up the bill for an indefinite period of time—we have very few matters left on this side. I have not been able to determine from the managers if they have been able to clear the Landrieu amendment. We were concerned about the Biden amendment and the Dodd amendment. I think that is about all we have other than the Boxer amendment, which is going to be debated sometime today.

She has agreed to take a short time on that. The end is in sight. But knowing the Senate as I do, the simple fact that the end is in sight doesn’t mean that we will ever get there.

I hope we can resolve the Boxer matter and the Murray matter rapidly. Having done that, I think we will proceed through this bill quite quickly.

Mr. WARNER. Mr. President, if I might ask the distinguished leader and ranking member, we are prepared to accept the offer made last night with regard to time on the Boxer amendment.

Mr. REID. We would still be willing to do that. The Senator from California has indicated, if the Chair will allow me to speak to the Senator from Virginia, that she is agreeable to take an hour evenly divided on her amendment.

Mr. WARNER. Mr. President, we are prepared to accept that.

Mr. REID. Mr. President, the Senator from Washington waited for hours last night during the parliamentary wrangle that we had. I think we are willing to enter into that time agreement. I think we first have to dispose of the Murray amendment before we agree to that. Under the order, we have to work on the Daschle amendment. As soon as we complete that, I think we should dispose of the Murray amendment before we go to the Boxer amendment.

Mr. WARNER. Mr. President, will the Senator enter into an agreement with the Chair to have a one-hour-time agreement on the Boxer amendment which does not preclude an amendment in the second degree?

Mr. REID. Not at this time, we would not. I think we need to dispose of the Murray amendment one way or the other. Once we do, I think we can work something out on the Boxer amendment.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1050, which the clerk will report.

The clerk read as follows:

A bill (S. 1050) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

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.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

I have not been able to determine from Washington waited for hours last night during the parliamentary wrangle that we had. I think we are willing to enter into that time agreement. I think we first have to dispose of the Murray amendment before we agree to that. Under the order, we have to work on the Daschle amendment. As soon as we complete that, I think we should dispose of the Murray amendment before we go to the Boxer amendment.

Mr. WARNER. Mr. President, will the Senator enter into an agreement with the Chair to have a one-hour-time agreement on the Boxer amendment which does not preclude an amendment in the second degree?

Mr. REID. Not at this time, we would not. I think we need to dispose of the Murray amendment one way or the other. Once we do, I think we can work something out on the Boxer amendment.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

The PRESIDING OFFICER. The clerk will call the roll.

The PRESIDING OFFICER. The clerk will report.

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

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The legislative clerk read as follows: The amendment is as follows:

SEC. 2825. LAND EXCHANGE, NAVAL AND MARINE CORPS RESERVE CENTER, PORTLAND, OR.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the United Parcel Service, Inc. (in this section referred to as “UPS”), any or all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 14 acres in Portland, Oregon, and comprising the Naval and Marine Corps Reserve Center for the purpose of facilitating the expansion of the UPS main distribution complex in Portland.

(b) PROPERTY RECEIVED IN EXCHANGE.—(1) As consideration for the conveyance under subsection (a), UPS shall—

(A) convey to the United States a parcel of real property determined to be suitable by the Secretary; and

(B) design, construct, and convey such replacement facilities on the property conveyed under subparagraph (A) as the Secretary considers appropriate.

(2) The value of the real property and replacement facilities conveyed to the United States in accordance with this section shall be determined by the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require UPS to cover costs to be incurred by the Secretary, or to reimburse the Secretary, to carry out the conveyance under subsection (a), including survey
costs, costs related to environmental documentation, relocation expenses incurred under subsection (b), and other administrative costs related to the conveyance. If amounts are collected from UPS to cover the costs incurred by the Secretary in carrying out the conveyance, the amount collected exceeds the costs actually incurred by the Secretary to carry out subsection (a), the Secretary shall return the excess amount to UPS.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account from which the costs were incurred or may be used by the Secretary to carry out the conveyance. The amount credited to or used by the Secretary shall be available for the relocation of the facilities required by subsection (b) are suitable and available for the relocation of the facilities required by subsection (b) are suitable and available for the relocation of the facilities required by subsection (b). The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the replacement facility is suitable and available for the relocation of the facilities required by subsection (b). The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the replacement facility is suitable and available for the relocation of the facilities required by subsection (b). The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the replacement facility is suitable and available for the relocation of the facilities required by subsection (b).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The conveyance authorized by subsection (a) shall be exempt from the requirement to screen the property concerned for further Federal use pursuant to sections 2693 and 2696 of title 10, United States Code, under the Defense Base and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or under any other applicable law or regulation.

The conveyance authorized by subsection (a) shall be exempt from the requirement to screen the property concerned for further Federal use pursuant to sections 2693 and 2696 of title 10, United States Code, under the Defense Base and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or under any other applicable law or regulation.

The conveyance authorized by subsection (a) shall be exempt from the requirement to screen the property concerned for further Federal use pursuant to sections 2693 and 2696 of title 10, United States Code, under the Defense Base and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or under any other applicable law or regulation.

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Coming as it does on the heels of the end of the fighting in Iraq, it also provides the Senate with its first opportunity to act on some of the lessons we have learned in that conflict.

Although the hostilities ended a short while ago, much more needs to be done in Iraq. I do not believe it is premature to begin drawing some conclusions about which forces and equipment performed well. Based on the Pentagon’s assessments as well as media reports, it appears the B-1B aircraft and their crews performed magnificently.

Just as in Afghanistan, we had few air bases in adjacent countries. Fortunately the B-1’s long operating range overcame that problem. Just as in Afghanistan, our air tankers were straining to keep up the demand for midair refueling—but B-1s were part of the solution, with their ability to cover long distances and strike 24 targets on a single mission. Just as in Afghanistan, we needed the ability to carry out strikes around the clock, on a moment’s notice, regardless of weather conditions and B-1s did the job, day after day, until the Iraqi military was routed and its leadership was no more.

All of this served to reinforce what many have believed to be true for quite some time now; namely, that the Pentagon acted too hastily a few years ago when it decided to retire one-third of our B-1B bomber fleet.

The decision to remove one-third of the B-1 fleet was developed before the September 11th attacks, before the war on terrorism, before the fighting in Afghanistan, and before Iraq. Given the proven record of performance of the B-1, the age of our current heavy bomber fleet, the lack of a next-generation bomber, and the fact that it took 20 years before our Nation’s last bomber-development program could field planes—it seems incredible that we are consigning 23 of our most capable aircraft, a plane referred to by those who know it best as the “backbone of the bomber fleet,” to the Arizona desert.

My amendment would begin the process of rolling back the decision to retire those 23 planes. It would rebuild our bomber fleet toward the level recommended in our last comprehensive review of bomber needs, the U.S. Air Force White Paper on Long Range Bombers. That report determined that 93 B-1s were needed to protect our national security interests until a replacement capability is available. My amendment would put us on the path to 83 B-1s—the most we can muster, given decommissioning work that is already well underway on some aircraft.

I encourage my colleagues to support the long-term viability of the B-1 fleet by voting in favor of the Daschle-Johnson amendment.

To begin with, these planes would require the Block U upgrade to B-1 offensive, since our B-1 fleet has already received. Additional upgraded sorties would also be required, and my amendment would begin that work—configuration to accommodate towed decoys, installation of new datalink capabilities, and modifications to improve speed and capability of the plane’s electronic countermeasure system and its central integrated test system.

Finally, my amendment would require the Air Force to report back to congressional defense committees on additional funding requirements needed in the Future Years Defense Plan (FYDP) to fully restore these aircraft to operational levels.

This is our last chance to halt the retirement of B-1s, since many are scheduled to be sent to Arizona by the end of this fiscal year. In light of what we know now about the hasty manner in which the B-1 retirement decision was made, the B-1’s proven combat effectiveness, and the anticipated security requirements, it is time to begin bringing back these 23 planes.

Mr. JOHNSON. Mr. President, I support the Daschle-Johnson amendment to the fiscal year 2004 Defense Authorization Bill. This amendment will provide the funding necessary to maintain a strong and reliable B-1 bomber fleet.

Over the past week, the B-1 bombers, crews, and support staff of the 28th Bomb Wing have begun to return to Ellsworth Air Force Base from their service in Operation Iraqi Freedom. As they did in Kosovo and Afghanistan, the B-1 bombers performed superbly in the war in Iraq. They have once again demonstrated that they are the backbone of our bomber fleet. The B-1’s unique ability to linger over the battlefield and provide responsive firepower at the time and place required by military commanders was an integral part of our victory in Iraq.

Although B-1s flew fewer than 2 percent of the combat sorties in Operation Iraqi Freedom, they dropped more than half the satellite guided Air Force Joint Direct Attack Munitions (JDAMs). The B-1s were tasked against the full spectrum of potential targets in Iraq, including command and control facilities, bunkers, tanks, armored personnel carriers, and surface-to-air missile sites. They also provided close air support for U.S. forces engaged in the field. The bombers and crews accomplished all of this while maintaining over an 80 percent mission capable rate. This record of success proves B-1 is a vital, versatile, and potent component of our military force structure.

The Daschle-Johnson amendment would provide the funding needed to start regenerating, modernizing, and returning 23 B-1s to our bomber fleet. The Department of Defense is in the process of implementing its plan to retire all but 60 B-1s, this is despite a U.S. Air Force White Paper on Long Range Bombers that determined it was in our national security interests to maintain the full B-1 fleet. Further, since the Pentagon announced its decision to consolidate the fleet, the B-1s have been instrumental in the military success of both Operation Enduring Freedom and Operation Iraqi Freedom.

Given the demonstration of its unique capabilities in both these campaigns, it makes little sense to continue forward with the retirement of one-third of the B-1 fleet. With the funding provided in the Daschle-Johnson amendment, and planned increases in the Air Force’s budget in future years, additional modernized B-1s could enter service in fiscal year 2005. The B-1’s ability to carry a large payload of satellite guided weapons and to strike from long distances will make it an important part of our Nation’s defense for many years.

Mr. President, I encourage my colleagues to support the long-term viability of the B-1 fleet by voting in favor of the Daschle-Johnson amendment.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. It is cleared on both sides.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. On behalf of Senator SANTORUM, I offer an amendment to provide $2,000,000 for Power Projection Applied Research and Evaluation for the Navy and available for Power Projection Applied Research (PE 602114N), $2,000,000 may be available for research and development of nonthermal imaging systems. The amendment 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. SANTORUM, proposes an amendment numbered 787, as modified.

The amendment is as follows: (Purpose: To make available $2,000,000 for nonthermal imaging systems)

At the end of subtitle B of title II, add the following:

SEC. 213. NON- THERMAL IMAGING SYSTEMS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Power Projection Applied Research (PE 602114N), $2,000,000 may be available for research and development of nonthermal imaging systems. The amount so authorized to be appropriated under section 201(2) is hereby increased by $2,000,000.
The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. It has been cleared on this side.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 787), as modified, 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. 806

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment to spend an amendment to the desk which would increase by $30,000,000 the personnel end strength of the Air National Guard.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
The Senator from Michigan [Mr. LEVIN], for Mr. BIDEN, proposes an amendment numbered 806.

The amendment is as follows:
(Purpose: To increase by 30 personnel the personnel end strength of the Air National Guard of the United States as of September 30, 2004, to provide personnel to improve the information operations capability of the Air National Guard of the United States)

(a) In section 411a(a)(5), relating to the authorized strength for Selected Reserve personnel of the Air National Guard of the United States as of September 30, 2004, strike "107,000" and insert "107,030".

(b) The amount authorized to be appropriated under section 101 is hereby reduced by $3,300,000, including $2,100,000 from SOF rotary wing upgrades and $1,200,000 from SOF operational enhancements.

The PRESIDING OFFICER. Is there debate on the amendment? The amendment is agreed to.

The amendment (No. 806) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 788, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment which authorizes $2.1 million to conduct research and development activity for the high-speed test track at Holloman Air Force Base.

The PRESIDING OFFICER. I believe it has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
The Senator from Michigan [Mr. LEVIN], for Mr. BIDEN, proposes an amendment numbered 788, as modified.

The amendment is as follows:
(Purpose: To increase by $30,000,000 the personnel end strength of the Air National Guard of the United States as of September 30, 2004, to provide personnel to improve the information operations capability of the Air National Guard of the United States)

(a) In section 411a(a)(5), relating to the authorized strength for Selected Reserve personnel of the Air National Guard of the United States as of September 30, 2004, strike "107,000" and insert "107,030".

(b) The amount authorized to be appropriated under section 101 is hereby reduced by $3,300,000, including $2,100,000 from SOF rotary wing upgrades and $1,200,000 from SOF operational enhancements.

The PRESIDING OFFICER. Is there debate on the amendment? The amendment is agreed to.

The amendment (No. 788) was agreed to.

Mr. LEVIN. No objection on this side.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 788), as modified, 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. 807

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment which authorizes $2.1 million to conduct research and development activity for the high-speed test track at Holloman Air Force Base.

The PRESIDING OFFICER. I believe it has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
The Senator from Michigan [Mr. LEVIN], for Mr. BIDEN, proposes an amendment numbered 807.

The amendment is as follows:
(Purpose: To make available, with an offset, $2,000,000 for other procurement for the Army for medical equipment for the procurement of rapid infusion pumps in title I, add after the sub-title heading the following:

SEC. 313. RAPID INFUSION PUMPS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 101(5) for procurement, Army, $2,000,000 may be available for medical equipment for the procurement of rapid infusion (IV) pumps.

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(1) for operations and maintenance, Army, the amount available is hereby reduced by $2,000,000.

The PRESIDING OFFICER. Is there debate on the amendment? Mr. LEVIN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 808) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 743, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator GRAHAM, I offer an amendment which adds $8 million to Marine Corps research and development funds for development of the collaborative information warfare network in the critical infrastructure protection center.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
The Senator from Virginia [Mr. WARNER], for Mr. GRAHAM of South Carolina, proposes an amendment numbered 743, as modified.
The amendment is as follows:

(Purpose: To set aside an increased amount for the Collaborative Information Warfare Network at the Critical Infrastructure Protection Center at the Space Warfare Systems Center)

SEC. 213. AMOUNT FOR COLLABORATIVE INFORMATION WARFARE NETWORK

(1) Of the amount authorized to be appropriated by section 201(2), for research and development, Navy, $8,000,000 may be available for the Collaborative Information Warfare Network.

(2) The total amount authorized to be appropriated under section 201(2) is hereby increased by $2,000,000.

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment to support Army research and development for portable mobile emergency broadband systems.

The PRESIDING OFFICER. The amendment is as follows:

The amendment is as follows:

SEC. 213. PORTABLE MOBILE EMERGENCY BROADBAND SYSTEMS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $2,000,000 may be available for the development of Portable Mobile Emergency Broadband Systems (MEBS).

(2) The total amount authorized to be appropriated under section 201(1) is hereby increased by $2,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 164 for Procurement, Defense-wide activities, SOF Operational Enhancements is hereby reduced by $2,000,000.

