

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 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.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3899

Mr. LEVIN. Madam President, momentarily, I will be offering an amendment on behalf of the majority of the Senate Armed Services Committee which addresses the Crusader artillery system program and the Army's fire support requirements.

The amendment would do two things: First, it would take \$475.6 million out of the Crusader program and put the money into a separate funding line for Future Combat Systems research and development, the Army's armored systems modernization line.

In terms of making sure this issue is very clear, it is essential to understand that the first action this amendment would take would be to move that \$475 million from the Crusader program but keeping it in the Army's Future Combat Systems research and development program; that is, the Army's armored systems modernization line.

It would do a second thing which was very important to the majority of the Armed Services Committee; that is, that it would require the Chief of Staff of the Army to conduct an analysis of alternatives for the Army's artillery needs and to submit his findings to the Secretary of Defense no later than 1 month after the date of enactment of this bill.

Under this amendment, the Department would not be permitted to spend the \$475 million until after the Secretary of Defense adds his own conclusions and recommendations to the Army Chief of Staff's report and forwards the report to the Congress. With his own decision, the Secretary of Defense would, under our amendment, be required to submit the recommendations of the Chief of Staff of the Army.

They may be two different recommendations, as they were during the hearing that we had, where we had the Secretary of Defense saying the Crusader should be terminated immediately, and the Chief of Staff of the Army giving us the reasons he believed the Crusader system made sense in terms of modernization, made sense in terms of transformation. It was a very important hearing for all of us, including the Presiding Officer, who was present at that hearing.

At that point, after that period had run—1 month after the date of enactment—the Secretary would be free to

do a number of things: spend the money for future combat systems in that account or request a reprogramming to spend the money on other programs which address the Army's indirect fire requirements.

So under our approach, we would accomplish two things, basically: One, we would make sure this money is spent for future combat systems essential to the Army; secondly, we would provide that the Army complete the analysis, which was truncated, which was interrupted when the Secretary of Defense, in early May, said it was his decision to terminate the system before that analysis could be completed.

This was an analysis which was going to look at a number of very critical issues. The Army was looking at seven questions, questions which were critical to the survival of soldiers in our future. These are questions which could be life-and-death questions down the road. These are survival questions. These are questions which affect the men and women in the Armed Forces at some point down the road.

How these questions are answered could literally make the difference between whether or not we prevail during a battle and what casualties are incurred during a battle at some time in the future.

These were not just questions of affordability at which the Army was looking, these were questions of capability, of various alternatives. Four indirect fire alternatives were being analyzed by the Army. They were analyzing these alternatives in six different combat scenarios. And they were going to answer seven questions. Again, the answers to those questions are critically important to success in combat or to survive in combat.

The majority of the committee objected to the termination of that analysis. Many people had concluded that Crusader ought to be canceled. Other people had concluded that Crusader should not be canceled. But I think where many of us—perhaps most of us—in the Armed Services Committee finally rested, wherever you tend to go or be on that continuum, for or against, that there is a middle ground here, where that analysis, which was underway by the Army, not only would help us determine whether we should leave Crusader, terminate Crusader, but would also help us determine where those funds should be spent as an alternative to Crusader.

So this study became significant and relevant to both whether we leave our current path and to what new direction should we move. That is why the amendment, which I offered in committee, required that the Secretary of the Army be given a reasonable period of time to complete that analysis so that we would have the benefit of the Army's analysis.

The Secretary of Defense would not be bound by it. The Secretary of Defense, after that analysis was completed, would have an opportunity to

reach his own conclusions. They may or may not be the same. They may or may not be, as he has already decided, that we should leave Crusader and move to something else. But at least it would be based on an analysis which addressed such critically important questions as the Army was in the process of addressing—looking at all the alternatives, looking at the risks, looking at the benefits of approaching each one of those or utilizing each one of those alternatives.

The committee approved this amendment by a vote of 13 to 6. And that is where it currently stands.

The amendment which we adopted is not part of this bill. It is, in effect, going to be offered in a few moments as a proposed committee amendment. More technically stated, it is an amendment which I will be offering on behalf of the committee because, since this is a new bill which was filed, a committee amendment technically would not be in order. So it amounts to the same thing. But for those on the Armed Services Committee, they should be aware of the fact that this will be an amendment which I will be offering on behalf of the committee pursuant to the majority vote of that committee.

In conclusion, the amendment would simply require the Department of Defense to undertake a reasoned analysis of all the alternatives, an analysis which the Army was in the middle of making, before making a final decision whether to terminate the Crusader program and, if the program is terminated, how the money should best be spent to support the Army's indirect fire needs. The objective is not to preserve a particular program or to advance a particular approach. It is simply intended to ensure a reasoned analysis of a potentially life-and-death issue. I hope we will adopt this approach.

I understand my dear friend and colleague from Virginia, our ranking member on the Armed Services Committee, may be offering a second-degree amendment.

Madam President, I send the amendment to the desk and ask for its immediate consideration. I am authorized by the committee to send that amendment to the desk.

I wish to make clear there is one very technical change in the amendment. I have stricken the words that are confusing, "organic-to-unit." Those words have been stricken from the amendment adopted by the committee. I have touched base with at least one key Senator on the committee who is very supportive of proceeding with Crusader. I have touched base with my ranking member on this issue. There is no objection to those words being stricken in a number of places to provide greater clarity.

I ask that the amendment be immediately considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 3899.

Mr. LEVIN. Madam 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 reallocate an amount available to the Army for indirect fire programs)

On page 26, after line 22, add the following:

**SEC. 214. REALLOCATION OF AMOUNT AVAILABLE FOR INDIRECT FIRE PROGRAMS.**

(a) **REDUCTION OF AMOUNT FOR CRUSADER.**—Of the amount authorized to be appropriated by section 201(1) for the Army for research, development, test, and evaluation, the amount available for continued research and development of the Crusader artillery system is hereby reduced by \$475,600,000.

(b) **INCREASE OF AMOUNT FOR FUTURE COMBAT SYSTEMS.**—Of the amount authorized to be appropriated by section 201(1) for the Army for research, development, test, and evaluation, the amount available for research and development for the Objective Force is hereby increased by \$475,600,000. The amount of the increase shall be available only for meeting the needs of the Army for indirect fire capabilities, and may not be used under the authority of this section until the report required by subsection (d) is submitted to Congress in accordance with such subsection.

(c) **REPROGRAMMING OF AMOUNT FOR INDIRECT FIRE PROGRAMS.**—Upon the submission to Congress of the report required by subsection (d), the Secretary of Defense may seek to reprogram the amount available under subsection (b), in accordance with established procedures, only for the following purposes:

(1) Payment of costs associated with a termination, if any, of the Crusader artillery system program.

(2) Continued research and development of the Crusader artillery system.

(3) Other Army programs identified by the Secretary pursuant to subsection (d) as the best available alternative to the Crusader artillery system for providing improved indirect fire for the Army.

(d) **REPORTING REQUIREMENT.**—(1) Not later than 30 days after the date of the enactment of this Act, the Chief of Staff of the Army shall complete a review of the full range of Army programs that could provide improved indirect fire for the Army over the next 20 years and shall submit to the Secretary of Defense a report containing the recommendation of the Chief of Staff on which alternative for improving indirect fire for the Army is the best alternative for that purpose. The report shall also include information on each of the following funding matters:

(A) The manner in which the amount available under subsection (b) should be best invested to support the improvement of indirect fire capabilities for the Army.

(B) The manner in which the amount provided for indirect fire programs of the Army in the future-years defense program submitted to Congress with respect to the budget for fiscal year 2003 under section 221 of title 10, United States Code, should be best invested to support improved indirect fire for the Army.

(C) The manner in which the amounts described in subparagraphs (A) and (B) should be best invested to support the improvement of indirect fire capabilities for the Army in the event of a termination of the Crusader artillery system program.

(D) The portion of the amount available under subsection (b) that should be reserved for paying costs associated with a termination of the Crusader artillery system program in the event of such a termination.

(2) The Secretary of Defense shall submit the report, together with any comments and recommendations that the Secretary considers appropriate, to the congressional defense committees.

(e) **ANNUAL UPDATES.**—(1) The Secretary shall submit to the congressional defense committees, at the same time that the President submits the budget for a fiscal year referred to in paragraph (4) to Congress under section 1105(a) of title 31, United States Code, a report on the investments proposed to be made in indirect fire programs for the Army.

(2) If the Crusader artillery system program has been terminated by the time the annual report is submitted in conjunction with the budget for a fiscal year, the report shall—

(A) identify the amount proposed for expenditure for the Crusader artillery system program for that fiscal year in the future-years defense program that was submitted to Congress in 2002 under section 221 of title 10, United States Code; and

(B) specify—

(i) the manner in which the amount provided in that budget would be expended for improved indirect fire capabilities for the Army; and

(ii) the extent to which the expenditures in that manner would improve indirect fire capabilities for the Army.

(3) The requirement to submit an annual report under paragraph (1) shall apply with respect to budgets for fiscal years 2004, 2005, 2006, 2007, and 2008.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3900 TO AMENDMENT NO. 3899

Mr. WARNER. Madam President, this is an amendment that was considered by our committee. The chairman has stated very accurately the facts. The vote was 13 to 6. I happen to have been in the six. I would like to explain the background.

The President sent to the Congress a document entitled "Department of Defense Fiscal Year 2003 Budget Amendment, Crusader Termination, May 2002."

The operative message is on page 4. It says as follows: Department of Defense Fiscal Year 2003 Budget Amendment for Crusader Termination, Research, Development, Test and Evaluation, Army. Justification: The Department of Defense has decided to terminate the Crusader Artillery System Program. This action will support development of objective force indirect fires and network fires. Crusader funding can be used to accelerate the development and fielding of indirect fire platforms such as the high mobility artillery rocket system and precision munitions such as Excalibur Projectile Precision Guided Mortar Munitions and Guided Multiple Launch Rocket System (unitary). Certain selected technologies developed within the Crusader program will have application to future artillery programs. These changes should boost long-term capabilities.

When this arrived in the Congress, it provoked, understandably, considerable concern. The Senator from Oklahoma, I am sure, will shortly address those concerns. He has been fully involved throughout this. I commend him for bringing to the attention of the chairman and myself the need to address this very carefully within the committee as a separate item. That was done, as I stated and as the chairman stated. The committee action represents such consensus as a vote of 13 to 6 represents.

In my capacity as ranking member of the committee, I have an obligation to work with the Secretary of Defense and to determine the extent to which we can arrive at the budget amendment request sent by the President. I have done that in such a manner as to develop an amendment, which I will shortly send to the desk, in the second degree to the amendment offered by the chairman. This amendment was drawn after careful consultation with the Secretary and other members of the Department of Defense through several sessions yesterday. I think it is a very fair compromise and hopefully will be adopted by the Senate.

I represent that the amendment I have devised reaches the same basic goals as enunciated in this justification forwarded to the Congress by the President. At the same time, my amendment recognizes the important contributions by the chairman and others in drafting the committee amendment. I, too, join the chairman in expressing concern about what I call "due process" accorded the Department of the Army in the course of reevaluating this Crusader system at the direction of the Secretary of Defense, which to some degree was done prior to the forwarding to the Congress of this budget amendment.

The chairman—and, indeed, I and others—believed the Army should be given the opportunity to fully explore, as the chairman stated, the reasons for either continuing Crusader or pursuing other avenues leading to the goals enunciated in the budget amendment.

Therefore, my amendment carefully preserves—at least I have endeavored to do that—the portions of the chairman's amendment which enable the Army to perform those important analyses, forwards them to the Secretary of Defense, and then the Secretary is to take certain actions.

The basic difference between the chairman's amendment and my amendment is that my amendment eliminates the reprogramming, a series of four reprogrammings which are required when a matter of this importance is brought to the Congress. It is my judgment—and I think the Secretary of Defense—that we should as quickly as possible, to save dollars and in every other way, remove the delays incorporated in moving to a new system for the U.S. Army with regard to its very important indirect and network fires.

The four reprogramming actions have the possibility of delays built in, plus the fact that, for whatever reason, one of those four committees could block the action. I believe with the consideration being given in the Senate today, the consideration that will be given in a conference between the House and the Senate, assuming the amendments are adopted, that we will have given proper congressional oversight of the decision by the President and the Secretary of Defense to stop the Crusader program terminating and proceed with moving in accordance with the justification I have outlined. So for that purpose I now send to the desk an amendment in the second degree and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3900 to amendment No. 3899.

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

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

The amendment is as follows:

(Purpose: To substitute a notice-and-wait condition for the exercise of authority to use funds)

Beginning on page 2, strike line 7 and all that follows through line 5 on page 3, and insert the following:

"development for the Objective Force indirect fire systems is hereby increased by \$475,600,000. The amount of the increase shall be available only for meeting the needs of the Army for indirect fire capabilities, and may not be used under the authority of this section until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees the report required by subsection (d), together with a notification of the Secretary's plan to use such funds to meet the needs of the Army for indirect fire capabilities.

"(c) USE OF FUNDS.—Subject to subsection (b), the Secretary of Defense may use the amount available under such subsection for any program for meeting the needs of the Army for indirect fire capabilities."

Mr. WARNER. The administration is on record as opposing any action to stop the Defense authorization process which would block the President's determination to terminate the Crusader program. For that reason, I have developed this alternative, which has the support of the administration.

The discussions I have had over the past several days with the Secretary of Defense, Deputy Secretary, the Secretary of the Army, and others, have lead to this compromise, which would, with minor modification, make the Levin amendment acceptable to the administration. So the Levin amendment survives if modified by the Warner second degree in a document that is acceptable to the administration.

The second-degree amendment does not alter the intent of the original amendment by Senator LEVIN. The chairman, quite properly, has concerns

with the process, as do I, which was followed to terminate the Crusader program. The chairman believes the Army has not been given "due process." I concur in that. My amendment would not alter the part of the Levin amendment which addresses this issue.

Under the provisions of my amendment, the underlying Levin amendment would still do the following:

Transfer the \$475 million for the Crusader field artillery system to a budget line for the Future Combat Systems to be used only for the purpose of developing indirect fire capabilities for the U.S. Army; provide the Army time to conduct an analysis of alternatives to address its requirement for indirect fire capabilities; require the Chief of Staff of the Army to submit recommendations to the Secretary of Defense on several issues, including the best way to allocate funding for fiscal year 2003 and beyond, to address Army indirect fire support requirements; require the Secretary of Defense to forward the Army Chief of Staff's report to the Congress, and to make recommendations regarding the best way to meet the Army's requirement for indirect fire support.

I want to make it clear, the Secretary of Defense has the final authority.

My amendment differs from the Levin amendment in one key way. The Levin amendment requires the Secretary of Defense to seek reprogramming approval to transfer funding from the Future Combat System budget line to those lines which would support the Army's indirect fire requirement, as a result of the review conducted under the Levin amendment.

The Warner amendment would replace that formal reprogramming process with a simpler "notice and wait" procedure.

Under my amendment, the Secretary of Defense would notify the Congress of his intention to transfer funds to support the Army's indirect fire requirements. The transfer would be effective 30 days after notification.

This approach will allow the Congress to retain oversight over this important issue but remove the "one member" or one committee veto, which is sometimes the result of the reprogramming process.

At this time, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, the reason this amendment—with or without the second degree—is so critical is that the decisionmaking process that has been used here has been so defective and denies the Army, the public, and the Congress critically important information relative to the need for future artillery systems. That information should have been available prior to the decision of the Department of Defense. Instead, there has been a zig-zag decisionmaking process. That zig-zag decisionmaking process should not have been followed because it leaves us

without answers to the critically important questions about relative risks under various scenarios, under various kinds of combinations of artillery systems.

I want to go through just a bit of that to give a flavor as to why it is so important that this analysis of the Army be reasonably completed and not be truncated or terminated a few days after it was supposed to begin in May.

This field artillery system, called Crusader, which is an advanced field artillery system, has been under development since 1994 to be the Army's next-generation self-propelled howitzer and artillery resupply vehicle.

There has been criticism of the Crusader program outside of the Department of Defense, and that is to be welcomed. It is always to be considered when we get that kind of criticism of a system. Congress should consider that criticism, and we have. But until very recently, the civilian and military leadership of the Defense Department consistently and strongly supported the Crusader program in testimony before the Congress.

The fiscal year 2003 budget that was submitted by the President for the Department of Defense was submitted on February 4 of this year. That budget and the authorization bill that is before us included \$475 million in continued research and development funding for the Crusader program.

On February 28, General Shinseki, Chief of Staff of the Army, testified before the Congress that:

Crusader's agility to keep up with our ground maneuver forces—its longer range, its high rate of fire, its precision . . . and the addition of Excalibur—would bring the potential of a precision weapon . . . with the platform and the munition being brought together, [and] would be a significant increase to the potential shortage of fires that we have today. Excalibur itself will not solve the problem. And Crusader is very much a part of our requirement.

"The bottom line"—quoting General Shinseki's testimony to our committee on March 7—"is we need it." That is referring to the Crusader.

Deputy Secretary of Defense Paul Wolfowitz recently testified in response to a question of whether we need Crusader as follows:

I think we need some of it, a lot fewer than the Army had planned on. We have cut the program by almost two-thirds. And they have done a lot to cut the size and the weight of the system.

Deputy Secretary Wolfowitz said the following:

But I am not one of those people who think that I can bet the farm on not needing artillery ten years from now.

He summarized:

And I think this [Crusader] is the best artillery system available.

That was just a few days before they reversed field. Something changed dramatically in the attitude of the senior civilian leadership of the Defense Department toward the Crusader program in just a matter of a few weeks.

The first change of course actually came in late April. The media reported—and I was told personally—that the Office of the Secretary of Defense would be reviewing the Crusader and other weapons systems during the program review process leading up to the fiscal year 2004 budget, and that a decision on the program would be made around September 1. This was documented in the recent Army IG Report on The Release of Crusader Talking Points to Members of Congress, which noted that prior to April 30, the Defense Guidance indicated that a Crusader alternatives study would be completed no later than September of 2002.

Then came the second change of course. On May 2, Secretary Rumsfeld told the press that Deputy Secretary Wolfowitz and Under Secretary Aldridge had “advised the Secretary of the Army that they wanted a study within 30 days that would look at a specific alternative that would assume Crusader was canceled.”

On May 2, the Secretary of Defense told the press that within 30 days a study would be looking at alternatives to Crusader.

Secretary Rumsfeld went on to say it was his impression that “when the study comes back, a final decision would be made.” In other words, no final decision until the 30-day study period was completed.

The same day, May 2, Under Secretary Aldridge also told the press:

We'll brief the deputy secretary in 30 days, and then we'll make a decision is this the right plan or may not be the right plan. We're allowing the Army to tell us if that is in fact the case, being as objective as possible . . . so we have a basis for an analytical judgment based on rational and objective criteria.

That is Under Secretary Aldridge on May 2. Thirty days, so we have rational and objective criteria.

Less than a week later comes change of course No. 3. On May 8, before the 30-day study is completed, Secretary Rumsfeld announces:

After a good deal of consideration, I have decided to cancel the Crusader program. We still do not have any study based on rational and objective criteria to support that decision, and that zigzag decisionmaking process did not end with the decision to terminate the program.

On May 16, the Armed Services Committee held a hearing on the proposed termination. At that hearing, the Secretary of Defense testified that the Crusader money be spent “to accelerate a variety of precision munitions, including GPS-guided rounds for all U.S. 155-millimeter cannons, as well as adding GPS guidance and accuracy to upgraded multiple-launch rocket system vehicles and the more mobile wheeled version of this system, the high mobility artillery rocket system, or HIMARS.”

The Secretary also testified that the Department would maintain key pieces of Crusader technology for use in the Army's Future Combat System.

At the same hearing, the Chief of Staff of the Army testified he could not

comment on the Secretary's proposed alternatives to the Crusader program because he had not had the opportunity to analyze those alternatives or to review any analysis that may have been conducted by the Secretary's office.

Nonetheless, the Department of Defense formalized these alternatives in a budget amendment that was submitted to the Congress on May 29. That budget amendment provided \$195 million for the artillery component of the Army Future Combat System; \$115 million for other aspects of the Future Combat System; \$165 million for precision artillery and other initiatives unrelated to the Future Combat System.

Even after the committee had its hearing, the Department of Defense and the Army continued to provide the committee with inconsistent information.

On May 22, the Army informed the committee that it would cost \$385 million if termination were delayed until early next year. On June 5, 2 weeks later, the Department of Defense informed the committee that it would cost \$584 million if the termination were delayed until early next year. We have a \$200 million difference, about an 80-percent increase in costs in just a matter of 2 weeks.

On May 22, the Army informed the committee that it would cost \$290 million to terminate the Crusader program immediately.

On June 10, we were told the termination costs could be reduced to less than \$100 million if the Department entered into a bridge contract to transfer Crusader technologies to the Future Combat System and made a commitment to follow on FCS contracts with the Crusader contract.

It is possible, Madam President, that the Department's budget amendment takes the right approach for the future of the Army. It is possible. But this kind of ad hoc decisionmaking, this zigzag change of course, is not the way in which we should make decisions which are life-and-death decisions for the people we put in harm's way and could be life-and-death decisions, indeed, for whether or not this country wins a battle in the years ahead.

It is important we take this step back and conduct the reasoned analysis before deciding how to proceed. My amendment would provide for that analysis to be completed.

The second-degree amendment of the Senator from Virginia also provides the same time period, as I understand it, for this reasoned analysis to take place. The difference between these amendments—and I have not yet decided, because I have not had an opportunity to read the exact language of the amendment of the Senator from Virginia, as to what my position will be on his second-degree amendment. But as I understand the difference, it is whether or not, after the analysis is completed by the Army, after there is a recommendation by the Department of Defense, there is either a period

where there would be a request for reprogramming or whether there would be a 30-day wait period without that reprogramming process.

That difference may sound more significant than it really is. The reason is that under the language of my amendment, if reprogramming is not adopted, the money is nonetheless required to be spent in the Future Combat System budget line. It will not be spent for Crusader unless there is a reverse in decision relative to Crusader, a reversal by the Secretary of Defense.

As I understand the language—and I want to study it—in the second-degree amendment, the 30-day period would be provided so that if a decision were made by the Secretary of Defense following the completion of this objective analysis, there would be 30 days available for the Congress to act to reverse that decision should it choose to do so.

In either event, under either the first-degree amendment or the second-degree amendment, if the Secretary of Defense decided after receiving the Army analysis that he did not want to finish Crusader under either the first-degree amendment or the second-degree amendment, there would not be funding for Crusader. So there is no difference in that sense. Under both amendments, if the Secretary's decision following the analysis is not to complete Crusader, the money will not be spent to complete Crusader. The difference is more subtle than that.

I yield the floor to give others a chance to speak. I want an opportunity to study the language in the second-degree amendment. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I thank our distinguished chairman. He very accurately cited that my amendment embraces the corrections of the study requirement and the actions by the Chief of Staff of the Army is identical to his.

I share the concerns of the Senator from Michigan. He recited in accurate detail a process which he characterized as zigzag.

Again, my amendment in no way dislodges the goal by the chairman to have that work done by the Army. Then it goes to the Secretary of Defense. Where we differ is in what takes place after the Secretary of Defense has made his decision.

