amount of headway toward forging a consensus.

For example, in certain areas, such as employee appeals, I am not prepared to support granting the Secretary the authority to immediately do away with the Merit System Protection Board in order to create an internal appeals process. Instead, my amendment allows for a gradual transition from the MSPB to a new appeals process. During the transition, the Department will consult with MSPB while it develops and tests a new appeals process.

I am also not prepared to grant the Secretary the authority to waive the

collective bargaining rights of employees. Instead, my amendment places statutory deadlines of 180 days on the amount of time any one issue can be under consideration by one of the three components of the Federal Labor Relations Authority. This alone should make a significant difference in the timeliness of the bargaining process, and prevent the occasional case from dragging on for years.

The bottom line is, we believe that our amendment would give the Secretary the authorities he needs to manage and sustain a civilian workforce some 735,000 strong. Our amendment would grant the administration's request for a new pay system, on-the-spot hiring authority, and collective bargaining at the national level, not individually with 1300 local union affiliates. In addition, our amendment would enable the Secretary to offer separation pay incentives for employees nearing retirement; to contract with individuals for services performed outside the United States in support of the Defense Department; to offer special pay rates for highly qualified experts like scientists, engineers and medical personnel; and to help mobilized Federal civilian employees whose military pay is less than their Federal civilian pay.

The House Armed Services Committee has already included a personnel amendment in their own authorization bill. For that reason, I was dismayed to learn that our amendment was not deemed "relevant" to the underlying legislation, and therefore shall not be made part of the Senate's bill.

But I have worked hard to find a consensus approach, and I don't intend to stop until this goal has been achieved. I believe that the House approach can be improved upon. This is why, on Friday, I plan to re-introduce this legislation as a free-standing bill and to hold a hearing on it the first week of June. Quite simply, I believe civil service personnel reform of this magnitude is too important an issue for the Senate to remain silent.

I urge my colleagues to work with Senator VOINOVICH and me as we continue our efforts on this very important issue. In addition, I would like to thank Senators WARNER and LEVIN for all the advice and input they have already provided. In addition to serving as ranking member of the Armed Services Committee, Senator LEVIN is a senior member of the Governmental Affairs Committee, which I chair. As such, he brings expertise to the process from both perspectives. I hope that the bill I introduce on Friday will enjoy his support and that of the chairman.

Mr. DODD. Mr. President, today I will join my colleagues in voting to approve the 2004 Defense authorization bill. This legislation provides a significant increase to our defense budget, a total of \$400.5 billion, \$17.9 billion more than was authorized for this year. This is the largest defense budget in our Na-

tion's history, and, for the most part, it could not come at a more important time.

This bill is good for our armed services, and crucial for the security of our country. Above all else, it makes a substantial investment in our military's most important assets—our soldiers, sailors, airmen, and marines. It provides a 3.7 percent across-the-board pay raise for all men and women in uniform and introduces a new health care benefit to Reserve and National Guard personnel. In addition, it funds important national security programs to curb the spread of weapons of mass destruction, with \$450 million going towards the Nunn-Lugar Cooperative Threat Reduction program to safeguard nuclear stockpiles and fissile material within the former Soviet Union. It ramps up research and development accounts for counterterrorism technologies as well as for intelligence and Special Operations resources.

To respond to emerging threats to our country, these investments are crucial components of the Defense authorization bill. I am also especially pleased that the Senate accepted without dissent, my amendment to establish a new initiative to assist States and communities in hiring firefighters. As we saw so vividly on September 11, our firefighters play an integral part in responding to and protecting our people from terrorist attacks. No homeland security strategy can ignore the crucial role that firefighters play in keeping our Nation safe. My amendment, which was approved by the Senate, authorizes the Department of Homeland Security to invest over \$3 billion over the next 3 years in partnership with States and local governments to hire firefighters so that communities are better prepared to respond to potential acts of terrorism.

As this amendment underscores, our States play crucial roles in protecting our security. And the underlying bill supports a number of military initiatives that are particularly supported by the State of Connecticut. Since the days of the Revolutionary War, Connecticut has rightly taken pride in its disproportionately large role in contributing to the U.S. arsenal, earning it the nickname the "Provision State."

The 2004 Defense authorization bill continues this strong tradition, greatly outfitting the Nation's armed services and provisioning advanced technology from Connecticut. The projects funded in this bill from Army helicopters and Air Force fighters to new advances in submarine technology, will allow America's military to prosecute its war on terror from every corner of the globe. Included in this bill is \$1 billion to fund the procurement of 36 additional UH-60 Blackhawk helicopters, manufactured by one of my State's leading manufacturers, Sikorsky. These aircraft have proven themselves repeatedly in combat on air assault and medical evacuation missions, as well as in peacekeeping missions pro-

viding important cargo and personnel transport.

This bill also authorizes a multiyear procurement and \$2 billion in 2004 for a *Virginia* class submarine, manufactured in Groton. Production of this next generation ship will further enable the Navy to extend its reach to the coasts of every continent, staying undetected as it performs various missions from special operations and intelligence-gathering to precision guided missile strikes.

The bill also funds our force's next-generation fighter aircraft, the F/A-22 and Joint Strike Fighter, which will be outfitted with the finest engines in the world, developed at Pratt and Whitney. Procurement of these planes will maintain U.S. air superiority—equipping pilots with unprecedented speed, stealth, and advanced munitions, and transforming the Nation's military into a 21st century force.

I believe these investments will save lives in both the near and long term, and they will strengthen the military industrial base that is so crucial to the long-term viability of our military. I am pleased that this authorization bill continues Secretary Rumsfeld's initiative to transform the military and respond to terrorist threats to our Nation. But I would be remiss if I did not enter into this record the serious reservations I have with this bill.

In particular, I am deeply concerned about the steps this legislation takes toward developing new tactical nuclear weapons. Despite the good-faith efforts of some of my colleagues, this Chamber failed to act as a check on an Executive bent on rolling back decades of strategic arms control and non-proliferation policies. At the President's recommendation, this bill repeals the 1993 Spratt-Furse provision that barred the Government from developing low-yield nuclear weapons. It also funds the study of a high-yield bunker-busting nuclear earth penetrator. Both weapons are part of the administration's long-term plan to field tactical nuclear weapons in war, as outlined in the 2001 Nuclear Posture Review.

The defenders of these provisions believe that such weaponry will enhance America's security by enabling the United States to devastate terrorist targets in a more contained environment. They claim that the U.S. use of nuclear weapons during a war will not set an egregious precedent for other nations to begin fielding their own tactical nuclear arsenal. And they claim that by lifting the ban simply on research, we are not opening a new chapter of the nuclear era.

They are dead wrong. And I am gravely disturbed by this shift in U.S. nonproliferation policy. In 2000, the United States joined the other permanent U.N. Security Council members in a declaration of an "unequivocal commitment to the ultimate goals of a

complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control."

This declaration was not made on a whim. This was the culmination of decades of diplomacy that has led to the worldwide movement in arms control. But today, with this legislation, we are taking a considerable step away from the goal stated at the 2000 Non-Proliferation Treaty Conference. While we insist that others disarm and cease their development of weapons of mass destruction, we are initiating plans to use new atomic weapons on the battlefield.

As our Armed Forces hone their conventional abilities to surgically strike with increasingly explosive force, it seems peculiar that the United States would now take steps backwards, and devote precious resources to expanding our nuclear arsenal. Our most recent operations in Afghanistan and Iraq have demonstrated that the United States far exceeds any other nation in its ability to strike with nonnuclear weapons anywhere in the world with great precision, and minimal collateral damage. Rather than capitalizing on these new advantages in warfare, the administration's tactical nuclear policy, would actually leave the Nation less secure, and undercut our government's 50-year attempts at averting nuclear war.