Mr. WARNER. Mr. President, there is no objection on this side.

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

The amendment (No. 810) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 732, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator LOTT, I offer an amendment which would add funds for fabrication of composite submarine sail test articles.

The PRESIDING OFFICER. The amendment is as follows:

The amendment is as follows:

SEC. 213. COMPOSITE SAIL TEST ARTICLES.

(a) the total amount authorized to be appropriated under section 201(2) for Virginia-class submarine development may be increased by $2,000,000 for the development and fabrication of composite sail test articles for incorporation into designs for future submarines;

(b) Defense-Wide Activities.—The amount authorized to be appropriated under section 101(1) for research, development, test, and evaluation for the Air Force for defense system.

Mr. WARNER. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there debate?

Mr. LEVIN. Mr. President, there is no objection on this side.

Mr. President, I ask unanimous consent that I be added as a cosponsor.

Mr. WARNER. Mr. President, likewise, I ask unanimous consent to be added as a cosponsor.

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

The amendment (No. 760) 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. 736

Mr. WARNER. Mr. President, on behalf of Senator DOMENICI, I offer an amendment which would add funds for research and development of boron energy cell technology.

The PRESIDING OFFICER. The amendment is as follows:

The amendment is as follows:

SEC. 213. BORON ENERGY CELL TECHNOLOGY.

(a) INCREASE IN RDT&E.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for boron energy cell technology was increased by $5,000,000.

(b) AVAILABILITY FOR BORON ENERGY CELL TECHNOLOGY.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for boron energy cell technology was increased by $5,000,000.

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment that would add a reporting requirement to section 3131.
The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
The Senator from Michigan [Mr. Levin], for Mr. Bingaman, proposes an amendment numbered 810, as follows:

The amendment is as follows:

(Purpose: To require a report assessing the effects of the repeal of the prohibition on the research and development of low-yield nuclear weapons)

In section 3311, add at the end the following:

(c) REPORT.—(1) Not later than March 1, 2004, the Secretary of Defense and the Secretary of State jointly submit to Congress a report assessing whether or not the repeal of section 3316 of the National Defense Authorization Act for Fiscal Year 1994, will affect the ability of the United States to achieve its non-proliferation objectives and whether or not any changes in programs and activities would be required to achieve these objectives.

The PRESIDING OFFICER. Is there debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 810), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Amendment No. 811

Mr. Warner. Mr. President, I offer an amendment which would amend section 2811 of the United States Code title X to allow the Secretary of the Navy to accept guarantees as gifts for the development of Marine Corps Heritage Center, enabling the center to be completed in time for the 230th anniversary of the United States Marine Corps in November of 2005.

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] proposes an amendment numbered 811.

The amendment is as follows:

(Purpose: To authorize certain travel and transportation allowances for dependents of members of the Armed Forces who have committed dependent abuse)

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

SEC. 565. CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO HAVE COMMITTED DEPENDENT ABUSE.

Section 669(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

(4)(A) If the Secretary concerned makes a determination described in subparagraph (B) with respect to the spouse or a dependent of a member described in that subparagraph and a request described in subparagraph (C) for relocation by the member or on behalf of such dependent, the Secretary may provide any benefit authorized for a member under paragraph (1) or (3) to the spouse or such dependent in lieu of providing such benefit to the member.

"(B) A determination described in this subparagraph is a determination by the commanding officer of Florida and a member—that—

"(i) the member has committed a dependent-abuse offense against the spouse or a dependent of the member;

"(ii) a safety plan and counseling have been provided to the spouse or such dependent;

"(iii) the safety of the spouse or such dependent is protected;

"(iv) the relocation of the spouse or such dependent is advisable;

"(v) a safety plan has been implemented in accordance with paragraph (1); and

"(vi) the spouse or such dependent is in need of protection against abuse.

"(C) A request described in this subparagraph is a request by the spouse of a member, or by the parent of a dependent child in the case of a dependent child of a member, for relocation under this paragraph.

"(D) Transportation may be provided under this paragraph for household effects or a motor vehicle only if a written agreement of the member, or an order of a competent jurisdiction, gives possession of the effects or vehicle to the spouse or dependent of the member concerned.

"(E) In this paragraph, the term 'dependent-abuse offense' means an offense described in section 1591(c) of title 10.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. Warner. Mr. President, the amendment has been cleared on both sides.

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

The amendment (No. 737) was agreed to.

Amendment No. 812

Mr. Warner. Mr. President, on behalf of Senator McCain, I offer an amendment to provide emergency and morale communications programs.

The amendment 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. McCain, proposes an amendment numbered 812.

The amendment is as follows:

On page 43, strike lines 4 through 9 and insert the following:

SEC. 311. EMERGENCY AND MORALE COMMUNICATIONS PROGRAMS.

(a) ARMED FORCES EMERGENCY SERVICES.— Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

(b) DEPARTMENT OF DEFENSE MORALE TELECOMMUNICATIONS PROGRAM.—(1) As soon as possible after the date of enactment of this Act, the Secretary of Defense shall establish and carry out a program to provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the Armed Forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the member.

(2) The value of the benefit provided by paragraph (1) shall not exceed $40 per month per person.

(3) The program established by paragraph (1) shall terminate on September 30, 2004.

(4) In carrying out the program under this subsection, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private entities free or reduced-cost services, and programs to enhance economic and welfare. In addition, and notwithstanding any limitation on the expenditure or obligations...
of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out this program. The Secretary may accept gifts and donations in order to defray the costs of the program. Such gifts and donations may be accepted under governmental, foundation, or other charitable organizations, including those organized or operating under the laws of a foreign country, and any source in the private sector of the United States or a foreign country. The Secretary shall work with telecommunications providers to facilitate the deployment of telecommunication systems for use in calling the United States under the program as quickly as practicable, consistent with the timely provision of telecommunications benefits to the program, the Secretary should carry out this subsection in a manner that allows for competition in the provision of such benefits. The Secretary shall not take any action under this subsection that would compromise the military objectives or mission of the Department of Defense. The PRESIDING OFFICER. Is there debate on the amendment? Mr. LEVIN. We have no objection. The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 812) 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. 813 Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON, I offer an amendment expressing the sense of the Senate that United States air carriers should offer reduced fares and flexible terms of sale to members of the United States Armed Forces. This is a timely message to the airlines of a way in which they can show their support to military members. 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 813. The amendment is as follows: (Purpose: To express the sense of the Senate that air carriers should provide special fares to members of the armed forces) At the appropriate place, insert the following new section: SEC. ___._AIR FARES FOR MEMBERS OF ARMED FORCEx It is the sense of the Senate that each United States air carrier should— (1) make every effort to allow active duty members of the armed forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements or other restrictions; and (2) offer flexible terms that allow members of the armed forces on active duty to purchase, modify, or cancel tickets without time restrictions or fees, charges, or penalties. The PRESIDING OFFICER. Is there debate on the amendment? Mr. LEVIN. Mr. President, we support the amendment. The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 813) 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. 814 Mr. WARNER. Mr. President, on behalf of Senator CHAMBLISS, I offer an amendment to modify the program element of the short range air defense radar research and development program. The PRESIDING OFFICER. The clerk will report. The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. CHAMBLISS, proposes an amendment numbered 814. The amendment is as follows: (Purpose: To modify the program element of the short range air defense radar program of the Army.) At the end of subtitle B of title II, add the following: SEC. 213. MODIFICATION OF PROGRAM ELEMENT OF SHORT RANGE AIR DEFENSE RADAR PROGRAM OF THE ARMY. The program element of the short range air defense radar program of the Army may be modified from Program Element 602303A (Missile Technology) to Program Element 603772A (Advanced Tactical Computer Science and Sensor Technology). The PRESIDING OFFICER. Is there debate on the amendment? Mr. LEVIN. Mr. President, we have no objection. The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 814) 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. 815 Mr. LEVIN. Mr. President, on behalf of Senator MUKULSKI, I offer an amendment that would authorize the Department of Defense and the VA jointly to conduct a program to develop and evaluate integrated healing care practices. The PRESIDING OFFICER. The clerk will report. The legislative clerk read as follows: The Senator from Michigan [Mr. LEVIN], for Mr. MUKULSKI, proposes an amendment numbered 815. The amendment is as follows: (Purpose: To provide additional duties for the DOD-VA Joint Executive Committee relating to integrated healing care practices for members of the Armed Forces and veterans.) On page 169, between lines 5 and 6, insert the following: (d) INTEGRATED HEALING CARE PRACTICES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs may, acting through the Department of Veterans Affairs— (A) cooperative arrangements commonly referred to as public-private partnerships; (B) the administration of the National Defense Stockpile under the Strategic and Critical Materials Stock Piling Act; and (C) any other means that the Secretary identifies as feasible. The PRESIDING OFFICER. Is there further debate on the amendment? Mr. LEVIN. We have no objection to the amendment on this side. The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 815) was agreed to. Mr. WARNER. I move to reconsider the vote.
Mr. WARNER. Mr. President, on behalf of Senators MCCAIN, SESSIONS, LINDSEY G. GrahAM and BAYH, I offer an amendment which would add reporting requirements to a report on the NATO Prague Capabilities Commitment and the NATO Response Force.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCaIN, for himself, Mr. Sessions, Mr. Graham of South Carolina, and Mr. BAYH, proposes an amendment numbered 817.

The amendment is as follows:

(Purpose: To require a report on decision-making by the North Atlantic Treaty Organization)

On page 310, between lines 9 and 10, insert the following:

D) A discussion of NATO decision-making on the implementation of the Prague Capabilities Commitment and the development of the NATO Response Force, including—

(i) an assessment of whether the Prague Capabilities Commitment and the NATO Response Force are the sole jurisdiction of the Defense Planning Committee, the North Atlantic Council, or the Military Committee;

(ii) a description of the circumstances which led to the defense, military, security, and nuclear decisions of NATO on matters such as the Prague Capabilities Commitment and the NATO Response Force being made in bodies other than the Defense Planning Committee;

(iii) a description of the extent to which any member that does not participate in the integrated military structure of NATO contributes to each of the component committees of NATO, including any and all committees relevant to the Prague Capabilities Commitment and the NATO Response Force;

(iv) a description of the extent to which any member that does not participate in the integrated military structure of NATO participates in deliberations and decisions of NATO relating to the Prague Capabilities Committee, and NATO Response Force, and other matters, including an assessment of the feasibility and advisability of the greater utilization of the Defense Planning Committee for such purposes; and

(v) a description and assessment of the impediments, if any, that would preclude or limit NATO from conducting deliberations and making decisions on matters such as the Prague Capabilities Commitment or the NATO Response Force solely in the Defense Planning Committee;

(vi) the recommendations of the Secretary of Defense on streamlining defense, military, and security decisionmaking within NATO relating to the Prague Capabilities Committee, and NATO Response Force, and other matters, including an assessment of the feasibility and advisability of the greater utilization of the Defense Planning Committee for such purposes; and

(vii) if a report under this subparagraph is a report other than the first report under this subparagraph, the information submitted in such report under any of clauses (i) through (vi) may consist solely of an update of any information previously submitted under this subparagraph in a preceding report under this subparagraph.

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

Mr. WARNER. The amendment has been cleared on both sides. Mr. LEVIN. We have no objection on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 817) 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. 818

Mr. LEVIN. Mr. President, on behalf of Senator Boxer, I offer an amendment that requires the Comptroller General to submit a report regarding the adequacy of special pays and allowances for service members who experience frequent deployments away from their permanent duty stations for periods less than 30 days.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. BOXER, proposes an amendment numbered 818.

The amendment is as follows:

At the appropriate place, add the following:

GAO STUDY.—Not later than April 1, 2004, the Comptroller General shall submit a report regarding the adequacy of special pays and allowances for service members who experience frequent deployments away from their permanent duty stations for periods less than 30 days. The policies regarding eligibility for family separation allowance, including those relating to required duration of absences from the permanently assigned duty station, should be assessed.

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

Mr. WARNER. Mr. President, the matter is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 818) 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. 789, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator Bunning, I offer an amendment that expresses the sense of the Senate about upgrading the chemical agent sensors at the chemical stockpile disposal sites in the United States.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BUNNING, proposes an amendment numbered 789, as modified.

The amendment, as modified, is as follows:

(Purpose: To express the sense of the Senate on the deployment of airborne chemical agent monitoring systems at the chemical stockpile disposal sites in the United States).

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

SEC. 1039. SENSE OF SENATE ON DEPLOYMENT OF AIRBORNE CHEMICAL AGENT MONITORING SYSTEMS AT CHEMICAL STOCKPILE DISPOSAL SITES IN THE UNITED STATES.

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

(1) Millions of assembled chemical weapons are stockpiled at chemical agent disposal facilities and depot sites across the United States.

(2) Some of these weapons are filled with nerve agents, such as GB and VX and blister agents such as HD (mustard agent).

(3) Hundreds of thousands of United States citizens live in the vicinity of these chemical weapons stockpile sites and depots.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should develop and deploy a program to upgrade the airborne chemical agent monitoring systems at all chemical stockpile disposal sites across the United States in order to achieve the broadest possible protection
of the general public, personnel involved in the chemical demilitarization program, and the environment.

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

Mr. LEVIN. We have no objection on this side.

Mr. WARNER. We have no objection. This has been cleared on both sides.

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

The amendment (No. 789), 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. 820

Mr. WARNER. Mr. President, on behalf of Senator Sessions, I offer an amendment which directs the Secretary of Defense to conduct a study on the adequacy of the benefits for survivors of deceased members of the Armed Forces that benefits the survivors of such members upon death, the SGLI program requires the members to pay for that life insurance coverage and does not provide an assured minimum benefit.

(2) The Secretary of Defense shall carry out a study of the totality of all current and projected death benefits for survivors of deceased members of the Armed Forces to determine the adequacy of such benefits. In carrying out the study, the Secretary shall—

(A) compare the Federal Government death benefits for survivors of deceased members of the Armed Forces with commercial and other private sector death benefits plans, and with the benefits available outside the Armed Forces, and also with the benefits provided to families of civilian victims of terrorism;

(B) examine the personnel policy effects that would result from a revision of the death gratuity benefit to provide a stratified schedule of entitlement amounts that places a premium on deaths resulting from participation in combat or from acts of terrorism;

(C) assess the adequacy of the current system of survivor annuities and Dependency and Indemnity Compensation and the anticipated effects of an elimination of the offset of Survivor Benefit Plan annuities by Dependency and Indemnity Compensation;

(D) examine the commercial insurability of members of the Armed Forces in high risk military occupational specialties; and

(E) examine the extent to which private trusts and foundations engage in fundraising or otherwise provide financial benefits for survivors of deceased members of the Armed Forces.

(3) Not later than March 1, 2004, the Secretary shall submit a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(A) The assessments, analyses, and conclusions resulting from the study.

(B) Proposed legislation to address the deficiencies in the system of Federal Government death benefits for survivors of deceased members of the Armed Forces.