I listened carefully, and the Senator said if we go the reprogramming route, if I may pose a question, then the money will be spent, but my understanding is if one of those committees fails to act, that money essentially is parked for an indefinite period of time; am I not correct?

Mr. LEVIN. It would be in the Future Combat System line which most of that money would be spent even under the proposal of the Secretary of Defense, his budget amendment, for the Future Combat System.

Under both approaches, if the decision of the Secretary of Defense, following the completion of the Army

analysis, is not to proceed with Crusader, the money will not be spent for Crusader.

There is no difference between our approaches, as I understand it. The difference would be that under our amendment, he would seek reprogramming. If any of the four committees did not grant them reprogramming, then the money would not be spent on Crusader. It would have to be spent within the Future Combat System.

Mr. WARNER. At what point in time would that expenditure take place?

Mr. LEVIN. Immediately.

Mr. WARNER. I will come back and define that later, but I think it is important other colleagues address that point.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I have enjoyed listening to the debate so far, and I rise very briefly today in support of the chairman's underlying amendment to terminate funding for the Army's beleaguered Crusader mobile artillery system. I support the decision of the Secretary of Defense to cancel this program. Last month, I actually introduced legislation that would terminate the Crusader, saving the taxpayers an estimated \$10 billion over the life of the program.

I commend the Secretary of Defense for his efforts to transform our military to meet the challenges of the 21st century and beyond, and agree that the cold war era dinosaurs such as the Crusader should be terminated.

The centerpiece of the Crusader system is a 40-ton, 155-millimeter, self-propelled howitzer designed to fire heavy artillery shells long distances to target enemy tanks and other armored vehicles on the battlefield.

Each system has two support vehicles. Our military is seeking to be able to deploy rapidly, obviously, to anywhere in the world, but the Crusader apparently is not conducive to such rapid deployment. According to a recent New York Times editorial:

If the Army was still facing the Soviet Union across Central Europe or contemplating battle against a similar military power in the coming decade, the Crusader would be indispensable. But the threat has changed and the Crusader program, with a price tag of \$11 billion, is not needed and should be cancelled.

An editorial in our leading newspaper in Wisconsin, the Milwaukee Journal Sentinel, calls the Crusader a gold-plated weapons system and argues the Crusader is too expensive for a time when even a war-engaged Pentagon must make serious choices about how to spend its money.

I agree that it is past time the Pentagon reorient its thinking and its spending requests toward the threats of the 21st century and away from the cold war. Cancelling the Crusader is a step in the right direction.

The chairman's amendment would transfer the \$475.6 million allocated for the Crusader program into a Future

Combat Systems line item within the Army's research, development, testing, and evaluation account.

In addition, the Army Chief of Staff would be required to prepare a report on alternatives to the Crusader program and submit it to the Secretary within 30 days of the enactment of this bill. This report would include an analysis of the Army's future artillery needs.

I urge the members of the Armed Services Committee and the Appropriations Committee to exercise strict oversight of any reprogramming request that may be submitted as a result of the Army's report. I agree with the chairman of the committee that we should be careful about how the \$475.6 million that is shifted into the Future Combat Systems account is allocated. The Future Combat Systems account should not be treated as a blank check. It should not be used as a way to revive part or all of the Crusader program. We should scrutinize carefully how these funds will be spent.

I urge my colleagues to support Senator LEVIN's underlying amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, it is interesting to follow Senator FEINGOLD because both of us have raised plenty of questions about what we consider to be waste in the Pentagon budget, and I will be relatively brief. I strongly support Chairman Levin's amendment because I think it corrects serious flaws in the process by which the Department of Defense summarily decided to terminate the Crusader without any prior consultation with the Army or the Congress. That is what bothers me the most.

I have long been a critic of wasteful and unnecessary defense spending, particularly when it diverts needed resources from pressing operational and readiness needs of our Armed Forces. I also strongly believe in fair, transparent, and informed Government decision-making, which did not occur in the decision to cancel the Crusader.

For me, this is as clear a kind of question as we can have before us. The Army has stated for over a decade that there is need for an indirect, long-range, rapid-fire system to support ground troops, the very purpose for which the Crusader was developed. Far from being a cold war system, the Crusader's development began in 1995, after the cold war ended and Iraq was defeated. The program is on schedule, on budget, and the system's weight has been cut substantially. As a result, the Bush administration's original fiscal year 2003 budget request was for full funding for the Crusader.

Three Defense Secretaries, three Army Secretaries, three Army Chiefs of Staff, and numerous officers of the field have given testimony in support of the system. In the last few months, a parade of administration officials have testified, including Deputy De-

fense Secretary Wolfowitz, to congressional defense committees supporting the Crusader. Yet 2 months after the testimony by top Army brass, the Secretary of Defense abruptly cancelled the program.

The Secretary's abrupt decision to terminate the Crusader was made in secret and without consultation with even high-level Army officials. It clearly did not follow the normal review within the Pentagon and looks, by its speed, designed to avoid normal scrutiny by Congress. We cannot give up that oversight.

The decision was made without consultation with the Joint Chiefs of Staff, without consultation with the Army, and without consultation with Members of Congress. An argument can be made one way or another ultimately about this weapons system, but for any weapons system I would like to see a careful review process. I think that is critically important.

The decision to halt the program and the President's subsequent request to reallocate funds—not to just reduce funds but to reallocate funds—was an extraordinary flip-flop in the administration's position.

I will not apologize for being concerned about potential job losses in Minnesota should the program be cut. I recently met with workers and officials at the United Defense Industries plant in Minnesota. The point is: Maybe, like it or not, a decision will be made, upon a careful review process, that this weapons system makes no sense. Maybe the decision will be made, with a highly skilled workforce, that there can be other uses made with other technology and that indeed all kinds of decisions can be made and different directions can be taken. I do not know. What I do know is these workers are owed fairness and decent treatment by the Government. They deserve their day in court. Minnesota firms and workers who are most affected by this decision should have a chance to make their case within the normal transparent policy process, not a closed process, not a secret backroom process, which is all we have seen so far.

I need to repeat that point. I have taken all kinds of unpopular votes on all kinds of weapons systems, and at the end of the day if I am convinced there is not merit to this, then that is the way I will vote. But there has not been any careful review process. There has not been any analysis of: How much does it cost to cancel? What do we get from the investment? What are the alternatives? Where is the money going to be spent?

We can hardly blame men and women, a highly skilled workforce, for saying to me or to any Senator or anybody who represents them: At least call for a decent, fair, thorough, and rational review process. This is our skilled work. We are proud of what we do. We believe the weapons system has great merit, but, Paul, we understand.

When I went to visit people, I said: You know my positions. But they are

saying: At the very minimum, we deserve our day in court. There ought to be a careful review process. There cannot be a 180-degree turn, with the Secretary of Defense announcing the program is cancelled, period. Senator LEVIN's amendment is all about process. Process sounds boring. Senator LEVIN's amendment is about fairness. It is about fairness. I hope it will get strong support.

Responsible defense spending decisions, especially those that have decades-long consequences, ought to be made only after a careful analysis and consideration of the need to have U.S. forces as well equipped and as well trained as possible. That is what happens to some Members critical of the expenditures and weapons systems. We are accused of being weak on defense. That is not the point. The point is, there is not any Senator here who does not want our Armed Forces to be well trained and well equipped. The question is what weapon systems make sense and how best do we do the job.

The Pentagon so far offered scant evidence to viable alternatives to the Crusader. It seems clear the alternatives they have vaguely suggested—largely missile and precision-guided munitions programs in the early stage of research and development—will not adequately replace the capabilities of the Crusader. I want the case made before we cancel a program and throw people out of work.

Further, they could cost more, with a higher risk they could not be delivered on time. The cost of the termination alone of the Crusader is estimated to be \$285 million.

In short, colleagues, the administration has failed to provide to Congress with any comprehensive analysis of alternatives in terms of technology, readiness, operational effectiveness, costs, and deliverability. The Levin amendment is not putting this off forever. It is not: postpone, postpone, postpone. Rather, it is saying we ought to have the careful review process.

Whether it is this weapons system or any weapons system, this amendment is all about setting an important precedent if we are going to carry out our responsibilities for careful review. We have invested \$2 billion in the Crusader. The Pentagon owes the American people, at the very least, an open and transparent review before it abruptly cancels an otherwise good artillery system. We have invested \$2 billion. Perhaps the case can be made this system should be canceled; I am not so sure, but that is beside the point.

The point is, Where has there been an open and transparent review of this weapons system? That is something that we request. That is a matter of elementary fairness and also a matter of the way we ought to be making these decisions.

The Levin amendment is an important and positive step forward out of the mess. It requires the Army Chief of Staff to conduct a serious study of the

best way to provide for the Army's need for indirect fire support. At the same time, it provides the Secretary of Defense, following the study, a full range of options. These include termination, to continue funding of the Crusader, to funding alternative systems to meet the battlefield requirements.

This is a pretty reasonable amendment. If instead the Senate passes an amendment that immediately terminates the Crusader program, it will validate an unacceptable decision-making process by our Government, by our Pentagon. It will also lead to the loss of the Crusader scientific and engineering team and its technology. This would occur without saving our Government anything in termination costs.

In contrast, if the Senate accepts the chairman's amendment, there would be an orderly process, and we come to final judgment. This would happen without losing the extraordinary team and the technology in the meantime and without adding to the Government's eventual cost if termination is the final option chosen.

However one feels about the Crusader itself, the Levin amendment is about something different—about the best way to restore fair, transparent, and informed Government decisionmaking to the process, which has been the opposite so far.

Colleagues, I don't know that I need to repeat what I have said. I don't think I could be clearer in my presentation. I make this appeal on the basis of the way these decisions ought to be made. We deserve the transparency. We as legislators deserve an open, transparent process, much less the people we represent. To me, this is a synthesis or marriage that makes sense, No. 1, to best represent people in my State who are saying: We are going to be losing our jobs. We think we have done good work and, at the very minimum, can't you as a Senator demand there be an orderly and transparent process and we have our day in court. I should do that.

For every Senator, Democrat or Republican, for whatever position you may or may not have right now based upon what information you have about the Crusader, this is just a matter of overview, of accountability of where we figure into the decisionmaking.

I ask unanimous consent for 3 minutes as in morning business.

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

(The remarks of Mr. WELLSTONE are located in today's RECORD under "Morning Business.")

Mr. WARNER. Mr. President, at this time there being no others seeking recognition on the pending and underlying second-degree amendment, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do at some point want to be recognized on the second-degree amendment, the Warner amendment to the underlying

amendment. But not until we have had a chance to evaluate it a little bit more. That is what we have been doing in the last few minutes.

As the ranking member, Senator WARNER knows this is something that came up fairly quickly. We need a chance to look it over.

In the meantime, I see Senator AKAKA, the chairman of the Readiness Subcommittee, is going to be seeking recognition. So if it is acceptable, I would like to talk a little bit about our Readiness Subcommittee, our feelings, and then maybe respond to a couple of comments concerning the Crusader. Then if there is time, perhaps Senator AKAKA could follow me.

First of all, I congratulate both Chairman LEVIN and Senator WARNER for their leadership in the Senate Armed Services Committee. They have worked tirelessly in the past months to formulate a bill that for the most part provides for increased readiness for the Armed Forces and the security of our Nation.

I also thank Senator AKAKA, the chairman of the Readiness Subcommittee, for his bipartisan leadership of the subcommittee. As the former chairman of that subcommittee and now the ranking member of the Readiness Subcommittee, I believe the subcommittee took a balanced approach to address a number of the readiness management concerns affecting the armed services.

In keeping with our bipartisan approach to readiness, this bill increased funding for identified shortfalls in the services' infrastructure, equipment, maintenance, and operating budgets. I especially want to highlight the increases in the ammunition procurement, depot level maintenance, base operations, and military construction. While I support many of the readiness items in this bill, a few lines cause me some concern.

Foremost, I am concerned about the \$850 million reduction for professional services contracts. This reduction would have significant impacts on the level of services provided to the Department.

I had hoped the bill approved by the Armed Services Committee would be more supportive of the Department's proposed readiness range preservation initiative. Although the bill includes two of the provisions requested by the Department, the modifications relating to the Endangered Species Act, Migratory Bird Treaty Act, Marine Mammal Protection Act, are not on the mark. I believe they should have been on the mark. I do know the political reality was the support was not there. I hope, when we send this bill to the President for signature, it will include some of these provisions since they are essential to maintaining the training and readiness of our forces.

We might remember it was not long ago that we determined that in several of our training installations we actually paid more money for some of the



environmental provisions than we did for ammunition. That was at a time when we had severe budget constraints, which are less severe today.

Although I support many of the provisions of the bill, especially those in the readiness accounts, I was among the eight Republican Senators who voted against reporting out the bill in its current form. My vote against the bill was based on the drastic reductions, over \$800 million, from the President's request for missile defense programs. The reductions, according to General Kadish, the Director of the Missile Defense Agency:

... would fundamentally undermine the administration's transformation of missile defense capabilities and eliminate the opportunity for the earliest possible contingency against medium range ballistic missiles abroad.

I have been at the forefront when it comes to the development of missile defense to protect our Nation's citizens. I find it ironic, in light of what happened on the 11th of September, that we are not putting in the money necessary for a missile defense system.

I have very serious concerns about that. I know the administration does. I fully support what the administration is trying to do with missile defense. Of course, we cut the authorization considerably for that.

Let me just make a comment or two about the discussion that has taken place here concerning the Crusader. I have to agree, Chairman LEVIN is correct when he talks about the chain of events that led to the May 8 cancellation by the administration. It was something that we determined afterwards in committees that none of the military, none of the uniformed services were aware of. It was not right and I think everyone agrees that was not the proper procedure.

I will say this. Let's not forget the real problem we have with artillery today. I will start by saying there are people in this Chamber and elsewhere who really do not believe we need artillery, we do not need a gun.

But when you ask these same people if they are prepared to say we do not need ground troops in the future, there is not anyone who is going to say we do not need ground troops in the future. When we have troops on the ground, and we know we will have them on the ground—we had them in Anaconda and Afghanistan—you have to offer cover. Of course, if it is close to ships, you could do it that way, but that is highly unlikely. You could do it from the air or with artillery. If you do it from the air, as we depended on air in Afghanistan, then you have two problems.

No. 1, according to the testimony of General Shinseki, it took an average of 25 minutes of response time to be able, from the air, to get the cover necessary. In other words, our troops were naked for a 25-minute period of time. That is unacceptable.

Second, it was further testified—we had testimony that was very con-

vincing—that in one-half of the cases the weather was such we could not get that cover from the air.

So what is the alternative? The alternative is to do it with artillery. I have lots of quotes here—that I will probably put in the RECORD, but I will not bother quoting right now—from the top military uniformed people saying we really needed to have the artillery capability at that time. So let's look at where we are today.

There has been a lot of talk about the Crusader. The Crusader is the system of the future. It is a system that will correct the problem, the deficiency we have right now.

We in this Chamber have to make a determination: Are we willing to send our troops into combat with inferior equipment? I would say that is unacceptable. So let's look at where we are today.

This is the Paladin. That is the best thing we have today. It was designed in 1963. I have spent many hours inside the Paladin, in the training areas. It is inconceivable to me that we would be expecting our troops to use such antiquated equipment, one where after every fire you have to take a pole and take the breach and then hand load it, put the shell in, put the charge in behind it, close it, cock it, take a rope and pull it. I can show you Civil War movies where they had to go through that same process. That is totally unacceptable.

First of all, we determined if we are going to have ground troops we have to have artillery. There are two things you want in artillery: One is range, the other is rate of fire. This is the Paladin right down here. It is at the very low end of the spectrum.

In here are four countries that make a system that is better than the Paladin. In other words, these countries—such as this one here, PZH2000. I took the effort to go to Germany and sat inside one when it was fired. It is far superior to the Paladin but not as good as the Crusader. Here is the Crusader. In terms of rate of fire, in terms of range, it would be superior, if we had that, to the rest of these.

Before we had what happened on May 8, we thought we were going to be in a position to have that Crusader capability so our troops that go out there would have something superior to the rest of them. Now we see if we do not have that, we have the British, the Russians, South Africans, and the Germans, all making a system that is better than what we have here.

It may be that we can get there. I think most people agree that if we are going to have a gun for the future, we need to have it by 2008. The Paladin Crusader would have been there by that time. It may be that later on we will find another alternative and have a gun that will be consistent with the requirements of the Future Combat System by 2008, even though it would be lighter. The complaint was that the Paladin Crusader was too heavy. They

knocked it down from 60 tons to 39 tons. A lot of people legitimately believe it is too heavy. Now they are talking about some alternative of around 18 tons to 20 tons. That is fine. We need to be able to pursue that.

But the bottom line is that we have to be able to give our troops the capability of a superior artillery system. That is where we are today.

We have a couple of alternatives. We know the House has language fully funding the Crusader. It might be that when we go to conference, we will come out with something such as that. We don't know.

It is very important for us to recognize today that we have that deficiency. We have to determine as Members of this body whether that is acceptable—that we are willing to send our troops into combat with an inferior system. I think we will find that it is not acceptable.

I again thank my chairman, Senator AKAKA, for the way we have worked together, and for the subcommittee support in what we have done, even though I still think it is deficient.

In the overall budget we had to deal with, we were not able to do two major things:

No. 1, improve on the problems we have right now, and not with inadequate systems;

And, No. 2, there are a lot of military construction projects that are still not addressed.

I am not saying this to criticize the President's budget. I am just saying they have a bottom line and they have to live within it. There are still deficiencies.

I think we did the best we could in our committee. I commend Senator AKAKA for the bipartisan way in which he and I have always worked together for the past 15 years.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend our colleague from Oklahoma with regard to the budget amendment. On the Crusader, he has been in the very forefront and participated, I think, in almost all of the discussions—fighting hard for the Army to at some point in time indicate what their preferences are and, second, to see that this void in the ability of the Army to provide the—let us just call it—"artillery fire," and have it replaced at the earliest possible time with a system which can substitute many times over and more efficiently for the current antiquated Paladin system.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank Senator INHOFE for his passion in dealing with the issues before the committee. I thank him for his support and cooperation throughout our markup. It is truly an honor to work with Senator INHOFE as we both seek to advance the readiness of our Armed Forces.

I also thank Senator LEVIN and Senator WARNER. They both worked tirelessly to meet our committee actions.

They provided great wisdom and guidance during our deliberations.

I rise today in support of the National Defense Authorization Act for Fiscal Year 2003 and to highlight some of the major actions taken by the Readiness Subcommittee in this year's bill.

This year, the committee had five goals:

No. 1, continue improvements in compensation and quality of life;

No. 2, sustain readiness;

No. 3, improve the efficiency of Department of Defense operations;

No. 4, improve the Department of Defense's capability to meet non-traditional threats; and,

No. 5, promote transformation.

Our subcommittee focused on the first three of these goals.

To improve quality of life, the Readiness Subcommittee recommended an increase of over \$800 million to improve the buildings where servicemembers live and work, including a net increase of \$640 million in new construction. We also provided an increase of \$21 million for personal gear for military members to improve their safety and comfort in the field.

To sustain readiness, the subcommittee made a number of recommendations that are included in the bill. First and foremost, the bill protects the \$10 billion the President requested for operating costs of the ongoing war on terrorism, and has authorized the appropriation of these contingency funds once the President submits a request for specific uses for these funds to Congress. The subcommittee also developed an initiative to enhance training opportunities for our Armed Forces to ensure they can make the most effective use of existing training assets. To do this, we established a fund that would allow the Department of Defense to purchase land, or easements on land, that would protect training ranges. We also provided \$126 million for improvements to those ranges, including better targeting capabilities and infrastructure improvements.

To help to address longer term readiness challenges, the bill includes an increase of \$95.0 million for maintenance of ships and other Navy assets, and \$138.6 million to maintain highly stressed aircraft. And, we continue our efforts from last year to enhance the Department of Defense's coordination of anti-corrosion programs. Studies estimate that corrosion costs the Department up to \$20 billion annually, and that corrosion continues to be a serious maintenance challenge and manpower drain. We therefore recommended that DOD designate a senior official to oversee anti-corrosion plans and policies, and added almost \$30 million to fund those efforts and other anti-corrosion testing, research, and product applications.

To improve DOD management, the subcommittee recommended a number of provisions to expand DOD's author-

ity to acquire major weapon systems more efficiently. With respect to services contracts, we built on last year's legislation requiring improved management of the \$50 billion DOD spends annually on services by establishing specific goals for the use of competitive contracts and performance-based contracting. These goals should help ensure that the Department of Defense meets contract services savings goals through specific management improvements rather than through program reductions. The bill also requires DOD to develop a comprehensive financial management enterprise architecture, and addresses recurring problems with the abuse of purchase cards and travel cards by military and civilian personnel.

I believe this bill strongly supports the readiness of our forces, both now and in the future. As the chairman of the Readiness and Management Support Subcommittee, I commend it to my colleagues.

#### AMENDMENT NO. 3899

Mr. President, I also rise today in support of the amendment offered by Senator LEVIN, and to join my other colleagues in supporting it, because it provides the Army with the opportunity to fully analyze options to provide organic indirect fire support. I am concerned by the manner in which the Department of Defense has handled the decision to terminate the Crusader program because it is apparent to me that the Army's views were not appropriately considered in this decision.

I have long supported the Army's efforts to transform itself into a lighter, more lethal force to meet the threats of the 21st century. I believe the Army is making considerable progress in its efforts and trust in the positions that have been advocated for the type of technology and weapons necessary to sustain both the legacy force and the objective force. My friend, Senator INHOFE, has made a good statement on this issue and I certainly support him. In most situations, I consider the Secretary of Defense to be the expert on the needs of the men and women serving in the Armed Forces. I rely on his advice and direction for what the Department needs to execute its mission of preserving our national security. A lot of my trust in his expertise and the recommendations of his staff is based on my belief that he relies upon those in the Department, both uniformed and civilian, to determine what is best for the Department of Defense.

I am having a very difficult time with this issue because it seems apparent to me that the Army is not being heard on this issue. It is disturbing to consider that decisions on Army modernization and transformation are apparently being made without timely input from the Army. I believe it is imperative for the Army to be provided with the necessary time to complete its study of the full range of options available to provide organic indirect fire support. For this reason, I support Senator LEVIN's amendment.

Mr. President, the full committee and our subcommittee have worked hard on drafting this bill. It is a bill that our country needs. I ask that my colleagues support it.

Mr. President, I yield back my time.

THE PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise to speak on the pending amendment. I am the ranking member of the Airland Subcommittee of the Armed Services Committee. On that subcommittee, I have had a great working relationship with the chairman of that subcommittee, Senator LIEBERMAN. We, for now the sixth year that I have served in this capacity, have always brought our portion of the Defense authorization bill together in a bipartisan way. We have worked together on every amendment. We have either supported or opposed amendments on the floor. We have never had a disagreement.

I am hopeful that will continue today because we have been working very hard on trying to get a resolution to the issue that is before us, which is this Crusader issue.