But all in all, in spite of these provisions, I believe that this bill's passage is critical to sustaining our national security. Although major combat operations have ended in Afghanistan and Iraq, our military continues to be engaged in low-intensity conflict in this highly unstable region of the world. Our Armed Forces—both Active Duty and Reserve—stand ready to complete their missions in this Nation's ongoing campaign against terror, to stabilize the region, and win the peace.

To do this, they will need the resources provided in this bill. For that reason, I have supported this legislation, and hope that the House and Senate Conferees move quickly toward a final version, so that this Congress will swiftly approve necessary authorizations for America's men and women in uniform.

Mr. MCCAIN. Mr. President, I rise today to strongly support S. 1050, the fiscal year 2004 Defense Authorization bill. This legislation funds \$400.5 billion for defense programs, which is 3.2 percent or \$17.9 billion above the amount appropriated by Congress last year. The Defense Authorization bill would authorize appropriations to purchase new weapons systems and funds research and development for new weapons systems, funds operations and maintenance for the services, provides pay and quality of life improvements for service members and funds military construction projects at military bases.

A number of provisions in this bill go a long way to ensure our service mem-

bers get the benefits they deserve. I am pleased the Senate included a provision which I offered as an amendment that was adopted by the committee that would eliminate the remaining so-called "pay comparability gap" between military pay and civilian pay. This amendment would tie subsequent military pay raises after 2006 with increases in the Employment Cost Index (ECI). As a former ranking member and long-time member on the Personnel Subcommittee when Senator John Glenn was the chairman, my experience with capping military raises below ECI during the last three decades shows that such caps inevitably lead to significant retention problems among second-term and career servicemembers.

Those retention problems cost our Nation more in the long run in terms of lost military experience, decreased readiness, and increased training costs. Since military pay was last comparable with private sector pay in 1982, military pay raises have lagged a cumulative 6.4 percent behind private sector wage growth—although recent efforts by Congress have reduced the gap significantly from its peak of 13.5 percent in 1999. Our efforts in 1999 increased pay raises, reformed the pay tables, took 12,000 servicemembers off of food stamps, and established a military Thrift Savings Plan.

A key principal of the all volunteer force (AVF) is that military pay raises must match private sector pay growth, as measured by ECI. The Senate's action in this area will send a strong message of support to our servicemembers and women and their families that will continue to promote high morale, better quality-of-life, and ultimately a more ready military force.

For the past 12 years, I have offered legislation on concurrent receipt. This matter is of great significance to many of our country's military retirees, because it would reverse existing, unfair regulations that strip retirement pay from military retirees who are also disabled, and costs them any realistic opportunity for post-service earnings. Last year, I was pleased that the committee, for the first time, included an authorization to begin to address a longstanding inequity in the compensation of military retirees' pay over previous attempts in the past.

I am disappointed that Senator HARRY REID was unable to offer his amendment on concurrent receipt, because the amendment was not ruled relevant under an unanimous consent agreement that was passed by the leadership of the Senate. We must do more to restore retirement pay for those military retirees who are disabled. I have stated this before, and I am compelled to reiterate now—retirement pay and disability pay are distinct types of pay. Retirement pay is for service rendered through 20 years of military service. Disability pay is for physical or mental pain or suffering

that occurs during and as a result of military service. In this case, members with decades of military service receive the same compensation as similarly disabled members who served only a few years; this practice fails to recognize their extended, more demanding careers of service to our country. This is patently unfair, and I will continue to work diligently with the committee to correct this inequity for all career military servicemembers who are disabled.

We have a military force that continues to rely more on the Reserve Components—men and women in the National Guard and Reserves—to go to war and to perform other critical military tasks abroad and at home. Many combat, combat support and other support missions are being carried out on the backs of our active and Reserve Component forces—soldiers, sailors, airmen and Marines.

National Guard and Reserve servicemembers are performing many vital tasks: direct involvement in military operations to liberate Iraq in the air, on the ground, and on the sea; guarding nuclear power plants, our borders, and our airports in the United States; providing support to the War on Terrorism through guarding, interrogating, and extending medical services to al-Qaida detainees; rebuilding schools in hurricane-stricken Honduras and fighting fires in our western states; overseeing civil affairs in Bosnia; and augmenting aircraft carriers short on active duty sailors with critical skilled enlisted ratings during at-sea exercises, as well as during periods of deployment.

I believe that the civilian and uniformed leadership of our Armed Forces and the Congress must recognize this involvement, and, at a minimum, provide equal benefits for reserve component servicemembers when they put on the uniform and perform their weekend drills or other critical training evolutions. Reservists, on duty, who resemble their active duty counterparts during training evolutions and are deployed at times around the world, should be treated equally when the administration and Congress provide for quality of life benefits.

I am pleased at the inclusion of language authorizing a Selective Re-enlistment Bonus (SRB) for National Guard and Reserve service members when they are mobilized under a Presidential Select Reserve Call-up and they re-enlist during that period. National Guardsmen and Reservists are prohibited from receiving SRB payments until they get off active duty or mobilization status, sometimes 1 or 2 years later.

The Senate has also authorized Survivor Benefit Plan, SBP, benefits to survivors of National Guard and Reserve service members who die while performing inactive duty training or weekend drills. This legislation provides equity with active duty servicemembers and is consistent with

Defense Department regulations when National Guardsmen and Reservists are mobilized under a Presidential Select Reserve Call-up.

Since January, there have been 13 Reserve Component deaths during weekend military training while their units were preparing for Operations Enduring Freedom and Iraqi Freedom where families of National Guard and Reservists did not receive the Survivor Benefit payments.

The Senate has also authorized Commanders' pay for National Guardsmen and Reservists, similar to the pay that active duty commanding officers and commanders receive.

Additionally, the Senate Authorization bill removes and arbitrary cap on commissary privileges for drilling reservists and National Guardsmen, making the benefit similar to the benefit similar to the benefit of authorized for active duty servicemembers.

Unmanned Aerial Vehicles (UAVs) continue to be of interest to me. Operations in Afghanistan and Iraq have been watershed events for military utilization of UAVs. Increased use in the future as new war fighting capabilities come on line is key to our military strategy for future conflicts. During the 1999 Yugoslav air campaign only three UAV systems were used. There are nine UAV systems currently deployed and in extensive use in Iraq. The Army's Shadow, Hunter, and Pointer, the Marine Corps' Pioneer and Dragon Eye; the Air Force's Global Hawk, Predator and the Force Protection Surveillance System; and, the Navy's Silver Fox.

The Silver Fox is a small, inexpensive UAV with tremendous application, particularly in downed pilot search and air rescue, border patrol operations, tactical support for ground troops and SOF, submarine detection, marine mammal detection efforts and other critical reconnaissance missions. Ninety Silver Fox systems were deployed for Operation Iraqi Freedom with great success. Additional resources should be afforded to the unmanned aerial vehicle programs. Low cost, innovative systems, like the Silver Fox, deserve considerable support by the committee and I strongly support this effort. I am extremely please the Senate included a UAV pilot program to study the potential uses of UAVs on our borders.

As part of its consideration of this bill, the Senate approved an amendment I sponsored with Senators SESSION, LINDSEY GRAHAM, and BAYH creating a reporting requirement that should shed light on how to improve decision-making within NATO. As a lifelong Atlanticist, my interest is in keeping NATO relevant and effective as it adapts its mission to the new threats we face today. Doing so will require a hard look at what works well within NATO, and what we can do to streamline decision-making processes to improve the effectiveness of the Alliance.

Our amendment would build on a reporting requirement related to NATO

is in the underlying bill. Our intention is to make NATO work better by taking a close look at how some of its decision-making structures have recently evolved, for expressly political reasons, in ways that I believe have weakened NATO, but which we, NATO's full members, can rectify in order to ensure that our Alliance remains strong.