(3) The Secretary shall include the results of the study in the schedule of entitlement amounts that places a premium on deaths resulting from participation in combat or from acts of terrorism;

(4) The Comptroller General shall conduct a study to identify the death benefits that are payable under Federal, State, and local laws for employees of the Federal Government, State governments, and local governments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. Sessions, proposes an amendment numbered 820.

The amendment is as follows:

(Purpose: To require a study of the military death gratuity and other death benefits provided for survivors of deceased members of the Armed Forces.)

On page 155, between lines 10 and 11, insert the following:

(c) DEATH BENEFITS STUDY.—(1) It is the sense of Congress that—

(A) the sacrifices made by the members of the United States Armed Forces are significant and are worthy of meaningful expressions of gratitude by the Government of the United States, especially in cases of sacrifice through loss of life;

(B) the tragic events of September 11, 2001, and subsequent worldwide combat operations in the Global War on Terrorism and in Operation Iraqi Freedom have highlighted the significant disparity between the financial benefits for survivors of deceased members of the Armed Forces and the financial benefits for survivors of civilian victims of terrorism;

(C) the death benefits system composed of the death gratuity paid by the Department of Defense to survivors of members of the Armed Forces, the subsequently established Servicemembers’ Group Life Insurance (SGLI) program, and other benefits for survivors of deceased members has evolved over time, but there are increasing indications that the evolution of such benefits has failed to keep pace with the expansion of indemnity and compensation available to segments of United States society outside the Armed Forces, a failure that is especially apparent in a comparison of benefits for survivors of deceased members with the compensation provided to families of civilian victims of terrorism; and

(D) the Servicemembers’ Group Life Insurance (SGLI) program provides an assured source of life insurance for members of the Armed Forces that benefits the survivors of such members upon death, the SGLI program requires the members to pay for that life insurance coverage and does not provide an assured minimum benefit.

The motion to lay on the table was agreed to.

AMENDMENT NO. 821

Mr. LEVIN. Mr. President, on behalf of Senator Landrieu, I offer an amendment that would increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program for fiscal year 2004, and to provide an offset.

On page 291, between lines 14 and 15, insert the following:

SEC. 1039. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

(a) MAXIMUM FEDERAL SHARE.—Section 509(d) of title 32, United States Code, is amended—

(1) by striking paragraphs (1), (2), and (3);

(2) by redesignating paragraph (4) as paragraph (1);

(3) in paragraph (1), as so redesignated, by striking the period at the end and inserting “; and”;

(4) by adding at the end the following new paragraph (2):

“(2) for fiscal year 2004 (notwithstanding paragraph (1)), 65 percent of the costs of operating the State program during that year shall be available for the National Guard Challenge Program in States from the current 60 percent to 65 percent for fiscal year 2004.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. Landrieu, proposes an amendment numbered 821.

The amendment is as follows:

(Purpose: To amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program for fiscal year 2004, and to provide an offset.)
The PRESIDING OFFICER. Without objection, it is so ordered.
Without objection, the amendment is agreed to.

The amendment (No. 821) 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. 727
Mr. WARNER. Mr. President, on behalf of Senator BUNNING, I offer an amendment which would authorize a multiyear procurement for the Phalanx Close In Weapon System program, Block 1B, for the Navy.

The PRESIDING OFFICER. The clerk will report.
The legislative clerk read as follows:
The Senator from Virginia [Mr. WARNER], for Mr. BUNNING, proposes an amendment numbered 727.

The amendment is as follows:
(Purpose: To authorize the use of multiyear procurement authority for the Navy for procurement of the Phalanx Close In Weapon System program, Block 1B)
On page 17, after line 25, add the following:
(5) The Phalanx Close In Weapon System program, Block 1B.

The PRESIDING OFFICER. Is there further debate on the amendment?
Mr. WARNER. We have no objection to the amendment on this side.

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

The amendment (No. 727) 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. 822
Mr. WARNER. Mr. President, I offer an amendment that would provide an equitable offset for any fee charged the Department of Defense by the Department of State for maintenance, upgrade, or construction of United States diplomatic facilities.

The PRESIDING OFFICER. The clerk will report.
The legislative clerk read as follows:
The Senator from Virginia [Mr. WARNER], for Mr. BUNNING, proposes an amendment numbered 822.

The amendment is as follows:
(Purpose: To authorize the use of multiyear procurement authority for the Navy for procurement of the Phalanx Close In Weapon System program, Block 1B)
On page 17, after line 25, add the following:
(5) The Phalanx Close In Weapon System program, Block 1B.

The PRESIDING OFFICER. Is there further debate on the amendment?
Mr. WARNER. We have no objection to the amendment on this side.

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

The amendment (No. 727) 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. 823
Mr. LEVIN. Mr. President, I offer an amendment to the desk on behalf of Senator LANDRIEU, which would provide for a feasibility study of the conveyance of the Louisiana Army Ammunition Plant at Doyle, LA.

The PRESIDING OFFICER. The clerk will report.
The legislative clerk read as follows:
The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 823.

The amendment is as follows:
(Purpose: To provide for a feasibility study of the conveyance of the Louisiana Army Ammunition Plant, Doyline, Louisiana)
On page 17, after line 25, add the following:
(a) STUDY REQUIRED.—(1) The Secretary of the Army shall conduct a study of the feasibility, costs, and benefits for the conveyance of the Louisiana Army Ammunition Plant as a model for a public-private partnership for the utilization and development of the Plant and similar parcels of real property.
(2) In conducting the study, the Secretary shall consider—
(A) the feasibility and advisability of entering into negotiations with the State of Louisiana or the Louisiana National Guard for the conveyance of the Plant;
(B) means by which the conveyance of the Plant could—
(i) facilitate the execution by the Department of Defense of its national security mission;
(ii) facilitate the continued use of the Plant by the Louisiana National Guard and the execution by the Louisiana National Guard of its national security mission; and
(C) evidence presented by the State of Louisiana of the means by which the conveyance of the Plant could benefit current and potential private sector and governmental tenants of the Plant and the contribution of such tenants to economic development in Northwestern Louisiana;
(D) the amount and type of consideration that is appropriate for the conveyance of the Plant;
(E) the evidence presented by the State of Louisiana in support of the conveyance of the Plant; and
(F) the advisability of sharing revenues and rents paid by current and potential tenants of the Plant as a result of the Armament Retooling and Manufacturing Support Program; and
(b) LOUISIANA ARMY AMMUNITION PLANT.—In this section, the term “Louisiana Army Ammunition Plant” means the Louisiana Army Ammunition Plant in Doyley, Louisiana, consisting of approximately 14,949 acres, of which 13,665 acres are under lease to the Military Department of the State of Louisiana and 1,284 acres are used by the Army Joint Munitions Command.
(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the study conducted under subsection (a). The report shall include the results of the study and any other matters in light of the study that the Secretary considers appropriate.

The PRESIDING OFFICER. Is there further debate on the amendment?
Without objection, the amendment is agreed to.

The amendment (No. 823) 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. 824
Mr. LEVIN. Mr. President, on behalf of Senator FEINSTEIN, Senator REID, Senator BOXER, I offer an amendment that would require the Secretary of Defense to submit to Congress a 2001 survey on potential perchlorate contamination at Department of Defense sites prepared by the U.S. Air Force Research Laboratory.

The PRESIDING OFFICER. The clerk will report.
The legislative clerk read as follows:
The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, for herself, Mr. REID, and Mrs. BOXER, proposes an amendment numbered 824.

The amendment is as follows:
(Purpose: To require the submittal of a survey on perchlorate contamination at Department of Defense sites)
On page 17, after line 25, add the following:
(a) SUBMITTAL OF SURVEY ON PERCHLORATE CONCENTRATIONS AT DEPARTMENT OF DEFENSE SITES.

The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, for herself, Mr. REID, and Mrs. BOXER, proposes an amendment numbered 824.

The amendment is as follows:
(Purpose: To require the submittal of a survey on perchlorate contamination at Department of Defense sites)
On page 17, after line 25, add the following:
(a) SUBMITTAL OF PERCHLORATE SURVEY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress the 2001 survey to identify the potential for perchlorate contamination at all active and closed Department of Defense sites that was prepared by the United States Air Force Research Laboratory, Aerospace Expeditionary Force Technologies Division, Tyndall Air Force Base and Applied Research Associates.
(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Environment and Public Works of the Senate; and
(2) the Committee on Energy and Commerce of the House of Representatives.

The PRESIDING OFFICER. Is there further debate on the amendment?
Mr. WARNER. There has been a clearance on this side.

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

The amendment (No. 824) 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. 785**

(Purpose: To strengthen the authority under section 852 to provide Federal support for the enhancement of the emergency response capabilities of state and local governments)

Mr. LEVIN. Mr. President, on behalf of Senator DODD, I offer an amendment to establish a grant program to support increasing the number of firefighters to address emergencies and terrorist threats.

The PRESIDING OFFICER. Will the Senator please submit the amendment?

Mr. LEVIN. I apologize.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

'The Senator from Michigan [Mr. LEVIN], for Mr. DODD, proposes an amendment numbered 785.

(The amendment is printed in the Record of May 21, 2003, under “Text of Amendments.”)

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

Mr. WARNER. Mr. President, it has been cleared on this side. I ask unanimous consent that the Senator from Virginia be added as a cosponsor.

The PRESIDING OFFICER. Without objection, the amendment will be added as a cosponsor.

Without objection, the amendment is agreed to.

The amendment (No. 785) was agreed to.

Mr. LEVIN. Mr. President, I also ask unanimous consent to be added as a cosponsor of the amendment. And I ask if we can leave the roll open for cosponsors until 6 o’clock tonight—until we go out—for additional people to be added as cosponsors.

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

**AMENDMENT NO. 691**

Ms. LANDRIEU. Mr. President, I can think of few better uses of Federal dollars than the benefits derived from our commitment to the National Guard’s Youth Challenge Program. Every year, over 500,000 boys and girls drop out of school. High-school dropouts face a much more difficult life after leaving school than their peers who continue their educations to finish high school. Drug use and run-ins with the law often plague high school dropouts for a life-time.

The Youth Challenge Program has claimed the lives of over 45,000 children through the instillation of discipline, self-respect, commitment to citizenry, and the renewed pursuit of a diploma. It costs over $40,000 a year for a child to be detained in a juvenile detention center. On the other hand, Youth Challenge can reclaim a child from a life of wrong-turns for $14,000 a child.

I am pleased the President and the Senate have committed $65.2 million to the Youth Challenge Program. Youth Challenge is funded on a formula basis, whereby the Federal Government contributes 60 percent of the funds and States contribute 40 percent. Regrettably, many States are facing steep budget shortfalls, and they are having difficulty meeting the 40 percent match. Already, New York and Missouri have closed their Youth Challenge programs.

This amendment authorizes the Department to temporarily increase the Federal match, temporarily, until the States get their financial houses in order. For fiscal year 2004, the Federal match would increase to 65 percent. For fiscal year 2005 and fiscal year 2006, the Federal match would increase to 70 percent. However, it is expected the States will have recovered from budgetary difficulties by fiscal year 2007; therefore, the Federal match would fall back to 65 percent in all subsequent years.

There is no more effective program to make high school students contributors, rather than anchors, to society. I hope you will join me in supporting this amendment.

Mr. WARNER. Mr. President, I believe we are ready to proceed.

Mr. REID. Mr. President, if the Senator will yield, without losing his right to the floor.

Mr. WARNER. Yes.

Mr. REID. Tremendous progress has been made in the last few hours, as we have seen by these amendments. We are very close to being able to issue a consent we hope will be agreed upon to finalize the bill, but we need just a minute to do that. There is a call in the cloakroom we have to resolve before we do that.

Mr. WARNER. May I suggest we put in a quorum call.

Mr. REID. Would the Senator from Virginia do the pleasure.

Mr. WARNER. The Senator from Virginia suggests the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Murray amendment No. 691, and there then be 60 minutes of debate equally divided in the usual prior to a vote on that amendment, with no amendments in order prior to the vote; I ask consent that the following amendments be the only amendments in order and be relevant as under the original agreement and subject to relevant second degrees: A package of amendments that have been cleared and are being cleared by both managers; the Boxer amendment regarding contracting subject to relevant second degree; Domenici amendment on border security, to be considered; Kerry, air travel; Landrieu, subject to being relevant; Grassley, ground systems, subject to relevancy.

Mr. REID. Reserving the right to object, Domenici, Kerry, Landrieu, Grassley also have the same language, that these amendments be relevant second-degree amendments. We have stated that twice. I want to make sure that is clear.

Mr. WARNER. I ask unanimous consent that the following disposition of the above amendments, the bill be read a third time, and the Senate then proceed to a vote on passage of the bill with no intervening action or debate.
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I now ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of S. 1104, introduced by Senator BROWNBACK, relating to parental notification, provided that immediately upon the reporting of the bill, the majority leader or his designee be recognized in order to file a cloture motion. I further ask unanimous consent that there then be 60 minutes for debate only, equally divided between Senators BROWNBACK and MURRAY, and that following that debate time, notwithstanding the provisions of rule XXII, the Senate proceed to an immediate vote on the motion to invoke cloture on the underlying bill, without intervening action or debate; provided further that if cloture is not invoked, the bill be placed on the calendar. If cloture is not invoked, the Senate will not intervene for any action or debate; provided further that if cloture is not invoked, the bill be placed on the calendar. If cloture is not invoked, the Senate will not intervene for any action or debate; provided further that if cloture is not invoked, the bill be placed on the calendar.

The PRESIDING OFFICER. Senator MURRAY will yield, this took just a few minutes.

Senator MURRAY. Thank you, Mr. President, the Senate now has before it a very important amendment. I think all of us know that women have played a critical role in all of our country’s recent military actions.

In Afghanistan, in Iraq, and in missions throughout the world, women have demonstrated their skill, their sacrifice, and their courage. We can all be very proud of the women who have served in our military. They are our mothers, our daughters, they are our sisters, and they are our neighbors. They put themselves in harm’s way to protect our freedom. They live and work in hostile combat zones under very dangerous conditions. They make sacrifices every day to defend our Nation.

But today, military women are forced to sacrifice their own constitutional rights, as they risk their lives to protect our nation—

The PRESIDING OFFICER. Will the Senator suspend just a moment, please. Could we have order so the Senator from Washington can be heard?

Senator MURRAY. Thank you very much. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, no woman should be forced to surrender her constitutional rights simply because she is a military uniform and and volunteers to serve our country overseas. But that is exactly what happens today, and it must stop. The women of our military risk their lives to protect our rights, but if they serve abroad they are being denied access to safe, legal, constitutionally protected health care.

Today I am on the floor of the Senate to offer an amendment to ensure that our military women when they serve overseas have the same health care as they get here at home. I again thank all my cosponsors, Senators SNOWE, BOXER, CANTWELL, COLINS, SCHUMER, JEFFORDS, DURBIN, LAUTENBERG, CORZINE, and BINGAMAN.

Before I go into detail, I want to clarify what this is about and what it is not about. There are four very important aspects to understand.

