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 chairman for 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 legislative 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:

Murray Amendment No. 691, to restore a previous policy regarding restrictions on use of Department of Defense medical facilities.

The ACTING PRESIDENT pro tempore. Under the previous order, the pending amendment is set aside.

The Senator from Nevada.

AMENDMENT NO. 791

Mr. REID. Mr. President, I call up amendment number 791.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DASCHLE and Mr. JOHNSON, proposes an amendment No. 791.

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

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

The amendment is as follows:

(Purpose: To set aside an amount for reconstituting the B–1B bomber aircraft fleet of the Air Force)

On page 21, after line 20, insert the following:

SEC. 132. B–1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), $20,300,000 shall be available to reconstitute the fleet of B–1B bomber aircraft through modifications of 23 B–1B bomber aircraft otherwise scheduled to be retired in fiscal year 2003 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

(2) The Secretary of the Air Force shall submit to the congressional defense committees a report that specifies the amounts necessary to be included in the future-years defense program to reconstitute the B–1B bomber aircraft fleet of the Air Force.

(b) ADJUSTMENT.—(1) The total amount authorized to be appropriated under section 103(1) is hereby increased by $20,300,000.

(2) The total amount authorized to be appropriated under section 104 is hereby reduced by $20,300,000, with the amount of the reduction to be allocated to SOF operational enhancements.

Mr. WARNER. Mr. President, if I could have the attention of the distinguished leader and ranking member, my understanding is that amendment requires a further amendment, and then it is in an acceptable form. Am I not correct?

Mr. LEVIN. If I could ask the Senator to yield, it is my understanding that the amendment has been agreed to but the paperwork has not yet been completed to accomplish the agreement.

Mr. REID. If the Chair would allow me, Senator DASCHLE agreed to the modification of the amendment. That could be handled either later today or in the managers' package.

Mr. WARNER. Mr. President, I thank the distinguished leader. Perhaps in the course of the debate this morning we can reach that agreement quickly.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. FITZGERALD assumed the Chair.)

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

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I first express to colleagues in the Senate our appreciation for their patience. We have achieved remarkable results, in my judgment, under the guidance of the distinguished Democratic whip and the Republican whip on this side, helping the two managers.

Mr. President, my colleague Senator LEVIN and I wish to turn to a package of some 30 agreed-upon amendments. At the conclusion of that, we will entertain a unanimous consent request which should pretty well keep us in motion here.

AMENDMENT NO. 804

Mr. WARNER. Mr. President, I offer an amendment on behalf of Senator SMITH which will authorize land exchange at the Naval and Marine Corps Reserve Center in Portland, OR.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH, proposes an amendment numbered 804.

The amendment is as follows:

(Purpose: To authorize a land exchange, Naval and Marine Corps Reserve Center, Portland, Oregon)

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

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

(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 received by the Secretary under this subsection shall be at least equal to the fair market value of the real property conveyed under subsection (a), as 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 for costs incurred by 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 in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to UPS.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the replacement facilities required by subsection (b) are suitable and available for the relocation of the operations of the Naval and Marine Corps Reserve Center.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(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 Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. LEVIN. Mr. President, we have no objection to this amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 804) 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. 805

Mr. LEVIN. I offer an amendment on behalf of Senator SARBANES that would provide for the conveyance of 33 acres of land in Fort Ritchie, MD.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside for all the amendments which Senator WARNER and I will now be offering.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SARBANES, proposes an amendment numbered 805.

The amendment is as follows:

(Purpose: To provide for the conveyance of land at Fort Ritchie, Maryland)

On page 370, between lines 15 and 16, insert the following new section:

SEC. 2825. LAND CONVEYANCE, FORT RITCHIE, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the PenMar Development Corporation, a public instrumentality of the State of Maryland (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at former Fort Ritchie, Cascade, Maryland, consisting of approximately 33 acres, that is currently being leased by the International Masonry Institute (in this section referred to as the ''Institute''), for the purpose of enabling the Corporation to sell the property to the Institute for the economic development of former Fort Ritchie.

(b) EXEMPTION FROM FEDERAL SCREENING REQUIREMENT.—The conveyance authorized by subsection (a) shall be exempt from the requirement to screen the property concerned for further Federal use pursuant to section 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.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 805) 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. 707, AS MODIFIED

Mr. WARNER. On behalf of Senator INHOFE, I offer an amendment that supports Army research and development funding for human tissue engineering. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. INHOFE, proposes an amendment numbered 707, as modified.

The amendment is as follows:

(Purpose: To add an amount of Army RDT&E funding for human tissue engineering, and to provide offsets within the same authorization of appropriations)

On page 25, between lines 11 and 12, insert the following:

SEC. 213. HUMAN TISSUE ENGINEERING.

(a) AMOUNT.—Of the amount authorized to be appropriated under section 201(1), $1,700,000 may be available in PE 0602787 for human tissue engineering. The total amount authorized to be appropriated under section 201(1) is hereby increased by $1,700,000.

(b) OFFSETS.—Of the amount authorized to be appropriated under section 301(4) for operations and maintenance, Air Force, is hereby reduced by $1,700,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. LEVIN. There is no objection.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 707), 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. 791, AS MODIFIED

Mr. LEVIN. Mr. President, I offer a modified amendment on behalf of Senator DASCHLE that would add an additional $20.3 million for B–1B bomber modifications. I believe it has been cleared on both sides.

The PRESIDING OFFICER. Does the Senator intend this to be a modification of the pending Daschle amendment?

Mr. LEVIN. I am not sure I can hear the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan intend this to be a modification of the pending Daschle amendment?

Mr. LEVIN. We do.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 791, previously proposed by the Senator from Nevada, Mr. REID, for Mr. DASCHLE, as modified.

The amendment is as follows:

(Purpose: To set aside an amount for reconstituting the B–1B bomber aircraft fleet of the Air Force)

On page 21, after line 20, insert the following:

SEC. 132. B–1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), $20,300,000 may be available to reconstitute the fleet of B–1B bomber aircraft through modifications of 23 B–1B bomber aircraft otherwise scheduled to be retired in fiscal year 2003 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

(2) The Secretary of the Air Force shall submit to the congressional defense committees a report that specifies the amounts necessary to be included in the future-years defense program to reconstitute the B–1B bomber aircraft fleet of the Air Force.

(b) ADJUSTMENT.—(1) The total amount authorized to be appropriated under section 103(1) is hereby increased by $20,300,000.

(2) The total amount authorized to be appropriated under section 104 is hereby reduced by $20,300,000, with the amount of the reduction to be allocated to SOF operational enhancements.

Mr. DASCHLE. Mr. President, the Senate will soon adopt a new national Defense authorization bill. I commend Senators WARNER and LEVIN, the distinguished managers of this bill, for their excellent work. They have worked well together on an important piece of legislation.

This crucial legislation, the fiscal year 2004 National Defense authorization bill, provides funds for our troops, their training, and their equipment.

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 time ago and 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 plan to retire 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 U.S. 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.