Our amendment would require the Secretaries of Defense and State to assess whether certain new NATO military initiatives are within the jurisdiction of NATO's Defense Planning Committee, which has historically overseen NATO's core defense and security missions. The report would relate how NATO defense, military, security, and nuclear decisions traditionally made in the DPC came to be made in other bodies within NATO. It would discuss the extent of France's contributions to each of NATO's component committees, and specifically the degree of French involvement in specific military and security issues within the competence of the DPC, on which the French do not sit. The report would examine how NATO could make greater use of the DPC, by assuming its traditional role of managing NATO's core defense mission, and how to otherwise streamline NATO decisionmaking to make NATO more effective. NATO is actively engaged in discussions on how to reform and improve NATO decision-making, and I strongly believe our amendment will play a useful role in animating that discussion.

In February, Turkey requested assistance from the Alliance to improve its defenses in the event of war with Iraq. Given Turkey's status as a key member of NATO and the Alliance's only front-line state with Iraq, Turkey's routine request for defensive reinforcements under the terms of the NATO charter should not have been controversial in any way. Regrettably, France denied Turkey's request, and the Alliance spent 3 weeks in crisis trying to overcome French objections. France's position was initially supported by Germany, Luxembourg, and Belgium, but these nations ultimately sided with every other member of the Alliance, leaving the French isolated but refusing to relinquish their effective veto over a fundamental Alliance commitment to the defense of a member state. Ultimately, Turkey's Article Four request for defensive assistance was approved by the Defense Planning Committee (DPC), a component committee of NATO which does not include France. But the singular French obstructionism over the course of nearly a month caused the gravest crisis NATO has known in a generation and raised real questions about whether NATO was going the way of the U.N. Security Council or, more ominously, the League of Nations.

In the wake of this debacle, Atlanticists in Europe and the United States have pondered ways to reform and improve decision-making within NATO. In the interests of avoiding an-

other such near-calamity within NATO that threatens the Alliance itself, Secretaries Wolfowitz and Feith have testified before the Senate Armed Services Committee that the DPC could be used more frequently for decision-making within NATO, thereby circumventing the French veto.

Since the mid-1990s, NATO's North Atlantic Council has been the primary venue within the Alliance for decisions to be taken on Alliance operations. But for most of NATO's existence, the NAC was not preeminent. The Defense Planning Committee was created in 1963 and was co-equal to the NAC. The DPC was charged with NATO's core defense and security business, including questions relating to Article Five, the mutual defense clause that is at the heart of NATO's charter. In 1966, when France withdrew from NATO's integrated military structure, the DPC assumed responsibility for the Alliance's core defense business. This allowed the Alliance to continue to function effectively without France's military involvement, and to avoid a French veto over matters related to NATO's core defense mission, in which France did not then and does not now participate.

The Defense Planning Committee was surprisingly active from its creation in 1963 until 1995. It became less prominent following the end of the cold war because the use of NATO forces appeared less likely in Article Five scenarios and more probable in non-Article Five scenarios. The role of the DPC diminished when the North Atlantic Council rose to pre-eminence in the 1990s with NATO peacekeeping scenarios, in the aftermath of the dismal failure of UNPROFOR in Bosnia. In the 1990s, looking for new roles, the NAC endorsed NATO peacekeeping missions in the Balkans.

The process of relying on the North Atlantic Council was also rooted in the futile effort to woo France back into full membership in NATO. Starting with a 1992 decision to support peacekeeping operations and the desire to involve France in Balkans operations, defense issues during the 1990s came to be addressed in the North Atlantic Council. The inclusion of France in NATO Defense Ministerials began in 1993 at Travemunde and has continued. Although they have not rejoined NATO's intergrated military structure, and are therefore not full contributing members of the Alliance, the French have very effectively shifted NATO decision-making into the North Atlantic Council and other bodies in which they have a voice and a vote. Although France does not participate, or participates only selectively, in command structure, infrastructure budget, and defense planning, it has successfully transferred these issues to NATO committees on which it has a seat. France does not participate in 60 percent of NATO budget areas, but participates in 100 percent of the development of resource policy and contribution ceilings.

The upcoming issues for the June NATO Defense Ministerial are of a

military and security nature. They include the Capabilities Initiative, the Command Structure Review, and the NATO Response Force. These are military and security issues within the core competence of the DPC. Our amendment is therefore not backward-looking, but would anticipate possible reforms to improve NATO's effectiveness in light of issues currently on the Alliance's agenda.

France unilaterally withdrew from NATO's military structure in 1966—at the height of the Cold War. France has since chosen to remain outside NATO's military structure. If France wants to return to NATO's military structure, NATO should discuss it, debate it on the merits and make a decision—among the 18 full members of NATO.

What we need now is a better understanding of why NATO came to rely on the NAC, and what can be done to make NATO more effective. We need to understand what we can do to limit France's ability to manipulate NATO, and oppose American foreign policy goals. The report required by our amendment should shed light on how to make our Alliance work as it should, in defense of the supreme national interests of the democracies it protects and nurtures.

I continue to be very concerned about the potential impact on bilateral trade relations with our allies of the domestic source for instance, "Buy America", restrictions enacted in the National Defense Authorization Act for fiscal year 1996. I am extremely concerned that an amendment was proposed that would impose "Buy America" restrictions on the Department of Defense. From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and essential to economic growth. Moreover, from a practical standpoint, the added "Buy America" restrictions could seriously impair our ability to compete freely in the international markets and could also result in loss of existing business from long-standing trading partners. Although, I fully understand the need to maintain certain critical industrial base capabilities, I find no reason to support a "Buy America" requirement for a product, like marine pumps, that is produced by no fewer than 25 U.S. companies or a bullet-proof vest made from fabric by a U.S. manufacturer which is inferior and more expensive than a bullet-proof vest made in the U.S. from a fabric produced overseas.

There are many examples of the trade imbalance that I can point to. I would like to review one example for you. The Dutch government, between 1991 and 1994, purchased \$508 million in defense equipment from U.S. manufacturers, including air-refueling planes, Chinook helicopters, Apache helicopters, F-16 fighter equipment, missiles, combat radios and various training equipment. During that same period, the United States purchased only

\$40 million of defense equipment from the Dutch. Recently, the Defense Ministers of the United Kingdom and Sweden pointed to similar situations in their countries. In every meeting regarding this subject, I am told how difficult it is to buy American defense products because of our protectionist policies and the strong "Buy European" sentiment overseas. Our protectionist practices will hurt us nationally and internationally.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a domestic supplier in certain product lines. This not only adds to the pressure for our allies to "buy European," but it also raises the costs of procurement for DOD and cuts off access to potential state-of-the-art technologies. DOD should have the ability to make purchases from a second source in an allied country covered by a defense co-operation MOU or Declaration of Principles agreement when only one domestic source exists. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces with which we are increasingly likely to operate in coalition warfare or peacekeeping missions. They increase our influence over recipient country actions, and in a worse case scenario, allow the U.S. to terminate support for equipment. Exports also lower the unit costs of systems to the U.S. military, and in recent years have kept mature lines open while the U.S. has developed new systems that will go into production around the turn of the century.

Finally, these exports provide the same economic benefits to the U.S. as all other exports—higher paying jobs, improved balance of trade, and increased tax revenue. "Buy America" restrictions on procurement will hurt funding for readiness, personnel and equipment modernization. These are really issues of acquisition policy, not appropriations matters. During debate on this legislation, I offered a second degree amendment with the intention of striking the protectionist amendment proposed by one of my colleagues. I thank my colleagues who successfully supported my amendment that worked to protect not only our allies but the American taxpayer and most importantly our servicemen and women who depend on the Department of Defense to train them and Congress to equip them with the best equipment irrelevant of its country of origin. Why is it that our special forces servicemembers routinely procure equipment without "buy America" requirements?