First of all, a woman today must carry out its missions or to provide medical services.

Finally, do not believe anyone who tells you that our military, the finest in the world, is not capable of providing these health services or that our military is unable to pay for any costs associated with an abortion in a military facility. So no direct Federal funding is involved.

Second, my amendment does not compel a medical provider to perform abortions. All branches of the military allow medical personnel who have moral or religious or ethical objections to abortion not to participate. So this amendment does not change or alter conscience clauses for military medical personnel.

Third, this will not create any significant burden on the military. It will not hinder the military’s ability to carry out its missions or to provide medical services.

Finally, do not believe anyone who tells you that our military, the finest in the world, is not capable of providing these health services or that our military is unable to pay for any costs associated with an abortion in a military facility. So no direct Federal funding is involved.

The current policy on the books today is an insult to women. It is a rejection of their rights and it is a threat to their health. Under current restrictions, women who have volunteered to serve their country, and female military dependents, are not allowed to exercise their legally guaranteed right to choose, simply because they are serving overseas. These women are committed to protecting our rights as free citizens. Yet they are denied one of the most basic rights afforded all women in this country. This is an important women’s health amendment.

Women should be able to depend on their base hospital and military health care providers to meet all of their healthcare needs. The Department of Defense did allow privately funded abortions at overseas military facilities.

So, clearly, this can be done. So let’s make sure we are all straight on those four points. There is no direct Federal funding. No medical provider would be required to do anything they oppose. No significant burden would be placed on the military. And there is no doubt that our military can do this because it has done it before, prior to 1988, and does it today in cases of rape or incest. It is the women who control the Senate floor and makes any of those claims I have just rebutted is raising red herrings as a distraction from the real issue. The real issue is the health of women who serve our country and respect for their rights and freedom.

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Second, the current policy jeopardizes a woman’s right to privacy because she must disclose her medical condition to her superiors with no guarantee that her medical concerns will be kept confidential. That is a very important point. The Senate has a duty to disclose her medical condition to her superiors in the Air Force or the Army, in the service, with no guarantee that her medical concerns will be kept confidential.

Third, the woman is not afforded medical leave, so she is further penalized from the policy. And fourth, because of these unfair restrictions, many women are forced to seek care off the base, in a foreign country. That country may have different cultural and religious norms and different standards of health care. Many women have little or no understanding of the laws or restrictions in a host country, and there may also be significant language and cultural barriers as well. So let’s be honest. Some of these military officers are in not very progressive when it comes to women’s issues, and that could threaten our service women.

In addition, these countries may not have adequate safety and medical standards where we can take for granted the safety of our health care service. When we seek care in our doctors’ offices or in a clinic, we assume all safety and health standards are adhered to. Unfortunately, that is not the case in many countries.

Under current conditions, we are subjecting women to standards in a foreign country where they may not be safe, where they may not be health standards where we can assure that their basic health care is taken care of.

Finally, because of all these barriers, women may delay getting the care they urgently need. Many women are forced to delay the procedure for several weeks until they can travel to a location where adequate care is available. Each week that an abortion is delayed there are greater risks to a woman’s health.

So the current policy is humiliating. It is a threat to women’s privacy. It is punitive. It is a threat to women’s safety, and it is a threat to women’s health. Those are not the types of burdens we should be putting on women who volunteer to serve our country and defend our freedoms.

The current policy is unfair to women. It denies them their constitutional rights. My amendment before the Senate today will correct that.

This amendment is supported by the American College of Obstetricians and Gynecologists. It is supported by the American Medical Women’s Association. It is supported by Physicians for Reproductive Choice in Health. And it is supported by the National Partnership for Women and Families.

I really want to make that clear. I appreciate that. I have no qualms about her passion or her heart at all. I recognize and applaud both.

But we have a narrow specific issue here that goes to the very core of what we are about as a society today. It goes to the very core issue of culture of life and culture of death that is being broadly discussed in the culture today. And that is being played out here on the issue of military bases. It goes to the issue of the legal status of the child in question.

I certainly recognize the passion of the Senator from Washington for women’s rights. I applaud that. But there is also another person involved here and there are other issues involved here. I have mentioned in February 10, 1996, the National Defense Authorization Act for fiscal year 1996 was signed into law by then-President Clinton with a provision to prevent Department of Defense medical treatment facilities from being used to provide for abortion.

That is the current status for the use of military base health facilities to provide for abortion. They can be provided at military bases in the cases of rape, incest, or when the life of the mother is in danger or in the case of rape or incest.

There is also another provision—10 United States Code 1093(b)—reversed a Clinton administration policy instituted on January 22, 1996, permitting abortions to be performed at military facilities, period.

In other words, all abortions on demand could be provided according to the Clinton administration policy that was put into place immediately after President Clinton became President.

Previously—from 1988 to 1993—the performance of an abortion was not permitted at military hospitals except when the life of the mother was endangered.

I think you can start to see the progress here that was taking place.

Under President Reagan, there was a provision that you could provide an abortion on a military base if the life of the mother was in danger. That continued through President Reagan and President Bush 1. Then President Clinton came into office and immediately opened up all military facilities for all abortions and said they could be performed.

In February 1996, that was limited. Abortions could be provided in cases of
rapes and incests and when the life of the mother was endangered, but it was an expansion from where it was in the Reagan administration.

That is the law of the land as it is today.

The Murray amendment, which would repeal this pro-life provision, attempts to turn these taxpayer-funded DOD medical treatment facilities into facilities that provide abortion on demand for military personnel and their dependents. The Senate should reject this amendment. This is what the issue is about.

When a similar amendment passed last year, Secretary of Defense Donald Rumsfeld warned that the President’s senior advisers would recommend the President veto the Defense authorization bill on this issue. So you are talking about an abortion issue of providing abortions in medical military facilities, a narrow, overall issue bringing down the entire Defense authorization bill these years where abortions are provided for rape, incest, life of the mothers, but not on demand for all abortions. That could bring down the whole bill.

Using the coercive power of Government, a Senator to force American taxpayers to fund health care facilities where abortions are performed would be a terrible precedent that would put many Americans in a difficult position of saying: They are using my taxpayer money to fund something that I don’t agree with—abortion on demand. Yes, I can understand it in cases of life of the mother, certainly, and of rape and incest, but not on demand.

When the 1993 policy permitting abortions in military facilities was first promulgated, military physicians, as well as many nurses and supporting personnel, refused—refused—to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions. That should tell us something about what is taking place here. The military personnel themselves—the physicians—do not want to do these elective abortions.

Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources would be used to search for, hire, and transport new personnel simply so that the abortions could be performed outside the scope of rape, incest, life of the mother that would be on all other abortions.

In fact, according to CRS, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs states that under the Clinton administration—“direct[ed] the Military Health Services System to provide other means of access if providing pre-paid abortion services at a facility was not feasible”—how outside individuals performed abortions on military bases.

One argument used by supporters of abortions in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still could not perform abortions at those locations.

Military treatment centers, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent human life: the child in utero—and this as an elective, on demand, not in cases of life of the mother, which is currently provided under the law concerning the Department of Defense.

I urge my colleagues to vote down this Murray amendment and free America’s military and the Department of Defense authorization bill from abortion politics. American taxpayers should not be forced to fund facilities that destroy innocent human life. I urge my colleagues to reject that amendment.

I would also urge my colleagues, when we bring up the parental notification bill, that they would support such a provision. The parental notification bill would—and that is one parent, not both—one parent is simply notified 48 hours in advance of an abortion being provided to their minor child if that is going to take place on a military base.

And if either parent cannot be reached, or if the child believes this would endanger, somehow, him or herself, there is a judicial override or the doctor could go ahead and even perform and note in the record as to why, for health reasons, he did not notify. This isn’t consent, it is notifying the parent.

It is not the issue up, but thanks to the Senator from Washington, to help get this agreed to, to work this out, we will be considering that parental notification provision.

Mr. President, I reserve the remainder of our time.

We have other speakers to present. If it would be appropriate for the Senator from Washington, we could bounce back and forth. I do have a speaker who is here.

Mr. President, how much time remains on our side on the amendment? The PRESIDING OFFICER. Nineteen minutes, 20 seconds.

Mr. BROWNBACK. Mr. President, I yield up to 10 minutes to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise in opposition to the Murray amendment.

We worked hard on this bill. I serve on the Armed Services Committee. We are still in a state of conflict in Iraq. We have hostilities and dangers around the world. We made a commitment, as a Senate, to move forward, to move this Defense bill early this year, not wait until the last minute, to do our work properly.

This bill is endangered now by a highly controversial amendment, which I oppose, and which I think a majority in this body will oppose. It could affect adversely our ability to conduct a harmonious conference with the House of Representatives. It could even result in a veto by the President of the United States.

I know there are strong abortion agenda still out here, even though the polling numbers continue to show erosion for that position.

This side of the aisle—Senator BROWNBACK and others who care about the issue—has not injected abortion into the Defense debate, but it has been raised by the pro-abortion agenda groups. I think that is not healthy, I wish it had not happened. I know there has been a debate over whether or not it is even relevant, but the Parliamentarian had ruled that it is, so we will have this vote today.

I will just note, as an example of the reality of the problem, we had a bankruptcy bill that I worked on in the Judiciary Committee—and others did—for several years. We voted on it on the floor of this body and got 87 votes for it. Yet it died in committee because a pro-abortion amendment had been placed on it. The conference committee could not break the deal, and eventually the entire bill failed.

Mr. CARPER. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. BROWNBACK. On your time, Mr. President.

Mr. CARPER. I just want 1 minute, if I could.

The PRESIDING OFFICER. The Senator from Alabama controls the time.

Mr. SESSIONS. I yield for 1 minute, if he would use Senator MURRAY’s time.

Mrs. MURRAY, I am happy to yield 1 minute to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. CARPER. Mr. President, on the issue the Senator raises in relation to the bankruptcy legislation, I make a point of clarification. This is an issue I care about as much as the Senator from Alabama. The language that died, after having been reported out to the conference committee, was language that said when a person commits a violent act for which they are convicted and fined, they cannot discharge that fine in a court of bankruptcy.

It does not say anything about abortion. It does not say anything about abortion clinics. It says if you have been convicted of a violent act, you cannot go to a court of bankruptcy and discharge that claim for which you have been convicted and fined. That is what it said.

Mr. SESSIONS. Will the Senator yield for a question? Does the Senator yield?

Mr. CARPER. I just wanted to make that clear.

The PRESIDING OFFICER. The Senator from Alabama is.

Mr. SESSIONS. I do not think the Senator, who is a great colleague, would dispute the fact that language resulted in the failure of that bill.
People care about this issue. It is a big deal to people. It is a personal and emotional issue that I don’t think needs to be pressed at this point.

Our military physicians and nurses are not happy with it. It would require us to use non-military hospitals as facilities to carry out abortions. It would make our hospitals a part of the abortion process. It would utilize Federal property and resources to that degree. It covers not just foreign hospitals but every hospital in America.

Yes. It is legal—that a woman can have an abortion and can use her own money to that effect, but we have sort of reached an understanding and compromise in the Congress that it is legal but because of respect for people with differing views, we just will not use taxpayers’ money to fund it. There is just sort of a truce, in a way, that has been reached. I think it is probably something we just have to live with at the present time. It doesn’t need to pressure or embarrass doctors and nurses who do not feel comfortable doing this. We know this. There was a survey done of the Army, Navy, and Air Force obstetricians; 41 of them were surveyed. All but one said they adamantly opposed doing abortions. One later said that physician was opposed to abortions. Some of these were women physicians. Nurses are not comfortable with it. I don’t believe we ought to be requiring military hospitals to go out and hire other physicians to come in on Government taxpayer funded property to conduct these procedures. It is just not necessary.

President Bush has made clear he opposes using taxpayers’ money to fund abortions. Passage of this amendment would threaten that.

I believe women are playing an increasingly valuable role in our military. I spent over 18 years as a reservist and have many military officers. The unit I was a part of in Mobile, AL, is now in Kuwait commanded by a woman officer. I can’t tell you how proud I am of them. I am not hearing from the women I know in the military that this is something they are demanding, frankly. I don’t think the American people are.

I will just point out some numbers that deal with this subject. If anybody cares, a January 2003 poll of ABC News/Washington Post—not conservative class citizens? Those who oppose the Murray amendment say, yes, once you do not permitted. A CNN Gallup poll in 2003 asked, should parental consent be required for an abortion? Yes, 73 percent.

Regardless of how we personally feel about this issue, it ought not to be on this bill. It is not what we need to be debating now. We need to be focused on our men and women in harm’s way, providing them with the necessary funding and resources and equipment needed to do their job. We don’t need to jeopardize this bill in conference or subject it to a Presidential veto as a result of this amendment.

I thank Senator Brownback for his leadership and yield back such time as I may have.

Mr. Brownback. Mr. President, I reserve the remainder of my time.

Mrs. Murray. How much time remains on our side?

The PRESIDING OFFICER. Senator Murray has 18 minutes 15 seconds.

Mrs. Murray. I yield 10 minutes to the Senator from Illinois.

Mr. Durbin. I thank the Senator from Washington. I listened to a description of her amendment by the Senator from Alabama. It did not sound like the amendment she described. I want to ask a few questions so it is clear.

Does this amendment in any respect require the Federal Government to pay for an abortion?

Mrs. Murray. This amendment does not require the Federal Government to pay for an abortion. In fact, it will allow the woman herself to pay out of her own personal private funds for an abortion in a military hospital overseas.

Mr. Durbin. So under this amendment, women in the U.S. military who seek, through their constitutional right, an abortion service would have to pay for it out of their own pocket?

Mrs. Murray. That is correct.

Mr. Durbin. There has been a suggestion made that if your amendment passes, it will require doctors, for example, in medical facilities connected with the armed services, to perform an abortion if they object to performing that procedure under their own conscience; is that correct?

Mrs. Murray. That is not correct.

The amendment, as I have offered, has a conscience clause for all doctors overseas.

Mr. Durbin. So if a doctor at a military hospital says, even though this young woman who is in the armed services comes to me for an abortion procedure and I object to it on religious and moral grounds—that doctor is not going to be compelled to perform an abortion under this amendment?

Mrs. Murray. That is absolutely correct. This amendment does not compel any medical provider to perform an abortion.

Mr. Durbin. There has also been a suggestion that in U.S. military hospitals around the world, there is no provision for abortion services; is that correct?

Mrs. Murray. Would the Senator restate the question?

Mr. Durbin. It is my understanding that under certain circumstances, such as rape or incest, at military hospitals around the world today, abortions are being performed; is that correct?

Mrs. Murray. The Senator is correct. In all military facilities, women who are victims of rape or incest do have the opportunity to receive abortions.

Mr. Durbin. I thank the Senator from Washington. That clarifies some of the things that have been said. The Federal Government will not be paying for the abortion. The woman in the military who seeks it must pay out of her own pocket. The doctors involved in this procedure will not be compelled to do so if it violates their own morality or their own conscience by the Murray amendment. And military hospitals serving U.S. personnel around the world today already provide abortions in emergency circumstances involving rape or incest.