Obviously, as Senator AKAKA has just mentioned, the way the administration has gone about canceling this program, as we began the markup of the Defense authorization bill, has made it very difficult for us to try to make an adjustment in midstream. But we are working through that. In fact, we are in the process of active negotiations—Senator LIEBERMAN and myself, with the Defense Department—to see if we can come up with something that can accomplish the goals that have been laid out by Senator INHOFE, Senator WARNER, Senator LEVIN, and others, that are vitally important to the future of the Army and their ability to be relevant in the wars of the future.

Let me first start out by saying I agree with the comments of Senator INHOFE and Senator WARNER—there may have been others, but they are the ones I have heard so far—that we do need indirect fire or artillery fire in support of our troops on the ground; that if we are going to have troops on the ground, we are going to have some sort of weapon there to protect them and provide the fire support they need.

So the question is, Is what we have right now, as Senator INHOFE laid out, adequate? I think clearly the Army, in its evaluation of its options going forward, believed what they had was not adequate. That is why they had Crusader in their budget. That is why they had the Future Combat System in their budget.

The administration has come in—looking at what I think are real problems that the Army has—and decided the Crusader does not fit with the future of the Army. It is not lighter, it is more lethal, but it is too darn heavy to be deployed in a realistic fashion in the wars that we are going to be fighting in the future.



So they made a decision, frankly, the Army could not make. I say "could not make." They obviously did not make it. And I would argue they could not make it. They have not been willing to make some of the tough decisions, in my opinion, that have led them to the problem we are facing today.

They have a big budgetary problem. Senator LIEBERMAN and I have had a variety of different hearings on a variety of different subjects throughout the last 6 years, but every year we have a discussion of this problem with the Army. This is the one recurrent theme that we have had, which is the Army is not making the tough decisions to eliminate this bow-away problem they are going to have in a few years. In other words, they are not going to have enough money to fund all the programs they believe they need.

We thought it was important they start making tough decisions to start cutting programs. We even had some concerns about some of the new programs they put in place during our 6-year tenure, such as the Interim Brigade Concept, but that is another story. We fought that, we lost, and we are willing to move on. The fact is, they did not have the money to do what was needed, to do what they wanted, what they believed was needed.

What I think the Secretary of Defense did was look at that, as Senator LIEBERMAN and I have looked at it over the years, and decided to act and to cut out a system they believed was not going to be relevant based on the experience they have had over the past several months in Afghanistan, and prior to that in Kosovo. So they made a decision.

I understand Senator LEVIN wants the Army to have more of the same. With all due respect to the chairman—and I do respect him—I think the Army has proven they cannot make these kinds of tough decisions. It is not just within their capability to do that. They have gotten rid of a whole bunch of little systems, but when it comes to the tough decisions they have had to make, they have not been able to make them or they have not been able to put a credible alternative forward to the Defense Department to keep systems going in an affordable way.

One example is Crusader. Crusader has three times the firing power of the Paladin. Yet what they ask for are the same number of Crusaders as we have Paladins. Yet the Crusader has three times the firing power.

You would think if you are being told your program is on the hot seat, that we may cancel this program, this should not be news to the Army. The President of the United States, during the Presidential elections, mentioned Crusader as a program that he might cancel. So they should be aware there is a problem.

They never offered a credible alternative to the Department of Defense to downsize the Paladin for the Crusader, to pay for it with force reduction be-

cause you need less people if you have less units. So to make this a deal that could be workable, they were unwilling to make that decision. They were unwilling to make that change because it involved force structure, and that is something the Army holds on to dearly.

So I would just argue that while I understand the concept of having the Army have its say, I think the Army had plenty of opportunity to have its say, and they were not at the table with credible proposals to make this work.

So what Senator LIEBERMAN and I have been trying to accomplish over the past few weeks, once this came to light, is to see whether we can put something together. I think both Senator LIEBERMAN and I have come to the opinion that the administration is right, that the Crusader program should be terminated.

I would add a caveat to that. The Crusader program has not yet been terminated. The Department of Defense has not terminated the contract. What does that mean? That means every single day that this contract stays in force—a contract we know the Defense Department is going to terminate—we are spending \$1.5 million.

We are spending \$1.5 million on a contract that we know is going to be terminated. Of that amount, a half a million dollars has no useful purpose for any future defense project.

Let's understand what we are doing. Every day the Congress puts heat on the Defense Department; both sides of the aisle and both Houses of the Congress have been putting pressure on the Defense Department not to cancel this contract.

The President has said he is canceling this contract. The Defense Department says they are going to cancel this contract. I understand we are putting pressure on them not to do it right away for a variety of reasons: We are on the floor with the bill; the House is marking up over here; there are all sorts of reasons not to do it, not to offend Congress.

I tell you what offends this Senator is spending a half a million dollars a day for nothing. I understand the relationships on the hill and all the other things going on, but I think it is unconscionable to spend a half a million dollars a day on a contract we know is going to be terminated because of congressional pressure from both bodies to cancel the contract. If you are going to cancel it, cancel it now. I could take that money, 2002 money, and use it for some better purpose.

Secondly, when it comes to this program, what Senator LIEBERMAN and I are concerned about is our ability to have fire support for our troops. We have the Future Combat System. Under the President's proposal, they have moved the Future Combat System. It is another gun, a Howitzer. It is smaller. We don't know what this thing necessarily looks like, but it is pro-

jected to weigh about 18 to 20 tons as opposed to the original 60 tons for the Crusader which has been scaled down to 40 tons now. It is still a very heavy and cumbersome piece of equipment.

What they want and what the mission and vision of this military is to be lighter, more deployable, quicker. Why? Because we will be responding to these kinds of isolated events, and we need to be moving faster.

It makes sense that we have this system because this 1963 Paladin system will not meet the needs of the Army of the future. So we need to do this system. Hopefully everybody in the Chamber looking at the facts, once they have an opportunity to do so, will agree with me that we need this system. So what the President did in his proposal was move up. We eliminated Crusader. We moved up the Future Combat System, this 18 to 20 ton gun, from being deployed in 2014 to being ready in 2010 to 2011.

Now, what Senator INHOFE is arguing is—I think he is right—why don't we see if we can pull it up even a little further, up into 2008, which is when the Crusader was going to be deployed in the first place—see if we can move the Future Combat System up to 2008 so we can take the Crusader out of the mix but fill it in with a more relevant system.

What does that do? You have to spend the money in 2008 but you don't buy two systems. You buy one. You buy one that is more relevant to the Army.

To me that makes a lot of sense. The question is, How do we get to that? Can we afford to do that? We are going through those discussions right now. I hope we will have the opportunity.

What I asked my ranking member to convey was that we would have the opportunity to at least see if we could work out some solution before this amendment came to the floor. The amendment came to the floor, and we will have a vote, I understand, but I am hopeful we can continue to work on this issue over the next week or so to see if we can come up with a solution, working with the Army, with the Department of Defense, with Members on both sides of the aisle who would like to see this mission accomplished.

It really comes down to more money. I know that is not a plentiful thing in this bill. Everybody wants more money. What we are looking at—to give some rough figures—is that the money that is in the original bill, in the President's request, was \$495 million for the Crusader program in fiscal year 2003. The President has said we will spend \$195 million of that, continuing to spend that money on artillery, on this gun system of the future, because there is a technology that we were working on with Crusader as a gun system that is applicable to the next gun system. So it is a technology that we want to continue to move forward. So \$195 million stays in a sense in that area.

The rest goes into basically smart weapons. Why? Because the Defense Department believes these smart weapons are the future, that what we don't need are big artillery rounds, dumb bombs being fired by big cannons and we don't know where they will hit, at least not with precision. We know generally but not with precision. Why? There are lots of reasons. Frankly, one of them is political in the sense that we are becoming increasingly concerned about collateral damage. Smart weapons reduce collateral damage, civilian casualties. The smarter the weapons, the fewer the casualties. The weapons we were going to fire with the Crusader were not designed to be smart weapons and, therefore, more casualties to civilians.

There are other reasons with respect to precision. It is cheaper. It is more effective. There are lots of other reasons.

They made the decision for that reason. I support it. I support the allocation of those resources to more smart weapons.

With respect to the 495, I think it is properly committed. The administration is very clear on that. Senator LIEBERMAN and I believe strongly that the allocation is the proper one. The question is, How do we get from this artillery piece, moving it up from 2011 to 2008 so we can have it in a more timely manner?

What we have found is, to be able to do that, we need an additional \$173 million. That is a lot of money. But we have to make the decision, as a body, is it a wise expenditure of money to replace a 1963 vehicle that, as Senator INHOFE said, you still have to pull with a cord. Imagine that, we were doing that in the Civil War.

So we are going to replace this vehicle, which is slow, which is small, which does not have the firepower necessary to really protect our troops. Are we going to replace it, and what is the cost of our doing so?

I have been working with Senator LIEBERMAN and others with the Defense Department to see, No. 1, can we find some other money; and No. 2, are there some costs we will save by putting this money forward in savings to the contractor which we will terminate with the Crusader program.

We are terminating that program. When you terminate a program, there are costs associated with it. You just don't terminate and walk away. You have damages that you have to pay because you canceled a contract that you said you were going to fulfill. So there are damages. They are negotiated damages. We don't have a handle on exactly how much. But my sense is that if we put additional money in a program to move forward this other system and we make that money available, then there might be lower termination costs because the contractor necessarily isn't terminating all of their programs.

What we are trying to do is work through to see if we can't come up with

a solution that terminates the Crusader, as the President rightly decided to do, so we can get rid of the program—we believe it is an obsolete program—fund the smart weapons we need to fund and about which the Defense Department is passionate—I agree with that—and at the same time get a new gun system by 2008, which is what the Crusader would have done in the first place, that is lighter and more capable, certainly, than the existing system.

In a sense what we are trying to do is see if we can accomplish everything and save the Army a tremendous amount of money and not just help with funding this system but help with the other programs that the Army doesn't have a whole lot of money for either, making them more affordable under the budget.

We are going to have to vote, I suspect, on the Warner amendment and on the Levin amendment. If that is the case, fine, we may have to do that. But I hope we can continue to work on this issue to see whether we in the Senate can come up with a solution that accomplishes everything I have just laid out, which is what I think, from talking to Members, is the objective for everybody.

I am happy to yield to the Senator from Virginia if he has a question.

Mr. WARNER. Briefly, I want to ask a question. I thought the Senator gave a very interesting, forthright, and quite courageous assessment of a situation that has prevailed for a very long time. I am not sure I fully agree with quite as strong an indictment of the Army.

Nevertheless, facts are facts. I remember joining Chairman LEVIN and going over to see Secretary Cohen years ago, shortly after General Shinseki came into office, indicating it was the view of Senator LEVIN and myself that the funds were not there to achieve the magnitude of the Army reorganization. I remember that meeting very well. I think Secretary Cohen basically acknowledged they would do what they could to fix it, and the rest is history.

The question I have to pose—and the chairman is here, and I will suggest a hypothetical—if my amendment were to be accepted by a voice vote, we would then proceed to a vote on the chairman's amendment, the underlying amendment. Does that help or impede the Senator's objectives as ranking member, working with his chairman to try to resolve that issue?

Mr. SANTORUM. I don't believe that amendment prejudices anything we are doing. My understanding is, within the context of this amendment—my hope is that we can continue to work on this, even as we are on the floor, to see if we can come up with an amendment that lays out what we need to do in 2003. I didn't get details, but there are other 2002 budget issues. To accomplish this, we need to take care of that in the supplemental. That is another issue. As far as 2003 is concerned, I am still hope-

ful we can come up with something; whether it is on the floor or we can resolve it by the time the bill is finished, I don't know. I am hopeful we can include it if we can resolve it. I don't see anything in the amendment that prejudices it and trying to work it out in conference.

Mr. WARNER. Last night the Senator hosted, with Senator LIEBERMAN, a meeting with the Deputy Secretary and the Secretary of the Army, and I was present. I thought the very clear explanation you made of the different challenges of 2002, how they differ from 2003, was important. I think that would be vital for colleagues to understand—particularly in the context of your concern, which I share, about the million and a half a day being expended while the Congress works its way through this bill.

Mr. SANTORUM. I appreciate that. My understanding is that if we terminated the contract—it is a million and a half dollars a day. If we terminated the contract today, there would be roughly \$150 million unexpended in the program—I believe unobligated and unexpended from the program. Again, these are rough numbers, and I don't want to hold the Army to any particular number because these numbers have to be negotiated between the Army and the contractor; but the estimate we are getting is that roughly \$100 million of that would go toward termination costs for the contractor in 2002 dollars, which would leave aside \$40 million to \$50 million, which could then be put toward the technology that is applicable to the Future Combat System.

So it gets us a start to try to move the Future Combat System from 2011 to 2008. Once that starts, it will be helpful if we can continue to move it up with an additional \$173 million in 2003, which will put us in a position in 2004 to get it in a timely way.

I know the chairman gets a million requests and there is not a lot of money out there, but \$173 million, even in the Senate, isn't chump change. I argue that when you are taking out a system—obviously a very controversial move—for \$173 million in 2003, you can replace that system and get another system fielded in the same timeframe as the original one, which is more practical for the usage for the Army, and you have accomplished something very significant.

That is the pitch I am making. If we could make that happen, I think it would be good for the Army, and I think it would be taking what is a very difficult and troublesome situation that we have with Crusader and turning it into something very positive for everybody concerned.

I yield the floor.

Mr. LEVIN. While the Senator from Pennsylvania is on the floor, let me comment on one thing he said about the unwillingness of the Army to make the tough decision. The Army was in the middle of an analysis when it was

completely truncated unexpectedly against the commitment and statements made by the Secretary of Defense and the Under Secretary of Defense. So they were in the middle of making an analysis. It is not as though they were unwilling to make the analysis.

This is important. It is an analysis looking at seven different questions, including what are the risks of proceeding versus the risks of canceling, the alternatives, what are the costs, and what is the cost effectiveness—all of these issues, under six combat scenarios. I think the Senator would agree that these could be life-and-death decisions. Whichever way you come out on these questions, these are life-and-death decisions. The Army is in the middle of an analysis, which they were told at the end of April they should finish by May 30, and on May 6 the Secretary of Defense indicated they decided to terminate.

The analysis is important and it addresses many of the same issues the Senator from Pennsylvania addresses. I know what he is after. We want the best system we can possibly get as soon as possible. Relevant to that, surely, is the analysis of the Army looking at seven questions, including force effectiveness, benefit of each alternative; that is an issue that should be looked at, surely. We don't want to ignore what is the force effectiveness benefit of each of the four alternatives. We want to look at the capability of each alternative to support—now I am reading the questions—the capability of each alternative to support a rapidly deployed force in a small-scale contingency. That is one of the questions they are looking at. Six combat scenarios.

People say: Gee, could the Crusader have been useful in Afghanistan? That is one of six. What about in a desert situation when the Paladin cannot keep up with the vehicles it is supposed to be supporting? Is that relevant? I know how deeply involved the Senator is and how committed he is to the same goal. These are important questions. To simply, without any explanation, change course twice in 2 weeks, first saying we are going to decide this by September 30, and then saying we are going to decide this by May 30, and then say I just decided—I will soon yield the floor, but I assure the Senator from Pennsylvania that the Army was in the middle of an analysis that was due by the end of this May.

This amendment says we want that analysis finished—not just to check on the decision of the Department of Defense to end the Crusader system, but also to help us decide where we want to go in terms of some of the expenditures about which the Senator was talking. It is not just an analysis that helps us decide what course to change from, but what course to change to.

That is why we put this provision in here for this analysis. I don't think it makes a huge difference as to whether

or not, frankly, we have an analysis and a period of wait or we have an analysis and then reprogramming. In either event, if the Department of Defense stays on its present course after the analysis, after the benefit of that analysis, if they decide after receiving the Army's review of these seven questions and these six scenarios and the four indirect fire alternatives—if the Department of Defense decides they want to stay on the current course, in that case they will not be prevented from doing so under either of the two alternatives—the first-degree amendment or the second-degree amendment.

That is why I tell my friend from Virginia and our other colleagues here to accept the second-degree amendment, with the understanding that we would then proceed to a vote with the support of the Senator from Virginia on the first-degree amendment.

Mr. WARNER. Mr. President, if I may just respond, that is a procedure I would endorse. I thank my colleague. In that form, the Levin amendment, as amended by Warner, would be consistent with the wishes of the Secretary of Defense and the goals and, therefore, I think I can represent it has his support. I will verify that, but I am positive I proceeded on that course this morning, and I know of no communication thus far to me of any deviation.

The Levin amendment, as amended by the Warner second-degree, would be consistent with the goals as established in the President's budget amendment and is now being sought by the Secretary of Defense.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I inquire, I believe the Senator from Pennsylvania lost the floor to Senator LEVIN, in which case, if the Senator stays in the Chamber for a moment, I will not be long. I wish to respond.

Mr. LEVIN. Will the Senator from Oklahoma yield?

Mr. INHOFE. Yes.

Mr. LEVIN. The Senator from Pennsylvania did want an opportunity to respond to some of my comments. If it is consistent with the needs of the Senator from Oklahoma—I should have given that opportunity to our friend from Pennsylvania—perhaps he can now have the opportunity.

Mr. SANTORUM. I will be a minute. My criticism of the Army is not that the Army was not studying this issue when asked to do so by the Defense Department in April. My criticism is the Army has not made a decision for quite some time with respect to—

Mr. INHOFE. Parliamentary inquiry, Mr. President. Who has the floor?

Mr. SANTORUM. If the Senator from Oklahoma—

The PRESIDING OFFICER. The Senator from Oklahoma has the floor, but the Senator from Oklahoma yielded to the Senator from Pennsylvania.

Mr. INHOFE. I will yield to the Senator from Pennsylvania—

Mr. SANTORUM. Go right ahead.

Mr. INHOFE. If at some point I can get back in.

Mr. SANTORUM. I appreciate that. I will be quick because as hard as Senator LIEBERMAN and I have worked, Senator INHOFE has worked 10 times as hard. I do not want to take up his time.

That has been my concern with the Army, that they have not made tough decisions, not that they were not studying this issue at the request of DOD when they visited with them that they may be canceling this program. That is No. 1.

The reason I have some concerns with moving forward this study—by the way, I understand the Army is already moving forward and studying this; they are doing the study right now—is it is very clear to me the Department of Defense is canceling this contract. A study can go forward, but they are canceling the contract.

We can say we do not want you to cancel the contract. We can say a lot of things. But they are going to cancel this contract, and we are spending \$1.5 million a day on a contract they are going to cancel. The President has been very clear about that.

We can get into a big fight. My problem is twofold. No. 1, I think they are right. Even that aside, even if I think they are wrong, if we fight this thing out, if we have a big to-do, we are pushing this system back to gosh knows when we are going to get this artillery piece.

I am doing it this way: Did they do every procedure right? I think the Senator from Michigan said it pretty well. They asked for an analysis, and then a few days later they killed the program. I would argue that is not right.

Is it the right decision? I would make the argument it is the right decision. Was it gotten in the right way? No, it probably was not gotten the right way, but it is the right decision, it is a decision they made, and I think they are going to stick to it.

I am trying to see if we can craft something, in working with the Army, to keep some continuity so we can bring an artillery piece on at an appropriate time to meet what the Army believes they need, and I would agree with them to do it.

I will support this amendment. I will sit down. The reason I would have problems supporting this in conference is if this is the position we want to take in conference—I think it is vitally important and one of the reasons I wanted to deal with it on the floor—if we can find that \$173 million piece for next year and if we put this amendment in and say we will wait until the analysis, then there is no chance of getting that money and bringing this system up.

That is the problem I have with this amendment. I think the Senator from Michigan has every good intention with this amendment. I have no problem with what he is doing, but I think we need to continue to work on this to

see if we can find a solution. If we cannot, I am willing to accept the Senator's amendment. I am willing to go to conference and even accept it at that point, but if we can do something to try to move this system forward, I think we should make every effort to do so. That is all I am suggesting.

Mr. LEVIN. Mr. President, will the Senator from Oklahoma yield for 2 minutes for a quick response?

Mr. INHOFE. I yield.

Mr. LEVIN. The suggestion of the Senator from Pennsylvania that some \$170 million be added for some modification in the President's new budget proposal is proof of the fact that the analysis is necessary because what the Senator is proposing is different now from the administration's budget amendment. That is how fast these things change. That is point No. 1.

It seems to me what Senator SANTORUM is arguing is exact evidence of the fact that we need to complete the analysis which was truncated.

My second opinion: This is not a unilateral decision by the administration. No expenditure of funds is unilateral. There is a House of Representatives. There is a Senate. The House of Representatives has decided on a certain source of action, and in that course of action, they do not want this contract canceled. We have to go to conference with whatever we do. This is not just a decision that has been made and it is over. They should have had the analysis before they made the decision. They did not. We should still have the analysis before we decide what is the next course for these Future Combat Systems. It is just possible at least—possible—that when the analysis that was terminated prematurely is completed, that actually might affect the administration's plans.

On both points I would have a difference with our friend from Pennsylvania.

I yield the floor. The Senator from Oklahoma has been very patient.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Michigan.

Mr. INHOFE. Mr. President, I was given by Senator DAYTON a list which I believe should be printed into the RECORD. This is a list of 28 retired four-star generals who have very strong support for the Crusader program. Each one has done op-ed pieces. I ask unanimous consent the list and several letters be printed in the RECORD.

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

RETIRE 4-STAR GENERALS WHO STRONGLY SUPPORT CRUSADER AND ROBUST INDIRECT FIRE FOR SOLDIERS IN COMBAT

Gen Richard E. Cavazos, Commanding General, FORSCOM; Commanding General, III Corps; Commanding General, 9th Infantry Division.

Gen John W. Foss, Commanding General, TRADOC; Deputy Chief of Staff, Operations, U.S. Army; Commanding General, 18th Airborne Corps; Commanding General, 82nd Airborne Division.

Gen Frederick M. Franks, Commanding General, TRADOC; Commanding General, VII Corps, Gulf War; Commanding General, 1st Armored Division.

Gen Ronald H. Griffith, Vice Chief of Staff, U.S. Army; Inspector General of the Army; Commanding General, 1st Armored Division, Gulf War.

Gen William H. Hartzog, Commanding General, TRADOC; Deputy Commander in Chief, Atlantic Command; Commanding General, 1st Infantry Division.

Gen Jay Hendrix, Commanding General, FORSCOM; Commanding General, V Corps; Commanding General, 24th Infantry Division; Commanding General U.S. Army Infantry Center.

Gen Donald R. Keith, Commanding General, Army Materiel Command; Deputy Chief of Staff, Research and Development, US Army.

Gen Fritz Kroesen, Vice Chief of Staff, U.S. Army; Commanding in Chief, U.S. Army Europe; Commanding General, 18th Airborne Corps; Commanding General, 82nd Airborne Division.

Gen Gary Luck Commander in Chief, U.S. Forces Korea; Commanding General, 18th Airborne Corps, Gulf War; Commanding General, Joint Special Operations Command; Commanding General, 2nd Infantry Division.

Gen David M. Maddox Commander in Chief, U.S. Army Europe; Commanding General, V Corps; Commanding General, 8th Infantry Division.

Gen Barry McCaffrey U.S. National Drug Policy Director; Commander in Chief, U.S. Southern Command; Commanding General, 24th Infantry Division, Gulf War.

Gen Jack Merritt Senior Military Representative, NATO; Former President, Association of the United States Army.