In all my years on the committee, I have never seen anything like the proposed leasing scheme of the KC-767 aerial tankers. In my efforts and those of others on the Senate Armed Service Committee, to get information on this proposed deal with Boeing, there has been obfuscation. There has been delay. There is withholding of information from me and this committee. Senior

Air Force officials have even misled the committee, according to the DoD Inspector General. It is incumbent upon all of us to provide the men and women of the Armed Forces with the most capabilities in return for our expenditures.

In several hearings this year, we have heard the Air Force Secretary and the Air Force Secretary of Acquisition testify that they have not completed an Analysis of Alternatives (AOA) on aerial tankers. The KC-767 aerial tanker effort requires the Secretary of Defense to do an AOA. Authorized funding should come from Air Force aviation programs which would have originally funded AOA if the program was appropriately planned and programmed like other DoD program. Moreover, the AOA is required by Air Mobility Command (AMC) & DoD documents, TRS-05 and KC-135 ESLS. I am pleased the Senate is requiring the Secretary of Defense to undertake an AOA on aerial tankers.

In the Air Force's fiscal year 2004's budget request the Air Force proposed eliminating 68 KC-135E aerial tankers. The Tanker Requirement Study (TRS-05) was conducted by the Air Mobility Command and the Secretary of Defense Program, Analysis, and Evaluation Division—OSD PA&E. TRS-05 identified the need for approximately 500 to 600 operational KC-135 equivalents to meet air refueling requirements. No other program has received so much attention by the Air Force Secretary. Yet, in direct contrast to his own Air Force studies, he seems relentless in exaggerating aerial tanker shortfalls in order to win approval of his KC-767 leasing scam. I am pleased the committee has included language reducing the number allowed to be retired to 12, but I still feel the Air Force should be prohibited from retiring the requested number of tankers until the AOA is completed and we have determined the best way to replace these national assets. It is foolhardy to begin retiring planes without a plan to replace them.

I am pleased the Senate included a provision that will save millions down the road. The Senate directs the Air Force to provide adequate funding for aviation depots for the purpose of correcting corrosion for the KC-135 aerial refueling fleet. The Armed Services Committee has heard testimony that every \$1 spent in preventive maintenance saves \$7 in repair or replacement costs. This action to add funding to KC-135 aviation depot level facilities would meet a top objective in the Chief of Staff of the Air Force's fiscal year 2004 Unfunded Priority List.

Operations Iraqi Freedom and Enduring Freedom demonstrated to the world what we saw just 12 years ago. We went to war as the most combat-ready force in the world. The value of that readiness is clear. We won a massive victory in a few weeks, and we did so with very limited loss of American and allied lives. We were able to end aggression with minimum overall loss

of life, and we were even able to greatly reduce the civilian casualties of Afghani and Iraqi citizens.

In order to understand the issues involved, it is necessary to recognize just how difficult it is to achieve the kind of readiness we had during Operations Iraqi Freedom and Enduring Freedom. Readiness is not solely a matter of funding operations and maintenance at the proper level. It is not only a matter of funding adequate numbers of high quality personnel, or of funding superior weapons and munitions, strategic mobility and positioning, high operating tempos, realistic levels of training at every level of combat, or of logistics and support capabilities.

Readiness, in fact, is all of these things and more. A force beings to go hollow the moment it loses its overall mix of combat capabilities in any one critical area. Our technology edge in Afghanistan and Iraq would have been meaningless if we did not have men and women trained to use it. Having the best weapons system platforms in the world would not have given us our victory if we had not had the right command and control facilities, maintenance capabilities, and munitions.

The military forces that we sent to participate in Operation Desert Storm, Kosovo and Serbia, and Operations Enduring Freedom and Iraqi Freedom, trained for their missions on military ranges here in the United States. Perhaps the premier range in the continental United States is the Barry M. Goldwater Range in Arizona. This nearly 3 million acre range comprises portions of the Sonoran desert and the Cabeza Prieta wilderness.

It is estimated that the military spends approximately \$77 million a year on conservation efforts on the Barry M. Goldwater Range. There are nearly 80 employees dedicated to continued protection of the Goldwater Range, including archaeologists, biologists, ornithologists and other natural resources experts. In my view, the Air Force and the Marine Corps are very good stewards of this critical habitat.

Efforts are ongoing among environmental agencies, the Department of Defense, and the various land management agencies to further clarify and define the use and management of the Goldwater Range land and the airspace above it. While I applaud these efforts, I must affirmatively state my strong support for preserving the military use of this land and associated airspace. Every service has approached me to convey their deep concern that the military maintain its ability to train in this one-of-a-kind training range.

The Barry M. Goldwater Range is one of the last open-space ranges available to our Armed Forces for realistic, integrated, joint training exercises. I am glad the Senate has included language to help ensure that this training "jewel" remains available to our military for training purposes.

I am very concerned with the trend in the services to curtail live fire op-

portunities in training. As weapon systems become more expensive and are manufactured in fewer quantities, we are creating a military force that often fires a weapon for the first time in combat. In the Navy, aviators used to fire one radar-guided and one heat-seeking annually. This was reduced to one missile each during a single tour of duty, and has now been further reduced to a single missile each during an entire career.

Luke Air Force Base (AFB) is home to the 56th Fighter Wing and 228 F-16, single engine, high performance aircraft. Luke AFB, similar to the situation at Nellis AFB, that the committee has previously addressed, has significant urban development encroachment issues that impact training at the base. Armed aircraft are no longer permitted to take off to the north of Luke AFB and over the past several years, there have been 16 serious aircraft accidents due to catastrophic engine failure. It is critical that land use along the southern departure corridor (SDC) remain compatible with armed aircraft weapons training, to preserve access to the Barry M. Goldwater Range (BMGR), to prevent land use or encroachments that are incompatible with activities at Luke AFB in the SDC and to increase the margin of safety associated with the Live Ordnance Departure Area (LODA) southwest of Luke AFB.

The Fiscal Year 2003 National Defense Authorization Act provided \$10 million to the Air Force for land acquisition at Luke AFB intended to prevent encroachment from residential development and to ensure safe operations for flight departures and munitions storage.

The Air Force identified an immediate requirement to purchase 234 acres around the munitions storage and is in the process of executing this purchase to correct the most serious safety deficiencies. Furthermore, other parcels have been identified to be purchased to protect surrounding communities from impeding upon explosive blast distance arcs and the danger of single-seat F-16 Falcon jets with live ordnance that overfly land areas in the Southern Departure Corridor headed to the BMGR.

A land compatibility use study is currently ongoing to identify potential additional real estate to be purchased in the Southern Departure corridor of the airfield overflown by F-16's headed to the BMGR. I am pleased the chairman of the Subcommittee on Readiness and Management Support included in the chairman's mark, \$14.3 million as a modification to the Fiscal Year 2003 authorization to facilitate the quick acquisition of additional parcels around the munitions area and in the Southern Departure corridor once they are identified. The Air Force has identified significant encroachment problems hindering safe flight operations at Luke AFB and will be able to protect accident potential zones from residential development through additional land acquisitions. The Senate Armed

Services Committee expects the Air Force to send the committee the results of the land compatibility use study by June 1st, as promised by the Office of the Secretary of the Air Force. The project is a modification to a current requirement previously considered by this committee, authorized, appropriated, and now being executed by the Air Force.

For too long, we have asked our Armed Forces to do more with less. Now it is time to provide them with the funding they need, and to ensure that it is spent more wisely. The American people must also be assured that their tax dollars are being spent to provide for their defense—for the national interest, not for special interests.