We have to be honest about what the amendment does and does not do. This is what it does. It says to women who have volunteered—and we are now in the midst of an All-Volunteer Force—to join the U.S. military and to lay their lives on the line, to risk their lives and their future for their country, that they will not be compelled. They will not be surrendering their constitutional right to control their own reproductive freedom.

There are some on the other side who say, no, they may have that constitutional right in the United States, but once they have taken the oath to serve the U.S. Army or Navy, in that situation they have given up their constitutional right. Is that what we want to say?

After going through the Iraqi war where women in uniform were captured as prisoners of war, put their lives on the line, are we saying to those women and thousands like them that if you join the U.S. military you give up your constitutional right? Is that what we are saying to those who we are trying to recruit to join the military? I hope not.

I hope we are saying that we recognize the reality of service, particularly overseas. A woman finds herself in a difficult circumstance where she wants to seek, under her constitutional right guaranteed by the Supreme Court, the right to terminate a pregnancy in the first, second, and third month. Now in the military she has to ask permission of the commanding officer and may be forced into a situation where she has to find a way back to the United States in order to protect her own health and make her own decision.

This comes down to a fundamental question: Are women serving in the U.S. military to be treated as second-class citizens? Those who oppose the Murray amendment say, yes, once you...
have said, as a woman, that you will serve in the military, you have given up your constitutional right to control your own body and your own reproductive freedom.

That is a terrible thing to say. Frankly, I say it is a denigration of the contribution and the heroism of the women who joined the U.S. military.

What Senator Murray is asking for is perfectly reasonable. A woman in the military at her own expense can go to a military hospital which already provides abortion services as a normal course for victims of rape and incest, can go to a doctor who has willingly and voluntarily agreed to be part of this counseling and part of this procedure, and pay out of her own pocket for the procedure to take place. That is not a special privilege. In fact, it says to that woman, you are just as much an American citizen as your sister back home.

If we go the opposite course, frankly, it sends a very sobering message to recruiters around America that you have to be honest with the women you are seeking to recruit and tell them that once they take that oath to the United States to serve in the military, they have given up a constitutional right protected by the laws of the land.

I commend the Senator from Washington for her leadership, and I support the amendment.

The PRESIDING OFFICER. Who yields time to the Senator from Kansas.

Mr. BROWNBACK. How much time do I have remaining?

The PRESIDING OFFICER. Eleven minutes fifty-six seconds.

Mr. BROWNBACK. If I could engage and ask the Senator from Washington, to make sure I am on the same amendment—I have her amendment here. What I read here is that the amendment does two things: It says:

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "RESTRICTION ON USE OF FUNDS."

So it strikes those on two words. That is the only thing I have of an amendment. Am I correct? Is that the actual text of the amendment?

Mrs. MURRAY. Yes, the Senator is correct.

Mr. BROWNBACK. By striking subsection (b), and in subsection (a), by striking "RESTRICTION ON USE OF FUNDS."

That is what I have got of what the amendment is. Is that correct?

Mrs. MURRAY. If the Senator will hold a second, I will check and then respond.

Mr. BROWNBACK. I will make my full point. We are talking about overseas facilities. In actuality, the stricking says "no medical treatment facility or other facility of the Department of Defense . . . ‘’ So you are talking about overseas facilities and domestic facilities. These would be facilities overseas and in the U.S. that could not be provided by the Department of Defense.

Mr. BROWNBACK. Maybe the Senator can answer this. This would open up both domestic and overseas facilities because the language as stricken says that no medical treatment facility or other facility of the Department of Defense may be used—it has no limitations on asking this is just overseas facilities. It is any DOD facility.

Mrs. MURRAY. The Senator is correct. I remind the Senator that domestically in the service, a woman has the right to receive health care services at any hour this affects a woman is when they are serving overseas and they don’t have the same access.

Mr. BROWNBACK. Still, she would have access to DOD facilities in the United States. Mrs. MURRAY. Yes, and she would have to pay for it out of her own money.

Mr. BROWNBACK. I also note the Senator from Illinois talked about conscience clause protection, that is already part of the base if you are a military physician, to be able to provide that.

I want to hone in on what the amendment is about. It is about opening up DOD medical facilities, domestically or overseas. The medical argument there won’t be that much demand domestically, but it opens it up both ways to provide abortion on demand in the United States to U.S. military personnel and their dependents. So you are talking about a broad array of taxpayer-funded facilities that provide abortions and not necessarily the doctor. The doctor may be recruited from outside and paid for privately, but you are using taxpayer-funded facilities to provide abortions.

Mr. BROWNBACK. Thank you. Your amendment does not have conscience clause protection. That is already part of the base if you are a military physician, to be able to provide that.

I want to agree with the Senator from Washington that we are talking about the use of the facilities here—taxpayer-funded facilities is being required to provide abortions on demand—not just for the life of the mother, rape, and incest.

Again, I recognize the strong support Senator Murray puts forward for the rights of women, and I applaud her. But I am talking about a very sensitive issue for a number of people when you talk about the use of taxpayer dollars to do something they really don’t agree with. I don’t think it is wise to do that, one. Two, I don’t think we should be tying up the DOD authorization bill on probably the central most difficult issue of our day for people to really wrestle with. That is what this amendmen would do.

For those reasons, I urge my colleagues to look at text of the amendment and oppose the Murray amendment.

I yield the floor and retain the balance of my time.

The PRESIDING OFFICER. The Senator from Illinois talked about conscience clause protection, that is already part of the base if you are a military physician, to be able to provide that.

I want to agree with the Senator from Washington that we are talking about the use of the facilities here—taxpayer-funded facilities is being required to provide abortions on demand—not just for the life of the mother, rape, and incest.

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Mrs. MURRAY. The Senator is correct. I remind the Senator that domestically in the service, a woman has the right to receive health care services at any hour. This affects a woman is when they are serving overseas and they don’t have the same access.

Mr. BROWNBACK. Still, she would have access to DOD facilities in the United States.

Mrs. MURRAY. Yes, and she would have to pay for it out of her own money.

Mr. BROWNBACK. I also note the Senator from Illinois talked about conscience clause protection, that is already part of the base if you are a military physician, to be able to provide that.

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women overseas when they disclose their medical condition with no guarantees that they will be kept confidental. Think of the potential of using that against a woman in the service. I think that is something none of us want to do. I wish a young woman in the position of having a child.

We need to remember a woman is not given any medical relief and she is penalized under this policy. She has to wait for a C–17 to be available, fly home, take the time to have the procedure and then return to military service. We are taking her out of service when we need her, and we are causing her a tremendous amount of distress, too.

Remember, we are talking about a service that is protected constitutionally for any woman who is here in this country. But these are women who have volunteered to serve us overseas in the military.

Finally, let us not forget what we have done to women today who are serving us in the military and fighting for our freedom. We have put them—if they don’t want to ask their commanding officer, wait for a C-17, and all of the other conditions we put on them can be next to impossible in a foreign country. Well, think of the difficulties of that, where they don’t have the same culture, don’t speak the same language, if a woman has a health care procedure done and the doctor cannot tell her what she needs to do or what she can do, regardless of what happens to her, she is taking care of herself correctly, and she cannot understand him because she doesn’t understand the language.

Why would we do that to a woman serving us overseas? I think we ought to go back and put in place a provision in the law that has worked before that simply gives women who serve us the same constitutional rights in this country that we have today. That is what this amendment would do. At least give women the same rights.

I want to check that point to make sure we would be able to do things differently on a military base than in State law.

The point being we are talking about a massive expansion of the use of medical facilities on a very troubling area of the law. There is the issue the Senator from Washington raised about how this would actually work. I submit this is working fairly well right now. We have received a letter of complaint from women in the military saying: I want to be able to receive an abortion in any medical facility the military has anywhere in the world in cases outside of rape, incest, and life of the mother, which are currently provided. This is quite an expansive position on a very tense subject, and it is one that threatens to bring down the whole Department of Defense bill. I urge my colleagues, this is not the time and place for us to do this. It would be inappropriate to do.

Mrs. MURRAY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. Eight minutes and 13 seconds.

Mrs. FEINSTEIN. May I have 5 minutes?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, I also thank the Senator for her great service to the women of our country in pointing out what the problem is here.

I was sitting in my office doing work, and I heard the statement that this is abortion on demand. I thought it might be useful for me to read into the Record one letter I received last year from a woman on this very subject that indicates the difficulty of the circumstances women can find themselves in while living overseas.

I am honored to read the story of Holly Webb. Holly is the wife of a staff sergeant in the Air Force stationed in Misawa, Japan. I would like you to hear her story:

My husband was stationed in Misawa, Japan, and I was pregnant on September 2001 to join him. I was pregnant for the first time. Prior to my arrival in Japan, I felt like something was wrong with my pregnancy, and at 6 weeks I went to the emergency room at the Kadena Air Force Base in Florida where we had stationed.

My doctor there told me that everything seemed OK from what they could tell. At 16 weeks, I was in Japan with my husband, and I started bleeding. I went to the hospital for 5 days and then the bleeding would subside. I went to the military hospital at Misawa and they told me I had a placenta previa and that this was a normal side effect and they sent me home.

Just so everybody knows, placenta previa is a serious problem some women confront which can impact their pregnancy. It can cause severe problems for the woman including hemorrhaging both during delivery and post-partum.

Continuing the letter:

At 20 weeks, I started bleeding heavily, and I went back to the hospital. I thought that my water had broken but the hospital told me it was not an emergency and kept me overnight. My OB/GYN did not visit me until the next morning. They told me that the reason they were not coming was because there were no staff doctors available. I was told not to worry about the baby because there was no amniotic fluid surrounding the baby.

When I asked the hospital what my options were, not to worry about the baby because there was no amniotic fluid surrounding the baby, my doctor mentioned that I might be dehydrated. My cervix remained closed, however, and they told me there was a stillborn fetus, which I was told I would deliver spontaneously within weeks or months, but if the baby survived, it would have serious health complications due to the fact I had no amniotic fluid surrounding the baby.

The next day, I was administered IV fluids, and my doctor mentioned that I might be dehydrated. My cervix remained closed, however, and they told me there was a stillborn fetus, which I was told I would deliver spontaneously within weeks or months, but if the baby survived, it would have serious health complications due to the fact I had no amniotic fluid surrounding the baby.

When I asked the doctor what my options were, they told me they could not induce labor or dilate my cervix to deliver because it would be considered an abortion, but that I was at risk for infection. My doctor told me that in order to have an abortion, they would have to have my situation reviewed by a medical board and that she didn’t know how long this would take. She told me that during the 7 or 8 years I had been a military hospital, no matter what the situation was, a woman’s request for an abortion was always denied.

My doctor told me the only way I could receive additional medical treatment was if I became ill. I was told to go home and monitor my temperature and to return when I had a fever or was in pain. I asked if there was any other option because I was worried about dying.

At that point, I felt like my choices were either to go home and wait for a life-threatening infection so that my labor could be induced or go to an outside hospital where I didn’t speak the language and could not be sure that the treatment would be safe.

When I got to the private Japanese hospital, the doctor told me there was a serious risk for infection and that he needed to put me on antibiotics immediately. If I didn’t get antibiotics through IV immediately, I would die. I contacted my grandmother in the United States who wired me $2,000 to pay for the hospital visit.

I checked into the hospital about 4 hours later. They dilated my cervix over a period of 2½ days and induced labor. I delivered a stillborn baby. The military hospital told me that this was an elected abortion and not a stillborn birth.

I am now 17 weeks pregnant again, and my only option is to use the military hospital
for my OB/GYN treatment. I have begged them to let me off the base to go to a private doctor because of my experience last year. I believe that my pregnancy puts my health at risk. It would again be prevented from making decisions I need to about my pregnancy.

The PRESIDING OFFICER. The Senator’s time has expired.

Mrs. FEINSTEIN. I thank the Chair. Let me just make two points.

Mrs. MURRAY. I yield the Senator such time as she needs.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, this is just one example of what a woman living abroad might go through. We can think of all kinds of other situations in foreign countries that might necessitate the termination of a pregnancy. Many of these women are living in countries that don’t have good health care systems in place, skilled providers, or access to safe or clean hospitals.

This ban is a huge mistake. It is in fact a double standard. I do not know of a health situation a man could encounter that would be dealt with at a military hospital in quite the same manner. Nor do I know of a health situation a man could encounter that a military hospital would not treat.

I thank the Senator from Washington for her amendment and for her leadership on this important issue. I urge my colleagues to support this amendment.

Ms. SNOWE. Mr. President, I support the Murray-Snowe amendment. I commend Senator MURRAY for her strong and unflagging leadership on this issue, and am pleased to once again join with her on the critical amendment to the Department of Defense authorization. I am pleased to join my colleague in support of this amendment to repeal the ban on abortions at overseas military hospitals, an amendment whose time has long since come.

Year after year, time after time, debate after debate, we revisit the issue of women’s reproductive freedoms by seeking to restrict, limit, and eliminate a woman’s right to choose. While at times we are able to take one step forward we end up taking two steps back. Last year we were able to garner a majority of the Senate only to have this language removed in conference. I believe that ultimately, we will prevail, that my colleagues on both sides of the aisle recognize that this is a policy change that makes sense, and I hope that will occur on this reauthorization.

When we last considered this amendment, almost 11 months ago to the day, we had more than 37,000 troops stationed overseas, today we have over 10,000 more. Of those more than 35,000 of these troops were women as of April 2002 and women make up almost 36,500 of the troops today. We recognize the impact that the failure to repeal this ban has on so many of these women.

Since last year’s reauthorization debate, the Commander-in-Chief has called our Nation’s military into action on another front. As we watched the 24 hour news stations’ broadcasting reports from their embedded reporters, we saw more female faces amongst the troops than ever before. We are considering this Defense Authorization during a time when Americans, both civilian and military, are fighting terrorism and tyranny all across the globe, both men and women. These women, these soldiers, airmen, sailors, and marines, deserve access to the same health care that women here in the States have.

As I think about this last conflict, it occurs to me how ironic it is that the very people who are fighting to preserve our freedoms, those who are on the front lines defending this war on terrorism or other parts of the globe, are supporting those who are fighting, currently the least protected in terms of the right to make choices about their own personal health and reproductive decisions.

“That is why I stand to join my colleague, Senator MURRAY, once again in overturning this ban on privately funded abortion services in overseas military hospitals, for military women and dependents which was re-instituted in the fiscal year 1996 authorization bill, as we all know. It is a ban without merit or reason that put the reproductive health of these women at risk.

Specifically, as we know, the ban denies the right to choose for female military personnel and dependents. It effectively denies those women who have voluntarily decided to serve our country in the armed services safe and legal medical care simply because they were assigned duty in another country. It makes me wonder why Congress would, year after year, continue to leave these women who so bravely serve our country overseas with no choice but to deny them the rights that are guaranteed to all Americans under the Constitution.