Senator JOHNSON and I have consulted with the Air Force about the timing and funding requirements to regenerate 23 planes and have determined that an appropriate first-year effort would be $20.3 million. This is also the level of effort being recommended by the House Armed Service Committee in the bill being taken up this morning on the House floor. This fiscal year 2004 funding would launch a multiyear program to provide these 23 planes the same capabilities as the rest of the B–1 fleet.

To begin with, these planes would require the Block E upgrade to B–1 offensive systems that almost all of our B–1 fleet has already received. Additional assorted upgrades will also be required, and my amendment would begin that work—configuration to accommodate towed decoys, installation of new datalink capabilities, and modifications to improve the dependability 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 our Nation's 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 America's 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. Furthermore, 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.

The amendment (No. 791), 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. 787, AS MODIFIED

Mr. WARNER. On behalf of Senator SANTORUM, I offer an amendment to support naval research and development for 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 non-thermal 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 non-thermal imaging systems. The total amount authorized to be appropriated under section 201(2) is hereby increased by $2,000,000.

(b) OFFSETS.—The amount authorized to be appropriated by section 301(4) for operations and maintenance, Air Force, is hereby reduced by $1,000,000 and the amount authorized to be appropriated by section 104 for Defense-Wide Activities, is hereby reduced by $1,000,000 for SOF Rotary Wing Upgrades.

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 BIDEN, I send an amendment to the desk which would increase by 30 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 411(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 total amount authorized to be appropriated under section 104 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. I move to lay that motion on the table.

The motion to lay on the table was agreed.

AMENDMENT NO. 788, AS MODIFIED

Mr. WARNER. I offer an amendment to make available funds for operation and maintenance for the Army Reserve for information operations for Land Forces Readiness-Information Operations Sustainment. This amendment has been modified to provide offsets.

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 788, as modified.

The amendment is as follows:

(Purpose: To make available, with an offset, $3,000,000 for operation and maintenance for the Army Reserve for information operations for Land Forces Readiness—Information Operations Sustainment)

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

SEC. 313. INFORMATION OPERATIONS SUSTAINMENT FOR LAND FORCES READINESS OF ARMY RESERVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY RESERVE.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $3,000,000.

(b) AVAILABILITY FOR INFORMATION OPERATIONS SUSTAINMENT.—(1) Of the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve, as increased by subsection (a), $3,000,000 may be available for Information Operations (Account #19640) for Land Forces Readiness–Information Operations Sustainment.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $3,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

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 Holloman Air Force Base high-speed test track.

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. BINGAMAN, proposes an amendment numbered 807.

The amendment is as follows:

(Purpose: To make available, with an offset, $2,100,000 from amounts available for research, development, test, and evaluation for the Air Force for Major T&E Investment (PE 0604759F) for research an development on magnetic levitation technologies at the high speed test track at Holloman Air Force Base, New Mexico)

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

SEC. 213. MAGNETIC LEVITATION.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,100,000, with the amount of the increase to be allocated to Major T&E Investment (PE 0604759F).

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force and available for Major T&E Investment, as increased by subsection (a), $2,100,000 may be available for research and development on magnetic levitation technologies at the high speed test track at Holloman Air Force Base, New Mexico.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force, is hereby reduced by $2,100,000.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. Mr. President, it is cleared on both sides.

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

The amendment (No. 807) 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. 808

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment that adds $2 million for the Army for the procurement of rapid infusion pumps.

The matter 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 808.

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 (IV) pumps)

In subtitle B of title I, add after the subtitle heading the following:

SEC. 111. RAPID INFUSION PUMPS.

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

(2) The total amount authorized to be appropriated under section 101(5) is hereby increased by $2,000,000.

(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. Without objection, 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)

On page 40, between lines 7 and 8, insert the following:

SEC. 235. 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 $8,000,000.

(3) OFFSET.—Of the amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force, the amount is hereby reduced by $8,000,000.

The PRESIDING OFFICER. Is there debate?

Mr. LEVIN. There is no objection to the amendment.

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

The amendment (No. 743), 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. 723, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator LOTT, I offer an amendment which would add $2 million in Research, Development, Test and Evaluation funding for the development and fabrication of composite submarine sail test articles.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 723, as modified.

The amendment is as follows:

(Purpose: To set aside an amount of Navy RDT&E funding for the development and fabrication of composite sail test articles for incorporation into designs for future submarines)

On page 25, between lines 11 and 12, and insert the following:

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 104 may be reduced by $2,000,000, to be derived from the amount provided for SOF operational enhancements.

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

The PRESIDING OFFICER. Is there debate?

Without objection, the amendment is agreed to.

The amendment (No. 723), 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. 809

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 clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 809.

The amendment is as follows:

(Purpose: To make available, with an offset, $2,000,000 for research, development, test, and evaluation for the Army for the development of Portable Mobile Emergency Broadband Systems (MEBS)

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

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 104 for Procurement, Defense-wide activities, SOF Operational Enhancements is hereby reduced by $2,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

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

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

The amendment (No. 809) 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. 810

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 clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 810.

The amendment is as follows:

(Purpose: To provide, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Air Force for boron energy cell technology)

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

SEC. 213. BORON ENERGY CELL TECHNOLOGY.

(a) INCREASE IN RDT&E, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby 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, as increased by subsection (a), $5,000,000 may be available for research, development, test, and evaluation on boron energy cell technology.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET FROM OPERATIONS AND MAINTENANCE.—The amount authorized to be appropriated by section 301(1), for operations and maintenance for the Army is hereby reduced by $5,000,000.

The PRESIDING OFFICER. Is there debate on the amendment?

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 760

Mr. WARNER. Mr. President, on behalf of Senator COCHRAN and others, I offer an amendment which makes available funds for the Arrow ballistic missile defense system.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COCHRAN, Mr. REED, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Ms. MIKULSKI, and Mr. BOND, proposes an amendment numbered 760.

The amendment is as follows:

(Purpose: To set aside an amount for coproduction of the Arrow ballistic missile defense system)

On page 40, between lines 7 and 8 insert the following:

SEC. 235. COPRODUCTION OF ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the total amount authorized to be appropriated under section 201 for ballistic missile defense, $115,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

The PRESIDING OFFICER. Is there debate on the amendment?

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, it is so ordered. 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. 790, AS MODIFIED

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 790, as modified.

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 3131, add at the end the following:

(c) REPORT.—(1) Not later than March 1, 2004, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report assessing whether or not the repeal of section 3136 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. 790), 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 2611 of the United States Code title X to allow the Secretary of the Navy to accept guarantees as gifts for the construction of a United States 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 the acceptance of guarantees with gifts for the development of the Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia)

On page 278, beginning on line 16, strike ''**FOR ASIA-PACIFIC CENTER FOR SECURITY STUDIES**''.

On page 280, after the matter following line 7, insert the following:

(c) ACCEPTANCE OF GUARANTEES WITH GIFTS IN DEVELOPMENT OF MARINE CORPS HERITAGE CENTER, MARINE CORPS BASE, QUANTICO, VIRGINIA.—(1) The Secretary of the Navy may utilize the authority in section 6975 of title 10, United States Code, for purposes of the project to develop the Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia, authorized by section 2884 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001; as enacted into law by Public Law 106–398; 114 Stat. 1654A–440).

(2) The authority in paragraph (1) shall expire on December 31, 2006.