More must be done to eliminate unnecessary and duplicative work and military installations. More effort must be made to turn over nonmilitary functions to civilian contractors, to reduce the continuing bloat of headquarters staffs, and to decentralize the Pentagon's labyrinth of bureaucratic fiefdoms.

The base realignment and closure (BRAC) legislation that Congress authorized in 2000 will make available from \$4 to \$7 billion per year by eliminating excess defense infrastructure. There is another \$2 billion per year we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional \$5.5 billion per year by eliminating "Buy America" restrictions that discourage U.S. competition and raise costs.

Similar attention is required to wean our political system of its highly developed taste for pork. I identified \$5.2 billion in items that the Appropriations Committee, not the Defense Department, added to the budget last year. We should not tolerate the sacrifice of limited defense resources to special interests masquerading as improvements to our defense. These total savings in the Defense Department amount to almost \$20 billion per year—\$20 billion that must be reallocated within the defense budget to higher priority military personnel and modernization requirements.

While I am pleased that amount of member adds in this year's legislation has been reduced to around \$1 billion, I am still troubled by the amount of unrequested spending on this legislation. Year after year, funding for the same unrequested, unnecessary projects are included in this legislation. For example, the 21st century truck has received \$17.5 million dollars in this legislation. I wonder how many veterans Concurrent Receipts benefits would be funded by the total amount we have sunk into the development of the 21st century truck over the years? In the wisdom of the Senate, we have provided \$35 million more than the President requested to buy the JPATS Texan. That is a lot of money for an aircraft the Navy does not need or even want. We have provided \$10 million for

the High Temperature Superconducting Alternating Current HRSAC Synchronous Motor. We have provided \$60 million for Advanced Extra High Frequency Spare Parts. Also on the member adds list is \$50 million for the Los Alamos National Lab.

The fiscal year 2004 defense authorization bill adds \$60 million for Evolved Expendable Launch Vehicle (EELV). This project is one of the largest additions in the bill. This is in addition to the \$609.3 million that was included in the President's defense budget request.

With this funding the Air Force will provide a \$669.3 million boost to defense companies Boeing and Lockheed Martin to keep both companies in the rocket-launch business, easing the impact of a steep falloff in commercial orders for such services in the commercial-satellite market, where orders have all but dried up.

I am opposed to the "assured access to space program" as it is currently designed. I believe the Committee should hold hearings to review whether to drop one company. I do not believe that two companies are providing adequate competition in this critical program. I believe that a proper accounting of the EELV program will result in a report that more rocket launches and additional weather, communications, reconnaissance, eavesdropping and global position satellites would be launched if the Department of Defense would simply choose a single source for military rocket launches.

I could continue in this vein, but it is sufficient to say that the military needs more money and should spend it more wisely to address the serious problems caused by a decade of declining defense budgets. I have included a copy of the fiscal year 2004 Member

Add List which I ask unanimous consent be printed in the record.

I will continue to fight for additional support of increases to the Department of Defense budget. I also will continue to examine with a keen eye all congressional marks that take money away from needed military programs and instead buy political support through favoritism in awarding contracts. In addition, I will persist in placing the men and women who fight for our flag and country at the top of my priority list where they belong; we owe them our gratitude, respect, and unwavering support. They keep us free.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

Fiscal Year 2004 National Defense Authorization Act Member Adds

Emerging Threats:

Collective Protection Chem-bio Protective Shelter	2.0
Army R, D, T & E:	
Low-temperature technology	2.0
Desert terrain analysis	4.0
University and Industry Research Center Infrastructure Protection Research	4.0
Materials Technology:	
Advanced Materials Processing	3.0
Multifunctional Composite materials	3.0
Missile Technology:	
E-Strike Radar & Powertransmission Technologies	8.0
Maneuver Air Defense System	6.5
Multiple Component Flight Test	2.5
Advanced Concepts and Simulation: Advanced Photonics Detection Research	5.0
Combat Vehicle and Automotive Technology:	
Rapid Prototyping Technologies	2.0
Digital Executive Officer for UAVs	2.5
Advanced Energy and Manufacturing Technology	3.0
Advanced Electric Drive	3.0
Weapons and Munitions Technology: Single Capital Tungsten Alloy Penetrators	3.0
Countermeasure Systems:	
Chemical Vapor Sensing Technologies	2.5
Small SAR Mine Detection	2.0
RAPID and Reliable Countermeasure Capabilities	5.0
Environmental Quality Technology: Environmental Response and Security Protection System	1.0
Military Engineering Technology: Geosciences and atmosphere research	3.0
Warfighter Technology: Embedded Optical Communication for Objective Force Warrior	4.8
Medical Technology: Genomics Research	2.0
Medical Advanced Technology:	
Electronic Garments	5.0
Stable Hemostat Research	5.0
Combat Vehicle and Automotive Technology:	
21st Century Truck	17.5
Fuel Cell Technology	5.0
Advanced Collaboration Environments	2.0
Fastening and Joining Technologies	1.5
Tactical Vehicle Design Tool	2.0
Advanced Thermal Management Controls	1.5
Advanced Composite Materials for Future Combat System	5.5
Medical Systems Advanced Development:	
Automated Detection for Biodefense	5.0
Topically Applied Vector Vaccines	1.0
Navy Research, Development, Test and Evaluation:	
Chemical Detection on UAVs	2.0
Advanced Fusion Processing	5.0
Fiber Reinforced Polymer for Ship Structuring	4.0
Rapid Prototype Polymeric Aircraft Components	4.8
Warfighter Sustainment Applied Research:	
Bioagent Diagnostic Tool	4.0
Biowarfare Agent Detector	4.0
Low Observable Materials for Stealth Application	6.0
Formidable Aligned Carbon Thermo Sets (FACTS)	1.5
Step-AIRSEDS (tether technology on UAVs and electrodynamic propulsion capabilities)	1.0
RF Systems Applied Research:	
High Brightness Electron Sources	3.0
Advanced Semiconductor Research	2.0
Ocean Warfighting Environment Applied Research: Southeast Atlantic Coastal Ocean Observing System (SEACOOS)	6.0
Undersea Warfare Applied Research: Low Acoustic Signature Motors & propulsors	2.8
Common Picture Advanced Technology:	
Consolidated Undersea Situational Awareness Capabilities	4.0