Gen Butch Neal Assistant Commandant, Marine Corps; Deputy Commander in Chief/Chief of Staff, CENTCOM; Commanding General, 2nd Marine Division.

Gen Glen Otis Commanding General, TRADOC; Commander in Chief, U.S. Army Europe; Commanding General, 1st Armored Division.

Gen Binnie Peay Commander in Chief, CENTCOM; Vice Chief of Staff, U.S. Army; Commanding General, 101st Airborne Division, Gulf War.

Gen Denny Reimer Chief of Staff, U.S. Army; Commanding General, FORSCOM; Commanding General, 4th Infantry Division.

Gen Robert RisCassi Commander in Chief, U.S. Forces Korea; Vice Chief of Staff, U.S. Army; Commanding General, 9th Infantry Division. (High Tech, Motorized).

Gen Jimmy Ross, Commanding General, U.S. Army Materiel Command; Deputy Chief of Staff, Logistics, U.S. Army.

Gen Lee Salomon, Commanding General, Army Materiel Command; Commanding General, 9th Infantry Division.

Gen Thomas A. Schwartz, Commander in Chief, U.S. Forces Korea; Commanding General, FORSCOM, Commanding General, III Corps; Commanding General, 4th Infantry Division.

Gen Robert W. Sennewald, Commanding General, FORSCOM; Commander in Chief, U.S. Forces Korea.

Gen John Shalikaskvilli, Chairman, Joint Chiefs of Staff; Supreme Allied Commander, Europe (SACEUR); Commanding General, 9th Infantry Division (High Tech, Motorized).

Gen Gordon Sullivan, Chief of Staff, U.S. Army; President, Association of the United States Army; Commanding General, 1st Infantry Division.

Gen John Tilelli, Commander in Chief, U.S. Forces Korea; Vice Chief of Staff, U.S. Army; Commanding General, FORSCOM; 1st Cavalry Division Commander, Gulf War.

Gen Carl Vuono, Chief of Staff, U.S. Army, Gulf War/Just Cause; Commanding General,

TRADOC; Commanding General, 8th Infantry Division.

Gen Louis C. Wagner, Jr., Commanding General, U.S. Army Materiel Command; Deputy Chief of Staff, Research and Development; Commanding General, U.S. Armor Center.

Gen Johnnie E. Wilson, Commanding General, U.S. Army Materiel Command; Deputy Chief of Staff, Logistics, U.S. Army.

WILLIAMSBURG, VA.

Editor:

*Chicago Tribune*

Your editorial of 8 May, "Killing the Crusader" provided your readers with a very one-sided view of the ongoing debate over the wisdom of killing the Crusader. There is another side to the argument based upon my experience as a commander of infantry, armor and airborne units in peace and in war in many parts of the world.

You posed the question of Crusader as a battle of a visionary Secretary of Defense against backward Cold War thinking generals, entrenched bureaucrats and members of Congress interested only in jobs in their districts. Secretary Rumsfeld did assert that he wanted to kill the program so the money could be invested in new technologies for a more modern force. He has not yet identified his vision of the conflicts of the future nor of the technologies that would lead us there quickly.

The Crusader is not a Cold War leftover. It was designed and initiated after the Gulf War to address a long-standing shortfall in the range and rate of fire over our known and potential adversaries (Yes, Russian artillery has had a longer range and a higher rate of fire than US artillery since World War II and provided it to Iraq). Division commanders from the Gulf War rated an improved howitzer as the most important deficiency to be addressed. The 1960's howitzer, upgraded several times, slowed the advance of our forces since it couldn't keep up. You were right in saying the old Paladin needed to be replaced but wrong in saying the Crusader would be obsolete by the time it's fielded. There is nothing identified nor started to replace the Crusader and there probably won't be anything for years to come.

Eventually all this comes down to taking a risk. Trading Crusader for some hopeful technology of the future puts the risk on the ground soldier. If Secretary Rumsfeld is fortunate and we have no unexpected conflicts before his revolutionary force is fielded then it will be a risk worth taking. If the next conflict (and we have a hard time predicting them) involves some serious ground combat (Iraq?) then the soldiers and not the bureaucrats nor generals will feel the effects of the risk.

We can have a new revolutionary force in the future but we need to retain a trained, ready and equipped force in the interim. Both the Secretary of Defense and the Congress play a role in this process. It should not be a battle between them. Soldiers could suffer.

Sincerely,

JOHN W. FOSS,  
Gen., US Army (Retired), Former Commander of the 82nd Airborne Division and the XVII Airborne Corps.

Editor:

*Los Angeles Times*

The op-ed article by Michael O'Hanlon on May 9, "Killing the Crusader," suffers many of the same ailments found in many such writings; he is only half right. He is exactly

correct when he notes that the Crusader advanced artillery system could help in a situation like Korea. I would quickly add Iraq. In fact, potential hostilities in Korea or Iraq only highlight the value of a versatile system such as the Crusader.

His error comes in saying Crusader is designed just to slug it out with the Soviet Union in Central Europe. Quite the contrary is true; the lethality, versatility and 21st century technology of this weapon makes it an imperative for supporting our forces on any future battlefield.

As a nation we do not have the luxury of picking our adversaries. Rather, recent history shows that America must expect the unexpected. A case in point is Operation Anaconda in Afghanistan, which would have benefited greatly from the Crusader—which is highly mobile, can fire faster and farther with extreme accuracy, and outdistances current artillery.

Likewise, all conflicts in the future will not involve neat and clean battlefields where air power or other systems like long-range rockets will be constantly available or useful. We must have the firepower to take out air defenses, communications, drive out entrenched enemies, provide lethal cover for our ground troops, and operate in all types of weather with either volume or precision fires.

Speaking from the perspective of a Marine and from our nation's experience in Desert Storm, I know first-hand that we must support troops on the ground with overwhelming firepower under all conditions—including the times when air power is not available. That, in precise terms, captures the unpredictable threats of the new century that make Crusader so absolutely essential.

GEN. RICHARD NEAL,  
Former Assistant Commandant, U.S. Marine Corps, Deputy Director of Operations, Desert Storm.

NOVEMBER 5, 1997.

Mr. PHILIP ODEEN,  
Chairman, National Defense Panel, Crystal Mall 3, Suite 532, Arlington, VA.

DEAR SIR: We have followed with interest your recent comments about the need for a "transformation strategy" for the Department of Defense and the nation's armed forces. We understand your focus on trend lines and their impact on force structure, personnel savings, readiness, and training. It is with these points in mind that we write, to clarify what we believe are some critical misconceptions about the Army's advanced field artillery system and its contribution to the future Army.

As you know, the Army is a leader in taking charge of its future through near-term evolution to Army XXI and then possible semi-revolution in Army After Next. The Army sees Army XXI digitized, mechanized forces as it "cord" force, while a more revolutionary light, super-mobile, elite "battle force" might served a halting and fixing capability in Army After Next. None of us knows how this concept will finally play out, but we do see Crusader as an essential part of any Army XXI and AAN decisive fighting force.

The Crusader system is a technological leap-ahead, achieving the first U.S. Army artillery overmatch since the end of World War II. Its mobility unleashes the combined arms team . . . a role that its predecessor, Paladin, cannot fill . . . just as the Bradley fighting vehicle enabled the maneuver force to exploit the mobility of the Abrams tank. Crusader is an essential component of Information Dominance. Fielding it allows us to fight with rapid, long-range fires and to take

maximum advantage of the digitization of the maneuver force. This "smart" system knows where it is at all times, computes its own fire missions, point the gun, and fires the mission, under soldier supervision. No other system approaches its ability to deal with the plethora of targets generated in an information dominance environment.

Years of analysis, using varying threats and scenarios, attest to the need for Crusader. Crusader is more than three times as effective as the Paladin. With its technology investment, the advanced field artillery system will provide three times as much lethal fire support to the maneuver force and survive three times as long as the system it replaces. Its accuracy enhancements make it possible to achieve effectiveness on a target-by-target basis by firing 32 to 50% fewer rounds, depending on the nature of the target. In comparison to other unique fire support means, like rockets, Crusader is more economical by weight and cost. For example, to achieve equal effects against a mechanized infantry company, Crusader fires 30 rounds while MLRS fires seven rockets. In terms of weight and cost of ammunition, Crusader projectiles and propellant weigh 37% and cost 71% less than the seven rockets. Analyses have shown that Crusader enhances the contribution of both the cannon and rocket components of the field artillery system.

Because Crusader exploits the capabilities of information dominance and situation awareness, it enables the force to engage more targets. In study after study, Crusader increases overall force effectiveness by over 50%. This is an unprecedented impact for a single weapon system. The awesome contribution of Crusader, especially using precision munitions, provides revolutionary gains in combat power that challenge current maneuver-fire support assumptions.

You raised the potential for savings in force structure and personnel through technology. The technology advances in Crusader have enabled the Army, in anticipation of its fielding, to already reduce the number of cannons per battalion by 25% and the number of soldiers by 16%. When Crusader is fielded, the Army will realize additional manpower savings as every crew will be reduced in size to three men who sit at cockpit-style workstations, are supported by decision aids, and drive by wire. Automation has removed the requirement for the crew to handle rounds and propellant in firing and resupply.

These attributes have obvious strategic deployability and logistical footprint implications. The force needs fewer Crusaders, and those Crusaders kill many more targets using a given amount of ammunition. Hence, the Army can deploy a Crusader capability equal to Paladin's with 50% less strategic and 38% less intratheater lift.

We see Crusader as vital to Army XXI and the mechanized portion of Army After Next. Fielding Crusader clearly addresses the issues you have raised, significantly increasing force effectiveness while providing manpower, sustainment, readiness and training cost savings over its life cycle because of reduced personnel requirements, automated systems, embedded training, and improving reliability.

John W. Foss, General, USA (Ret); Donald R. Keith, General, USA (Ret); Jack N. Merritt, General, USA (Ret); Carl E. Vuono, General, USA (Ret); Frederick M. Franks, Jr., General, USA (Ret); Gary E. Luck, General, USA (Ret); Glenn K. Otis, General, USA (Ret); Louis C. Wagner, Jr., General, USA (Ret); Ronald H. Griffith, General, USA (Ret); David M. Maddox, General, USA (Ret); Gordon R. Sullivan, General, USA (Ret).

ALLIED RESEARCH CORPORATION,  
Vienna, VA, May 10, 2002.

Senator JOHN WARNER,  
Russell Building, Washington, DC.

DEAR SENATOR WARNER, A too long personal letter and my "up-front" apology for same . . . but an issue I feel passionately about. I write to you as a warfighter with almost 40 years in uniform that includes battery level combat command in Vietnam, command of the 101st Airborne Division in the Gulf War, and 3 years at CENTCOM and numerous operations to include Iraq, Somalia, and Ethiopian wars; as a former Vice Chief of Staff, U.S. Army with responsibilities for managing the development of future Army systems and operating under constrained budgets; as a Chairman of the Board and CEO of a defense company headquartered in northern Virginia with clear insights on the posture of our nation's industrial base and finally, I write to you as native Virginian and you as my Senator . . . a leader with a long career of public service as Secretary of the Navy and leader in the SASC and Senate.

Failure to go forward with the CRUSADER howitzer program is a national strategic mistake of proportions that principally only Army and Marine leaders truly understand. Regretfully, the issue in Washington today has become embroiled in civilian control emotions and service in-fighting as each postures for their future (roles and missions) while recovering from years of budget downsliding. At the end of the day, Congress is responsible for raising Armies and thus my letter to you. I believe the following points are relevant to the final CRUSADER decision:

#### 1. BALANCE

(A) There must be balance in our air and ground arm today and tomorrow. Today, that means understanding the fog and friction of war in ensuring that fires are always available regardless of communication and intelligence failures, bad weather or simply unavailability. Tomorrow, that means understanding that our enemies will develop counteracting strategies. We have a grand Air Force and my record shows I'm a great supporter. But history is replete with examples of enemy responses, whether it be enemy actions at Guadalcanal impacting naval positioning and the continuous support of committed marines (thus the dedicated Marine air arm today) or the future, where the introduction of lasers on the battlefield will undoubtedly impact the air delivery of ordnance and other air platforms performing intelligence, command and control, and air defense missions. Are we no longer to have howitzers as a major contributor to the fight? Balance . . . a requirement today and tomorrow.

(B) There must be balance between precision missiles and high explosive (HE) precision and non-precision munitions in support of soldiers and marines requesting "close support fires". The battlefield today requires precision and massed area fires delivered simultaneously over vast distances to suppress enemy air defenses, prepare landing zones for airborne and air assault forces, and defeat massed forces. And at times our forces require diversified munitions and continuous close fires to "disengage" from the enemy and often this is a mix of smoke, HE, white phosphorus, illumination and other munitions. And somewhere in all of this is the need to understand costs. Bombs, missiles, and howitzer delivered munitions each provide balance and are needed. But when it comes to truly close continuous fires, it is cannon field artillery delivered munitions that a soldier or marine principally uses due to safety, the angle of fall of the projectile, and their organic control.

(C) Currently allies and adversaries are rapidly developing a mixture of missile and gun solutions that ensure balance. European, Chinese, and middle eastern and Gulf armies are increasingly procuring advanced self-propelled artillery. Today the U.S. Army is comparatively far down (9th) on the list of cannon artillery and our most advanced system (the Paladin) is 40 years old. It is interesting to note, that our Navy (which has been thru numerous examinations of guns versus missiles) has the very essence of CRUSADER embedded in its approach to the advanced gun system for the DD(X), and our Marine Corps is vigorously enhancing its regiments with advanced howitzers and HIMARS, and it has its own organic air support. Balance!

## 2. TRANSFORMATION, MODERNIZATION AND READINESS, AND DETERRENCE

(A) CRUSADER is a transformation system and its fits perfectly in the Army's Objective Force. It is a "far different" system than that described only two years ago. Its weight has been cut by a third; its crews save manpower, its technology is unmatched. As such, the Army has already changed its future manning and equipment documents to realized these breakthroughs and capabilities by eliminating tanks, personnel careers, howitzer sections and personnel from its requirements. This CRUSADER howitzer is on time and target in terms of its production milestones and is performing magnificently in tests. Its cost as a major weapon system is a modest \$9-11 billion well below the cost of other service systems.

(B) Many call for skipping a decade of systems. We have already done that many times over. We will never field systems if we continue to kill them just as they are ready to go into full-scale production after years of work by our industrial base. Some say, "move the technologies to the tech base or to a new FCS system" ...., yet nothing really exists except draft concepts on paper and vignettes. It will be years before the next prototype system is available. Thus, once again we delay modernizing the force introducing cost readiness problems and, importantly, weakening our industrial base. The wealth of engineering excellence assembled around the CRUSADER program will be lost, rapidly impacting armored vehicle industrial base capabilities which today principally resides in only two companies. Deterrence has many components. The presence of modernized heavy land forces and a solid industrial base are not lost on our adversaries.

(C) Today, we all understand the advent of asymmetric warfare. We predicted years ago that it was coming. Nevertheless, we should not lose perspective that the future will involve combinations of asymmetric, conventional, and WMD actions. We should note the pictures of armored vehicles, tanks, and artillery in the latest city fighting in the Middle East. Skipping decades to meet threats of the future briefs well. World events have never allowed us to do that and there is not nearly enough money in the world to transform entire Armies in short duration. Thus, we've always modernized systems and parts of systems and then fought them in high-low mixes of heavy and light forces and mixtures of modernized and un-modernized systems based on the spectrum of conflict. Today, it is Iraq, Korea and Afghanistan. Tomorrow it could be Colombia, Iran, Taiwan, China, a different emerging Russia or the entire set of Middle East nations. Whoever would have even been close to predicting our deployments from Desert Storm to Enduring Freedom during the past 10 years? Deterrence is a major price of our national strategy and CRUSADER'S role in support of Army forces is a key visible ingredient to that strategy.

Finally, this decision has become a very personal at the highest levels. Regrettably, it started with a Presidential campaign debate with uniformed aides beating the agenda for change, long before discussions with seasoned warfighters would or could take place. Courage to admit that the CRUSADER system has radically changed since that time, and that there is a clear need for the system in an uncertain world (by our leadership) would only raise one's respect for their wisdom. The Army has always been transforming. Transformation in form of revolutionary or evolutionary approaches will only survive when wisdom dominates national security decision-making. This is a dangerous, complex business. Wisdom is "Balance" learned from history. Wisdom is understanding the complexities of modernization and its impact on readiness and deterrence. Wisdom is listening to warfighters and professionals who have spend their lifetime fighting and studying the art of war. CRUSADER cuts across all of these issues today.

Thursday, you will speak at the graduation of the Class of 2002, at the Virginia Military Institute...many of these graduates will very shortly be leading soldiers and marines in ground combat. I hope they will be provided the "balanced" fire support to do their job. I also hope they will never have to lead our nation's youth in combat because deterrence worked. The wise decision resoundingly supports fielding CRUSADER as soon as possible.

Sincerely,

J. BINFORD PEAY.

MAY 16, 2002.

*To the Members of the U.S. Senate and U.S. House of Representatives:*

The misinformation filling newspapers concerning the Crusader program is troubling. Decisions to support military transformation are key and must be reached through fact and analysis.

Crusader is a smart gun. Its development began in 1995, after the Cold War ended and Iraq was defeated. Crusader was a key part of then Army Chief General Gordon Sullivan's vision to digitize land forces around the power of the microprocessor. Furthermore, Crusader has been specifically redesigned for C17 deployability, refuting the popular myth that it is too heavy for 21st Century operations. For example, Crusaders could have been on the ground in Afghanistan in less than 24 hours.

As we have heard repeatedly from the U.S. Army's leadership, land forces need cannon artillery to provide dedicated responsive fires in support of soldiers on the ground around the clock, and in all weather. Precision strikes from bombers, missile systems, and unmanned aerial vehicles will complement, not substitute for Crusader's capability. The decision to terminate Crusader should be based on an analysis of alternatives using defined strategy and scenarios, which includes a thorough assessment of cost effectiveness and technology risk.

The Crusader program is on cost, on schedule, and exceeding performance objectives. This system has already fired over 6,000 rounds and demonstrates ranges exceeding 40 kilometers, rates of fire beyond 10 rounds per minute, and three times the lethality of currently fielded systems. Crusader also brings proven technologies in leading-edge robotics, sensor-to-shooter architecture, crew cockpits, and advanced materials.

The taxpayers of this nation have invested nearly \$2 Billion in the development of Crusader. At a minimum, this model program deserves a thorough assessment before it is canceled and America's investment is thrown away. More importantly, the soldiers of today and tomorrow should be assured

that the decision to terminate Crusader is based on compelling evidence that proposed alternatives will be there to provide the same needed responsive precision fires on future battlefields—we know not where, when, or under what circumstances.

Sincerely,

FRANK C. CARLUCCI,  
JOHN M. SHALIKASHVILI,  
*General, USA (Ret.).*

Mr. INHOFE. Mr. President, let me comment in response to some of the statements made by my distinguished and very close personal friend with whom I came to the Senate from the other body in 1994.

Mr. President, will the Senator from Pennsylvania stay here? I was going to respond to some of the comments he made. First, I state in the strongest possible terms that there is no person I think more of than Secretary Rumsfeld. There has been a problem in this whole debate, and that is that he is busy managing a war right now. He has other things on his mind other than what our Future Combat System is going to be.

Consequently, while they said, yes, we want to cancel the program, whatever the immediate motivation was, the Secretary made that decision, and, quite frankly, I do not believe—in fact, I am certain of it—at the time the decision was made he did not take into consideration the termination costs.

As recently as last night in the office of the distinguished Senator from Pennsylvania, General Armbruster made the statement it would cost about \$290 million without a bridge. So we are talking about a very large amount of money.

I am concerned about \$1 million today, \$.5 million, \$1.5 million, depending on how one wants to calculate the delay. I do not want to delay it. Let's keep in mind, the Senator from Michigan is correct when he said the Army has been preparing to do this for a long time. The Army has downsized in anticipation of having the capability that would come with the Crusader. In a minute I will say it could be the Crusader or something that would give us a capability that would certainly satisfy me as just one member of the Armed Services Committee.

There are a couple other issues I want to clarify for the record. The Senator from Pennsylvania made the statement that with something that has three times the firepower, why don't they lower the expectations as to how many platforms they need.

I say to the Senator from Pennsylvania, at one time they were talking about 1,200 Crusaders. It is now down to 480 Crusaders. That is the most recent. I also say at the same time that the firepower, the rate of fire, is not just 3 times greater, it is 10 times greater in terms of sustained fire. That is critical. We have already downsized the request to 480 from 1,200.

The cancellation of the Crusader most likely is going to happen. That is what the Senator has been saying, and I agree with the Senator from Michigan that the Secretary of Defense is



not going to do that on his own. If he had strong opposition in both the House and the Senate, then there is a process whereby he would have a difficult time doing that unilaterally, and I believe that is very proper. In this case, when you are talking about an alternative system that might accomplish the same thing, this has been the compromise we have been talking about now. The House was not talking about this. They want to go full bore ahead with the Crusader.

We have said if what we want to accomplish is to have an artillery capability by 2008, the same year the Crusader would have come on board, it can be done in other ways. I have suggested another way would be to say: Administration, you are right, but we need to get it down from 40 tons to 20 tons. We need to have something that is going to be faster and lighter, that will still give us some superiority on the battlefield and do it by the same year, 2008. That is a reasonable expectation. I think most of the Senators on the committee would say that would be a good alternative if that were done.

In order to do it by 2008—this is something nobody disagrees with—it is going to have to be done by using the same people who gave us the technology we have today, and we are going to have to use the same technology. To use that, it can be done, but we are going to have to construct something to allow that to be done. If we do not, and if we say, all right, we are going to open it up for bids at the end of milestone B, for example, then that is going to delay the process for a long time, and most likely that team that gave us the technology of the future would be dispersed and working elsewhere. So it would be very difficult.

The last thing I want to mention is the disagreement I have with the statement of the Senator concerning the dumb bombs. Yes, we need the Excalibur, we need to have the MLRS, we need to have all the rocket technology that goes with it so we can be pinpoint accurate, but when it comes to cover, every general and every person in uniform coming before our committee has said, you have to have that, but you also have to have dumb bombs.

If Excalibur were fired right now, the cost of that would be \$200,000 for a round. It has to be fired out of something. We do not have anything to fire it out of right now. We would with the Crusader. We would if we had this alternative we are suggesting so we would be able to use it. If we use MLRS, each round is \$36,000. That has to be considered on the battlefield. But if you want to send a bunch of dumb bombs to give cover to our troops who are otherwise naked, that can be done for \$200 a round.

I contend—and I have heard such testimony from those in uniform—that we have to have that capability. If we have to have that capability, we are going to have to have all that capability in one unit. That is where FCS

comes in. There are about five major components of FCS. Sure, the way I want to go would make sure we get the first component, the artillery capability, by 2008. To do that, we would have to give it some degree of priority; \$173 million additional would do that. We have heard that testimony. At the same time, I want the other components, too.

I will stand here and say, whatever influence I have on this committee, I am going to use that influence to get the rest of these components to reach the Future Combat System that everybody is in agreement we want. The only disagreement we have is there are some who say only the Crusader is going to be able to do this. I do not believe that. I think we can do that if we keep the technology and the team together and do it in another vehicle.