Our task in this debate is to make sure that all of America’s women, including those who serve in our Nation’s Armed Forces and military dependents, are guaranteed the fundamental right to choose. Our task is not to pay for abortions with Federal funding—contrary to what our opponents may claim, after all, since 1979 the Federal law has prohibited the use of Federal funds for abortion at military hospitals. This amendment would not change that. However, what it would do is re-instate the policy that was in place from 1979 to 1988, when women could use their own personal funds to pay for the medical care they need.

In 1988, the Reagan administration announced a new policy prohibiting the performance of any abortions at military hospitals even if it was paid for out of a woman’s private funds—a policy which truly defies logic.

President Clinton lifted the ban in January 1993, by Executive order, restoring a woman’s right to pay for abortion services with private, non-Defense Department funds. Just when we had thought that logic would prevail, in 1995, through the very bill we authorize today, the House International Security Committee reinstated this ban, which was then added in conference. And here we are 8 years later trying to undo this unnecessary threat to our female servicewomen.

Let me take a moment to reiterate a very important point. Clinton’s Executive Order did not change existing law prohibiting the use of Federal funds for abortion, and it did not require medical providers to perform those abortions. In fact, all three branches of the military have conscience clauses which permit medical personnel with moral, religious, or ethical objections to abortion not to participate in the procedure. I believe that is a reasonable measure and one I do not oppose.

Opponents of this amendment argue that changing current law means that military personnel and military facilities are charged with performing abortions and that means that American taxpayer funds will be used to subsidize abortions. This is a wholly and fundamentally incorrect. Every person who has ever been in a hospital for any type of procedure knows full well that the hospital and the physician is able to account for every charge, the cost of every minute, every physician, every nurse, every aspirin, the supplies, the materials, the overheads, the insurance, anything that is part of the procedure. Under this amendment, every expense is included in the cost that is paid by private funds. Public funds are not used for the performance of abortions in this instance. That is an important distinction. Here we are restricting how a woman using her own private insurance or money in support of that procedure. We are not talking about using Federal funds.

This amendment we are fighting for is to lift the ban on privately funded abortions paid for with a woman’s private funds. That is what this issue is all about. Proponents of this amendment believe that a woman would have the ability to have access to a constitutional right when it comes to her reproductive freedom to use her own funds, her own health insurance, for access to this procedure.

Congress works hard at times of war, and at times of peace, to support our American soldiers, sailors, airmen and marines, as well as their dependents, and at times of peace, and at times of war, military forces have no better friend and ally than the Congress. I would argue that is the case in most situations, but obviously there is a different standard when it comes to the health of a woman and her reproductive decisions.

This is especially confounding when we all completely agree that our military members and their families have
sacrificed a lot, including their lives, for the sake of our Nation and what we believe. For those women overseas we are asking them to potentially, and unnecessarily, sacrifice their health under this ban. Making this type of decision is the most monumental, personal, and difficult decision a woman can face. It is a very personal decision. It is a decision that should be made between a woman, her doctor, her family. It is a constitutional right. It is a right that should extend to women in the military overseas, not just within the boundaries of the United States.

I think it is regrettable that somehow we have demeaned women, in terms of this very difficult decision that they have to make. There has been example upon example given to us, to my colleague Senator MURRAY, about the trying circumstances that this prohibition has placed on women who serve in the military abroad. I do not think for one moment not that anybody should minimize or underestimate the emotional, physical hardship that this ban has imposed, a ban that prohibits a woman from using her own private health insurance, her own private funds, her own constitutional decision when she happens to be in the military serving abroad.

The ban on abortions in military hospitals coerces the women who serve our country into making decisions and choices they would not otherwise make. As one doctor, a physician from Oregon, recalls his days as a Navy doctor stationed in the Philippines, he describes the experiences and hardships that result unnecessarily from this policy. Women have to travel long distances in order to obtain a legal abortion—not necessarily a safe abortion, but a legal one. Travel arrangements that are difficult and expensive. Not to mention the fact that in order to take leave, they had to justify their emergency leave to their commanding officer. Imagine that circumstance. Forcing women to make a very personal decision so well known.

However, for those women who choose to find an alternative, their only option is to turn to local, illegal abortions. In other circumstances, their dignity was placed at risk, which was certainly reinforced by the letter that I received from Senator Murray, and from now retired, Lt. Gen. Kenney, the highest ranking woman in the military. She speaks with great perspective about the humiliation and the demeaning circumstances in which many women were placed, not to mention putting their health at risk.

I hope we can overturn this prohibition in law and grant women in the military the same constitutional right that is afforded women who live within the boundaries of the United States of America. No one should lose their constitutional rights at the proverbial door, but that is what this ban has done. Our constitutional rights are not territorial and women who serve their country should be afforded the same rights that women here in America have. I think this ban is not consistent with the principles which our Armed Forces are fighting to protect, and which this American people are overwhelmingly supportive of military. I hope we move forward, and I hope we would understand that women in the military and their dependents overseas deserve the same rights that women have here in this country. They have and should have the same constitutional freedom, no matter where they live.

I hope the Senate will overturn that ban and will support the amendment offered by Senator MURRAY and myself.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment offered by Senators MURRAY and SNOWE to the Department of Defense reauthorization bill to repeal the ban on privately funded abortions sought by U.S. servicewomen, spouses, and dependents in military facilities overseas.

The Supreme Court acknowledges a woman’s right to choose as a constitutionally protected freedom. That right is not suspended simply because a woman serves in the U.S. military or is married to a U.S. service member and living overseas.

Women based in the United States and using a U.S.-based military facility are not prohibited from using their own funds to pay for an abortion. Having a prohibition on the use of U.S. military facilities overseas creates a double standard, and discriminates against women service members stationed overseas.

Banning privately funded abortions on military bases endangers a woman’s health. Service members and their dependents rely on their military base hospitals for medical care. Private facilities may not be readily available in other countries.

For example, abortion is illegal in the Philippines. A woman stationed in that country or the spouse of a service member would need to fly to the U.S. or to another country—at her own expense—to obtain an abortion. We don’t pay our service members enough to assume they can simply jet off to Switzerland for medical treatment.

If women do not have access to military facilities or to private facilities in the country they are stationed, they may face their own health by the delay involved in getting to a facility or by being forced to seek an abortion by someone other than a licensed physician.

We know from personal experience in this country that when abortion is illegal, desperate women are often forced into unsafe and life-threatening situations. If it were your wife, or your daughter, would you want her in the hands of an untrained abortionist on the back streets of Manila or Argen-
tina? Or would you prefer that she have access to medical treatment by a trained physician in a U.S. military facility?

Not only would these women be risking their health and lives under normal conditions, but what if these women are facing complicated or life-threatening pregnancies and are unaware of the seriousness of their condition?

The ban on privately funded abortions in the military affects more than 100,000 active service members, spouses, and dependents of military personnel.

One such woman this ban impacts is Holly Webb. Holly Webb is the wife of a staff sergeant in the Air Force stationed in Misawa, Japan. She tells the following story of her struggle to find adequate reproductive health care overseas:

My husband was stationed in Misawa, Japan, and I moved over in September 2001 to join him. I was pregnant for the first time. Prior to my arrival in Japan, I felt like something was wrong with my pregnancy and at 6 weeks I went to the emergency room at the Egin Air Force Base in Florida where we had been stationed.

My doctor there told me that everything seemed fine from what she was able to feel. At 16 weeks I was in Japan with my husband and I started bleeding. I would bleed weekly for 5 days and then the bleeding would subside. I was sent to the military hospital in Misawa and they told me I had placenta previa and that this was a normal side effect and they sent me home.

At 20 weeks, I started bleeding heavily and went back to the hospital. I thought that my water had broken but the hospital told me that it was not an emergency and kept me there until the next morning. They told me that the results of my triple screen blood test showed possible spina bifida which necessitated an ultrasound. When they did the ultrasound they discovered, as I had thought, that there was no amniotic fluid surrounding the fetus. They were unable to detect whether or not the fetus had spina bifida. For the next day I was administered IV fluids and my doctor mentioned that I might be dehydrated. My cervix remained closed, however, and they told me that there was still a fetal heartbeat. I was told that I might deliver spontaneously within weeks or months, but that if the baby survived, it would have serious health complications due to the fact that I was at risk for infection as well as because there was no amniotic fluid surrounding the baby.

When I asked the hospital what my options were they told me that they could not induce labor or dilate my cervix to deliver because it would be considered an abortion. I felt that I was at risk for infection. My doctor told me that in order to have an abortion, they would have to have my situation reviewed by a board and that she didn’t know how long this would take.

She told me that during her 7 or 8 years of practice in a military hospital, no matter what the situation was, a woman’s request for an abortion was always denied.

My doctor told me that the only way I could receive additional medical treatment was to go home ill. I would have to live at home, manage my care, and monitor my temperature and to return when I had a fever or was in pain. I asked if there was any other option because I was worried about dying.

At that point, I felt like my choices were either to go home and wait for a life-threatening infection so that my labor could be induced or to go to an overseas base where I didn’t speak the language and could not be sure that the treatment would be safe.
When I got to the private Japanese hospital, the doctor told me that there was serious risk for infection, and that he needed to put me on antibiotics immediately and that if I didn’t comply within 24 hours, I would likely die. I contacted my grandmother in the U.S. who wired me $2,000 to pay for the hospital visit. I chose to go into hospital about 4 hours later. They dilated my cervix over a period of 2½ days, then induced labor. I delivered a stillborn baby. The military hospital told me that this was an elected abortion and not a stillborn birth.

I am now 17 weeks pregnant again and my only option is to use the military hospital for my ob/gyn treatment. I have begged them to let me off the base to go to a private doctor because of my experience last year. I believe that if my pregnancy puts my health at risk, I would again be prevented from making the decisions I need to about my pregnancy.

I hope that we have learned something from Mrs. Webb’s story. No woman should have to go through the obstacles Mrs. Webb faced. If Mrs. Webb had been living in the U.S. she would have had a choice. She could have gotten an abortion and avoided the emotional trauma associated with giving birth to a stillborn, and not had to put her own life at risk.

Current law does not force any military physician to perform an abortion against his or her will. All branches have a conscience clause that permits medical personnel to choose not to perform the procedure. A doctor can simply say, “I won’t perform such a procedure.” And then that woman must just find another doctor.

We are telling women today is providing equal access to military medical facilities, wherever they are located, for a legal procedure paid for with one’s own money.

Abortion is legal for American women. These women would pay for the service with their own funds. This amendment does not involve the use of federal funding.

We ask these service members to risk their service of the country but we are not willing to grant them access to the same services they would receive if they were stationed in the U.S. This is especially troubling since September 11 since more Americans have decided to serve their country.

Service members and their dependents must have access to safe, legal, and comprehensive reproductive health care.

I urge my colleagues to support this amendment and ask unanimous consent that my statement appear in the RECORD.

Mr. KENNEDY. Mr. President, I commend Senator MURRAY for her effort to repeal the ban on privately-funded abortions at overseas U.S. military facilities. This amendment rights a serious wrong in our policy, and guarantees that women serving overseas in the armed forces are able to exercise their constitutional right to choose.

This is an issue of fundamental fairness for the many women who make daily sacrifices to serve our Nation. It is wrong to deny them the same medical care available in the United States. Women serving overseas should be able to depend on military base hospitals for their medical needs. They should not be forced to choose between lower quality care in a foreign country, or returning to the United States for the care they need. Congress has a responsibility to provide the best possible medical care for those serving our country at home and abroad.

Such care is essential. Our dedicated servicewomen should not be unfairly exposed to risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them. Servicewomen overseas deserve the same access to all medical services as their counterparts at home.

This amendment will also ease the heavy financial burden on service-women who make the difficult decision to have an abortion. The cost of returning to the United States from far-off bases in other parts of the world often imposes significant financial hardship on сервисивин в the United States do not have the same burden, since nonmilitary hospital facilities are readily available. It is unfair to ask women serving abroad to suffer this financial penalty.

If the cost of a separate trip to return to the United States is too high, servicewomen may face significant delay before military transportation is available. Each week, the health risks faced by these women become increasingly obvious as delays in obtaining a military flight can force women to rely on questionable medical facilities overseas. As a practical matter, they are being denied their constitutionally-protected right to choose.

A woman’s decision to have an abortion is very difficult and extremely personal. It is wrong to impose this heavy additional burden on women who serve our country overseas.

Every woman in the United States has a constitutionally-guaranteed right to choose whether or not to terminate her pregnancy. It is long past time for Congress to stop denying this right to women serving abroad.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be called.

The PRESIDING OFFICER. The amendment (No. 691) was rejected. Mr. BROWNBACK. Mr. President, I move to reconsider the vote.
Mr. SANTORUM. 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. Mr. President, pursuant to the request of the Senator from Virginia, would the President yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. WARNER. Would the President agree to provide the Senate with regard to the order that currently controls the next amendment?

The PRESIDING OFFICER. There is a limited list of amendments offered.

Mr. WARNER. Could the President advise the Senate with regard to the order that currently controls the next amendment?

The PRESIDING OFFICER. A package of amendments has been cleared by both managers: A Boxer amendment on contracting subject to a relevant second-degree amendment; a Scherline amendment on border security; a Kerry amendment on air travel; a Landrieu amendment; and a Grassley amendment on the industrial enterprise.

Mr. WARNER. Mr. President, therefore, it would be in order at this time for any of those amendments to be taken up by the Senate.

The PRESIDING OFFICER. The Senator is correct.

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

Mr. WARNER. Yes.

Mr. REID. Mr. President, if I could ask the distinguished managers of the bill to allow a very brief colloquy and a unanimous consent request by the Senator from New York and the Senator from Massachusetts, I ask unanimous consent to provide for their families at this time.

Mr. WARNER. We have no objection.

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

The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 923

Ms. CLINTON. Mr. President, I rise to ask unanimous consent to provide for the Senate an amendment to the Senate from Massachusetts and New York, and may be a couple of others, we would take no more than 2 minutes for the Senator from Massachusetts and 3 minutes for the Senator from New York.

Mr. WARNER. We have no objection.

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

The Senator from New York.

Mr. KENNEDY. Does this include the individuals?

Ms. MURKOWSKI. I repeat that this amendment includes the provisions as well.

Mr. KENNEDY. Does this include the individuals in the Democratic proposal? Does it include those provisions as well?

Ms. MURKOWSKI. I repeat that this is a clean 6-month extension of the Temporary Extended Unemployment Compensation Act of 2002.

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, there is a very clear reason the request of the distinguished managers of the amendment will make should be respected on the floor of the Senate. We are facing a crisis with 8 to 9 million Americans unemployed. More than 1.5 million of those have seen their unemployment compensation expire. Starting next week, 80,000 workers are going to lose their unemployment compensation.

This is an issue about fairness. On the one hand, we have an opportunity to return to those workers what they have paid over a lifetime of work, in many instances, into a trust fund that is in excess of $20 billion, and the reason it is in surplus is that these workers have paid into it. Now they are entitled to get that money out.