Fiscal Year 2004 National Defense Authorization Act Member Adds—Continued

Shipboard Automated Reconstruction Capability	6.0
Joint Warfare Experiments:	
Modeling and Simulation for Homeland Defense USJFCOM	1.5
Mine Expeditionary Warfare Advanced Technology Augmented Reality Research	3.5
Studies and Analysis Support for Navy Fire Retardant Fibers	1.0
Management, Technical & International Support Warfare Analysis and Education	3.5
Modeling Simulation Support	2.0
Air Force Research, Development, Test & Evaluation:	
Materials:	
Low-cost Components for UAVs	4.0
Fabrication of Microelectronic Components	6.0
Closed Cell Foam Fire Retardant Materials	2.0
Nanotechnology Research for Aerospace Materials	4.5
Space Technology:	
Elastic Memory Composites Materials	4.0
Rigid Silicone Thin Film Solar Cells	3.5
Parallel Datacon Network for Satellite Communication	4.0
Microsatellite Duster Technology	3.0
Command Control & Communication: MASINT Warfighter Visualization Tools	7.0
Advanced Materials for Weapons Systems: Materials Affordability Initiative for Aerospace Materials	7.0
Aerospace Technology Development Demonstration:	
Advanced Aluminum Aerostructure	6.5
Life Cycle Extension Assessment for Tactical Aircraft	2.0
Fly-by-light Photonics Technology	3.0
Aerospace Propulsion and Power Technology:	
Fuel Lubrication and Turbine Engine Technology	7.0
Advanced Turbine Gas Engine Generator	6.0
Support System Development: Aging Aircraft	3.5
Defense-Wide, Research, Development, Test & Evaluation:	
Nano and Micro-electro Mechanical Systems	5.0
Neural Engineering Research for Autonomous Control	4.0
Govt Industry Cosponsorship of University Research Program	10.0
University Research Initiatives:	
Photonics Research	3.5
Advanced Remote Sensing Software	5.0
Bioterrorism Response Analysis	2.0
Carbon Nanotechnology Research	6.0
Chemical and Biological Defense Program:	
Bacteriophage Amplification	1.5
Cell and Tissue Culture and Bacterial Growth Cell Research	2.0
Chemical and Biological Defense Program:	
Acoustic Wave Sensor Technology	2.0
Water Quality Sensor	3.5
Mustard Gas Antidote	3.0
Bioinformatics	6.5
Sensor Technologies	2.0
Food Security Technologies	3.0
Nerve Agent Decontamination Technology	1.0
Counterproliferation Advanced Development Technologies: Portable radiation search tool	10.0
Chemical and Biological Defense Program: Advanced Technologies	5.0
SensorNet Cell Phone Infrastructure for Chemical and Biological Defense Pilot Program	5.0
General Logistics R&D Technology Demonstrations: Multi-state Manufacturing Extensions Partnership Identify Requirements for Product Delivery Time	9.0
DMS Data Warehouse	7.0
Vehical Fuel Cell Program for JP-8 research	7.0
Command Control and Communications Systems All Optical Switching System	3.0
Joint Robotics Program Semi-autonomous Unmanned Ground Vehicle	3.0
Chemical and Biological Defense Program Anthrax and Plague Oral Vaccine Development	6.0
Chemical and Biological Defense Program Wide Area Decontaminate and Applicators	5.7
Joint Robotics Program Semi-autonomous small UGV	4.0
General Support to C3I See and Avoid UAV Technologies	3.0
Industrial Preparedness Laser Additive Manufacturing Technology	3.0
Information Systems Security Program: Collaboration between industry, government, and academia to share lessons learned and improve cooperation to solve common defense information systems security challenges	2.0
Sub-total	445.6
Airland	
Army Aircraft Procurement: OH-58D Kiowa Warrior GAV-19 Machine Gun	12.3
Army Communications Procurement:	
Single Shelter System for Army Common User System (ACUS)	25.0
Multiband Radios	6.2
Army Training Equipment Procurement: Military Operation on Urbanized Terrain Instrumentation	4.8
Navy Aircraft Procurement: JPATS Texan	35.0
Air Force Aircraft Modification: Ku-Band Satellite Communication Intergration Capability	6.8
Air Force Special Communications Electronics Projects: Joint Threat Emitter (JTE) System	5.0
Air Force Personal Safety and Rescue Equipment:	
Aircrew Survivable Radio Test Equipment	7.0
Fixed Aircraft Standardized Seats for C-130 & KC-135	4.8
Air Force Base Support Equipment: Expeditionary Medical Support Packages (EMEDS)	3.0
Army Research, Development, Test & Evaluation:	
Missile and Rocket Advanced Technology Close-in Active Protective	6.0
Logistics and Engineer Equipment Advanced Development:	
Mobile Parts Hospital Development	6.0
Theater Support Vessel Development	7.5
Weapons and Munition:	
Abrams Tank Track Improvement	4.7

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Full Authority Digital Engine Control Improvement Program	5.0
Air Force Research, Development, Test & Evaluation:	
EW Development Loitering Electronic Warfare Killer (LEWR)	6.0
Armament/Ordinance Development Passive Attack Weapon	5.0
F-15 Eagle C/D AESA Radar upgrade	16.5
Eagle Vision Commercial Imaging Program	8.0
Joint Air-to-Surface Missile Extended Range (JASSM—ER)	17.0
KC-135 Simulator Upgrades (boom)	3.4
Sub-total	195.0
Readiness:	
Navy Research, Development, Test & Evaluation: Environmental Protection Wireless Sensor-network Technology	2.0
Army Operation and Maintenance:	
Quadruple Shipping Containers	4.0
Satellite Communication Language Training (SCOLA) USSOCOM	2.0
Corrosion Prevention and Control Program	8.0
Navy Operation and Maintenance: Condition-based Maintenance Photonic Sensors for Marine Gas Turbine Engines	6.5
Air Force Operation & Maintenance: Manufacturing Technical Assistance Production Programs (MTAAP)	3.0
Army Reserve Operation & Maintenance: Equipment Storage Site Initial Operations	1.0
Army National Guard Operation & Maintenance: Test Support Program	1.5
Sub-total	28.0
Seapower:	
Army, Other Procurement: Causeway Systems Modular Causeway Systems	25.0
Navy, Aircraft Procurement: H-1 Series Navigational Thermal Imaging System (NTIS)	5.5
Navy, Weapons Procurement: ABL Facilities Restoration	20.0
Navy Other Procurement:	
Submarine Training Performance Support Systems	5.0
Supply Support Equipment: Serial Number Tracking Systems (SNTS)	8.0
Navy RDT&E:	
Force Protection Advanced Technology:	
Project M	4.7
High Temperature Superconducting Alternating Current HRSAC synchronous motor	10.0
Laser Welding for shipbuilding	4.1
Warfighter Sustainment Advanced Technology: Automated Container and Cargo Handling System	6.5
Shipboard System Component Development: Improved Surface Vessel Torpedo Launcher	3.0
Surface Anti-Submarine Warfare (ASW): ASW Risk Reduction	2.5
P-3 Modernization Program P3 AIP Phased Capability Upgrade (Integrated tactical picture, Link-16, Tactical Common data link, electro-optic geo-location)	12.3
SSN-688 and Trident Modernization:	
Submarine antenna technology improvements: Expandable two-way satellite communications buoy	2.0
Tethered communication and sensor platform	3.0
Submarine Tactical Warfare System: Submarine Weapons Control System	10.0
Navy Energy Program: Uninterruptible Proton Exchange Membrane Fuel Cell	3.5
Airborne Reconnaissance Systems: Podded Sensors for Air Reconnaissance	5.1
Sub-total	130.2
Strategic	
Air Force Missile Procurement: Evolved Expendable Launch Vehicle (EELV)	60.0
Army Research, Development, Test and Evaluation:	
Army Missile Defense Systems Integration (Non-Space):	
Advanced Laser Electric Power	2.9
Integrated Composite Missile Systems	5.0
AMD Architecture Analysis (A3) Program	3.0
Army Security and Intelligence: Base Protection and Monitoring System	8.0
Navy Research, Development, Test & Evaluation:	
Space and Electronic Warfare Architecture:	
Advanced Wireless Network NAVCHITI	5.0
Strategic Sub & Weapons System Support (TPPL) Thin plate pure lead batteries for submarines	1.5
Air Force Research, Development, Test & Evaluation:	
Advanced Spacecraft Technology:	
Satellite Hardening Technologies	6.8
Thin Film Amorphous Silicon Solar Arrays	7.0
Maui Space Surveillance System (MSSS), Hawaii: High Accuracy Network Detection System	10.0
Space Control Technology:	
Kinetic Energy Antisatellite Program (KEASAT)	4.0
Space Control Test Bed	2.5
Global Hawk Lithium Battery Demonstration	3.5
Applied Research: Air Force Research Lab Materials	1.0
Materials, electronics and Computer Technology: Coastal Area Tactical Mapping System	2.0
Defense Wide Research, Development, Test & Evaluation:	
Ballistic Missile Defense Terminal Defense Segment Arrow, US/Israel Ballistic Missile Defense	10.0
Ballistic Missile Defense Sensors E-2 Hawkeye Infrared Search and Track	3.8
Defense Research Sciences Nanophotonic Systems Fabrication	2.0
Department of Energy National Security Programs: Replacement, Los Alamos National Lab Albuquerque, NM	50.0
Sub-total	184.0
Grand Total	982.8

Mr. WARNER. Mr. President, I would like to indicate to my distinguished colleague we are prepared to move to third reading.