Those are the areas I wanted to address. I have to say to my friend from Pennsylvania, I really believe we want the same thing. We want that capability by 2008, and we have ways of getting there. We may have to do it in conference. I think the Levin amendment is going to be important at this point to go ahead and get us in the right posture in conference, and I commit to everyone that I will work to achieve that goal that both of us want.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I commend the Senator from Oklahoma. In committee, when this issue came up, we were not on the same side of the issue. I was clearly supporting the President's request and the Senator from Oklahoma was not, and I have found that in working with him, he has provided a path out of this very difficult conflict. That is why I completely agree with the statements he has made, that there is an opportunity to try to accomplish everything that I think most members of the Senate Armed Services Committee believe need to be accomplished, which is to have a new system up by 2008, to save money in the Army procurement project, which is badly underfunded, and at the same time transition these technologies we have with the Crusader on to the Future Combat System.

From my perspective, it comes down to an issue of money. It comes down to an issue of whether we can find money in 2003, in this budget, in this authorization bill, to get together the concept demonstrator we need. Hopefully, we can start this year with 2002 funds and move forward with the \$173 million for next year. That is not going to be easy to do. I am not sure we are going to be able to accomplish this on the Senate floor or we are going to be able to get this agreement. Maybe we even should not. Maybe this should be an issue we work out with the House and do it in conference when we have more people who will participate in it.

I will say, without the leadership of the Senator from Oklahoma on this

issue, I do not think the ability to accomplish all the things I laid out would have been possible. The Senator from Oklahoma and I understand Fort Sill is in Oklahoma, and I understand a lot of the Crusader work was going to be done in Oklahoma. Also, I understand this is an issue where the Senator could have come out by saying, I am going to go down with the ship on Crusader and I am going to fight for the folks back home in the sense that there are these jobs. But the Senator from Oklahoma, I have found, has always been doing what is in the best interest of the men and women in uniform.

What he has proposed is exactly that. It is not a homer kind of proposal. It is anything but that. It is a proposal of what is in the best interest of the people who are in uniform, and I commend him for his leadership. I commend him for his innovation. I am hopeful we can get our folks from the other side of the Capitol in the House to work with us on this, and hopefully the administration will see the wisdom of taking an issue which is very divisive right now and being able to turn that very divisive issue, that could be very much a flashpoint, confrontation point that can be very damaging to our men and women in uniform, by delaying any system for quite some time, and see this as an opportunity to be able to accomplish all we want to accomplish, which is to field the system, save the money, and have the capability we need to protect our men and women.

So I commend the Senator for his leadership and look forward to working on this issue over the next weeks as we finish in the Senate and go to conference.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in order to try to facilitate the important debate we are having and bring it to some conclusion with regard to the desires of the chairman to have votes, the chairman and I have discussed the following, and we would like to entertain thoughts from others: That the amendment of the Senator from Virginia in the second degree would be accepted by the chairman. He would presumably so state. We then proceed to a rollcall vote on the chairman's underlying amendment.

However, the distinguished Republican leader, Mr. NICKLES, is engaged in something that is important he complete. I understand he can be present by 2 p.m. because he, likewise, wishes to address this issue. So on the assumption he can be present between 2 p.m. and 2:10 and that his remarks would take no more than 15 minutes, could either the distinguished Senator from Oklahoma or the distinguished Senator from Pennsylvania indicate to me, and therefore to the chairman, a reason we should not then go to a vote shortly after the conclusion of the remarks by the Senator from Oklahoma, Mr. NICKLES?

Mr. REID. Will the Senator from Virginia yield?

Mr. WARNER. Yes.

Mr. REID. What we want to do, as I indicated, is to have the vote at 2 p.m. Senator NICKLES, who is vitally interested in this matter, wishes to speak. We now have a chance and are preparing a unanimous consent request to give Senator NICKLES whatever time he needs and vote following his remarks.

Mr. WARNER. OK.

Mr. INHOFE. If the Senator will yield, first, yes, that would be acceptable to me. Quite frankly, I would like the Levin amendment without the second degree. It gives the administration and our committees more authority than without the amendment. However, I certainly would accept that and would want to agree to the votes.

My senior Senator from Oklahoma is here now and mentioned he wanted to be heard.

Mr. REID. Through the Chair, I ask the Senator from Virginia, and I direct the question to the Senator from Oklahoma, we were going to have you speak at 2 o'clock for a half hour; Is the Senator ready to give his remarks now?

Mr. NICKLES. Sure.

Mr. REID. Could the Senator be finished by 2 p.m.?

Mr. NICKLES. Definitely.

Mr. REID. We will have the staff look over the unanimous consent request and have a vote at 2 p.m.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank my friend and colleague from Nevada. I am pleased we will vote soon on the Levin amendment which I strongly support. I understand it will be modified by the Warner amendment, which is also acceptable to this Senator. I am not positive we needed it, but we want to make the administration happy.

What is most important is we provide our men and women in the military, in any branch, in any division, with quality equipment, equal to or superior to our competitors. I hate to say this, but it happens to be factual. We are not superior to our adversaries or potential adversaries when it comes to artillery.

Fort Sill is the home of the artillery training base for the Army. A couple of weeks ago I visited the base, as I have done several times. I sat in the Paladin, our latest artillery weapon, and fired it with our men and women who were operating the cannon. I realized and was embarrassed at how obsolete it is. The chassis, the basic framework of the wheeled vehicle that they were using, was built in the early 1960s. The cannon was also loaded exactly as it was in the early 1960s. In fact, the cannon is loaded the same way Napoleon was loading cannons.

I was surprised, dismayed, and more than convinced we need to upgrade the system. The Crusader serves as an update that modernizes the system. The Crusader has a mechanized, automated loading system. The Paladin came online in 1994, as if it was a new system. The chassis and the loading mechanism is identical to what we had in the early

1960s. It is the same method and mechanism during the time of Napoleon and the Civil War. The individual would manually load the projectile, which in this system 155 millimeters looks like a big bullet. It is very awkward, very heavy, very cumbersome, and weighs about 100 pounds. It is manually lifted from the floor or off a rack, inserted on a loading device, and shoved into the barrel. Then they shove in some packing, basically an explosive device, similar to powder. They shove it in manually behind the projectile. They close the breech. They put in a firing pin with a cord and yank it. It explodes and they open the breech. They take a sponge and they swab the inside of the barrel to make sure it is still not hot and will not have another premature detonation.

That is the same method used in the Civil War. The first couple rounds they might be able to do about three a minute. After a couple of minutes, they can only do about one a minute because the barrel gets pretty hot and they have to wear gas masks if they do very many because they are in a closed environment and get exhaust fumes. If these masks are not worn, the fumes can be hazardous to the health of the women and men operating the machines. In other words, this system is very obsolete. It needs to be replaced.

I started looking at our competitors. Not one country, not two countries, several countries have a more efficient and more effective system.

I am not chairman of the Armed Services Committee and I have not served on that committee. I have great respect for Senators LEVIN, WARNER, and INHOFE, but I cannot think of any major weapons system where we are behind several countries in quality of equipment. I don't want to find our planes are inferior to any other country. I don't want to find our ships are inferior to any other country. I don't want to find our intelligence capability is behind any country. I don't want to find our weapons, our guns, our cannons inferior to any country.

Unfortunately, in this case, our cannons are inferior. There are six countries that have greater capability in what I call ground support and cannons than we do. Britain, South Africa, Russia, China, Germany all have cannon artillery systems superior to ours, some in refiring capability, some in accuracy, some in speed.

We need a new system. The Army recognized this for a long time and came up with the Crusader. The Crusader is far superior to every system I mentioned. The administration decided to cancel the Crusader. I don't agree with that decision. They made the decision that we needed something lighter. I can go with that as long as we still have a superior system to other countries, to our potential competitors and even our allies. I don't want our systems inferior to the Germans, South Africans—although they are allies—the Russians, and the Chinese. I want us

No. 1 militarily. You don't want to be in military conflict and find you are a close second. That is not good enough.

We need a superior system. The Crusader would be that. I know some are talking about maybe scaling down the Crusader. The Crusader was originally 80 tons, and now 62, and now going to 40 tons. Some are saying, see if we cannot take it down to 25, 27, or maybe 18 tons. I don't know if that is possible or not. I hope it can be. I would love to see the Crusader be more mobile, wider, able to be deployed more rapidly in regions far and away, maybe in Afghanistan or other areas. I would like to see the capability of this machine enhanced.

However, I want to make sure our men and women, if they use this system and it is superior, that it is safe, it is not a death vehicle or one where their lives might be jeopardized. It remains to be seen if we can preserve this level of safety in a future combat system. The Levin amendment modified by the Warner amendment, allows us to accomplish something very important by taking this \$475 million and saying it will not be in the Crusader. Or we could keep that option as the Crusader. But we are going to use these funds to closely support a fire system capable of protecting our men and women.

We are going to be consulting the Army, individuals who have experience and expertise in this—which, frankly, was not done in the decisionmaking process as far as canceling the Crusader. It is unfortunate that they were not consulted. I am offended by that process.

I hope the administration in the future will say if they are going to be canceling the system they will contact the Chief of Staff of the Army, former Chief of Staff of the Army, the Secretary of the Army, and listen to their advice. That did not happen in this case.

Senator LEVIN was talking about how this would be reversed. You might remember a few months ago the administration had money for the Crusader in their budget. Now they have stated they are opposed to it.

We need to come up with something better. Regardless of what the replacement may be, I want our military men and women to have a superior system that far exceeds what they have right now. I do not want our men and women being trained in vehicles, in cannons that are inferior to anybody's. Period. That is the bottom line. It is not who does the contracting. It is not who makes it. It is not where they are trained, not where it is fired, not where it is deployed. Our men and women have to have the best. Right now we do not have the best.

Under the Levin-Warner amendment, we are going to take that \$475 million and, yes, we are going to have reprogramming capability, or consultation, the Secretary can have his ability to change it, and we have 30 days to review it, and it is going to be used for

fire support. Presumably, we are going to come up with a better system than we have right now. This is what I expect to be done.

I don't want to find out our men and women are still training in inferior systems 20 years from now. If we do not move fairly quickly, that is exactly what they will be doing. Even if we stayed with the Crusader, that was going to be online in the year 2008, 5 or 6 years from now. The future combat system Senator INHOFE and others have talked about can be on line in 2008. We need to be moving forward on this rapidly. There is not a lot of time to waste, not when you think we could be jeopardizing the lives of our men and women.

Somebody said maybe we don't need cannons, we can rely on air support power. That is not accurate. Talk to anybody in the military. Do you need an army with tanks and guns? Yes. Do you need an army with weapons for potential combat systems and close fire support? The answer is always yes. Can the air always do it? No. Can the multiple-launch rocket system do it? Not always. Sometimes it can from greater distances, but not close-in, not when you are talking about a few hundred yards, not when you are talking about a mile, not when you are talking about real close-in support.

We need a cannon. We need close-in support. This \$475 million reprogramming capability is for a future combat system. It could be called Crusader 2; it could be called Crusader 3. We have reduced the weight of the Crusader from 80 tons to 40 tons and still call it the Crusader. Now we are talking about taking it from 40 tons to 20-some tons. If that can do the job while having automatic load capability, have superior user accuracy, have the speed to stay up with our tanks and armored personnel carriers—which right now we cannot do—if we can come up with a lighter and more mobile system that can still protect our troops and provide the fire support that is so necessary—great. I will strongly support it.

I hope and expect the reprogramming and the Army intelligence and Army experts in this field will come up with a system that will work. But they need to do it quickly. I hope and expect the leaders on both the Armed Services Committee in the Senate and in the House will work to make sure that happens.

Presently, relying on the existing system is just not satisfactory. It is not satisfactory for this Senator. I do not think it would be satisfactory for the Department of Defense, either.

I thank my colleagues for their work to keep this money in artillery and in close fire support.

I also compliment my friend and colleague, Senator INHOFE, for his leadership. No one has invested more time on defense issues that I am aware of, with maybe the possible exception of Senator WARNER, than Senator INHOFE on this committee. And no one has in-

vested more time in support of the Army than Senator INHOFE.

I also wish to compliment Congressman J.C. WATTS because, likewise, he has invested an enormous amount of time trying to make sure making sure our men and women in the Army have the best artillery around, not just protecting the jobs in Oklahoma. I think both Congressman WATTS and Senator INHOFE are to be congratulated for their leadership, trying to make sure the Army as well as the Navy and Air Force and Marines have equipment superior to any potential adversary we might confront.

I am happy to support the Levin amendment, modified by Senator WARNER. I urge my colleagues to adopt it. I yield the floor.

Mr. LEVIN. Mr. President, 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. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. NICKLES. Mr. President, I would like to make a unanimous consent request, just for the information of our colleagues. I ask unanimous consent the time until 2 p.m. today be for debate with respect to the pending Levin and Warner amendments, with the time equally divided and controlled in the usual form, and at 2 p.m. the second-degree amendment be agreed to, and without further intervening action or debate the Senate proceed to vote in relation to the Levin amendment, as amended, with no other amendments in order prior to the disposition of the Levin amendment.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, that will be fine. I would like to make sure that before 2 o'clock Senator DAYTON has 5 minutes. That should be no problem.

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

Mr. REID. Mr. President, 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. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. LEVIN. Mr. President, the Senator from Minnesota was assured of at least 5 minutes. I do not know if this time is divided equally or not, but whatever time I have remaining, I yield 5 minutes of that time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I inquire as to the time?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. DAYTON. I ask unanimous consent that I might have 10 minutes to speak.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Yes, reserving the right to object, we are going to vote at 2; is that correct? I did want 3 or 4 minutes to speak on this issue.

Mr. REID. Mr. President, we have had a lot of people talking. We certainly want the Senator from Alabama to have his time to speak.

I ask unanimous consent that the vote be extended until 5 after 2; that all the same orders will be in effect but for the 5 minutes, and that the Senator from Minnesota be given 10 minutes and the Senator from Alabama, 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

The Senator from Minnesota.

Mr. DAYTON. Thank you, Mr. President. I thank the Senator from Nevada for the accommodation. I thank the Senator from Alabama as well.

Mr. President, I want to start by expressing my appreciation and admiration to the chairman of our Armed Services Committee, on which I am privileged to serve along with the Senator from Michigan, and ranking member, the Senator from Virginia. Both of them have been outstanding mentors and role models for me in the Senate.

The legislation which has been brought forward has my full support as a member of the committee.

I note that the President proposed \$396 billion for national defense for the 2003 budget, a 20-percent increase in spending over the last 2 years.

Is my understanding that the committee, which has been working very much on a bipartisan basis, provides after adjustments for the civilian and military retirement dollars, essentially the full amount that the President requested for all activities. It reflects the bipartisan support this committee has for strengthening our national defense—even before the tragic events of September 11, and certainly thereafter. As I said, it involves a very sizable increase in spending. It is supported by this Senator, and by Senators on both sides of the aisle—in our committee and on the floor.

There are other aspects of the bill that I would like to address at a subsequent time. But given the spirit of cooperation and support that has been evidenced, in my view, consistently by the committee, by the chairman of the committee, and by its members to undertake these increases and improvements on a cooperative basis—frankly, as others have noted—the procedures by which the Crusader budget has been proposed to be eliminated is an unfortunate exception. As I say, it is one that strikes me as really not warranted by the actions of the committee in any way whatsoever.

The President submitted a budget proposal to the Congress on February 4 and called for \$475.6 million to continue in the development of the Crusader. No cutbacks were proposed. There were no reservations expressed about the project. The Crusader is on time, it is on budget, and it is to specifications. In the simulated tests so far, it has been right on target.

In the committee hearings, which the Armed Services Committee held quite extensively about the President's proposal for the year 2003, no reservations were expressed by anyone—not by the Secretary of Defense, nor the Deputy Secretary of Defense, nor the Joint Chiefs of Staff, nor the military commanders. In fact, it was just the opposite. There was strong and unqualified support for the commander.

I have asked a number of military leaders who have come to my office, and the incoming and outgoing Chiefs of Staff in Europe. I was at the National Training Center in California last year, and I asked tank commanders what they thought of the Crusader. They were unanimously enthusiastic about the Crusader. They were unanimously emphatic about the need for the Crusader to strengthen our artillery.

The Secretary of the Army expressed similar support for those same reasons in testimony before the committee. We received testimony in March of this year before the committee by the Army Vice Chief of Staff. As reported in Defense Week the next day—on March 18 of this year—he said ground forces attacking in Afghanistan could have used the Crusader to pound al-Qaeda redoubts in the mountains near Gardez. General Keane told the panel on Thursday that, unlike some air-delivered munitions, poor weather would not have stopped the Crusader's precision fire. General Keane said they could have used the Crusader for support of troops attacking in the mountains and have gotten the response of artillery fire at considerable range and distance they could not with any of their other systems.

He went on to say if the Army had the Crusader today—meaning in March, in Afghanistan—perhaps three or four of them could have been used there. He said they could have kept the Crusader within the range outside of the immediate battle areas in secure areas. He said the Paladin, by contrast, would have to be positioned closer to the mountains and would need more forces to protect it.

To give Senator INHOFE and colleagues on that subcommittee a sense of the Crusader's range and precision, General Keane said they could put it within the beltway outside of Washington, fire it in the air, and hit homeplate in Camden Yards in Baltimore.

After hearing all of this testimony and this unqualified support, the committee began its markup of the military budget and Department of Defense request. After about a week of rumors

and innuendos, contrary rumors and denials of all of that, we received on the morning of the final markup session of the committee—on May 8 of this year—a copy of a letter from Mr. Daniels, Director of the Office of Management and Budget, to the majority leader, Senator DASCHLE, informing him of the administration's decision to terminate the Crusader. We received nothing—this Senator received nothing—from the Secretary of Defense, and, as far as I know, no formal communication to the committee from the Department of Defense. It was treated as though it was a budget adjustment. Since then, there has been this presumption that, of course, the committee will approve the administration's change of mind. Of course, we will all just reverse our course upon command. Of course, we will just disregard all of the expert testimony we received over the last months. Of course, we will disregard whatever research we have done individually. And we will disregard our own views on the importance of this program, and we will just follow into a lockstep by pirouette 4 months after the budget has been submitted. Sixteen months after taking office, the administration has figured out what it wants to do about this program—no consultation or discussion with members of the committee, at least not with this Senator and most of the others with whom I talked.

We were told in testimony that no consultation nor forewarning was given to the chairman and vice chairman of the Joint Chiefs of Staff, nor with the Chief of Staff of the Army, nor with commanders in theaters such as Korea and Europe.

I am very much concerned and alarmed about the failure, if that is the case—and it has not been refuted—to communicate and to consult with the military leadership of this country.

Today, I heard that we are to be held responsible for delays—any delays toward wasting taxpayers' money, if we haven't already approved of this proposed change. It costs \$500,000 a day. That is the number I heard. That certainly is one that we not spend lightly.

We are proposing to approve a budget of over \$1 billion a day on national defense for fiscal year 2003—over \$1 billion of taxpayers' money every day. We are going to use that money to defend our borders and our country. We are going to use that money to protect America's interests, our influence, our values, and our way of life—and all over the world. Ultimately and specifically, we are going to use that money to send American men and women—young men and women, in most cases—to places such as Afghanistan, far away, and put them right on the line with their lives and families and children left behind. We owe it to them to have them know they are going into those conditions with every possible advantage, means of force, means of domination, and with a means of com-

ing home alive having accomplished their mission successfully on behalf of our country.

I was in Afghanistan, along with some of my colleagues, in January. We had lunch with members of the Armed Forces who are, as I say, young, dedicated, and enthusiastic. They gave up jobs. Those who are in the Reserves voluntarily came out and are standing up for and fighting for our country.

When I get General Keane's testimony that the Crusader would make a difference in protecting their lives, then I say that is the consideration, that is the sole consideration, the overriding consideration in whether or not to continue with Crusader.

Before this Senate decides and before this country decides to abandon that system, I want to be assured—I want to be guaranteed—that we are going to have comparable firepower coming to their protection and their defense when needed.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator from Minnesota has expired.

Mr. REID. Mr. President, on the underlying amendment offered by Senator LEVIN, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection for it being in order to ask for the yeas and nays on the first-degree amendment at this time?

Without objection, it is so ordered.

Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alabama is recognized for up to 5 minutes.

Mr. SESSIONS. Mr. President, I congratulate Senator LEVIN and Senator WARNER, Senator INHOFE, Senator NICKLES, and Senator DAYTON, who just spoke, for the work they have done to try to reach an agreement on the Crusader system that we can all live with and is the right thing to do. I believe we have made steps in that direction. I am proud to support this amendment.

Let me just say a couple things about it.

I am a strong believer in doing what we need to do to defend our soldiers and to defend our interests around the world. I did conclude that the administration was correct that the \$11 billion projected on the Crusader was not the wisest investment of that \$11 billion. It is not considered to be a part of our Future Combat System that we look to establish. It is an interim weapon system. It would drain \$11 billion that could help us create the Future Combat System that we are all striving to achieve.

You have to make tough decisions. That is what we pay the Secretary of Defense to do. It is not an easy call. A lot of people believed in this system and supported it for years and years. But we cannot expect them, just on a dime, to come in—generals and so forth, our Defense Department officials and contractors—and to now say: Oh, yes, we need to cancel it.

That is why it is tough. But the Secretary of Defense understands these issues deeply and wrestled with them. They said they wished it could have been done smoother and maybe with more notice. Perhaps not quite as jerky in the process.

Well, everybody knew, and had known for a long time, that the Department of Defense was examining the Crusader system very closely. Everybody knew that many believed it was not the wisest use of \$11 billion. I am glad they made the call. It is a tough call, and I believe it is the right call.

I note, for example, many have cited it as a good weapon that could be utilized in Korea where we do face a large number of tanks by the North Koreans, and that it might be utilized in that kind of combat. But I note that the Army states their intent is not to even deploy the Crusader to Korea. It would not be on the ground in Korea. It would be maintained in the United States as part of a Counterattack Corps. So it is not the kind of weapon we would be normally deploying in situations where you would expect we could have a pretty violent conflict that could occur. I think we are doing the right thing. I believe the administration deserves credit for that.

The administration also had to deal with some tough choices about funding. We know we are not going to continue to see the kind of increases that President Bush has fought for in the last 2 years in the Defense budget as we go along. We know these are not going to be sustained.

We had a \$48 billion increase this year. A lot of that had to go for the pay, retirement, and health care benefits we promised our men and women in uniform and our retirees. But we do know that we have to spend some more money on capital, moving us to the Future Combat System, buying the new equipment that will transform us, continually, to maintain the greatest military force in the world.

One of the things we have to be honest about is that by 2008, 2009 or 2010, we are going to be facing a train wreck in expenditures. We have the V-22 Osprey coming on line, the Joint Strike Fighter, the F-22, other programs that have been in the works for many years, all of which are going to be hitting about that time period.

If we are not going to be able to sustain all of those weapons systems, do we wait until 2006, 2005—after we have spent billions of dollars on them—to then decide we cannot complete them and that something else on line is better? I think not. The sooner we do it the better.

Let me just mention that the budget submitted by the Defense Department to use the money that would not be spent for Crusader are investments in strengthening the Army's capability and, indeed, are the budget items that the Army requested if they did not have the Crusader.