(3) The expiration under paragraph (2) of the authority in paragraph (1) shall not effect any qualified guarantee accepted pursuant to such authority for purposes of the project referred to in paragraph (1) before the date of the expiration of such authority under paragraph (2).

Mr. LEVIN. Mr. President, we support the Warner amendment.

The PRESIDING OFFICER. Is there debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 811) was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that there be a period throughout the remainder of the day for those who wish to be added as cosponsors of this amendment to so indicate to the Presiding Officer their desire.

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

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. 737

Mr. LEVIN. Mr. President, on behalf of Senator NELSON of Florida, I offer an amendment that would authorize travel and transportation allowances for dependents of service members who have committed dependent abuse against a spouse or dependent child.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, Mr. KENNEDY, and Mrs. CLINTON, proposes an amendment numbered 737.

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 406(h) 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) has been by the spouse 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 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 at risk; and

''(iv) the relocation of the spouse or such dependent is advisable.

''(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.

''(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 court of 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 1059(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.

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. 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, $5,000,000 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 morale 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 the program.

(5) The Secretary may accept gifts and donations in order to defray the costs of the program. Such gifts and donations may be accepted from foreign governments; foundations 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.

(6) The Secretary shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under the program as quickly as practicable, consistent with the timely provision of telecommunications benefits the program, the Secretary should carry out this subsection in a manner that allows for competition in the provision of such benefits.

(7) 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.

Th 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 FORCES.

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 and 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, fees, 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 Army's 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 MIKULSKI, 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 for members of the Armed Forces and veterans.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. MIKULSKI, 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–Department of Defense Joint Executive Committee, conduct a program to develop and evaluate integrated healing care practices for members of the Armed Forces and veterans.

(2) Amounts authorized to be appropriated by section 301(21) for the Defense Health Program may be available for the program under paragraph (1).

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. WARNER. Mr. President, it is cleared on both sides.

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

The amendment (No. 815) 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. 816

Mr. WARNER. Mr. President, on behalf of Senator BENNETT, I offer an amendment to require a Department of Defense study of the adequacy of the beryllium industrial base.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BENNETT, proposes an amendment numbered 816.

The amendment is as follows:

(Purpose: To require a Department of Defense study of the adequacy of the beryllium industrial base)

On page 276, between lines 5 and 6, insert the following:

SEC. 1025. STUDY OF BERYLLIUM INDUSTRIAL BASE.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a study of the adequacy of the industrial base of the United States to meet defense requirements of the United States for beryllium.

(b) REPORT.—Not later than January 30, 2004, the Secretary shall submit a report on the results of the study to Congress. The report shall contain, at a minimum, the following information:

(1) A discussion of the issues identified with respect to the long-term supply of beryllium.

(2) An assessment of the need, if any, for modernization of the primary sources of production of beryllium.

(3) A discussion of the advisability of, and concepts for, meeting the future defense requirements of the United States for beryllium and maintaining a stable domestic industrial base of sources of beryllium through—

(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. 816) 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. 817

Mr. WARNER. Mr. President, on behalf of Senators MCCAIN, SESSIONS, LINDSEY 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 decisionmaking by the North Atlantic Treaty Organization)

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

(D) A discussion of NATO decisionmaking 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 on resource policy, contribution ceilings, infrastructure, force structure, modernization, threat assessments, training, exercises, deployments, and other issues related to the Prague Capabilities Commitment or the NATO Response Force;

(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 Commitment, 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 the applicable clause 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. 819

Mr. WARNER. Mr. President, on behalf of myself, I offer an amendment which supports the network centric operations at minority colleges and universities.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 819.

The amendment is as follows:

(Purpose: To set aside an amount for initiating a capability in historically Black colleges and universities to support the network centric operations of the Department of Defense)

On page 25, between lines 11 and 12, insert the following:

SEC. 213. AMOUNT FOR NETWORK CENTRIC OPERATIONS.

Of the amount authorized to be appropriated under section 201(1) for historically Black colleges and universities, $1,000,000 may be used for funding the initiation of a capability in such institutions to support the network centric operations of the Department of Defense.

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

Mr. LEVIN. Mr. President, we support the amendment. I ask unanimous consent that I be added as a cosponsor to the amendment.

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

Mr. WARNER. Mr. President, I ask unanimous consent that the junior Senator from the State of Virginia, Mr. ALLEN, be added as a cosponsor of the amendment.

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

Without objection, the amendment is agreed to.

The amendment (No. 819) 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. 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.

(4) The airborne chemical agent monitoring systems at these sites are inefficient or outdated compared to newer and advanced technologies on the market.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Army 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 military personnel who die on active duty. This amendment, and the study it directs, I am confident, will provide a catalyst for necessary evaluation and change in the manner in which families are compensated after the death of loved ones serving in uniform.

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 the benefits for survivors of deceased members with the compensation provided to families of civilian victims of terrorism; and

(D) while Servicemembers' Group Life Insurance (SGLI) 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.

(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 for segments of United States society outside the Armed Forces, and also with the benefits available under Public Law 107–37 (115 Stat. 219) (commonly known as the ''Public Safety Officer Benefits Bill'');

(B) assess 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 Benefit Plan 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 under paragraph (2) 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 that are identified in the course of the study.

(C) An estimate of the costs of the system of death benefits provided for in the proposed legislation.

(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. Not later than November 1, 2003, the Comptroller General shall submit a report containing the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

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

Mr. LEVIN. We have no objection to the amendment.

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

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

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. 820) 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. 821

Mr. LEVIN. Mr. President, on behalf of Senator LANDRIEU, I offer an amendment that would increase the maximum Federal contribution to 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)

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''; 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.''.

(b) STUDY.—(1) The Secretary of Defense shall carry out a study to evaluate (a) the adequacy of the requirement under section 509(d) of title 32, United States Code, for the United States to fund 60 percent of the costs of operating a State program of the National Guard Challenge Program and the State to fund 40 percent of such costs, and (b) the value of the Challenge Program to the Department of Defense.

(2) In carrying out the study under paragraph (1), the Secretary should identify potential alternatives to the matching funds structure provided for the National Guard Challenge Program under section 509(d) of title 32, United States Code, such as a range of Federal-State matching ratios, that would provide flexibility in the management of the program to better respond to temporary fiscal conditions.

(3) The Secretary shall include the results of the study, including findings, conclusions, and recommendations, in the next annual report to Congress under section 509(k) of title 32, United States Code, that is submitted to Congress after the date of the enactment of this Act.

(c) AMOUNT FOR FEDERAL ASSISTANCE.—(1) The amount authorized to be appropriated under section 301(10) is hereby increased by $3,000,000.

(2) Of the total amount authorized to be appropriated under section 301(10), $68,216,000 shall be available for the National Guard Challenge Program under section 509 of title 32, United States Code.

(3) The total amount authorized to be appropriated under section 301(4) is hereby reduced by $3,000,000.

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

Mr. LEVIN. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment.

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. LEVIN. 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] proposes an amendment numbered 822.

The amendment is as follows:

(Purpose: To 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)

On page 69, line 5, strike ''**AIRLIFT**''.