We have had objection to the request of the Senator from New York.

I am going to give the Senate one more opportunity to see whether they are going to be responsive, whether this body is going to understand the issue of fairness. Tomorrow, we are going to pass billions of dollars for the wealthiest individuals in this country. We are trying to look out after hard-working Americans.

Therefore, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Democratic leader, the Senate consider S. 1079, extension of the unemployment compensation, considered under the following limitations: General debate of an hour equally divided, with only one amendment in order, the amendment by Senator KENNEDY, on which there shall be an hour of debate equally divided, and no other amendments be in order, and any points of order be considered waived by this agreement; then a vote on the disposition of the amendment and the use and yielding back of all time, the Senate vote on passage of the bill, without further intervening action or debate, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I object.
Mr. President, I compliment our colleague from Alaska for trying to pass a clean, simple extension. This is the same language Senator Clinton and I passed last January. It is the same language Senator Fitzgerald passed with us. I believe January 7 or 8 is the same language we passed a couple of times for a clean extension. It is not a doubling of the program. It is not taking a 13-week Federal program and turning it into a 26-week program. It is not expanding the definition of uninsured to include full-time workers, or to include a whole variety of people who, frankly, the States don’t now cover.

I will tell my colleagues that we are not going to double the program. We are not going to triple the program. The Senator from Alaska offered to extend the current program which we have been using for the last 2 or so years. That is the proposal she will make today and, I would expect, the procedure she will make tomorrow. That is the only proposal, in my opinion, that will pass.

People want to try to make political statements. We had a vote on it in the budget. I will not yield.

We had a vote on it in the budget. It didn’t pass. We had a vote on it last week on the tax bill. It didn’t pass. Some people want to double or triple the program. It is not going to work.

The Senator from Alaska says she is trying to extend the program so people won’t lose their benefits beginning next month. A clean extension of the Federal program of 13 weeks can pass, or rather may pass. But colleagues who want to continue to double or triple the program jeopardize helping the very people they say they want to help.

I compliment my colleague from Alaska. I hope our colleagues will give fair consideration and ultimately agree to a simple extension of the program for 6 months as proposed by our colleague from Alaska.

I yield.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. Kennedy. Mr. President, I ask the Republican leader: Why don’t we then just have the two different alternatives placed before the Senate and let the Senate express itself on whether it favors our proposal or favors the Republican proposal?

Mr. President, I ask unanimous consent that both of these proposals be laid before the Senate and, at a time suitable to the majority and minority leaders, we have a 10-minute, evenly divided, discussion, and we let the Senate vote on whether it prefers the proposal of the Senator from Alaska or the proposal of the Senators from New York and Massachusetts.

I think that is a fair way to proceed.

Mr. NICKLES. Will the Senator yield?

Mr. Kennedy. I will not yield.

We talk about fairness. Our proposal is basically a similar proposal to what was passed five times, and which the Senator from Oklahoma supported in the 1990s. Why don’t we give the Senate a chance to vote on either one of them? That would be fairest to the workers in this country.

If you don’t know whether they, if you don’t know people will accept it. And if they vote for ours, we would hope you would accept it. That is what I think is fair.

I ask whether the Senator from New York would think that is fair?

Mrs. Clinton. Yes. I think the Senator from Massachusetts—

The PRESIDING OFFICER (Mr. Talent). The Senator from Massachusetts is making a unanimous consent request.

Is there objection?

Mr. Ensign. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

The Senator from Massachusetts retains the floor.

Mr. Kennedy. Mr. President, I think this is a pretty clear indication about where our Republican friends are on this issue—either denying us—or denying the Senate—in the final hours prior to the expiration of coverage for workers—denying us an opportunity to get a vote in the Senate.

Basically, they say: Either take ours or leave it—take ours or leave it—and that is being unfair to workers, particularly at a time when the Republican Party is about to recommend tax breaks of billions of dollars for the wealthiest individuals in this country, and they refuse to give fairness to workers in this country.

That is what is going on here. Workers in this country understand what is happening here in the Senate. It is a clear indication of the priorities: Just open up the Federal Treasury. Give the wealthiest the highest amount of tax breaks and give short shrift to hardworking Americans.

The Republican leader refuses to permit the United States, in a time set by our leaders, to make a judgment on which they would prefer. The workers in the United States are clearly getting short-shrifted.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. Nickles. Mr. President, just for the information of our colleagues, to make sure we make the record straight, my very good friend from the great State of Massachusetts has mentioned: Let’s try to pass UI.

Well, we have not had one vote—we have had three votes this year. We had a vote on the appropriations bill earlier this year. We had a vote on the budget. We had a vote on the tax bill.

They have tried to double the program two or three times, unsuccessfully, and so they are now trying again.

Frankly, we have a Democratic authorization bill. In our economic growth package, we have a debt limit extension, and we need to pass UI. We have a lot of work to do in the next few hours.

Some of us—let me rephrase that—this Senator is going to do what I can to make sure we are not going to double or triple this program. We have already had three votes on the proposal to double it. We are not going to do that. I do not think this proposal votes people think they need. They may think they are winning on the votes, but they are not winning on the issue. I think we may have consent to pass a clean extension. It takes unanimous consent. I tell my colleagues on the other side, who are not going to pass this, it will not work legislatively. And it may jeopardize a clean extension.

So I would be very cautious, especially when you get late in the game, and close before a break, and people want to go home, I would not take for granted that you can pass a clean extension—but I compliment my colleague from Alaska, Senator Mankowski, for trying to do so. I believe we can do so.

We have had three votes already, and it did not win. It will not win on the fourth vote. So I urge my colleagues: The way to do this is let’s pass a clean extension, the same extension that my colleague from New York and I passed or two times the other side of the Senate. Let’s do that again, and let’s help the people who need the help.

If people play other games, they jeopardize a clean extension. I think people should be on notice of that not everybody might want an extension. So the effort to double the program may mean that some people will get zero. Instead of getting 13 weeks, they might get zero because of this effort to double the program.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. Clinton. Mr. President, I wanted to ask my friend from Oklahoma to yield to me, but he yielded the floor.

The dilemma, of course, is one that is very difficult for us to confront. I appreciate greatly the wonderful cooperation that I received in working out the extension of unemployment compensation for those who needed to complete their 13 weeks who were unemployed, and for those who were going onto unemployment for the first time.

Our problem is—and this is where I think the nub of our difference is—we are currently growing literally millions of people who have exhausted their benefits and are looking for work and cannot find it.

I understand and I respect the argument from the other side, although I disagree that the tax package that is being passed today or tomorrow is going to generate jobs and economic growth. I do not think it will. I think it will, in fact, make our economic situation worse and continue to put people out of work. But we will get a chance to find out who is right about that.

But, unfortunately, there are a lot of innocent people caught in the middle
of this debate, people who are not sitting here on the floor of the Senate, people who are not going to get a big tax break, people who are out of work and cannot find a job in this economy.

At some point we have to take responsibility. I appreciate the author on the other side. And I appreciate the good work of the Senator from Alaska to have a straight extension, but we did not have a vote on that specifically. We had votes attached to other items—appropriations, tax changes, etcetera. At some point, we are going to have to face the reality that this economy is losing private sector jobs at the fastest rate in our history. At some point, we have to take responsibility for these people.

We reformed welfare, which I supported. We said to people, go out and get a job; support yourself and your children because we expected that we would have a good economy, because we would have good, sensible, responsible sound policies at the Federal level that would, hand in hand, help the private sector create those jobs. That is not happening, for a lot of reasons. The economy continues to get worse. We have lost half a million jobs in the last 3 months alone.

So I simply ask my friends, my colleagues on the other side: If not now, when? When do we take responsibility, as previous administrations—Republican and Democrat—previous Congresses—Republican and Democrat—did in previous recessions? At some point, we cannot any longer pretend that the economy is going to generate the jobs that all of those unemployed people who have no means of support are desperate to have.

So I hope we will get to that point sooner than later because I have thousands and thousands of these people—one of whom have been out of work since 9/11, 2001—and I believe we should help them. And it is good for the economy. We ought to take that action as soon as possible.

I yield the floor.

Mr. REID. 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 question be rescinded.

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

Mr. WARNER. Mr. President, I willpropound a unanimous consent request. I ask unanimous consent that Senator BOXER be recognized in order to offer her amendment regarding contracting. I further ask that immediately following the reporting by the clerk, the Senator from Virginia, Mr. WARNER, be recognized to offer a first-degree amendment regarding the same subject; provided further that there be 30 minutes under the control of Senator BOXER and 15 minutes under the control of Senator WARNER. Finally, I ask unanimous consent that following the debate time, the Senate proceed to a vote in relation to the Warner amendment, to be immediately followed by a vote in relation to the Boxer amendment, with no amendments in order on either amendment prior to the votes.

Before the Chair rules, I think we can make the second vote a 10-minute vote.

Mr. WARNER. Will the Chair repeat that?

The PRESIDING OFFICER. Without objection, it is in order at this time to simply order the yeas and nays on the two amendments, which will be done if there is no objection.

Mr. WARNER. Will the Chair repeat that?

The PRESIDING OFFICER. Without objection, it is in order at this time to request the yeas and nays on the Warner amendment and the Boxer amendment.

The PRESIDING OFFICER. Without objection, it is in order at this time to request the yeas and nays on the Warner amendment and the Boxer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from California.

AMENDMENT NO. 825

Mrs. BOXER. Mr. President, I thank Senator REID and Senator WARNER for working out this arrangement whereby we can have a definite vote on two alternatives that deal with, in my opinion, competitive bidding—that is what we are talking about—in the rebuilding of Iraq.

I send my amendment to the desk, and I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 825:

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) On March 8, 2003, the Army Corps of Engineers awarded a sole-source Indefinite Delivery/Indefinite Quantity contract for the reconstruction of the Iraqi oil industry.

(2) The Department of Defense has characterized this as a short-term "bridge" contract that will be used for an interim period until a contract can be awarded on a competitive basis.

(3) However, the estimated date of completion for this contract is March 2005 and the value is estimated by the Department of Defense to be $57 billion.

(4) The Department of Defense has established a goal of completing the follow-on competition and having a fully competitive contract in place by August 31, 2003. This goal was stated in a letter dated May 2, 2003.

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

(1) The taxpayers deserve fairness.

(2) Businesses deserve fairness.

(3) The Competition in Contracting Act of 1984 establishes a preference for the award of competitive contracts.

(4) The Department of Defense should meet its goal of having a fully competitive contract in place by August 31, 2003 and performing work needed for the reconstruction of the Iraqi oil industry after such date under that competitive contract.

(c) REPORT TO CONGRESS.—If the Department of Defense fails to meet its own stated goal of having a fully competitive contract in place 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.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, at this time, does my friend want to bring his second-degree amendment to the desk or, rather, his substitute?

AMENDMENT NO. 826

Mr. WARNER. Mr. President, I send to the desk an amendment which is in the first degree to protect the Senator from California, unless she would like to have it as a second-degree amendment. We can do that.

Mrs. BOXER. I prefer to have it as a first-degree amendment. It will be much better, and I appreciate that.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 826.

Mr. WARNER. Mr. President, I ask unanimous consent that following a vote in relation to the Warner amendment, to be immediately followed by a vote in relation to the Boxer amendment.
I ask unanimous consent to add as cosponsors to my amendment Senator LIEBERMAN, Senator CLINTON, Senator BOB GRAHAM, Senator LAUTENBERG, and Senator DURBAN.

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

Mrs. BOXER. I am proud to have their support. There can be no stronger advocate of the strongest possible military than Senators LIEBERMAN and GRAHAM. We know that. We have seen them here for years because they understand, as I do, that it weakens our country when we do these kinds of deals.

The amendment that my friend has offered is fine; there is nothing wrong with it, but it does not get to the heart of this particular contract. It is general, whereas the amendment I have offered—and, by the way, it is just a sense of the Senate. It is nice. But what I have offered says that if the Secretary of Defense finds that the Army Corps has not, in fact, put the rest of this contract out for bid by the date of September 30—and they have promised to do so by August 31—then they have to tell us why they did not bid out this contract.

I am going to put up a chart that shows a copy of the congressional notification of this contract. It looks scary when one sees it because there is lots in it, but I have highlighted in yellow the things my colleagues ought to know, because maybe they do not know this.

I want to compliment the minority ranking member of the Committee on Government Reform in the House, HENRY WAXMAN, for doing so much of the research.

I ask unanimous consent that a fact sheet called the Bush Administration’s Contracts with Halliburton, put out by the minority staff of the Committee on Government Reform, be printed in the RECORD.

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

FACT SHEET: THE BUSH ADMINISTRATION’S CONTRACTS WITH HALLIBURTON

The Bush Administration has awarded several extremely large contracts and task orders to Halliburton. Of particular concern is the contracts awarded to a Halliburton subsidiary, Kellogg Brown & Root. GAO reports and other investigations have documented a history of Brown & Root overcharging for work in Iraq. Despite this history, the Administration has awarded Brown & Root lucrative government contracts—including a recent contract for oil-related support services to the Army Corps and Halliburton had been initially suggested. Information provided by the Corps and Halliburton had been initially suggested. Information provided by the Corps and Halliburton had been initially suggested. Information provided by the Corps and Halliburton had been initially suggested. Information provided by the Corps and Halliburton had been initially suggested. Information provided by the Corps and Halliburton had been initially suggested. Information provided by the Corps and Halliburton had been initially suggested. Information provided by the Corps and Halliburton had been initially suggested.

More flack on Halliburton deal: The revelation that the Pentagon contract is worth up to $7 billion is more fuel for critics who say it should have been open to bidding.

And USA Today, April 11: Halliburton oilfield deal raises questions.

The point is, we should do everything we can for the taxpayers of this country to make them feel comfortable that when there is work at home or abroad, every business in this country gets a chance to compete for the work. Why? Because we all know if there is no competition, the price could soar.
March 24 entitled “KBR Implements Plan for Extinguishing Oil Well Fires in Iraq,” which described the contract work as “assessing and extinguishing oil well fires in Iraq and evaluating the effectiveness as directed by the U.S. government, the country’s petroleum infrastructure.”

The Corps also released information stating that it was in charge of “implying explanations and completing oil well fires and to assess oil facility damage in Iraq” and that it would be contracting with Brown & Root to perform these functions. On March 29, however, the Corps revealed that the contract also includes “operation of facilities” and “distribution of products.” It thus appears that Brown & Root may be asked to operate oil facilities and distribute tribute oil products. This raises significant questions about the Administration’s intentions regarding Iraqi oil. The Administration has previously drawn a bright line on Iraqi oil: according to White House spokesman Ari Fleischer, “[t]he oil fields belong to the people of Iraq, the government of Iraq, all of Iraq.” 

Those sentiments were echoed by Secretary of State Colin Powell and Secretary of Defense Donald Rumsfeld, among others. It now appears that Halliburton or another company—perhaps not the Iraqi people—may be making fundamental decisions about how much oil should be produced and who should produce it.