They include \$57 million for a Netfires missile system that could be

effective for our troops on the battlefield; \$195.5 million on indirect fire for the objective force—our objective that we seek to establish—\$48.3 million for the Excalibur advanced system; \$11.4 million for the tactical unmanned aerial vehicles—we need more unmanned aerial vehicles—\$10.8 million for precision-guided mortar munitions—they would be precision guided instead of the indirect fire mortar weapons we have today. That can be done, and we can achieve that. They also include the guided multiple launch rockets that are precision guided; high-mobility artillery rocket systems; the Abrams tank engine, and other items that the Army requested.

I thank the Chair, and I thank our leaders, Senator LEVIN and Senator WARNER. I believe we are on the right track.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

All time has expired.

Under the previous order, amendment No. 3900, offered by the Senator from Virginia, Mr. WARNER, is agreed to.

The amendment (No. 3900) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3899, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—96

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gramm	Nickles
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Hollings	Sarbanes
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
Dayton	Leahy	Torricelli
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden

NAYS—3

Clinton	Schumer	Voinovich
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NOT VOTING—1

Helms

The amendment (No. 3899), as amended, 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.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3912

Mr. LEVIN. I thank the Presiding Officer.

Mr. President, Senator WARNER and I will now offer an amendment that permits retired members of the Armed Forces who have a service-connected disability to receive both military retirement pay earned through years of military service and disability compensation from the Department of Veterans Affairs based on their disability.

We offer this amendment on behalf of Senator HARRY REID, who has been the leader in the Senate on this issue, Senator BOB SMITH, who raised this issue in our committee markup, and on behalf of the Armed Services Committee. This is a committee amendment.

In the bill itself, before this amendment is even considered, there is a provision that we adopted in committee that goes a long way toward addressing an issue that many of us have been concerned about for a long time—the inability of military retirees to draw their full retirement pay if they are receiving compensation from the Department of Veterans Affairs for a service-connected disability. We believe they are entitled to both.

The language that is already in the bill was limited by the funding allocation that was available to us. We got about half the job done in the bill, but we are now offering this amendment which will finish this equitable assignment that many of us have taken on.

We believe we should authorize full concurrent receipt for these deserving veteran retirees, and the amendment that we offer will do that.

We did not do the whole job in the bill because we did not want to make our bill subject to a point of order. We had a certain allocation of mandatory spending for this. We used it. That is the amount that is in the bill, and that is why in the bill we provide the concurrent receipt of military retirement pay and veterans disability compensation by military retirees with service-connected disabilities that are rated at 60 percent disability or higher. That used up the allocation we had. But many of us believe, and the committee believes, that we should do this for all disabled military retirees. This amendment will do that.

If there is a point of order raised, we hope it will be waived. We did not want to make our entire bill subject to a point of order, so we divided it into two pieces.

Under the provision in the bill, the amount of retirement pay would be

phased in over a 5-year period beginning with 30 percent of the otherwise authorized retirement pay in 2003 and increasing to 45 percent in 2004, 60 percent in 2005, 80 percent in 2006 and 100 percent in 2007.

Again, the provision already in the bill was drafted very specifically to limit the cost to comply with the mandatory funding allocation that is contained in the budget resolution reported by the Senate Budget Committee. The language in the bill itself is not enough, in the judgment of the committee.

It is unfair to limit concurrent receipt of retired pay and disability compensation to military retirees with a disability rated at 60 percent or more. We cannot differentiate equitably and fairly from those retirees who are 50 percent disabled, 40 percent disabled, or 30 percent disabled. They have all been disabled through their military service to our Nation. It is also unfair to delay the receipt of full compensation for 5 years. They are overdue for full compensation now. We are losing 1,500 veterans per day in this country, and we should act now.

I first commend Senator HARRY REID for his absolute commitment to this issue, to resolving this inequity, to addressing this unfairness. Year after year he has eloquently and passionately persuaded this body to act in this way. He has succeeded in doing so. We have not been able to get this through conference. We are determined to make this effort again.

I also note that during the committee markup of this bill, Senator SMITH of New Hampshire proposed an amendment which would have permitted full concurrent receipt of military retired pay and veterans' disability compensation by all retirees eligible for nondisability retirement who have a service-connected disability, no matter what the disability rating was.

Again, because this amendment of Senator SMITH would have put our entire bill in violation of the budget resolution that was reported by the Budget Committee, we asked Senator SMITH to allow this amendment to be offered on behalf of the committee when the bill reached the floor. This would allow the full Senate to decide this issue. By majority vote, the committee agreed to this course of action, and this is the amendment we are offering at this time.

The amendment we offer is essentially the same as S. 170, which is a bill initially introduced by Senator REID of Nevada, who has been, again, the true leader in this effort in the Senate. The Senate passed this provision last year. Again, we were not able to bring it out of conference. We fought for this provision to the very end of the conference last year. It was one of the last two issues that were resolved in the conference between the Senate and the House. The House simply refused to accept our provision, and we finally had to reach an agreement if we were going

to have a Defense Authorization bill last year.

We were able to enhance the special compensation last year in conference for the most severely disabled retirees, and pass a provision on the condition that the President propose, and the Congress enact, legislation that would offset the costs of the initiative. The President did not propose that offsetting legislation, so the Senate once again is taking the initiative to right this wrong.

Senator REID's bill, S. 170, now has 81 cosponsors in the Senate. The House companion bill, H.R. 303, has 395 cosponsors. Senator CLELAND, and Senator HUTCHINSON of Arkansas, the chair and ranking member of the Personnel Subcommittee, have been strong advocates for this bill. The overwhelming support in both the House and the Senate for these two bills is a clear indication we simply should not settle for the limited provision in the bill as reported by the committee.

Enactment of this amendment would remove an injustice to disabled military retirees. Military retirement pay and disability compensation were earned and awarded for different purposes. Military retirement pay is awarded for a career of service to our Nation in the Armed Forces. Disability compensation is awarded to compensate a veteran for an injury incurred in the line of duty. It is unfair for military retirees, who have earned both payments, not to receive them concurrently. Veterans injured in the line of duty, who leave military service and then serve a career as a Federal civilian employee, do not have to forfeit any of their Federal civilian retired pay to receive their VA disability compensation.

I hope the Senate will adopt this committee amendment.

I yield the floor.

Mr. LEVIN. I send our amendment to the desk and ask for its immediate consideration on behalf of the committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 3912.

The amendment is as follows:

(Purpose: To provide alternative authority on concurrent receipt of military retired pay and veterans' disability compensation for service-connected disabled veterans)

Strike section 641, relating to phased-in authority for concurrent receipt of military retired pay and veterans' disability compensation for certain service-connected disabled veterans, and insert the following:

**SEC. 641. PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.**

(a) IN GENERAL.—Section 1414 of title 10, United States Code, is amended to read as follows:

**“§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation**

**“(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—**Except as provided in sub-

section (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

**“(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—**The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

**“(c) EXCEPTION.—**Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

**“(d) DEFINITIONS.—**In this section:

**“(1) The term ‘retired pay’** includes retainer pay, emergency officers' retirement pay, and naval pension.

**“(2) The term ‘veterans' disability compensation’** has the meaning given the term ‘compensation’ in section 101(13) of title 38.”.

(b) REPEAL OF SPECIAL COMPENSATION PROGRAM.—Section 1413 of such title is repealed.

(c) CONFORMING AMENDMENT.—Section 641(d) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1150; 10 U.S.C. 1414 note) is repealed.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by striking the items relating to sections 1413 and 1414 and inserting the following new item:

**“1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.”.**

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(f) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date specified in subsection (e).

Mr. WARNER. Mr. President, I join with Senator LEVIN, Senator SMITH, Senator HUTCHINSON, and Senator REID in offering this amendment to S. 2514.

The committee included in the bill a provision—section 641—that, over the next 5 years, would phase in elimination of the current dollar-for-dollar offset of military retired pay and veterans' disability pay for those military retirees most severely in need—that is, those who have been determined by the Veterans' Administration to be 60 percent or more disabled. I compliment Senator CLELAND, Senator HUTCHINSON, Senator SMITH and the members of the Personnel Subcommittee on bringing forward this timely, focused relief. The



provision in the underlying bill was drafted to be consistent with the direct spending funding allocation contained in the budget resolution reported by the Budget Committee.

But as the leaders of the subcommittee would readily acknowledge, more needs to be done. During the full committee markup, Senator SMITH of New Hampshire proposed an amendment that would implement full concurrent receipt immediately. This initiative, I note, is consistent with S. 170, the legislation spearheaded by Senators REID and HUTCHINSON, which, at this point, has over 80 cosponsors in the Senate. It also is similar to the legislation that Senator REID, Senator HUTCHINSON and I introduced in March of this year, S. 2051, the Retired Pay Restoration Act of 2002, which sought to eliminate the conditions for implementation of full concurrent receipt previously included in last year's conference report.

However, many, many of my colleagues, on both sides of the aisle, have joined in seeking to end this injustice impacting disabled military retirees. Our shared goal? To ensure that an important class of disabled veterans—military retirees who have incurred service connected physical or mental disability—are fairly and appropriately compensated by the nation they served so well.

The administration has taken a very different view on this issue. In fairness, I think the Senate should be aware of the Statement of Administration Policy on the underlying bill, which we received this morning and which addresses the issue before the Senate.

This document states that the President's senior advisors will recommend a veto if either section 641 or the proposed amendment before us now that would fully implement concurrent receipt is included.

I do not believe there is any member of this Senate who would assert that military retired pay adequately compensates a severely disabled, retirement-eligible service member who is appropriately rated by the Veterans' Administration for service connected injuries and disability. Perhaps, over a century ago, when the military retirement system was in its infancy, the legislation requiring the offset accurately reflected the legislative intent of the members. That is not the case today. The number of cosponsors for legislation that would repeal this law illustrates that it no longer expresses the will of the Congress. It is our responsibility to take appropriation action. We can not and should not wait any longer for this to happen.

Before concluding, I want to recognize and thank the many veterans groups in The Military Coalition who have been unwavering in their support for this legislation. I have met with and listened closely to representatives from several of these organizations about their concerns about concurrent receipt, and I particularly want to rec-

ognize the American Legion, the Veterans of Foreign Wars, the Fleet Reserve Association, the Retired Officers Association, the Retired Enlisted Association, the Non Commissioned Officers Association, the National Guard Association of the United States, the Enlisted National Guard Association of the United States, the Disabled American Veterans, American Veterans of World War II, Korean and Vietnam AMVETS, the Association of the United States Army, the National Military Family Association, the Air Force Sergeants Association, and the Vietnam Veterans of America for their support.

I urge my colleagues to join us in this effort.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I begin by thanking my ranking member, Senator WARNER, and Chairman LEVIN for their outstanding work on this bill and achieving a compromise which would allow us to bring to the floor this legislation that would provide compensation for all veterans, not just a small number of them. It was a difficult situation to deal with, and they handled it beautifully.

I also thank my friend and colleague from Nevada, Senator REID, for being the lead sponsor, the originator, of S. 170, which provides full compensation for all veterans, no matter what the percentage of disability. I am pleased and proud to have been a cosponsor of that legislation. I also thank Senator HUTCHINSON of Arkansas for his leadership as well on this issue.

There are many Senators who have been involved in this legislation and who have worked tirelessly on behalf of veterans over the years, but it has been a long and difficult road. Every time I talk to veterans, veterans will tell me they have been waiting and waiting for this and they do not understand why the high numbers of cosponsorships on the bills to provide this full compensation do not yield in the end, after all the conference committees are finished, the passing of the legislation. I think now we are going to see that happen finally.

My support for this legislation goes back to being a freshman Congressman in 1985, when a Congressman by the name of MIKE BILIRAKIS of Florida had this legislation in the hopper. Concurrent receipt has the support of just about every veterans organization in the country. I have several letters from the American Legion, the VFW, the Disabled American Veterans, the Military Coalition, the Retired Enlisted Association, the Retired Officers Association, and even a letter from the New Hampshire House of Representatives. I ask unanimous consent that these letters be printed in the RECORD.

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

THE AMERICAN LEGION,  
Washington, DC, March 29, 2001.

DEAR SENATOR: The American Legion adamantly opposes Section 19 of House Concur-

rent Resolution 83 entitled: Concurrent Retirement and Disability Benefits to Retired members of the Armed Forces. This imprudent section requires the Secretary of Defense to evaluate "the existing standards for the provision of concurrent retirement and disability benefits to retired members of the Armed Forces and the need to change these standards."

This ill-advised section does not properly state the intent of H.R. 303 and S. 170: To amend title 10, United States Code, to permit retired members of the Armed Forces, who have a service-connected disability, to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

The Congressional Research Service, The Library of Congress, completed an extensive report in April 7, 1995 entitled: Military Retirement and Veterans' Compensation: Current Receipt issues. This report is straightforward and clearly addresses both sides of this debate. That probably explains why both H.R. 303 and S. 170 continue to enjoy such overwhelming bipartisan support. Today, 35 Senators and 287 Representatives are steadfast cosponsors.

The American Legion adamantly supports legislation and funding to permit retired members of the Armed Forces, who also have a service-connected disability recognized by VA, to receive both military retired pay and disability compensation. Military retirees are the only retired Federal employees who must offset their retired pay (dollar-for-dollar) with VA disability compensation awarded them. Penalizing military retirees for choosing to serve their country for 20 or more years is not only an injustice to those who have served, but also a tremendous deterrent to those who may be considering a military career.

The American Legion strongly recommends the final Budget Resolution include funding to pay for concurrent receipt because it is the right thing to do. Thank you for your continued leadership and support of veterans, especially the service-connected, and their families.

Sincerely,

STEVE A. ROBERTSON,  
Director, National Legislative Commission.

THE RETIRED ENLISTED ASSOCIATION—THE  
CONCURRENT RECEIPT DEBATE  
WHAT IS THE "CONCURRENT RECEIPT"  
PROBLEM?

"Concurrent Receipt" refers to the dual receipt of military retired pay and VA disability. Presently, a military retiree must offset, dollar for dollar, from their retired pay the amount they are receiving in VA Disability Compensation.

WHAT LEGISLATION IS PENDING TO CORRECT  
THIS PROBLEM?

There are currently several bills pending before Congress, which would work to correct this inequity by eliminating the offset. That legislation is the following:

HR 44 (106th Congress), by Rep. Bilirakis (R-FL) provides limited authority for concurrent payment of retired pay and veterans' disability compensation for certain disabled veterans. Was referred to Committee on National Security and Committee on Veterans' Affairs. This bill is similar to HR 303 and HR 65 with a smaller benefit for certain disabled retirees. For disability rated as total—\$300 per month; 90 percent disability—\$200 per month; 70 or 80 percent disabled—\$100 per month. Disability must have been granted within 4 years of retirement date. This bill is a partial measure to correct the concurrent receipt inequity. TREA continues to support full receipt of retired pay

and veterans' disability compensation. Passed in FY 2000 National Defense Authorization Act (NDAA).

HR 303 (106th Congress), by Rep. Bilirakis (R-FL) to permit retired members who have service-connected disabilities to receive compensation from the Department of Veterans Affairs concurrently with retired pay, without deduction from either.

S 2357 (106th Congress), by Sen. Reid (D-NV) to permit retired members of the Armed Forces who have a service-connected disability to receive military pay concurrently with veterans' disability compensation.

The Senate version of the FY 2001 NDAA included Sen. Reid's amendment, however, the final conference report did not include full concurrent receipt. The FY 2001 NDAA did include a provision for Chapter 61 (Military Disabled Retired) with 20 or more year's service to receive the same special compensation benefit as non-disabled retirees within 4 years of retirement date. The effective date of payment is October 1, 2001.

Rep. Bilirakis has introduced HR 303 and Sen. Reid has introduced S. 170 in the 107th Congress to completely eliminate the offset. The House Bill currently has 192 co-sponsors and the Senate Bill has 20 co-sponsors.

THE MILITARY COALITION,  
Alexandria, VA, February 2, 2001.

Hon. HARRY M. REID,  
U.S. Senate, Washington, DC.

DEAR SENATOR REID: The Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations, representing more than 5.5 million members, plus their families and survivors, is grateful to you for introducing S. 170—a bill to ease the inequity of the current law that reduces uniformed servicemembers' earned retired pay by any amount of disability compensation they receive from the Department of Veterans Affairs. The current 100 percent offset imposes a very discriminatory penalty, especially for those whose disability severely limits their post-service earnings potential.

S. 170 would correct the current inequity whereby disabled uniformed services retirees are forced to fund their own disability compensation from their own retired pay. The Military Coalition strongly agrees with you that each of these compensation elements is earned in its own right—retired pay for a career of arduous service in uniform and disability compensation for pain and suffering and lost future earnings resulting from service-connected disabilities.

In many cases, members with decades of uniformed service are forced to forfeit most or all of their military retired pay to receive the same disability compensation paid to a similarly disabled member with relatively few years of service. This unfairly denies any compensation value for their decades of service and sacrifice in the uniform of their country.

In the last two years, Congress has enacted legislation authorizing special compensation for certain severely disabled retirees. This was a small but important first step in recognizing the difference between a retirement for an extended career of service and compensation for a disability incurred as a result of such service. Your sponsorship of S. 170 this year takes this important issue the next, and final, step.

We understand the cost of S. 170 is significant. But we believe strongly that fair compensation for America's disabled retirees is also a significant issue—one that has been long overdue. The Military Coalition will be most pleased to work with you in urging all members of Congress to support the immediate enactment of S. 170.

Sincerely,

THE MILITARY COALITION.

STATE OF NEW HAMPSHIRE,  
OFFICE OF THE HOUSE CLERK,  
Concord, NH, July 9, 2001.

Hon. BOB SMITH:  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR SMITH: On January 25, 2001, the New Hampshire House of Representatives passed House Concurrent Resolution 1, urging the federal government to allow military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay.

On March 29, 2001, the New Hampshire Senate passed the same resolution.

Enclosed is a copy of that House Concurrent Resolution.

Sincerely,

KAREN O. WADSWORTH,  
Clerk of the House.

THE RETIRED  
OFFICERS ASSOCIATION,  
Alexandria, VA, August 1, 2001.

Hon. ROBERT C. SMITH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR SMITH: I am writing to express my deepest apology for a printer's error on page 25 of the August issue of The Retired Officer Magazine, which indicated legislators' cosponsorship status on selected key bills.

Although TROA provided correct data, printing plant employees transposed data indicating your cosponsorship status on legislation to increase Survivor Benefit Plan age-62 annuities (S. 145 or S. 305) and to authorize concurrent receipt of military retired pay and veterans disability compensation (S. 170), respectively. In your case, this transposition failed to give you proper credit for your cosponsorship of S. 170.

The printer has accepted responsibility for this serious error, and will mail every TROA member in your state a prompt and corrected cosponsorship summary.

Should you receive any correspondence from TROA members based on the misprint in our magazine, please feel free to provide them a copy of this letter to indicate TROA's recognition and gratitude for your cosponsorship of S. 170.

Again, we regret this unfortunate error, and very much appreciate your support for the concurrent receipt initiative.

Sincerely,

MICHAEL A. NELSON.

DISABLED AMERICAN VETERANS,  
Washington, DC, August 31, 2001.

Hon. ROBERT C. SMITH,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR SMITH: Disabled veterans are deeply disappointed by yet another move in Congress which will jeopardize legislation to remove the unfair requirement that veterans must surrender the military retired pay they earned by reason of past service performed to receive compensation for ongoing effects of service-connected disabilities. As National Commander of the Disabled American Veterans, I write to urge that you take all necessary action to ensure the passage of one of the two companion bills H.R. 303 or S. 170, or their equivalent in other legislation, rather than substitute provisions included in H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

Provisions in H.R. 2586 to authorize "concurrent receipt" of military retired pay and veterans' disability compensation are accompanied by the equivalent of a "joker clause" that renders the provisions inoperative unless the President includes money in next year's budget to pay the cost of the leg-

islation and Congress then enacts legislation to take the money from elsewhere in the Federal budget. In reality, this provision in H.R. 2586 is of no effect. However, it will end congressional action on real concurrent receipt legislation in the form on H.R. 303 and S. 170.

The serious injustice in current law deserves a real remedy, not another symbolic gesture. Currently, 360 members of the United States House of Representatives have signed on as cosponsors of H.R. 303, and 72 Senators have cosponsored S. 170. To abandon this meaningful legislation in favor of the hollow provision in H.R. 2586 is indefensible.

On behalf of those disabled veterans who have dedicated their lives and sacrificed their health to make ours the most secure and most prosperous nation on earth, I ask that you individually act to ensure that our government honors its obligation to provide them the retired pay they were promised and earned and the disability compensation they are rightfully due. Please let me know if these disabled veterans can count on you to ensure real concurrent receipt legislation—rather than in H.R. 2586—is enacted.

Sincerely,

GEORGE H. STEESE, JR.,  
National Commander.

Mr. SMITH of New Hampshire. This concurrent receipt issue centers around the ability of a military retiree to receive both military retired pay and their VA disability. The American Legion and VFW point out that the concept of concurrent receipts goes all the way back to when Congress passed a law prohibiting active-duty or retired personnel from also receiving these disability pensions. So military retirees are the only Federal employees prohibited from receiving both retirement pay and VA disability. This is an inequity.

I give a brief quote from a constituent by the name of Thomas Taylor who wrote to me, and he said:

DEAR SENATOR SMITH: As a cosponsor of H.R. 303, or S. 170, your help is now needed to stop making disabled military retirees fund their own Department of Veterans Affairs disability compensation from their military retired pay. Retired pay is hard-earned compensation for the extraordinary demands and sacrifices of a career in uniform. VA disability compensation is for pain, suffering and lost future earnings due to service-connected disability. The current retired pay offset is so unfair it has been highlighted on national network news.

That is so true. I am glad to support my constituent and millions of constituents in this regard. I ask unanimous consent that Mr. TAYLOR's letter be printed in the RECORD.

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

DEAR SENATOR SMITH: As a cosponsor of H.R. 303 or S. 170, your help is needed now to stop making disabled military retirees fund their own Department of Veterans Affairs (VA) disability compensation from their military retired pay. Retired pay is hard-earned compensation for the extraordinary demands and sacrifices of a career in uniform. VA disability compensation is for pain, suffering, and lost future earnings due to service-connected disability. The current retired pay offset is so unfair it has been highlighted on national network news.

You are among the 86 percent of representatives and 76 percent of senators who express support for ending the current offset. But actions speak louder than words. I depend on you to ensure Congress backs up its cosponsorship support with money in the FY 2003 Budget Resolution.

Sincerely,

THOMAS TAYLOR

Mr. SMITH of New Hampshire. Retired pay and disability are separate. That is a fact. Our veterans should not be penalized further merely for choosing a career in the military, which is exactly what has happened. Non-disabled military retirees pursue second careers after service to supplement their own income, thereby justly enjoying the full reward for the completion of the military career retirement, and then going to work and earning extra money if they are able to do so.

In contrast, military retirees with a service-connected disability do not enjoy the same full earning potential. Their earnings are reduced based on the degree of service-connected disability. Some of the injuries may be modest by some standards, and others have lost limbs or been paralyzed or suffered other injuries which severely limit their ability to make a living.