On page 70, between the matter following line 9 and line 10, insert the following:

(c) COSTS OF GOODS AND SERVICES PROVIDED TO DEPARTMENT OF STATE.—For any fee charged to the Department of Defense by the Department of State during any year for the maintenance, upgrade, or construction of United States diplomatic facilities, the Secretary of Defense may remit to the Department of State only that portion, if any, of the total amount of the fee charged for such year that exceeds the total amount of the costs incurred by the Department of Defense for providing goods and services to the Department of State during such year.

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

Mr. LEVIN. There is no objection to the amendment on this side.

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

The amendment (No. 822) 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 send 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 Doyline, 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 proivde for a feasibility study of the conveyance of the Louisiana Army Ammunition Plant, Doyline, Louisiana)

At the end of subtitle C of title XXVIII, add the following new section:

SEC. 2825. FEASIBILITY STUDY OF CONVEYANCE OF LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(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 facilitate the contribution of such tenants to economic development in Northwestern Louisiana;

(C) the amount and type of consideration that is appropriate for the conveyance of the Plant;

(D) the evidence presented by the State of Louisiana of the extent to which the conveyance of the Plant to a public-private partnership will contribute to economic growth in the State of Louisiana and in Northwestern Louisiana in particular;

(E) the value of any mineral rights in the lands of the Plant;

(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 Doyline, Louisiana, consisting of approximately 14,949 acres, of which 13,665 acres are under license 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, and 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)

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

SEC. 332. SUBMITTAL OF SURVEY ON PERCHLORATE CONTAMINATION AT DEPARTMENT OF DEFENSE SITES.

(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 DEFINED.—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 Senator 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. 821

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 reclaimed the lives of over 45,000 children through the instillment 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 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 dropouts 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 that, please.

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 form, prior to a vote in relation to the amendment, with no amendments in order to the amendment prior to the vote.

Mr. REID. Mr. President, if I may interrupt, I failed to mention this to my friend a second ago. Our leader has asked that the vote occur at 2:15, rather than an hour from the time it begins. We would still only have an hour of debate. There are other things we can do during that period of time. So I ask for that modification.

Mr. WARNER. Yes, that is acceptable.

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

Mr. WARNER. Mr. President, I ask unanimous consent that following the amendments, that only amendments in order are relevant under the original agreement and subject to relevant second-degree amendments.

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

Mr. WARNER. We have a package of amendments. There are additional amendments, all of which must be in conformity with the unanimous consent, pending relevancy at the desk. All have to be checked through that system. They are: First, Durbin; second, Domenici; third, Landrieu; fourth, Kerry. Further, Senator GRASSLEY has an amendment. All of these have to be passed through the parliamentary unanimous consent.

Mr. REID. These are subject to relevant second-degree amendments.

Mr. WARNER. I say to my distinguished colleague, there is a Boxer amendment regarding contracting, subject to a relevant second degree.

Mr. REID. We just got a call from Senator BYRD. We are going to have to wait.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 691

Mr. WARNER. Mr. President, again I proceed to a unanimous consent request as follows: 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 form prior to a vote in relation to the 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 and subject to relevant second degree; Domenici amendment on border security, to be resolved; 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 they be subject to relevant second-degree amendments. We have stated that twice. I want to make sure that is clear.

Mr. WARNER. I ask unanimous consent that following disposition of the above amendment, 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 on the bill. I further ask 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 invoked, I would ask consent that it be in order to file first-degree amendments up to the cloture vote, and second-degree amendments up to 3 hours after the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator will yield, this took just a few minutes to read. It took hours to accomplish.

We are now going to a situation where Senator MURRAY and Senator BROWNBACK will debate for 1 hour. Following that, there will be a vote on or in relation to the Murray amendment. Following that, we will work our way through these other amendments that have been declared to be in order on this bill. Some of them, I hope, will be resolved.

I personally extend my appreciation to the two managers of this bill for their patience, their understanding, and also Senator MURRAY and Senator BROWNBACK. The issue about which we are going to debate for an hour is very sensitive to everyone, those two Senators especially. They have also been courteous to each of us and each other. I think this is a fair way to proceed.

Mr. WARNER. I thank the distinguished Democratic leader. He has been too modest to say he, together with the distinguished Senator from Kentucky on this side, has been an integral part of enabling this agreement to be formulated.

I yield the floor.

AMENDMENT NO. 691

The PRESIDING OFFICER. Now there are 60 minutes evenly divided on the Murray amendment. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, is the Murray amendment called up?

The PRESIDING OFFICER. It is pending.

Mrs. MURRAY. Mr. President, I ask that I be allowed to add cosponsors as follows: Senators SNOWE, BOXER, CANTWELL, COLLINS, SCHUMER, JEFFORDS, DURBIN, LAUTENBERG, CORZINE, and BINGAMAN.

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

Mrs. MURRAY. 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 freedom. No woman——

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

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 when she puts on a military uniform 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 access to the same health care as they get here at home. I again thank all my cosponsors, Senators SNOWE, BOXER, CANTWELL, COLLINS, 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, this amendment does not require any direct Federal funding of abortion-related services. My amendment simply requires these women 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 military in the world, is not capable of providing these health services or that our military is unable to determine the cost. The truth is that today the Defense Department allows for privately funded abortions in the case of rape or incest. The ultimate proof that this is something our military can do is that, prior to 1988, 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.

Anyone who comes to 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.

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 health care needs. To single out abortion-related services could jeopardize a woman's health. The current policy does not ensure the access women need for four reasons.

First of all, a woman today must seek the approval of her commanding officer for transport back to the United States. That could be very humiliating and can be a deterrent to a woman to getting the care that she needs. We know, from a GAO report that was issued in May of 2002, that many commanding officers—and I quote:

> . . . have not been adequately trained about the importance of women's basic health care. Department of Defense officials said that lacking this understanding, some commanders may be reluctant to allow active duty Members, both men and women, time away from their duty station to obtain health care services.

So women have to face the humiliation of asking a superior officer for permission over something that the GAO found many commanders do not understand or appreciate.

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. She would have 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 under the current 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 the countries our military operates in are 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. Here in the United States, we 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 safe, 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.

The Senate agreed to this amendment. The Department of Defense has followed this policy before. And, finally, let me just say, after the inspiring and courageous work our military women have done in Iraq and in Afghanistan, we owe them nothing less than the same rights they are fighting to protect for all of us.

This is a test for every Senator. Every Senator is going to have to answer to the women who serve our country overseas. Will you stand up for the rights of women who, today, are standing up to ensure your freedom? Either you respect the women who serve our country overseas and you agree that they deserve the same rights and freedoms as women here at home or you do not. That is the choice. Either you respect the women who serve our country overseas and you agree that they deserve the same rights and freedoms as women here at home or you do not. That is the case.

If you vote against the Murray-Snowe amendment, you are simply telling American servicewomen that when they serve overseas protecting our country and risking their lives that they can't be trusted with the constitutional right to health care that women here at home in the United States have. They deserve more respect than that.

I hope my colleagues will vote for the Murray-Snowe amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 30 minutes.