Mr. LEVIN. That is my understanding. I don't know of any other matters that can be resolved.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum. I don't want you to lose the floor, but if I had the floor I would suggest the absence of a quorum.

Mr. WARNER. If that is your wish, I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to make a brief speech on the bill. Are we under a time limit?

The PRESIDING OFFICER. We are not.

Mr. BYRD. I thank the Chair.

Mine will not be a lengthy speech.

Mr. President, just weeks ago, our Armed Forces once again demonstrated—demonstrated—the overwhelming might of the United States military. Due to the sustained commitment of our country to invest a substantial proportion of our national wealth into our national defense, our military is faster, more agile, more lethal, better equipped, better protected, and better compensated than any other in the world.

Make no doubt about it, the sums that we invest in defense are enormous. According to the most recent CIA World Factbook, the world spent about three-quarters of a trillion dollars on arms in 1999, the latest year for which statistics are available. That same year, the United States spent \$292 billion on its military that is nearly 40 percent of all military spending on Earth. Our country spends more on defense than all the other 18 members of NATO, plus China, plus Russia, and plus the six remaining rogue states combined.

Yet our defense budget continues to increase. This bill authorizes \$400 billion for our national defense in the next year.

In an age when we talk about smart bombs, smart missiles, and smart soldiers, any talk of smart budgets has gone out the window.

It was not that long ago that Secretary Rumsfeld conducted an extensive series of top-to-bottom reviews of the Defense Department. I supported him in those exercises, and said so, as did many other Members of Congress. Those reviews were supposed to eliminate old weapons systems, field new ones, and cut the fat at the Pentagon, all for the purpose of getting more bang for our defense buck.

I understand that a huge bureaucracy like the Defense Department cannot turn on a dime. But any hopes of containing military spending increases while preparing our forces for the 21st century seem to be a distant memory. Two years into what was supposed to be a major overhaul, the Pentagon's budget has grown by 24 percent, not counting any of the billions of dollars that we have spent on the war on terrorism and the war in Iraq. Our defense budget seems more the same than ever: not more bang for the buck, just more bucks.

The administration has charted a course now to increase defense budgets to \$502.7 billion within the next 5 years. At the same time, Congress has passed one tax cut of \$1.35 trillion, and the Senate is headed at flank speed to pass another \$350 billion in tax cuts before this week is over. Budget deficits are soaring—soaring—out of control, while our economy is in the doldrums.

Instead of saving money by skipping a generation of military weapons, we are sending our country even deeper into debt a debt that will have to be borne by yet another generation of Americans who will be expected to pay for our defense largess.

Let there be no doubt that we can and must provide first-rate fighting capability for our troops. But we can do so without committing to defense budgets that are set to spiral ever, ever higher. I know of no one who would seriously propose to give our troops second-rate equipment or to cut their pay and benefits. The size of our defense budget is not a good measure of our support for our troops.

We have plenty of headroom in which to maintain our overwhelming military superiority without bowing to every request by the powerful defense industry for more and more and more money for more and more and more programs that are all too often over budget and behind schedule. Propping up unproven weapons systems through infusions of taxpayer cash is the surest means to short change our men and women in uniform.

There remains much to be done regarding the business practices at the Pentagon. Secretary Rumsfeld has made a commitment toward improving DOD's financial management and accounting systems, and he appears to be making an earnest effort toward that end, but progress is painfully slow. Untangling the mess of unreliable accounting entries will take years to solve. The bottom line is that the Pentagon still has no way—none—no way of knowing how much it spends, how much it owns, or what its real budgetary needs are. It makes little sense to keep piling more money on a Department that does not know how it spent last year's funds.

The DOD proposed a transformation package that was said to be able to make the Department more efficient. "Flexibilities"—and I use that word in quotation marks—"flexibilities" are

held up as the cure-all to what ails the Pentagon's management. The answer to problems like the Pentagon's accounting system clearly is not more flexibility—what is needed is more accountability. Accountability within the Department, accountability to Congress, which means accountability to the Constitution and accountability to the American people.

It is a good sign that this bill does not include most of the "flexibilities" requested by the Department of Defense. Senator WARNER and Senator LEVIN acted wisely in crafting a bill that upholds the prerogatives of Congress in this respect.

Now, we owe a great debt of gratitude to both of these managers, Senator WARNER and Senator LEVIN, because they went against the grain when they opposed those "flexibilities" and when they took them out. It is a good sign that this bill does not include most of the "flexibilities" requested by the Department of Defense.

But we remain on the wrong track when it comes to defense spending. Instead of truth in budgeting, Congress cannot even get a straight answer about how much it will cost to occupy Iraq. Congress could not get a straight answer as to what it would cost to wage the war in Iraq. And Congress still cannot get a straight answer about the costs of reconstructing Iraq or how long we will be there. Instead of choosing priorities for our military and skipping a generation of weapons, defense spending is through the roof while our Government is swimming in red ink.

Instead of holding the Pentagon accountable for what it spends, we are kept busy fighting off legislative proposals that would reduce oversight of the Department of Defense.

Here again, I compliment Senator WARNER and Senator LEVIN. They put the foot down and said no; this far but no further. They took out those various and sundry so-called flexibilities that the Department wanted.

We are living in a time when the greatest threat to our national security is the threat of asymmetrical warfare. We learned that on September 11, 2001. We are in no danger of being out-matched militarily by any nation on Earth, but as the current orange alert status reminds us, we remain vulnerable to the very real threat of terrorists. Yet our Department of Defense is on a track to be the instrument—get this—to be the instrument of a doctrine of preemptive attacks: Ready and willing to invade and take over sovereign states that may not even pose a direct threat to our security. The name "Department of Defense" is increasingly a misnomer for a bureaucracy that is poised to undertake conquests at the drop of a hat.

Senator WARNER and Senator LEVIN have done an excellent job of managing this bill and of stripping some of the most egregious provisions from the President's request.

I have been on the Armed Services Committee a good many years. I first came to the Armed Services Committee when the late Senator Richard Russell, who stood at this desk and who sat in this chair, was chairman of that great committee. I have been a supporter of our national defense. I supported the war in Vietnam until most everyone else had left the field. I held up President Nixon's hand when others on my side and the then majority leader—God rest his soul—were opposed to an amendment that I offered which said in essence that if the President sends our boys, our young men— young men for the most part at that time—to Vietnam, then the President has a responsibility to protect those men to the best of his ability and to enable them to return home safely. I lost on the amendment. I received a call from Camp David from the late President Nixon complimenting me on that amendment.

I don't take a back seat to anyone when it comes to national defense, but I think we are going too far. I commend Senator WARNER and I commend Senator LEVIN for their hard work, but I believe this bill is still too costly and steers our Nation in exactly the wrong course for the future. I hope they will not think that I in any way am criticizing them or the other members of my Armed Services Committee. I believe it is time to just say no to Pentagon excesses. I believe it is time to force the Defense Department to work smarter and waste less. I believe it is time to demand accountability for our enormous investment in defense.

For these reasons I will vote against this bill.

We will revisit this subject in the Defense Appropriations Committee and the Appropriations Committee as a whole, votes on Defense appropriations bill. But we will meet that challenge when it comes. I thank both the managers for their patience and for their good work.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, our distinguished colleague, former majority leader of the Senate, has been on the Armed Services Committee for 25 years, the quarter of a century Mr. LEVIN and I have been on there.