This debate has gone on for a number of years. I will not go into all the details as to the reasons these military retirees deserve this. They have earned this. No veteran should ever be left behind. This compromise assumes sufficient funding to accommodate an increase in the military retiree pay that a veteran can collect.

The compromise reached before we came back with this legislation was that only 60 percent would be compensated, not everyone. That is not fair. We had all of the Senators and Congressmen in both the House and Senate supporting the full compensation for everyone: Whether you had a 10-percent disability or 100-percent disability, you got the dollars. That was the underlying bill by Senator REID.

Why does it appear suddenly we have come forth with an amendment or proposal that gives it to only a portion of the veterans? That is wrong.

If we go with the compromise which was proposed, 80,000 veterans will get the award, the disability compensation, but 450,000 to 600,000 will be cut out.

Veterans were writing to me, and I am sure to many other Members, with great justification, saying if all of the Senators—almost 80, maybe 83 percent—support providing this for everyone and an overwhelming majority of the House Members support it, why in the House bill did we have a compromise that cut out 450,000 veterans? Why is it on the same track in the Senate, cutting out 450,000 veterans? The truth is, that is wrong; we should not do that.

I was exasperated, as was a constituent, Raymond Snow, who wrote this letter to me:

This mirrors provisions in the house FY03 Budget Resolutions to authorize higher pay-

ments for disabled retirees who are more than 60 percent disabled. This is just nickel and diming the military retiree and not all Federal employees. This is not a benefit. It is an entitlement and should be treated as it is with all Federal employees.

That is the issue—to offer up a compromise, although it saves money. But this is about being fair to veterans and being fair to those who serve. That compromise was unfair because it cut out 450,000 veterans. I ask, if you have a 50-percent disability or a 60-percent disability, why should the person with the 50-percent disability be cut out and get no compensation for his or her disability, and a person with 60 percent get it? The truth is, it should not be that. It is unfair to offer a compromise that is different from what most Members of the Senate and the House agree to. That is wrong, and that is why we are correcting it.

I ask unanimous consent to have printed in the RECORD a list of all the cosponsors in the Senate of the Reid bill, S. 170.

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

#### COSPONSORS OF S. 170

Daniel K. Akaka, Wayne Allard, George Allen, Max Baucus, Robert F. Bennett, Joseph R. Biden, Jr., Jeff Bingaman, Christopher S. Bond, Barbara Boxer, John B. Breaux.

Sam Brownback, Jim Bunning, Conrad R. Burns, Robert C. Byrd, Ben Nighthorse Campbell, Maria Cantwell, Jean Carnahan, Lincoln D. Chafee, Max Cleland, Hillary Rodham Clinton.

Thad Cochran, Susan M. Collins, Kent Conrad, Jon Corzine, Michael D. Crapo, Thomas A. Daschle, Mark Dayton, Michael DeWine, Christopher J. Dodd, Pete V. Domenici.

Byron L. Dorgan, Richard J. Durbin, John Edwards, John E. Ensign, Michael B. Enzi, Dianne Feinstein, Bob Graham, Charles E. Grassley, Chuck Hagel, Orrin G. Hatch.

Jesse Helms, Ernest F. Hollings, Tim Hutchinson, Kay Bailey Hutchison, James M. Inhofe, Daniel K. Inouye, James M. Jeffords, Tim Johnson, Edward M. Kennedy, John F. Kerry.

Patrick J. Leahy, Carl Levin, Joseph I. Lieberman, Blanche Lincoln, Trent Lott, John McCain, Mitch McConnell, Barbara A. Mikulski, Zell Miller, Frank H. Murkowski.

Patty Murray, Bill Nelson, E. Benjamin Nelson, Jack Reed, Pat Roberts, John D. Rockefeller IV, Rick Santorum, Paul S. Sarbanes, Charles E. Schumer, Richard C. Shelby.

Bob Smith, Gordon Smith, Olympia J. Snowe, Arlen Specter, Debbie Stabenow, Craig Thomas, Strom Thurmond, Robert G. Torricelli, John W. Warner, Paul D. Wellstone.

Mr. SMITH of New Hampshire. Another letter from a man from my home State, a Mr. Lutz, who said:

Eight out of ten members of the Senate have cosponsored S. 170 . . . which would permit retired members of the Armed Forces who have service-connected disability to receive both military longevity retired pay and disability compensation. Last year, provisions from S. 170 were included in the National Defense Authorization Act to authorize concurrent receipt, but with the conditions that keep concurrent receipt provisions from taking effect unless the President in-

cluded funding in his budget and Congress enacted other legislation to offset the costs. Our members are deeply frustrated that such a large majority of the Senate has cosponsored S. 170, but still the injustice continues.

That is the point. What the Senate is doing now—and I congratulate Senator WARNER and Senator REID, Senator HUTCHISON, and Senator LEVIN for their cooperation—we now have said this legislation, which provides full compensation to 450,000 to 500,000 veterans who have a disability and are retired, they get it both; whether the disability is 10 percent, 20 percent, 30 percent or 60 percent, they get the compensation. We are not drawing lines, saying one injury was more or less important than another. We have taken the underlying legislation we have supported overwhelmingly and said, we will put it in the Armed Services Committee bill and support this legislation. If there is a point of order raised, we intend to be supportive.

I congratulate all Members in the committee who supported me. The vote was 24 to 1 in committee in support of Senator REID's legislation to provide the full compensation. It is a committee amendment. I am aware of that. However, there are other Senators who have asked to be associated with the legislation. Today Senators BINGAMAN and SNOWE asked to be associated with the amendment. I know many other Senators who are not on the committee also feel the same.

In conclusion, we cannot allow Government to make mathematical assessments of battle wounds. Frankly, when the House Budget Committee did what they did, that was exactly what they did.

I also venture a guess that not too many on that committee fully understand what it means to be in the military, as I have been in the military, and many other Members in the Senate, to understand being counted does not cut it when it comes to battle wounds received by veterans. You cannot draw a distinction, saying one person gets so many dollars because they have 60 percent disability and this person gets no compensation because they have 50 percent disability.

That is outrageous and not well thought out by those who prepared it and then insisted on the language, although a majority of the House Members supported the underlying bill that supported all. This is what causes people to get turned off on the political process. To Senator LEVIN and Senator WARNER and Senator REID's credit, they have seen through that and offered this up as a committee amendment on behalf of all members of the Armed Services Committee, except one, and all of those in the Senate who have supported this legislation.

I am pleased and proud, as one who lost his father in World War II, as one who served his country in Vietnam, along with my brother who also served in Vietnam. We are a military family. I am pleased, honored, and proud to

support this legislation and to support this committee amendment and, hopefully, see this move through the conference where we will stand up to the House of Representatives and pass this legislation so all military retirees who receive disability will get both disability and retirement. Whatever the cost, we need to bear that cost. They bore the cost for us when they served.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Let me say, this is not my amendment, it is our amendment. The committee has extended it forward, for which I am very grateful, on behalf of the Senate, that this amendment was offered. This is the way I look at it. It is not my amendment. We started off a number of years ago, working our way through this, to be at the point we are now. I am very happy.

One of the things I was struck with on Memorial Day this year—it never hit me like it did this year—over many years, three decades, at least, I have been going to Memorial Day services. They have one big event in Las Vegas and a number of others. The event is not as big as it used to be. Veterans are dying. World War II veterans are dying. This Memorial Day, I looked out in the audience, and people I expected to be there were gone. That is what this amendment is all about. It is bringing the respect to these people who are gone, and those who are here still living what they deserve. World War II veterans are dying at the rate of more than 1,000 a day.

I cannot say enough on this RECORD to express my personal appreciation to Senators LEVIN and WARNER because we have not been real successful in years past. We have done OK but have not been completely successful. You have fought, in conference with the House, to get us what we want. I will never forget how you fought.

I remember last year after we failed, we held a press conference, talking about we are going to do better next year. And we have done better. This is next year and we have done better.

I appreciate Senator SMITH talking about how fervently he feels about this. I know that. I have served with him on the MIA/POW Committee. I know how he feels about our military personnel.

Of course, regarding the two men who are the chairman and ranking member of this committee, I wish, again, words were adequate for me to tell the American people how fortunate we are to have the two of them, the Senator from Michigan and the Senator from Virginia, in effect, for the Senate, representing the Senate, taking care of the service men and women of this country. That is what your obligation is—to make sure those men and women of our Armed Forces who carry rifles and drive trucks and serve food, who wear the uniform of this country are well taken care of.

We can always do better, there is no question about that. But the two of

you, I think, will go down in history as really directing this country in the way it should be.

In the last session, I introduced S. 170 entitled “The Retired Pay Restoration Act of 2001” to address, as has already been said here today several times, the 100-year-old injustice against over 550,000 of our Nation’s veterans. This legislation, which would permit the retired members of the armed services with a service-connected disability to receive military retirement pay while also receiving veterans’ disability compensation, now has 82 cosponsors.

I am proud of the veterans across this country, not only in Nevada but all across the country, because veterans who do not have service-connected disabilities have joined us in this fight for equity and fairness.

I have not asked Senator LEVIN, I have not asked Senator WARNER or Senators SMITH or LANDRIEU or CARPER—but I could ask the question and I know I would get the answer that you have been overwhelmed with mail from veterans all over this country and veterans organizations, saying: Isn’t it about time we took care of these veterans?

The House chose not to appropriate funds for this measure. On March 21, 2002, I along with 26 cosponsors, introduced S. 2051, “The Retired Pay Restoration Act.” It would repeal the contingency language the House inserted in the National Defense Authorization Act, and thus remove the condition preventing authority for concurrent receipt of military retirement pay and veterans disability compensation from taking effect.

My legislation allows those who have made sacrifices while serving our country to receive the benefits they deserve. This year the Budget Committee—and I am so grateful to Senators CONRAD and DOMENICI, chairman and ranking member of that committee, who included funding in this budget that we are going to approve, hopefully—and will provide funding for full concurrent receipt of Department of Defense retirement benefits and veterans disability benefits to veterans who are between 60- and 100-percent disabled as a result of their military service.

Also, this year the Armed Services Committee, chaired by Senator LEVIN and, as I have mentioned, the ranking member, Senator WARNER, authorized concurrent receipt of military retirement pay and veterans disability rated 60 percent or higher. This goes a long way to correct the injustice to those veterans who have served their country honorably.

The inequitable legislation prohibiting the concurrent receipt of military retirement pay and veterans disability compensation was approved by Congress shortly after the Civil War, when the standing Army of the United States was very small. At that time, only a small portion of our Armed Forces consisted of career soldiers.

I have been working on this for a long time. Each year we get a little closer to achieving this goal of 100-percent compensation for our Nation’s veterans. We are going to continue working on this. But we have made it to this point for a lot of reasons. But I repeat, for no two reasons more important than Senators LEVIN and WARNER.

I stand before the Senate today, indicating this amendment that the committee has introduced should be approved by all Senators—we have 82 cosponsors—once and for all taking care of the inequity that our Nation’s veterans have had to experience. Military retirement pay and disability compensation are awarded for entirely different purposes. The current law ignores the distinction between the two. Military retired pay is compensation veterans earn through the extraordinary sacrifices inherent in a military career. It is a reward promised for serving two decades or more under demanding conditions.

Veterans disability compensation, on the other hand, is to recompense for pain, suffering, and loss of future earning power caused by service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any postservice working life.

The U.S. military force is unmatched in terms of power, training, and ability. Our Nation’s status as the world’s only superpower is due to the sacrifices our veterans made during the last 100 years or more. Rather than honoring their commitment, though, and their bravery, by fulfilling what I believe are our obligation, the Federal Government, their employer in the past, has chosen instead to perpetuate a long-standing injustice. Simply, this is disgraceful and we must correct it.

Once again, our Nation is calling upon members of the Armed Forces to defend democracy and freedom—in a different way, perhaps, but still to defend democracy and freedom.

Today, about 1.5 million Americans dedicate their lives, every waking minute—some when they are not awake—to the defense of our Nation. I am sure they have many restless nights.

We must send a signal to these men and women currently in uniform that our Government takes care of those who make sacrifices for our Nation. We must demonstrate to veterans that we are thankful for their dedicated service. This is one way to do that. Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive their disability pay. All other Federal employees receive both their civil service retirement and their VA disability with no offset. Simply put, the law discriminates against career military. It assumes wrongly, they either do not need or do not deserve the full compensation they earn for their years in uniform.

This inequity is absurd. How do we explain it to these service personnel who have sacrificed their own safety to protect this great Nation? How do we explain to other members currently risking their lives to defeat terror?

I have already mentioned the number of veterans we lose on a daily basis. Every day we delay acting on this legislation means continuing to deny fundamental fairness to tens of thousands of men and women. They will never have the ability to enjoy their well-deserved benefits unless we do something.

I received a copy today of a veto threat from the President saying that if this is in the bill, the President will veto it.

I don't know the President of the United States as well as JOHN WARNER, the senior Senator from Virginia, but I know him as well as anybody else in this Chamber. I think this was not done by President George W. Bush. This is staff directed. President Bush would not veto this bill because of what veterans are going to get. This is coming from some bureaucratic apparatus. President George W. Bush would not veto this. If he did, he would be a much different person than I have come to know.

I hope we will give this the proper action and just disregard it. The President will not veto this based upon this. If he did, I would be extremely disappointed and every veteran in America would be disappointed.

This amendment represents an honest attempt to correct an injustice that has existed for far too long. Allowing all disabled veterans to receive military retired pay and veterans' compensation concurrently will restore fairness to Federal retirement policy.

I have heard all kinds of excuses. Added to it now is this veto threat, which I don't take seriously. Now it is time for veterans to hear our gratitude and to see results.

I again express my appreciation to the committee and Senators LEVIN and WARNER for offering this as the committee amendment. That says it all. I hope we will respond overwhelmingly to support the committee action.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished majority whip for his comments.

Mr. President, part of my remarks is an exact lifting from the CONGRESSIONAL RECORD of last year when Senator REID took the floor following the adoption by the Senate of the conference report on the authorization. Just three of us were here—Senators REID, LEVIN, and I. We talked about our commitment to bring this matter up again this year. It was a remarkable colloquy. I read it again not long ago. It shows the long period of time in which our distinguished colleague from Nevada has fought so hard for the veterans, and particularly those who were deprived of what I believe, of what Senator REID believes, and I believe what a

majority of the Senate believes they are entitled to.

I thank my distinguished colleague from Nevada for his very thoughtful and kind remarks, but most importantly for his undying leadership through the years, coupled with others—our colleague from New Hampshire, Mr. SMITH, and Mr. HUTCHINSON, whom I urged come to the floor, and I believe he will be here shortly, and others.

I ask unanimous consent that a colloquy from 2001 be printed in the RECORD.

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

[From the Congressional Record, Dec. 13, 2001]

Mr. LEVIN. I wish to very briefly take up other parts of this bill, including one in which Senator REID has been so involved. I want to get to that point immediately because he is in the Chamber now. I want to pay tribute to the effort he has made to try to end what is a real unfairness in our law. The unfairness is that our disabled veterans are not permitted to receive both retired pay and VA disability compensation. This is something that is unique to our veterans—that they are not able to receive both the retired pay plus the disability compensation, which they have been awarded. It sounds unusual to say one is "awarded" compensation for disability.

We had a provision in the Senate bill to address this inequity. We would have allowed our disabled veterans, as others in the Federal Government employ and others in society, to receive both retirement and disability pay. The House leadership was not willing to have a vote on the budget point of order, which would have been made, which would have authorized this benefit to be paid. So we were left with no alternative.

Senator WARNER and I were both there in conference, day after day. We pointed out that Senator Harry Reid has been a champion on this, and there are others in this body who have pointed out the inequity in the provision that prohibits the receipt of both retired pay and disability compensation.

At the end, we could not persuade the House to include this provision and have a point of order contested in the House. So what we ended up with was something a lot less than what we hoped we would get, and that is the authorization for these payments to be made, the authorization to end the unfairness, but it would still require an appropriation in order to fund them.

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

Mr. LEVIN. Yes.

Mr. REID. Madam President, I basically want to spread across the RECORD of this Senate my appreciation to the chairman and ranking member for the advocacy on behalf of the American veterans regarding this issue. This is basic fairness. Why should somebody retired from the military, who has a disability pension from the U.S. military, not be able to draw both? If that person retired from the Department of Energy, he could do both.

We have debated this, and there is overwhelming support from the Senate. It is late at night, but I want the RECORD to be spread with the fact that I deeply appreciate, as do the veterans, your advocacy. I want the RECORD to also be very clear that the Senate of the United States has stood up for this. The House refused to go along with us.

Also, I feel some sadness in my heart because we are going to come back and do this next year. Sadly, next year there are going to be about 500,000 less World War II veterans. They are dying at the rate of about 1,000 a day. So people who deserve this and would be getting this during this next year will not because the average age of World War II veterans is about 79 years now. So there is some heaviness in my heart.

We are going to continue with this. I don't want anybody in the House of Representatives to run and hide because there is no place to hide. This was killed by the House. For the third time, I appreciate Senator LEVIN and Senator WARNER.

So although I support the conference report for H.R. 3338, the National Defense Authorization Act for Fiscal Year 2002, I feel a sense of disappointment.

Once again this year, the conference report failed to include a provision on an issue that I have been passionately working on for the last couple of years. Namely, the concurrent receipt of military retired pay and VA disability compensation.

Unbelievably, military retirees are the only group of federal retirees who must waive retirement pay in order to receive VA disability compensation.

Put simply, if a veteran refuses to give up their retirement pay, the veteran must forfeit their disability benefits.

My provision addresses this 110-year-old injustice against over 560 thousand of our nation's veterans.

It is sad that 300–400 thousand veterans die every year. I repeat: 300,000–400,000 veterans die every year. They will never be paid the debt owed by America to its disabled veterans.

To correct this injustice, on January 24th of this year, I introduced S. 170, the Retired Pay Restoration Act of 2001.

My bill embodies a provision that permits retired members of the Armed Forces who have a service connected disability to receive military retirement pay while also receiving veterans' disability compensation.

The list of 75 cosponsors clearly illustrates bipartisan support for this provision in the Senate.

My legislation is very similar to H.R. 303, which has 378 cosponsors in the House. I'm thankful to Congressman BILIRAKIS, who has been a vocal advocate for concurrent receipt in the House for over fifteen years.

My legislation is supported by numerous veterans' service organizations, including the Military Coalition, the National Military/Veterans Alliance, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America and the Uniformed Services Disabled Retirees.

In October, I introduced an amendment identical to S. 170 for the Senate Defense Authorization bill. The Senate adopted my amendment by unanimous consent.

Unfortunately, the House chose not to appropriate funds for this important measure.

This meant that the fate of my amendment would be decided in a "faceless" conference committee.

It pains me deeply to see that my amendment was removed in conference.

This is an old game played in Congress in which members vote for an amendment to help veterans, knowing full well the amendment will be removed at a later time.

When will decency replace diplomacy and politics when it comes to the treatment of America's veterans.

Why won't members of the House of Representatives join their Senate colleagues and right this wrong?

Why can't we do our duty and let disabled veterans receive compensation for their

years of service and disability compensation for their injuries?

We gather at a solemn moment in the history of our great Nation.

On September 11th, terrorists landed a murderous blow against the World Trade Center and the Pentagon.

Right away, we saw the men and women of our Armed Forces placed on the highest level of alert. American troops then deployed to the center of the storm, set to strike against the enemies of all civilized people.

Our Nation is once again calling upon the members of the U.S. Armed Forces to defend democracy and freedom. They will be called upon to confront the specter of worldwide terrorism.

They will be called upon to make sacrifices.

In some tragic cases, they will be seriously injured or even die.

Most believe that a grateful government meets all the needs of its veterans, no questions asked.

I am sad to say this is not the case today. I will continue this fight until we correct this injustice once and for all.

Mr. LEVIN. I thank Senator REID. He has been a champion of this cause. He has fought harder than anybody I know to end this inequity. The House leadership simply would not go along with this. We had a choice: We would either have a bill or no bill. That is what this finally came down to.

I believe Senator REID got something like 75 cosponsors for his provision. The Senate overwhelmingly supported this provision. I hope we have better luck next year in the House.

In the meantime, what we have done is we have authorized this, and perhaps our Appropriations Committee will be able to find the means to fund this. But until next year, I am afraid the number of veterans you have pointed out—perhaps 1,000 a day—will not get the benefits they deserve.

Mr. REID. I am on the Appropriations Committee. I will work toward that. I do want the RECORD to reflect my overwhelming support for this legislation. I feel badly this provision is not in it, but this is a fine piece of legislation on which the two of you have worked so hard.

Mr. WARNER. I also thank my distinguished colleague, Senator REID, for his leadership on this issue. We speak of a disabled veteran. I have had a lifetime of association with the men and women in the U.S. military. In my military career, I was not a combat veteran. But I served with many who have lost arms, legs, and lives. Those individuals, when they go into combat and lose their limbs, or suffer injuries, are somewhat reduced in their capacity to compete in the marketplace for jobs and do all of the things they would like to do as a father with their children and their families.

I take this very personally. I feel that some day the three of us—and indeed I think this Chamber strongly supports it—will overcome and get this legislation through. I thank the Senator for his leadership. He is right that the World War II veterans have died at a 1,000, 1,200, sometimes 1,400 a day, and many of those are being penalized by this particular law. So I thank the Senator and I thank my chairman. We shall renew our effort early next year.

Mr. LEVIN. I want to say one thing publicly. I want to again thank Senator WARNER. As he often points out, we came at the same time to this body. I have been blessed by having him as a partner and a ranking member for the short few months I have been chairman of the Armed Services Committee. Nobody could have asked for a better partner than I have had in Senator WARNER. There are times, of course, that we don't agree

with each other, but there has never been a time I can remember in 23 years where we don't trust each other.

There is nothing more important in this body than to be able to look somebody in the eye and say that. That is something I feel very keenly. Our staffs have been extraordinary in their work. This has been a very difficult bill.

In addition to thanking Senator WARNER personally, I thank our staffs for the work they have done. Every night when I call David Lyles—every night—he is there with the staff until 10 or 11 o'clock. I do not even call him after 11 o'clock because that is when I go to bed, or at least I try to. I am pretty sure he stays on after that. I know it is true with Senator WARNER's great staff, too.

Mr. WARNER. Madam President, I thank my great chairman. He succeeded me as chairman. We just moved one seat at the table in our committee hearing room. I guess that was the only change. Of course, other things took place.

As he says, the trust is there, the respect is there. We travel. We just finished an extraordinary trip. We were the first two Members of Congress to go into the area of operations in Afghanistan, having visited our troops in Uzbekistan, our troops in Pakistan and Oman, and then on up into the Bosnia region where we visited our respective National Guards who are serving there now.

I value our friendship. I look forward to hopefully many more years working together. I thank my friend. We shall carry forward. We do this in the spirit of bipartisanship on behalf of our men and women in uniform of the United States. We are here to do the people's business, and I say to the Senator, we have done the people's business. We have been aided in that effort by Judy Ansley, my chief of staff, having succeeded Les Brownlee; and Senator LEVIN's wonderful David Lyles, and Peter Levine. I use Senator LEVIN's lawyer's legal brains as much as I use my lawyer's legal brains.