Mr. BROWNBACK. Mr. President, I wish to, first, thank the Senator from Washington for bringing up this issue. I think there was a relevancy issue associated with it. There was a big debate about this last night. It was eventually deemed relevant.

I then proposed a second-degree amendment that would require parental notification of the type which is involved with 43 of our States. Forty-three States have parental notification—that a minor on a military base, a dependent, could not get an abortion until either parent was notified—just notified, not consent, just notified—within 48 hours before the abortion or that there be a judicial oversight. So that if either parent were not available or accessible, or the child didn't want to notify the parent, they could get the court to rule that the abortion go ahead and the parent not be notified or, if it were a catastrophic situation and the life of the minor was in jeopardy, the doctor could go forward and provide the abortion without a notification period.

That was the second degree that was being proposed. We had a spirited discussion here privately about this.

I thank the managers of the bill. I thank particularly the two whips on either side for pushing this forward to get us to resolve the issue; that what we are going to do today is take up the Murray amendment and take up the parental notification issue at a later date—I hope a week or two after we get back from the break. I think it is an important issue as well.

The parents in 43 States are notified if their minor child is seeking to have an abortion. We would extend this right to parents of military personnel as well. That is what is considered in the second degree.

I appreciate the Senator from Washington working that out with us so we are able to take up both of these difficult issues.

I also thank the Senator from Washington for her passion and caring for women in the armed services. She stands up strongly for women's rights, particularly for women's rights in the military. 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 utero.

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.

On 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 perform abortions except for when the life of the mother is in danger or in the case of rape or incest.

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 or military personnel is endangered. This would be obviously women in the military or a female dependent in the military.

This 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 progression 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

rape and incest 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—on this issue 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 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 of this narrow 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—this would be under the Clinton administration—''direct[ed] the Military Health Services System to provide other means of access if providing prepaid 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 rape, incest, life of the mother, which are 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 do 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 is a 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.

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 utilize 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—clearly 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.

I don't see any 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; 44 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 10 years as a reservist and served with many fine women 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 groups—showed that only 23 percent were for abortion to be legal in all cases. That is less than a fourth. The same poll found, when asked this question, should we make abortion harder to get, 42 percent said yes; easier to get an abortion, 15 percent said yes. So 42 percent thought it ought to be harder to get an abortion and 15 percent thought it should be easier.

In January of 2003, a CBS News/New York Times poll asked this question: should abortion be generally available, 39 percent; stricter limits, 38 percent; not permitted, 22 percent. Sixty percent favored either stricter limits or 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 possible 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. Secondly, 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 dealing with 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 compromised. They will not be surrendering their constitutional right to make a choice 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 go 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, it says that we denigrate 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? 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), that section reads: Restriction on use of facilities: No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except for—the life of the mother will be in danger if the fetus was carried to term or in the case in which the pregnancy is the result of an act of rape or incest.

That provision will be stricken.

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 striking 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 both be used to provide abortion on demand. This is removing this restriction that it would just be in the case of the life of the mother, rape, and incest, is that correct?

Mrs. MURRAY. The Senator is correct only in that it would strike the language in the bill which would put us back to the previous language that is in the statute today, which I am happy to provide him, which I accurately described in my statement.

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 limitation saying 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 a hospital. So where 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 U.S.

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, where somebody would not have to provide this. That is not in your amendment. You are talking about the base portion of any Department of Defense medical doctor.

Mrs. MURRAY. Under current law, all medical providers in the Department of Defense have a conscience clause.

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 hone in on what the amendment is about. It is about opening up DOD medical facilities, domestically and internationally—the Senator argues 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 you are opening up to provide abortions in Kentucky, Washington, Kansas, or wherever.

I want to agree with the Senator from Washington that we are talking about the use of the facilities here—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. So you can see a situation in this country where you would have a military facility in Kentucky or in the State of Washington being protested by people who are pro-life because their taxpayer-funded facility is being used 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 that. But we are 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 amendment would do.

For those reasons, I urge my colleagues to look at the actual 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 has 12 minutes 25 seconds.

Mrs. MURRAY. Mr. President, I will make a couple of points. Under current law, in the case of rape or incest, at a military facility an abortion can be performed. No one is protesting that today. I again advise my colleague that a woman who is in this country has this right, anyway. Where we are concerned, rightfully, is for women who are serving overseas. They don't have a constitutional right today to have an abortion.

Let me tell you what happens to a woman if she finds herself in difficult circumstances and is serving overseas. She has to go to her commanding officer. Believe me, that is very difficult for a woman to do, go to a commanding officer and describe the circumstances she finds herself in, and ask for permission to fly home to have an abortion performed, where it is legal.

Mr. President, that is humiliating, but it is also difficult. She then has to wait for a C–17 to be available. Think about this. We have just seen the conflicts in Afghanistan and Iraq, and we have to make a C–17 available for a woman to fly home. That is ridiculous. They have the medical facilities there already, and the facilities are available. So we are putting the services at risk when we have to fly them home. This is humiliating and she has to ask her commanding officer. A woman serving in the country doesn't have to do that. It is difficult and cumbersome.

This also really jeopardizes a woman's right to privacy because in order to go to her commanding officer, she has to disclose her medical condition. We all would think the officer would respect her rights, but that is not always the case. She has to put that question in her head when she goes to ask them. I don't think it is fair to the

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

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 done, 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—today, they can go to a hospital 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 in the following 24 hours or weeks to make sure 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 right women in this country have today. That is what this amendment is about. That is what this vote is about. I hope our colleagues will vote with us in a few minutes when the vote is called.

I retain the balance of my time.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Kansas is recognized.

Mr. BROWNBACK. How much time remains on both sides?

The PRESIDING OFFICER. There are 6 minutes on the time of the Senator from Kansas and 8 minutes on the time of the Senator from Washington.

Mr. BROWNBACK. Mr. President, I wish to make a couple comments in regard to what Senator MURRAY has just put forward. She said we are talking about international facilities, but the amendment covers international and domestic facilities, which we have established here, so it would be domestic facilities. It is going to be abortion of all types. It could be abortion on demand at domestic facilities.

If the Murray amendment is adopted, it would be for not just military personnel but also for minors, dependents who would be able to use these same facilities for abortion on demand. The reason I wanted to put forward a parental notification amendment is we will have a situation, if the Murray amendment is adopted and the amendment I would put forward is not accepted, we will have a situation at military bases throughout the United States of minors of military personnel seeking abortions and not notifying their parents and not having to notify their parents, even though State laws require a different situation.

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 are not receiving a huge level of complaints 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 so.

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 from Washington. I think she is doing a 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 about 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 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 Eglin Air Force Base in Florida where we had been 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 would bleed weekly 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 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 there was still a fetal heartbeat. I was told I might deliver spontaneously within weeks or months, but if the baby survived, it would have serious health complications due to the fact I was at risk for infection as well and because there was no amniotic fluid surrounding the baby.

When I asked the hospital 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 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 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. I 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 a point.

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 women 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 comment 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 Capitol will realize 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 378,000 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 of war 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 services 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, are 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 based overseas, which was reinstated 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 by denying 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 to perform abortions at military hospitals. This amendment would not change that. However, what it would do is reinstate 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 retained in the 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. President 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 take issue with.