The Senator invoked the name of Richard Russell. When I was Secretary of the Navy, I used to come up and testify before him. I don't think anybody—maybe Senator Stennis—could match his skill. It was remarkable. Senator Tower, Senator Goldwater idolized him as we all did. But I thank the Senator for his remarks about this Senator. I do respectfully disagree with some of his conclusions, but that is the nature of the magnificence of the Senate. We have argued and expressed to the people of this country our own views.

Mr. LEVIN. If the chairman will yield a minute, I join in thanking Senator BYRD. He has a unique role in this

institution and in this Nation. He makes a huge contribution in ways sometimes which are visible but often in ways which are not visible and are not known. One of those ways has been on the Armed Services Committee with so many issues. The issues he pointed out where the so-called flexibility was being sought but was not incorporated in this bill is in significant measure a tribute to his strength in defending the role of the legislative branch. It is a reflection of what is not only a big part of him but what he has instituted in so many others as a role model in this institution for fighting for a branch of government which is truly coequal to the executive branch. We have sustained that in this bill.

While the Senator from West Virginia will be voting no for the reasons he gave, the fact that he noted and welcomed the effort we made to keep out the excess power and flexibility in the executive branch to me is very heart warming indeed. I thank him for it.

Mr. BYRD. Mr. President, I thank both the very distinguished managers of the bill. May I say once again, to the distinguished Senator and to his comrade, the ranking manager, you have indeed properly upheld the role of the Senate and the principle of the separation of powers when you insisted that those various requests for "flexibility" be dropped. I hope you will be able to maintain that position in conference.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, my colleague Senator LEVIN and I, at the concurrence of the distinguished leadership on both sides, are prepared to proceed to a third reading and final passage.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that following passage of S. 1050, the Senate proceed to executive session for the consideration of calendar No. 171, the nomination of Consuelo Maria Callahan to be U.S. Circuit Judge for the Ninth Circuit; further, there then be 10 minutes equally divided for debate on the nomination prior to the vote on the confirmation of the nomination, without intervening action or debate; further, I ask unanimous consent that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, would that be the 126th judge we have approved during the Bush years?

The PRESIDING OFFICER. Regular order.

Mr. WARNER. I am unable to give an answer to that, I say to my distinguished colleague. I am sure in the course of the colloquy preceding the vote on that jurist, that could be answered.

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

Mr. WARNER. Mr. President, as we are proceeding, I first want to acknowledge my profound gratitude to my colleague and almost lifetime friend of 25 years in this Chamber, Senator LEVIN, for his support and that of his staff and indeed to my staff who, under the tutelage of Judy Ansley, have done a magnificent job, and for the support of our respective leaderships in making this bill pass, particularly the two whips, the Senator from Nevada and the Senator from Kentucky.

Mr. LEVIN. Mr. President, very briefly, let me thank Senator WARNER, our chairman, for his usual courtesy, his indomitable spirit, and his willingness to try to find ways in which we can resolve differences. He has done a masterful job. We thought it was going to get done in record time. It probably didn't end up quite that way, but not because of any failure on the part of our good friend from Virginia.

I thank Rick DeBobs and all the staff on this side, Judy Ansley and all the staff on the Republican side, all the members of our committee who contributed so much, as members of the committee, as chairmen and as ranking members of the subcommittee. I think we have produced a good bill.

Let me add my thanks to Senator REID in particular. I want to single out Senator REID, if I may. All the leaders help us, but I must say what a unique whip we have in HARRY REID. He really makes things happen around here which otherwise simply could not happen.

I want to take a moment to acknowledge and thank the minority staff members of the Committee on Armed Services for their extraordinary work on S. 1050, the National Defense Authorization Act for Fiscal Year 2004. To arrive at final passage of this important legislation requires hours and hours of hard work and many personal sacrifices. The committee and the Senate are so fortunate to have men and women of their expertise and dedication so ably assisting us on this bill. Rick DeBobs leads our minority staff of fifteen. Although small in numbers, they all make huge contributions to the work of the Committee each and every day. As a tribute to their professionalism, I thank Chris Cowart, Dan Cox, Madelyn Creedon, Mitch Crosswait, Rick DeBobs, Evelyn Farkas, Richard Fieldhouse, Creighton Greene, Jeremy Hekhuis, Maren Leed, Gary Leeling, Peter Levine, Arun Seraphin, Christy Still, Mary Louise Wagner, and Bridget Whalan.

Mr. WARNER. Mr. President, I ask unanimous consent, on behalf of the members of the Senate Armed Services Committee, that they be permitted before the close of business tonight to file such statements as they wish relative to this bill.

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

Mr. WARNER. Mr. President, I express my profound gratitude to the members of the committee and, most notably, the Presiding Officer. I ask that the bill be read the third time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. WARNER. Mr. President, I ask for the yeas and nays on passing of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—98

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

NAYS—1

Byrd

NOT VOTING—1

Kerry

The bill (S. 1050), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. I wish to thank all of our colleagues for their patience. I ask unanimous consent that S. 1050, as amended, be printed as passed.

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

Mr. WARNER. I ask unanimous consent that the Senate proceed immediately to the consideration, en bloc, of S. 1047 through S. 1049, Calendar Order Nos. 93, 94, 95; that all after the enacting clause of those bills be stricken and that the appropriate portion of S. 1050, as amended, be inserted in lieu thereof according to the schedule which I am sending to the desk; that these bills be advanced to third reading and passed, the motions to reconsider en bloc be laid upon the table, and that the above actions occur without intervening action or debate.

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

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The bill (S. 1047) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2004

The bill (S. 1048) to authorize appropriations for fiscal year 2004 for military construction and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2004

The bill (S. 1049) to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The bill will be printed in a future edition of the RECORD.)

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I thank the two managers for their hard work

and willingness to stay late into the evening in an effort that some said could not be done over the course of the last 3 days, but both managers said we were going to do it. I congratulate them for delivering on that commitment.

In a couple of moments, we will have an additional vote on a Ninth Circuit court judge.

Before doing that, the Democratic leader and I wanted to have a general understanding with our colleagues of where we are and where we will be going over the next couple of days, or next couple 12 hours, say, 18 hours. We will see how long it will be.

It is my understanding we will be receiving sometime in the next hour the conference report on the jobs and growth package. It will be filed shortly in the House. I don't know exactly what time that will be. We just left there. Hopefully, it will be in the next hour or so. It is my hope we will be able to begin debate tonight, following the vote on the judge, on the jobs and growth package.

If that is the case, what I think, in talking to the Democratic leader, we would like to accomplish is the debate, which statutorily would be 10 hours, would begin, although we will not officially start the clock at that point, right after the vote on the judicial nominee. If that were acceptable to our colleagues, again, depending on what time the language arrived and papers could be filed, we would be able to vote on final passage tomorrow morning. This is on the jobs and growth package.

That is not all the business and I will comment on the other business.

Ideally, we would be able to vote sometime around 9:30 tomorrow, although we cannot say with certainty at this juncture.

If that were the case and we were able to complete that vote, we still have the debt limit extension to address, which is something that we have to, absolutely no question about it, deal with tomorrow. Everyone agrees with that, although I do understand there will be amendments from the other side of the aisle to allow discussion. Some of those amendments will be substantive and useful to discuss and debate and some, hopefully, will disappear, and we will talk about the issues at some point. I believe we are talking about eight amendments.

We will have to pass the debt ceiling extension tomorrow. How many amendments, we have not yet decided. We have to wait until tomorrow. I am not sure how long we need to talk on the debt ceiling, but if we had the vote on the jobs and growth package at 9:30 in the morning, I imagine there is a period we might be able to agree to tonight—or may not—at which time we start the amendment process and have a series of amendments, hopefully one after another, or I would encourage that to be the case.

People have a lot of commitments tomorrow and tomorrow evening. We