The Corps has also claimed that the contract is only for short-term emergency work. But the Corps revealed in their April 8 letter that the contract has a two-year term. The Corps also indicated that they are planning to replace the contract with a new, competitively bid contract. In their May 2 letter, however, the Corps disclosed that the Halliburton contract will be in place until as late as August 2003, and possibility until January 2004.

According to the May 2 letter from the Corps, the new, longer-term contract the Corps is planning to issue will again involve operating facilities and distributing oil. This raises further questions about how much say the Iraqi people will have in making decisions about the country’s natural resources.

The Corps contract is “cost plus.” This means that the contractor receives its costs plus an additional percentage of those costs as its profit. These kinds of contracts are particularly susceptible to abuse as they give the contractor an incentive to increase its profits by increasing its costs. As noted above, Brown & Root has a record of overcharging the taxpayer on cost-plus contracts.

OTHER IRAQ CONTRACTS

Halliburton is not the only company to benefit from secret, noncompetitive contracts. The U.S. agency for International Development hand-picked U.S. companies to bid secretly on contracts for work in Iraq. Like the Army Corps contract, the AID contract for Iraqi reconstruction has been handled secretly. AID said it hand-picked a select few domestic companies to bid on nine contracts for services including airport administration, education, public health, and security support. The eight contracts that have been awarded are together worth up to $1 billion. And they may be worth much more, depending on who and how they were bid.

Halliburton was one of five companies asked by AID to bid on a $680 million contract to rebuild Iraq. Like Halliburton, the other companies—including Fluor, Bechtel—and eventual winner, Bechtel—are heavy Republican contributors. Between them, these companies reportedly contributed $14 million, or as much as one third of all contributions in 2002.

After the controversy over the Army Corps contract, Halliburton announced that it would not bid on the AID contract. It has indicated it may instead opt for a still lucrative but lower-profile subcontracting role.

AID has not identified all of the companies that were selected to bid on its contracts and it has given shifting and at times contradictory explanations for why it did not use full and open competition.

For example, AID has said that it limited the eligible companies to those with a security clearance. It turns out that some of the companies that were asked to bid did not actually have security clearances. In fact, in one case, AID found out after choosing a contractor that the contractor did not have a clearance. AID awarded the contract to the contractor anyway.

AID has also said that it is required by federal law to use U.S. companies. However, AID can waive this requirement. In fact, it did so with respect to subcontractors on the Iraq contracts. But AID declined to invite any non-U.S. firms to bid on the actual contracts.

More information about the Administration’s contracts with Halliburton and other companies can be found at www.reform.house.gov/invvest/admin_contracts.htm.

ENDNOTES

1 Cheney Gets $33 Million Exit Package from Dallas-Based Energy Services Firm, Dallas Morning News (Aug. 17, 2000).
4 Id.
9 Halliburton, Halliburton Reports SEC Investigation of Accounting Practice (May 29, 2002).
10 Halliburton, Halliburton Updates SEC Status (Dec. 19, 2002).
13 The rival firm claimed that Brown & Root had an unfair advantage because its proposed program manager was a former Petroleum officer. The department’s command that conducted the acquisition OAO concluded that there was “no evidence that any impropriety or unfair competitive advantage resulted” from the apparent conflict.
15 In Tough Times, a Company Finds Profits in War, New York Times (July 13, 2002).
16 Id.
22 White House, Press Briefing by Ari Fleischer (Feb. 6, 2003).

Mrs. BOXER. When we look at this congressional notification, which was very late in getting there, because there were already five task orders under this Halliburton contract, finally they gave this information over. They have obligated first $17 million, then $67.5 million, $22 million, $5 million, and $24 million, with no competitive bidding.

It actually it was a contract to put out the oil fires. Okay. We understand. But what about the rest? The estimated face value of this contract is $7 billion. What do we spend on all of our after-school programs. I say to my colleagues, in 1 year, $35 million dollars. How many kids are waiting in line to get into that program? Millions. We cannot afford it, but we can afford to give a sole-source $7 billion to one company named Halliburton. We all know the power of that company.

I want my colleagues to see I am not making this up when I say this was a sole-source contract. Estimated face value, $7 billion. Bids solicited, sole-source. That Brown & Root was involved. That is a good day for Halliburton that was.

The subsidiary of Halliburton is Brown & Root. That is the company that held the subcontracting monopoly in the Balkans. In 1997, GAO found that the Army was unable to ensure that the contractor adequately controlled costs. For example, Brown & Root got a subcontract from the Army $860 to fly in 14 sheets of plywood from the United States of America.

The Army official in charge was shocked when he found out.

In 2000, GAO found more evidence that the Army was inflating the Government’s costs and its products by, for example, overstaffing work crews and providing more goods and services than necessary. And how about this: Brown & Root was subject to a criminal investigation for overbilling the Government on another contract. According to a former employee, the company routinely and systematically inflated contract prices it submitted to the Government for work it performed on a military base in California, and Brown & Root paid $2 million to settle that case.

Brown & Root’s parent company Halliburton has its own problems. The company is investigating accounting practices of the company. The company recently restated its earnings for the fourth quarter of 2002 and Halliburton has admitted paying $2.4 million in bribes to a Nigerian official in an attempt to gain favorable tax treatment in the country.

So I say to my colleagues, why on Earth would the Army Corps give this company this incredible sole-source contract to the tune of $7 billion? Why have we had a series of answers to that question? At first we were told this was just for emergencies. Remember those newspaper articles, just for
emergencies? Now we are finding out it goes well beyond emergencies.

In March 2003, the administration awarded Brown & Root a contract to repair and operate Iraq’s oil infrastructure. The administration has been reluctant to release complete basic information about the contract. Remember, the contract was awarded March 8 but it was not publicly disclosed until March 24. The Corps did not reveal until April 3, in response to a request from Representative Waxman, the scope of the contract. The scope of the contract was significantly broader than previously provided information had suggested.

We have a chance to end this embarrassment today. If we have a strong open conversation about our partnership with Brown & Root and our commitment to the Iraqi people, I think we have a chance to make this a productive conversation.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. In this situation, has the Department of Defense made any statements that they are planning on making some sort of a revision to this $7 billion Halliburton contract?

Mrs. BOXER. That is correct, they have. In a letter to Representative Waxman, who has kind of uncovered this entire matter—if it was not for him, this thing might be buried somewhere where in somebody’s drawer—what they said, we are now completing—this is the Department of the Army: We are now completing the competitive acquisition strategy and plan, preparing the statement of work, and preparing the solicitation. We are expecting proposals to perform work. The solicitation will be advertised on the Federal Business Opportunities Web site by late spring or early summer and the estimate for the award of the contract is approximately the end of August.

So they have given a date by which they say they will be able to take the rest of this contract and bid it out. By the way, there is nothing to say whether the Halliburton subsidiary, Brown & Root, can’t compete on the rest of the contract when it goes out. It ought to be open.

Mr. DURBIN. If the Senator will further yield for a question, what the Senator from California is asking the Senate to do, is hold the Department of Defense to their own promise to the Congress that they will put an end to this $7 billion Halliburton sole-source contract and actually open this up to bidding. The Senator is only asking Congress to hold the Department of Defense accountable for written promises that they have already made to Congress.

Mrs. BOXER. That is all I am doing. I say to my friend, I can tell from the sound of his voice, he is a little incredulous, and I can tell it is not accepted by the other side. This is such a simple, straightforward commonsense kind of approach.

We are saying that this was not right. The Army Corps has said they will fix it. They have given us a date; they will fix it. All we are saying is, if you do not, we want to hold you accountable. We want a report.

Mr. DURBIN. If the Senator will yield for a further question, in most instances, when you are considering this kind of arrangement—here we have a major company, sole-source contract for $7 billion, without anyone else competing with them. The question it raises is whether it is improper or has an appearance of impropriety.

I say on its face there is an appearance of impropriety, that one company, without competitive bidding, would end up with a $7 billion contract. Is the Senator from California saying that if Halliburton is that good, that this is the only company in America that can possibly bid on it, Halliburton will have its chance?

The Department of Defense is going to say to all the companies in America that might provide the services, you have your chance to compete with Halliburton. If it is that good, Halliburton can win this contract fair and square on the up and up and eliminate any appearance of impropriety. Is that what the Senator from California is trying to achieve?

Mrs. BOXER. I am trying to say what you stated. If Halliburton or subsidiaries wish to do more work in Iraq, let them do so as long as they toe to toe with every other company in this country.

I have heard from so many businessespeople who are outraged at this. That is why the amendment I have offered on behalf of Senator LAUTENBERG and you and others is a probusiness amendment; it is a protaxpayer amendment and a proconsumer amendment.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mrs. BOXER. I ask the Chair if the Senator from California is trying to describe as “business unusual.”

Mrs. BOXER. I think my friend, a very successful businessman, has put his finger on it. It is business unusual.

Mr. LAUTENBERG. I say to my friend, it is very unusual. When we ask them, they say: We are just going to use this contract to put out the fires.

Then it turned out, thank God, there were not that many fires; and we thought, OK, fine, it was a sole source. Mr. LAUTENBERG. It turned out to be a fire sale.

Mrs. BOXER. Another excellent political term.

I am happy my friend from New Jersey is back. I was losing my sense of humor. I am glad he is back.

This chart shows the congressional notification of this contract. The light of day never came to this until way after it was issued. Now we finally got it after the fifth task order. Estimated value, $7 billion.

They called it a bridge contract, by the way, when they started out, and they started to let out these task orders.

Mr. LAUTENBERG. Will the Senator yield?
Does it say the maximum amount the Government could spend?

Mrs. BOXER. The estimated face value.

Mr. LAUTENBERG. So if $7 billion became $10 billion—is there any limitation?

Mrs. BOXER. Legally, as I look at it, it says estimated face value.

Here it says “bids received: One.” “Bids solicited, sole source.”

This is stunning.

I ask the President how much time remains on my side?

The PRESIDING OFFICIAL. Eight minutes twenty seconds.

Mrs. BOXER. I yield 5 minutes to my friend from New Jersey and retain the remainder of my time.

The PRESIDING OFFICIAL. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank my friend and colleague from California. I support Senator BOXER’s amendment regarding the questionable—and it is questionable; friends here know I spent a lot of my time, most of my life, in business, more than I have in the Senate. No-bid contracts are practically nonexistent when they have significant value to either the company, the government, or otherwise.

The contract given to Halliburton in early March regarding Iraq’s oil infrastructure, this no-bid contract, has raised serious concern. There is good cause for concern here. It is just a question of what is a good, sensible business practice.

I ask every Senator in this body to take a look and ask if they would give out a contract to cut the lawn at their house or cut down trees or paint the house without getting some formal response as to what it might cost. We have a strange happening: no-bid contract. It could be as much as $7 billion, with no ceiling on it. That is the interesting aspect. For whatever reason, the administration has attempted to conceal the scope and the terms of the contract. This attempt to hide information has generated plenty of suspicion.

Initially, it was announced that the contract with Halliburton was for a specific and limited purpose of extinguishing Iraqi oil fires. That could be described as emergency and repairing equipment. The initial value of the contract, the initial value, was $30 million. Talking about approximately $7 billion, give or take $2 billion or $3 billion—mostly take; I guarantee there is no give, in the hope that no one would ask any questions.

This was a no-bid contract given to a company that has strong ties to the administration. Then the details began to change. Six weeks after the contract was originally disclosed, the Army admitted that the contract was not only for putting out the fires and making some repairs, $7 billion—sudden influx of military contractors revealed that the contract called for Halliburton to operate the oil wells and distribute Iraqi oil. That is a huge difference.

There is the issue of the no-bid process. Perhaps we ought to have a Senate resolution to see how our friends would vote if we said let’s go to all no-bid contracts for Government purchases. Sound like a good idea? I doubt it.

As I am told the Halliburton contract was awarded in a no-bid fashion, the Army Corps asserted that there was no time for a competitive process and this contract would be of short duration. You can spend $7 billion in a hurry, I guess.

We now learn the contract could be worth up to $7 billion. For the past 6 weeks, each time the Army Corps has been questioned about the contract, we hear a different answer. I recently have written a letter to Senator COLLINS and Senator LIEBERMAN, the chairman and the ranking member of the Governmental Affairs Committee of which I sit, asking them to hold a hearing to investigate this contract. I believe the hearing will allow us to finally determine the true scope of this contract and why the administration chose not to have a bidding process and why the information was withheld.

Something here is not right. Not only do we need to investigate the process under which this contract was awarded, but we also need to put a competitive contracting process in place for this work in Iraq. We need to ensure for the American people that the Government is not engaged in sweetheart deals for its corporate friends.

The amendment of Senator BOXER encourages that the current no-bid Halliburton contract be replaced short-term through a competitive process, and I congratulate the Senator from California for that thought. That is the way it ought to work.

The reconstruction of Iraq, particularly the rebuilding of the Iraqi oil industry, is an extremely sensitive endeavor. I believe it is vitally important for the Pentagon to divulge information as to how it awards contracts in a public and systematic fashion. The Halliburton contract and the cloak of secrecy around it must not set a precedent for future contracts in the reconstruction process.

In this time of budget difficulties, with our inability to finance programs that have been an important part of the structure of the United States—whether it is education, whether it is prescription drugs or otherwise—for us to go ahead and spend $7 billion without knowing how, why, and when this work is going to be performed is an outrage. I don’t think the American public ought to stand still for it.

I urge my colleagues to support the Boxer amendment.

I yield the floor.

Mrs. BOXER. Mr. President, I reserve the remainder of my time.

Mr. WARNER. Mr. President, I ask unanimous consent to modify my amendment. I will send the modification to the desk.

Mrs. BOXER. Reserving the right to object, I don’t know whether I will object. I would like the chance to look at it. I just got a chance to look at it a minute ago. So if you could put the unanimous consent off for a couple of minutes so I can take a look at it?

Mr. WARNER. Fine. Let me just explain the Senate. The Senator, in the course of her comments, more or less criticized the amendment by the Senator from Virginia as not having it in the full force and effect of law. So, acting upon the suggestion of the good Senator from California, I have now provided that this amendment will have the full force of law. Let me read it to you.

Mrs. BOXER. If the Senator wants to give me 2 minutes, I am just looking at it now. You can read it to me or I can go through it and read it myself. Either way is fine. I do not have it in front of me.

Mr. WARNER. Let me read it.

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

It is straightforward.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum. I am just going to chat with my friend for a minute.

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

Mr. WARNER. Mr. President, I ask unanimous consent that we proceed as if the quorum call be rescinded.

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

CORRECTION IN THE ENROLLMENT OF H.R. 1298

Mr. WARNER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the concurrent resolution (S. Con. Res. 46) to correct the enrollment of H.R. 1298.

The PRESIDING OFFICIAL. The PRESIDING OFFICIAL laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 46) entitled “Concurrent resolution to correct the enrollment of H.R. 1298”, do pass with the following Amendment:

On page 1, line 2, strike “Secretary of the Senate” and insert “Clerk of the House of Representatives”;

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.