Opponents of this amendment argue that changing current law means that military personnel and military facilities are charged with performing abortions, and that this, in turn, 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, each 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 to reinforce today. I know it is easy to confuse the debate, to obfuscate the issues. What we are talking about here is 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, our armed services and our armed 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 perhaps the most fundamental, 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 constitutional 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 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 to make her own constitutional decision when she happens to be in the military serving abroad.

The ban on abortions in military hospitals coerce 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 taking 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 offended and often their health was placed at risk, which was certainly reinforced by the letter that was sent to both Senator MURRAY and from now retired, Lt. Gen. Kennedy, 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 leave 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 the American people so overwhelmingly support. 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 protections of the Constitution, 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 hospitals 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 could endanger 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 Argentina? 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 on military bases overseas 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 Eglin Air Force Base in Florida where we had been 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 would bleed weekly for 5 days and then the bleeding would subside. I went to the military hospital at 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 overnight. My ob/gyn did not visit me 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 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 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 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 to 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 that there was serious risk for infection, and that he needed to put me on antibiotics immediately and that if I did not get antibiotics through IV immediately I would very likely die. I contacted my grandmother in the U.S. 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, 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.

What we are talking about 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 lives in the service of their 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 unfair 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 servicewomen 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 women. Those serving in 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 serious. Long 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 charged equally. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I think perhaps we are ready to proceed with a vote on the bill. I do not know if the Senator from Washington is ready to yield back her remaining time.

The PRESIDING OFFICER. Does the Senator yield back her remaining time?

Mrs. MURRAY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Washington has 1 minute 38 seconds, and the Senator from Kansas has 3 minutes 9 seconds and counting.

Mr. BROWNBACK. I am prepared to yield back my time. The issue has been well debated. People know the issue. It has been voted on before. I hope we can proceed with the vote.

Mrs. MURRAY. Mr. President, the Senator from California has given a very clear reason to vote for this amendment. We have heard no disagreement that this current policy toward women service members is not humiliating. We have heard no disagreement that it is not a threat to privacy, and it is punitive. What this issue is about is whether women in the service overseas have the same constitutional rights, protections, and safety in their health care as those women who are in this country.

I urge my colleagues to vote for this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Washington yields back time.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 691. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—48

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Graham (FL)	Nelson (FL)
Cantwell	Harkin	Reed
Carper	Hollings	Rockefeller
Chafee	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Corzine	Kohl	Stabenow
Daschle	Landrieu	Stevens
Dayton	Lautenberg	Wyden

NAYS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chambliss	Hatch	Shelby
Cochran	Hutchison	Smith
Coleman	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

NOT VOTING—1

Kerry

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, parliamentary inquiry: At this point the bill is open to further amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Mr. President, will the Senator yield on that?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Virginia.

Mr. WARNER. Would the Presiding Officer advise 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 Presiding Officer recite those amendments in their standing order?

The PRESIDING OFFICER. A package of amendments has been cleared by both managers: A Boxer amendment on contracting subject to a relevant second degree, a Domenici 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 Senators from Massachusetts and New York, and maybe 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.

UNANIMOUS CONSENT REQUEST—S. 923

Mrs. CLINTON. Mr. President, I rise to ask unanimous consent to provide help for 3.2 million Americans who are out of work and need Congress to extend unemployment insurance. Soon the checks will no longer be in the mail for millions of Americans and New Yorkers who depend on unemployment benefits to provide for their families at this time.

In New York alone, over 100,000 people have exhausted their unemployment insurance benefits and are still without a job. Starting on May 31, unless we act, more than 80,000 Americans will begin exhausting their unemployment every single week.

These Americans and New Yorkers need and deserve our action. We knew we had to take steps at the beginning of this year to extend unemployment compensation. We need to do it again.

I hope none of us will turn our back on these hard-working, struggling Americans—people who have mortgages to pay, people who have car payments to make, people who have children to raise.

In April 2000, there were 176,000 long-term unemployed parents. Last month, there were 607,000 long-term unemployed parents, an increase of 245 percent.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 923, a bill to provide a 6-month extension of unemployment compensation, including 13 weeks of benefits for the long-term unemployed—exhaustees—and that the Senate then proceed with its immediate consideration; that an amendment at the desk to remove the ''Temporary Enhanced Regular Unemployment Compensation'' provisions be considered and agreed to; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I object.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1079, Senator MURKOWSKI's bill to extend the Temporary Extended Unemployment Compensation Act of 2002, provided that the Senate proceed to its consideration, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, does this include the workers who have contributed into the fund and whose benefits have expired? It has been standard and it has been used in the Senate and supported by the Senate five different times during the 1990s. Does this include those workers?

Mr. WARNER. Mr. President, I call upon the proponent of the amendment.

Mr. KENNEDY. Reserving the right to object, if we can't get an answer to that.

Mr. WARNER. We are about to get an answer, I advise the Senate.

Mr. KENNEDY. I am sorry.

Ms. MURKOWSKI. Mr. President, I ask the Senator from Massachusetts to repeat the question.

Mr. KENNEDY. Does this include the more than 1 million workers whose unemployment benefits have expired and who otherwise would be eligible to receive unemployment compensation under the proposals that have been offered here by the Senator from New York and our own proposal, and that were also included in the proposal that was passed in a bipartisan way on five different occasions during the 1990s? Does this amendment include those individuals?

Ms. MURKOWSKI. Mr. President, if I may respond, my bill is a clean 6-month extension of the Temporary Extended Unemployment Compensation Act of 2002.

Mr. KENNEDY. Mr. President, further holding the right to object, does it include any ability to give flexibility to the States so that they can take care of part-time workers as included 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 Senator from New York and the request I 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 these 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 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; that upon 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. It 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 or unemployed to include part-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 proposal 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 this 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 are able, then, to persuade Members to vote for yours, so be it; we 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. They are 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 hard-working Americans.

The Republican leader refuses to permit the Senate of 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 people have a vote.

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 did not win. They tried to double the program two or three times, unsuccessfully, and so they are now trying again.

Frankly, we have a DOD authorization bill, we have a tax/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 don't know how many 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 playing this game, this 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 MURKOWSKI, 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 one or two times on the floor 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 even a clean extension. I think people should be on notice of that not everybody might want a clean 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 have this growing number of 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 about to be 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 for these people. 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 cuts, et cetera. 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, fiscally 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—some 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 quorum call be rescinded.

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

Mr. WARNER. Mr. President, I will propound 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 to either amendment prior to the votes.

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

Mr. REID. Mr. President, if the Senator will yield, I have no objection. I think that would be appropriate. I also ask that there be recorded votes on both the Boxer and Warner amendments; further, that between the two votes, there be 5 minutes equally divided under the control of Senator BOXER and Senator WARNER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I ask for the yeas and nays on the two votes, both the Warner amendment and the Boxer amendment.

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 amendments despite the fact neither has been offered.

Mr. WARNER. I 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 contract 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 the reading of the amendment be dispensed with.

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

The amendment is as follows:

SEC. . SENSE OF THE SENATE ON COMPETITIVE AWARD OF CONTRACTS FOR IRAQI RECONSTRUCTION.

It is the sense of the Senate that the Department of Defense should fully comply with the Competition in Contracting Act (10 U.S.C. 2304 et seq.) for any contract awarded for reconstruction activities in Iraq and should conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry as soon as practicable.

Mr. WARNER. Mr. President, I will later advise the Senate with regard to the content of this amendment. For the moment, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the spirit of my amendment is very clear. I am very resolute about it. I appreciate the fact we are going to have a vote on the Warner first-degree amendment and the Boxer amendment.

All the years I was in the House of Representatives, part of the time I

served on the Armed Services Committee. I am pleased to see my friend from Illinois here because together during the years I served on the Armed Services Committee, we took on the issue of procurement reform. I am very pleased to say that as a result of the work that many of us did, we were able to—and it was Berkley Bedell, if my colleague remembers; there were a number of us—we were able to make sure there was competition at the Pentagon.

Competition is the name of the game. It is supposed to be the name of the game in America. When I see any agency turning away from competitive bidding, unless there is a good reason to do so—and I might say, if it is an emergency, this is a good reason, but beyond that, there is no reason to award a contract without going to bid, without considering competitive bids.

What happens—and I feel really deeply about this—when the taxpayers of this country and the businesses of this country that are playing by the rules see such a contract given to one special company, it is very bad, in my opinion, for our country. It is very bad for our fighting men and women who risk their life and limb.

Let me tell you what I mean. As a result of a sole-source contract that was given to a subsidiary of Halliburton, these are some of the headlines that appeared across the country. I will let my colleagues judge, and I will let the people judge whether these kinds of headlines are good for our country and good for the morale of our troops.

Here is one from the Atlanta Journal-Constitution:

Secret Halliburton deal endangers U.S. credibility.

That is May 8, 2003, in a southern paper.

Here is one from the Montreal Gazette:

Halliburton contract bigger than reported; Linked to Cheney; Role has grown beyond fighting Iraq oil fires.

This one was in the Houston Chronicle on May 8, 2003:

Halliburton contract stokes new controversy.

Here is one from the L.A. Times, May 8:

Shadow over the oilfields; The administration's no-bid contract with Halliburton subsidiary gives the impression of a grab at Iraqi resources for American business.

Another headline in the L.A. Times on April 11:

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.

I ask unanimous consent to add as cosponsors to my amendment Senator LIEBERMAN, Senator CLINTON, Senator BOB GRAHAM, Senator LAUTENBERG, and Senator DURBIN.

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

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. They are supporters 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 are the contracts awarded to a Halliburton subsidiary, Kellogg Brown & Root. GAO reports and other investigations have documented a history of Brown & Root overcharging the taxpayer. Yet despite this history, the Administration has awarded Brown & Root lucrative government contracts—including a recent contract for oil-related work in Iraq that is worth up to $7 billion and that was awarded secretly and without any competition. The Administration has also awarded contracts worth hundreds of millions of dollars for work in Iraq to a select group of U.S. companies, with only limited competition.

Halliburton has a unique relationship to this Administration. When Dick Cheney left his position as Halliburton's CEO in 2000 to run for Vice President, he reportedly received company stock worth over $33 million.[1] He continues to receive deferred compensation payments of over $160,000 a year from Halliburton.[2]

HISTORY OF BROWN & ROOT PROBLEMS

GAO has found serious problems with contract work that Brown & Root did for the Army in the Balkans. In 1997, it found that the Army ''was unable to ensure that the contractor adequately controlled costs.''[3] For example, Brown & Root was charging the Army $86 to fly in $14 sheets of plywood from the United States. The Army official in charge was ''shocked'' when he found that out.[4]

In 2000, GAO found more evidence that Brown & Root was inflating the government's costs—and its profits—by, for example, overstaffing work crews and providing more goods and services than necessary.[5]

Brown & Root was the subject of 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 at the former Fort Ord military base in California.[6] Brown & Root paid $2 million to settle that case in 2002.[7]

Brown & Root's parent company, Halliburton, has its own problems. The SEC is investigating accounting practices of the company dating back to the Vice President's tenure at its CEO.[8] The company recently restated its earnings for the 4th quarter of 2002.[9] 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.[10]

DEFENSE DEPARTMENT CONTRACTS WITH BROWN & ROOT

Despite this troubled history, the Administration has awarded Brown & Root three very lucrative Defense contracts. In 2001, Brown & Root won a $300-million contract to provide support services to the Navy—despite a bid protest by a rival bidder that GAO upheld.[11] Later that year, it won a ten-year contract with no cost ceiling to provide support services to the Army.[12] Under these contracts, Brown & Root has been asked to do work in Afghanistan and Uzbekistan and to build prison cells for terrorist suspects in Guantanamo Bay, Cuba—even though much of this work could be done more cheaply using Army and navy personnel.[13]

In March 2003, the Administration awarded Brown & Root a contract to repair and operate Iraq's oil infrastructure. Normally, federal contracting rules require public notice and full and open competition. But the U.S. Army Corps of Engineers awarded the contract secretly and without any competition.

The Administration has been reluctant to provide complete, or even basic, information about the contract. While the contract was signed March 8, it was not disclosed publicly until March 24. Moreover, the Corps did not reveal until April 8, in response to a letter from Rep. Waxman, that the contract had a potential value of up to $7 billion.[14] And it was not until May 2, in response to another request from Rep. Waxman, that the Corps disclosed that the scope of the contract was significantly broader than previously provided information had suggested.[15]

Based on what the Corps has revealed to date, the contract is worth up to $7 billion, with the potential profit for Brown & Root worth up to $490 million. The Corps has said the actual value of the contract may end up being less than that (according to the Corps, it may be ''only'' around $600 million). Nonetheless, the fact that the Corps would issue such a large contract without competition is highly unusual.

Moreover, the contract is far broader than had been initially suggested. Information provided by the Corps and Halliburton had indicated that the contract was for work putting out oil well fires and repairing damage. Halliburton issued a press release on

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 and repairing, as directed by the U.S. government, the country's petroleum infrastructure.''[16] The Corps also released information stating that it was in charge of ''implementation of plans to extinguish oil well fires and to assess oil facility damage in Iraq'' and that it would be contracting with Brown & Root to perform these functions.[17]

On May 2, 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 Iraqi oil facilities and distribute 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.''[18] Those sentiments were echoed by Secretary of State Colin Powell and Secretary of Defense Donald Rumsfeld, among others.[19] It now appears that Halliburton or another similar company—and 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 at least late 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 pad 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 contracts for Iraqi reconstruction have been handled with unusual secrecy. AID secretly hand-picked a select few domestic companies to bid on nine contracts for services including airport administration, education, public health, and personnel support. The eight contracts that have been awarded are together worth up to $1 billion. And they may be worth much more, depending on whether and how they are renewed.

Halliburton was one of five companies asked by AID to bid on a $680 million contract to rebuild Iraq. Like Halliburton, the other companies bidding—including Parsons, Fluor, and the eventual winner, Bechtel—are heavy Republican contributors. Between them, these companies reportedly contributed $3.6 million over the past two election cycles, two-thirds of which went to Republicans.[20] 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 of 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. But 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.[21] AID awarded the contract to the contractor anyway.[22]

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/min/inves_admin/admin_contracts.htm.

ENDNOTES

[1] *Cheney Gets $33 Million Exit Package from Dallas-Based Energy Services Firm*, Dallas Morning News (Aug. 17, 2000).

[2] White House, *Vice President Dick Cheney and Mrs. Cheney Release 2002 Income Tax Return* (Apr. 11, 2003).

[3] General Accounting Office, *Contingency Operations: Opportunities to Improve the Logistics Civil Augmentation Program* (Feb. 1997) (GAO/NSIAD–97–63).

[4] *Id.*

[5] General Accounting Office, *Contingency Operations: Army Should Do more to Control Contract Cost in the Balkans* (Sept. 2000) (GAO/NSIAD–00–225).

[6] Complaint for Damages under False Claims Act and Demand for Grand Jury at 7, *U.S. ex rel. Dammen Grant Campbell* v. *Brown & Root Service Corp.* (E.D. Cal.) (No. CIV–97–1541WBSPAN).

[7] Department of Defense, Criminal Investigative Service, Press Release (Feb. 7, 2002).

[8] Halliburton, *Halliburton Reports SEC Investigation of Accounting Practice* (May 28, 2002); Halliburton, *Halliburton Updates SEC Status* (Dec. 19, 2002).

[9] Halliburton, *Halliburton 2002 Fourth Quarter Adjustments* (Mar. 27, 2003).

[10] Securities and Exchange Commission, *Halliburton Company Form 10–Q* (Mar. 31, 2003).

[11] The rival bidder also claimed that Brown & Root had an unfair advantage because its proposed program manager was an active-duty Navy officer in the command that conducted the acquisition. GAO concluded that there was ''no evidence that any impropriety or unfair competitive advantage resulted'' from the apparent conflict of interest. General Accounting Office, *Matter of Perini/Jones Joint Venture (Nov. 1, 2000) (GAO Decision B–285906)*.

[12] *In Tough Times, a Company Finds Profits in War*, New York Times (July 13, 2002).

[13] *Id.*

[14] *See* Letter from Lt. Gen. Robert B. Flowers to Rep. Henry A. Waxman (Apr. 8, 2003).

[15] *See* Letter from Lt. Gen. Robert B. Flowers to Rep. Henry A. Waxman (May 2, 2003).

[16] Halliburton, *KBR Implements Plan for Extinguishing Oil Well Fires in Iraq* (Mar. 24, 2003).

[17] U.S. Army Corps of Engineers, *The Corps of Engineers' Role in Combatting Iraqi Oil Fires* (undated).

[18] White House, *Press Briefing by Ari Fleischer* (Feb. 6, 2003).

[19] *Powell Says U.S. Not after Iraqi Oil*, Los Angeles Times (Jan. 23, 2003); *NewsHour*, PBS (Feb. 20, 2003).

[20] Center for Responsive Politics, *Rebuilding Iraq: The Contractors* (undated) (online at www.opensecrets.org/news/rebuilding_iraq/index.asp).

[21] Letter from Bruce N. Crandlemire, Office of Inspector General, U.S. Agency for International Development, to Timothy T. Beans, U.S. Agency for International Development (Apr. 25, 2003).

[22] *Id.*

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 $6.7 million, $22 million, $5 million, and $24 million, with no competitive bidding.

Originally it was, oh, they have to put out the oil fires. Okay. We understand that. But what about the rest? The estimated face value of this contract is $7 billion. What do we spend on all of our afterschool programs, I say to my colleagues, in 1 year? A billion 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 procurement; bids received, one. What a happy day for Halliburton that was.

The subsidiary of Halliburton is Brown & Root. That is the corporation that is the subsidiary of Halliburton that received this contract. One might say, well, maybe this is such a great company, maybe there is a reason why we would go sole source with this company.

Well, GAO has found serious problems with contract work that Brown & Root did for the Army in the Balkans. In 1997, GAO found that the Army was unable to ensure that the contractor adequately controlled costs. For example, Brown & Root was charging the Army $86 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 Brown & Root 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 the subject of 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 SEC 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?

We have 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 provide complete or even 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 8, in response to a letter from Representative WAXMAN, that the contract had a potential value of up to $7 billion.

It was not until May 2, in response to another request from Representative WAXMAN, the Corps disclosed 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 vote on the Boxer-Lieberman-Lautenberg-Durbin-Graham of Florida-Clinton amendment—and I hope many other colleagues will join. I hope many on the other side will join—what are we saying? We are saying if they do not correct the problem as they have stated they would do—and they have stated they would in fact end this sole-source contract and they would go out for bid by the end of August—all we are saying is send us a report, tell us the reason why you are carrying on.

Under Senator WARNER's amendment, which I have no objection to at all, and I am going to vote for it, let's hear what it says. It says it is the sense of the Senate—which, by the way, has no force of law—that the DOD should fully comply with the Competition in Contracting Act for any contract awarded for reconstruction activities in Iraq and should conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry as soon as practicable.

I am not a lawyer, but I can tell my colleagues when we see the words ''as soon as practicable,'' get nervous.

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

Mrs. BOXER. I would be so happy to yield.

Mr. DURBIN. I am a lawyer, and those are known as weasel words because if that phrase can be included, it has no meaning. The question is whether we are going to hold the Department of Defense accountable. I ask the Senator from California this question: The sense-of-the-Senate resolution which she offers not only raises a question of whether this is evidence of profiteering, evidence of a sweetheart arrangement, evidence of the kind of sole-source agreement that frankly is not in the best interest of either American taxpayers or America's national defense, is she specific in the accountability she is holding the Department of Defense to in terms of when they will report as opposed to as soon as practicable?

Mrs. BOXER. Absolutely. My particular amendment that will be voted on is more than a sense of the Senate. It is a sense of the Senate plus it is a requirement that if the Department of Defense does not meet its own stated goal of having a fully competitive contract in place by August 31, 2003, to replace this boondoggle, 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.

Mr. DURBIN. I ask the Chair if the Senator would yield for this question. 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 in somebody's drawer—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 that will request 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 that 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 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 that this has not been 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 stand shoulder to shoulder, toe to toe with every other company in this country.

I have heard from so many businesspeople 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? This could be described 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. Yes. Often we say business as usual; this is business as unusual.

Does the Senator, in the resolution proposed, talk about terms or performance? Is it not worth noting if this contract were done, if not in the dark of night, certainly at dusk—we do not know the terms—that not only means price could be many times over, there are no performance standards, either, which is pretty darn unusual?

Mrs. BOXER. 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 point.

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 OFFICER. 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 OFFICER. 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. There is no accusation 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 the 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 $50 million. We are now 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—repairs, $7 billion?—suddenly the Army Corps 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.

Asked why 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 story.

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 shortly 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 hope my colleagues on the other side will agree. Many of them are good business-people who have been out there and understand what has been appropriate process in business.

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 a 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 to the Senator what it is. The Senator, in the course of her comments, more or less criticized the amendment by the Senator from Virginia as not having in it 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 get a copy 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 OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I ask unanimous consent that we proceed as if in morning business.

The PRESIDING OFFICER. 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 OFFICER 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.