I thank our distinguished Presiding Officer, again, for helping us here tonight. I again salute and commend my staff. I am a very fortunate individual to be served so well in the Senate. We share our staffs in many ways. They get along quite well together.

Mr. LEVIN. Indeed, they do.

Mr. LEVIN. Mr. President, I wonder if the Senator from Nevada will yield for a comment.

Mr. REID. I am happy to yield.

Mr. LEVIN. Mr. President, I thank the Senator from Nevada for his very gracious compliments. As always, he seeks to give others more credit than they are due. He is modest in terms of what he himself has done. He has just simply been an invaluable leader on this issue. Senator SMITH and others clearly played an important role. But I really want to single out Senator REID.

If we get this done this year—and I expect we will—despite that veto threat, it will be in large measure because the Senator from Nevada, in his absolutely inimitable way, takes leadership of an issue that makes a difference in the lives of tens of thousands and perhaps hundreds of thousands of veterans who have earned both of these benefits.

I thank him for his gracious approach. I will tell him that we will carry on this fight in conference, assuming this is adopted. We will carry on the fight for part of it which was

adopted in our bill—which is already there. I assure him that if we succeed, the veterans of this country will know who the principal leader was. Again, he is not alone. He would be the first one to say that. Senator SMITH, Senator HUTCHINSON, and others are critically important in this effort. But he clearly is the leader. I thank him.

Mr. REID. Mr. President, while I have the floor, I ask unanimous consent that Senator BIDEN be listed as a cosponsor.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Senators CANTWELL and MIKULSKI be added as cosponsors.

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

Ms. LANDRIEU. Mr. President, I would like to be added as a cosponsor as well.

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

The Senator from Delaware.

Mr. CARPER. Mr. President, I extend my thanks to the majority whip and to the floor managers of the bill. Senator REID cares very deeply about this issue. I have known him for some time. We came to Congress together in 1982. We were classmates in the House of Representatives that year. MIKE BILIRAKIS of Florida has been a champion of this issue for close to 20 years.

I served as Governor for 6 years with George W. Bush when he was Governor of Texas. I do not know that I know him better than anybody else on the floor. I know him reasonably well. I am not altogether surprised that he would issue a veto threat on this issue. Before we go forward and approve it, I think that is clearly what is going to happen. I don't believe he is doing this out of some sense of lack of respect for the military. I clearly don't believe he would be doing this out of a lack of respect for those who served and became disabled during their service to their country.

I have not seen the veto message that Senator REID placed in the trash receptacle there. But it would be interesting to hear what the President's words actually were on the message. Does the Senator mind? It is not very lengthy.

Mr. REID. I have pulled it out of the file.

Mr. CARPER. I am happy to yield to the Senator.

Mr. REID. I preface this by saying I really do not think the President would do this. It is something that has overwhelmingly bipartisan support.

Mr. President, I ask unanimous consent that Senator ROCKEFELLER be added as a cosponsor of this amendment.

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

Mr. REID. Mr. President, this has 82 cosponsors. It is in the budget, as I indicated in my opening statement. There is money for it in the proposed budget. There is money for it in this



committee report. If somebody wants to vote against this, at least on the President's veto threat, that is their right. Here is the answer to the question.

The administration also believes that our current deficit projections necessitate strict adherence to fiscal discipline to ensure the quickest return to a balanced budget. The Administration is concerned that an amendment may be offered on the Senate floor that would expand this objectionable provision even further. Should the final version of the bill include either provision affecting concurrent receipt of retirement and disability benefits, the President's senior advisors would recommend that he veto the bill.

Remember, they would recommend it. That is why it deserves to be in the file.

Section 641 as currently drafted is contrary to the long-standing principle that no one should be able to receive concurrent retirement benefits and disability benefits based upon the same service. All Federal compensation systems aim for an equitable percentage of income replacement in the case of either work-related injury or retirement.

Work related? Legs blown off? Shot in the stomach?

The administration's preliminary estimate is that Section 641 would increase mandatory outlays by \$18 billion from 2003 to 2012 and would also increase DoD discretionary costs for retirement . . .

That is basically what it is.

I say to the Senator from Delaware, I had forgotten you had served as a Governor with George Bush. I am sure you know him better than I. As I said, I think senior advisers would give him this and he would say: Find something else.

Mr. CARPER. I thank the majority whip for sharing that message.

I also had the privilege of serving on active duty in the military, in the U.S. Navy, when Senator WARNER was Secretary WARNER, Secretary of the Navy. And many of my colleagues, then and before and since, have become disabled and have retired in some instances, and a number of them, frankly, would like to draw a disability pension, and they would like to receive their retirement check as well.

The point in the President's veto message is this: We do not provide, anywhere in the Federal Government that I am aware of, for a person to receive the disability payment and retirement check for the same years of service.

For a person who served on active duty and was disabled, and subsequently took another job in the Federal Government, and earns a pension, they may receive their disability check for the years they served on active duty and were injured and then separately for their years they served in another capacity in the Federal Government. But the service is not for the same number of years.

What the President is saying in his veto message, just as his predecessors said, is: Should we make this exception? We, as Members of the Senate, for those of us who served in the military,

can actually earn service credit for the time we served on active duty. There is a difference, though. We have to pay for it. It is not a gift. It is something we have to pay for in order to have our military service count toward our pension as a Senator or a Member of the House of Representatives.

I think the question the President is raising in his veto message is, Is it appropriate for us to say that a person who served in the military on active duty, who was injured, should subsequently receive a pension check, a retirement check, as well as a disability check for the same number of years? That is the issue.

The other issue is this: How do we pay for this? For me, that is really as important as the first question, maybe even more important. I have been here a year and a half, and I am becoming increasingly concerned that whatever sense of fiscal responsibility held sway here in the past is ebbing. I criticized President Bush for not providing leadership on the executive side for a balanced budget, for helping to lead us back into this situation where we now have looming deficits for as far as the eye can see. I have been critical of him on this point.

For him now to come before us and say, in the name of fiscal responsibility, this is something we maybe ought not to do—I think it would be hypocritical of me to ignore him for actually taking a stand I urged him to take in other areas.

I do not know about the rest of my colleagues, but when I see us cutting taxes and continuing to spend, and knowing that the money we are spending is money simply coming out of the Social Security trust fund, I do not feel good about that. And I do not see how any of us could either.

The question of whether or not someone should be paid a military pension and a disability check for the same time, same service, is one issue. But for me, a greater issue—I hope the chairman of the committee, the ranking member, or the Senator from Nevada can assure me that we are going to pay for this, not taking money out of the Social Security trust fund. That is my question.

I am happy to yield.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I may respond to my dear friend, as the Senator indicated earlier, his service and my service in the Congress started at the same time. During that period of time, the Senator from Delaware has developed, deservedly, a reputation for being very fiscally frugal. I say that in the most positive sense. He is a person who understands numbers and budgets. He is very concerned about that. And I appreciate his remarks about this.

I would say I am also concerned about the fiscal impact of anything we do here. We have done a lot of things that cost a lot of money. We should always be concerned about that. One of

those who always does his best to keep us on the straight and narrow is the Senator from Delaware.

I say that someone who served in the military enough years to retire and is disabled deserves both pensions. We can talk about time of service and all that. I do not think that is any different from someone who was disabled in the military and also retires from the Department of Energy or the Department of Interior. It is all Government service. I think the military retirees should have more attention rather than less. Our legislation, in my opinion, will take away the less attention that these men—mostly men; now men and women—for the last 100 years have received.

But I share with the Senator from Delaware problems we have budgetarily. I say to my friend from Delaware, I was the first to offer an amendment on the balanced budget constitutional amendment that you could not do that using Social Security surpluses. It got 44 votes. It almost passed. But I do think my efforts in drawing attention to the fact that the constitutional amendment would have taken Social Security surpluses was—I hope—enough or one of the reasons the constitutional amendment was defeated.

So I look forward to working with the Senator from Delaware to try to save money, to try to do things to balance the budget, as we had a balanced budget not long ago. As you know, I say to my friend through the Chair, last year we had a surplus of \$4.7 trillion over 10 years at this time. That is gone.

But having said that, I have not lost any of my fervor or passion for this amendment. This is something we have to do. The Senator from Delaware certainly has been a leader in other areas in this, trying to focus on how else we can save money. I know that the Senator from Delaware—with his wide-ranging experience in State and Federal Government, including being Governor of his State for two terms, and having served for a long time in the House of Representatives, and now serving in the Senate—can help us find ways to save money and not have to hurt those who I think are very deserving veterans.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before our distinguished colleague from Delaware departs the floor, I would like to ask a question of him. He is a modest man, but I hope he will provide some insight.

When I was privileged to come to the Senate 24 years ago, nearly three-quarters of the Members of the Senate had, at one time or another, worn the uniform of their country. Because the world has changed so much since that period of time, and so forth, very few Members today have had the opportunity, really, to serve, and therefore it is now—where it was 70 to 75 percent—down to 30 percent.

But I would like to just ask a question because many are studying this RECORD and following this colloquy.

I have always believed, Mr. President, fellow Senators, that the military service is an inherently dangerous profession and that any individual—man or woman—who accepts those risks—in the course of my remarks, which I will eventually make, I will cover this in greater detail. But my recollection of our distinguished colleague from Delaware, when I was privileged to be the Navy Secretary, was in naval aviation. It was during the period of the cold war.

But, I say to the Senator, perhaps you would share with us, frankly, what went on in your mind every time you took off, every time you landed. Your missions, at that time, as I recall, were basically in the antisubmarine operation. You may not have been fired upon, but the simple act of flying that plane every day, together with your crew, was one of danger, one of risk.

We saw an extraordinary rendition on television last night of that plane that was involved in firefighting. The wings collapsed. In the course of my period—I do not claim to be any hero or anything else, but I certainly have witnessed a lot of harm that has been inflicted, one way or the other, to the men and women who have worn the uniform.

I ask the Senator from Delaware, does he share my basic thesis that it is an inherently dangerous business, not only to the individual but, indeed, for the families who will await their return every day?

Mr. CARPER. When I was on active duty in the Navy, I was 21 years old and served until I was 25. We served three tours in Southeast Asia. Our aircraft was the P-3 which we used to track Soviet nuclear submarines in the oceans of the world. When we were in Southeast Asia, our job was to track shipping traffic in and out of Vietnam. I flew a lot of low-level missions. I loved the Navy. The Senator loved the Navy as well. I served for 23 years active and reserve duty. Four years before that, I was a Navy ROTC midshipman. I loved the mission. I was young. I had no family. I could not wait to get in that plane. I could not wait to take off, and I loved being part of my squadron.

This was a time in my young life when we felt we were invincible. We knew we weren't, but we sure felt that we were. I served the country, as I know you did, because I loved my country. I would do it all over again if given the opportunity.

Mr. WARNER. I am sure you witnessed operational accidents in those instances that you saw on active duty probably as I did when I was a ground officer in the aviation unit in Korea. But some of those who shared the tents with me never came back. Some were operational. I remember our commanding officer, a tried and trusted combat veteran from World War II. His

name was Al Gordon. His plane took off on a mission and burst into flames. He crashed not a few miles distant from our field. Again, accidents happen with great frequency. It is a dangerous business for all those involved. They accept those risks, expecting those of us in Congress to support them and their families such as the purport of this legislation.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, if I could ask one question to the chairman and manager of the bill, then I will stop. I listened, when I was presiding, to the chairman explaining the amendment and explaining how this benefit would be paid for. I have to tell you, I did not understand the rationale for offering this amendment outside of the bill, why it was not included as part of the bill. I did not understand why it is subject to a budget point of order.

Would the chairman explain how we propose to pay for this benefit? That is my question: How do we propose to pay for it?

Mr. LEVIN. There is an allocation in the budget resolution for mandatory spending. That allocation was utilized inside of our authorization bill because we believe that 60 percent disability should not be a dividing line, that there is not a logic to that, and that everybody who has a disability should be able to receive concurrently both retirement and disability pay. We have a committee amendment which will achieve that.

If we had done this inside of the bill itself, if we had put this language we now offer in the committee amendment inside of the bill itself and brought it to the floor, the whole bill would have been subject to a point of order. We decided to reduce the risk of that occurring by offering a committee amendment for that part of the funding which is above the allocation in the budget resolution.

Mr. CARPER. My basic question for the committee chairman is, How do we pay for this benefit?

Mr. LEVIN. The same way we pay for the bill, for anything else we do in this, anything else that Congress authorizes and appropriates money for.

Mr. CARPER. I thank the chairman.

Mr. LEVIN. With the permission of my ranking member, since we will both be here anyway, I wonder if I could ask unanimous consent, since two of our colleagues on the committee have been here waiting, whether the Senator from Louisiana could be recognized after this matter is discussed, with Senator REID perhaps responding, and then the Senator from Arkansas being recognized immediately after the Senator from Louisiana.

Mr. REID. If I could reserve the right to object, I have spoken to the Senator from Louisiana. I believe Senator HUTCHINSON from Arkansas is the final speaker on this underlying amendment.

We could dispose of this amendment within the next little bit. And if we could do that quickly, I don't know, if I could ask through the Chair the Senator from Arkansas how long he wishes to speak on this matter.

The Senator from Arkansas indicates he would take about 5 minutes. Senator LANDRIEU has indicated she has a longer statement. Senator HUTCHINSON could speak. Senator WARNER could say whatever he needed to say.

Mr. LEVIN. After Senator LANDRIEU is recognized.

Mr. REID. We would pass it before she is recognized.

Mr. LEVIN. If that is agreeable to the Senator from Louisiana, I would then ask that she be recognized for 5 minutes on the amendment itself; then that Senator HUTCHINSON be recognized; then Senator WARNER for his remarks after disposition of this amendment; and that Senator LANDRIEU then be recognized.

Mr. REID. If I could interrupt, your very able ranking member has indicated that if we could have these two 5-minute speeches, we would move to passing this amendment. Then he is going to be on the floor of the Senate a lot so he could speak on this.

Mr. WARNER. I can speak following passage of the amendment.

Mr. REID. I ask unanimous consent that Senator LANDRIEU be recognized for 5 minutes to speak on the amendment and Senator HUTCHINSON be recognized to speak for 5 minutes on the amendment and then we will vote on the amendment. That would be by a voice vote. Then it is my understanding Senator LANDRIEU wants to be recognized after that.

Ms. LANDRIEU. For at least 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Senator WARNER has made a brilliant suggestion.

Mr. LEVIN. Another brilliant suggestion.

Mr. REID. Why don't we adopt this amendment right now, then have the speeches.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator WELLSTONE be added as cosponsor to the amendment.

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

If there is no further debate, the question is on agreeing to amendment No. 3912. Without objection, the amendment is agreed to.

The amendment (No. 3912) 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.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate an opportunity to say a word

on this amendment that we just voted on and then to present some information about the underlying bill in reference to the Subcommittee on Emerging Threats and Capabilities.

Let me begin by thanking the chairman of our committee, our most able chairman and our most able ranking member, for their extraordinary and bipartisan work on the underlying bill. Let me also thank them for joining their forces and their talents and their persuasive skills to put forward the amendment that we just discussed in some detail.

I am proud to be a cosponsor of the amendment just adopted. I believe it is something we most certainly should do. It is a shame we have not taken this action previous to this year. There are 25 million veterans who have served our Nation proudly and bravely. Only 2 percent, about 550,000 veterans, quite a large number but a small percentage, have been disabled on the battlefield, have received serious injuries in many cases; in some cases, minor injuries, but in all cases, relative to the service, and many of those were received on the battlefield.

In Louisiana, that is about 12,000 men and women who have served proudly and bravely, about 3 percent. While there is a cost associated, as has been discussed by both our chairman and our ranking member, and noted by the Senator from Nevada who has led this fight over many years, while there is a cost associated, it is a cost that this budget and this Nation and this economy should bear for the small percentage of veterans who were disabled when serving the Nation so they don't have to be shortchanged in their retirement because they have also given up a limb or two, or a bodily function that prevents them from living in a way that many others enjoy. It is the least we can do, and I am only sorry it took us this long to get to this point.

I agree with the Senator from Nevada that I think the President would not veto this very well-put-together bill over this issue. I think he will, in the end, join with members of the Democratic Party and the Republican Party to support the extension of this benefit and to fix an injustice that is in the payment and compensation scheme and plan for this Nation.

Again, only 2 percent of the veterans have received injuries that caused them to be disabled—legally designated as disabled—and they are simply asking, since they joined up, signed up, put the uniform on, and were injured in the line of duty and it caused them to be disabled so they are unable to be productive because they gave their physical, mental, and spiritual contribution so that the rest of us could be productive, the least we can do is to say you don't have to be shortchanged in your retirement. We are happy and proud and it is our honor and duty to provide you with your disability and your retirement, both of which you have earned.

So while I appreciate the comments of the other Senators who have questioned how we might afford it, my question is, How can we not afford it? Why haven't we done this before? I am proud to support the amendment, and I hope we will be able to have a good negotiation with the House and the President to support the men and women in uniform who were hurt, many seriously, and have given great sacrifice, while keeping the rest of us safe. At least we can give them a full disability check and a full retirement check.

I want to speak for approximately 15 minutes on the underlying bill. Particularly, I want to speak as it relates to the Subcommittee on Emerging Threats and Capabilities, which is the subcommittee I now chair with my most able and very good partner, the Senator from Kansas, Mr. ROBERTS.

Douglas MacArthur said that in war there is no substitute for victory. We are engaged in a war right now unlike we have ever been engaged in before. We have never really fought a war such as the one we are fighting today. We are in the process in this underlying authorization bill, which funds our Department of Defense at the highest level ever—the highest level in many years—and we are in the process of shaping our defenses and our offenses to fight this new kind of war.

In this war, our enemies are not wearing uniforms of a recognized state; they are not using conventional weapons or a conventional means of attack. They are using weapons of mass destruction, which they did on September 11, by taking several of our own airplanes and filling them with fuel and turning them into flying bombs and flying them into some of the greatest buildings and symbols here in America on a Tuesday morning when the Sun was shining. They didn't attack men and women in the military; they attacked civilians. They attacked innocent men and women and children who were unprepared for what was happening to them, and they could never have really been prepared for such a horrible and horrific attack.

These are fanatics, people who are cowards; these are terrorists, murderers, and people who are going to use weapons of mass destruction. They have proven so because they have used them, and they will continue to use whatever weapons they can get their hands on to wreak havoc here in America and to our allies as well.

I just received word that there has been yet another suicide bomb that hit Jerusalem within the last few hours.

I have to say this because my children just finished school this year. My 10-year-old and 5-year-old celebrated their last day of school a couple weeks ago. I can't tell you how difficult it was to read the article about yet another suicide bombing that occurred in Jerusalem just yesterday morning, where 19 people were killed. The description of that event in the New York Times was that the bus was full of

schoolchildren. The bus was full of workers going to work. I cannot imagine the pain of a parent putting a child on a bus, and they are on the way to school with their books and in their uniforms, and then the parents are called to come collect the body parts a few hours after they put their child on a bus. That is terrorism. That is what we are fighting.

That is what this bill is funding. This is what we have to have a victory over. Israel is in a battle for survival. We are not in the same position, obviously, and not in the same sort of vulnerable situation; nonetheless, this is the new kind of war.

If we don't strengthen our military, if we don't support new strategies, new defenses, focus on intelligence and on getting the coordination of our intelligence so we are not caught off guard in the future, if we fail, stumble, or delay in trying to rearrange some of our strategies, we will let our people down and not give them the protection they deserve in this war against murderers and cowards and fanatics.

I am proud to stand here to represent for a few minutes our subcommittee, the Emerging Threats and Capabilities Subcommittee, which was formed a few years ago for this exact purpose, to help our military think differently about these new threats, about the new ways we are going to fight these wars. I cannot tell you how much I appreciate the leadership of the chairman from Michigan and the ranking member from Virginia in supporting our efforts to help give our military the support they need.

We will achieve victory. There is no question about that. America will continue to lead our allies and we will be, year in and year out, decade in and decade out, victorious because we will be able to meet these challenges. In this bill we are discussing we have taken some of the first steps.

Well before September 11 our subcommittee explored these new threats, such as terrorism, the use of weapons of mass destruction, which not only are going to face our men and women in uniform as they fight in faraway places but also our civilians. Our civilians are well aware of these threats. There is general fear and anxiousness, understandably, now in the Nation. They are depending upon us to provide the framework for this new defense.

Our committee worked to authorize the critical programs that are creating these new capabilities that will help to make this transformation possible. Again, we focused on combating terrorism, chemical and biological defenses, which we have come to know and understand much more in these last few months—how we must be prepared to fight against these new weapons, as horrible as they are.

Our committee also wants to support in a full way our Special Operations Command, which is a relatively small force, but an extraordinary force, a very brave force—something that was

created by this Congress to meet these new demands and the new threats and which is executing spectacularly in Afghanistan. Our committee and this subcommittee support their work.

The nonproliferation program, which is to try to help identify and stop the proliferation of nuclear materials through the Department of Defense and Department of Energy is part of our mark, as well. And I feel very strongly, as I know the Senator from Michigan, Mr. LEVIN does, that we need to keep up the research development and testing and evaluation in the science and technology account in our military budget.

Let's not lose sight that this war is not only going to be won with muscle but won with a lot of brains. It is going to be won because we are on the cutting edge of new technology in every aspect.

In order to get those new technologies to the battlefield, we have to invent them. The way we invent them is research, research, research. We cannot undermine the research in this budget.

S. 2514 recommends additional funding in each of these areas that are intended to support this subcommittee's objectives and all the objectives as outlined by Senator LEVIN. I will take a few minutes to go through a few of them.

The President's budget request included \$7.3 billion for combating terrorism, and another \$2.7 billion for combating terrorism items in the emergency response fund. This bill supports the President's initiatives, as well as \$30 million for additional research and development that we think is crucial to achieving some of the goals we have outlined.

In response to the unsettling results of a recent GAO report on military installation preparedness for incidents involving weapons of mass destruction, this bill includes a provision that directs the development of a comprehensive plan to improve the preparedness of these installations.

Also in light of continued confusion about the Department's role—and understandable confusion. We have not fought a war on our own homeland since the Civil War. We have been positioned to fight overseas, to protect our perimeters thousands of miles away. Now our military has to think: Is that the right strategy and, if not, what role should we play with our local law enforcement and local police protection?

It is not a simple question, and our bill directs the Department and the Secretary of Defense to submit a detailed report on how DOD should be fulfilling this new homeland mission so that we can help them come to the right conclusions regarding this new state of affairs.

In the area of nonproliferation, for too long our programs with Russia and the former Soviet Union were, in my opinion, mischaracterized. Many people characterized this as wasteful for-

eign spending. Since September 11, I hope we have come to realize that funding these programs should be in the forefront as a means to eliminate the spread of weapons of mass destruction. This is not wasteful foreign spending.

It is out of self-preservation that we seek to make these programs robust and effective to prevent weapons of mass destruction from falling into the wrong hands because we have seen the result.

I want to read a quote from a distinguished former chairman of the Armed Services Committee, Sam Nunn, who led this committee beautifully for so many years. Senator Nunn said shortly after September 11:

The terrorists who planned and carried out the attacks of September 11 showed there is no limit to the number of innocent lives they are willing to take. Their capacity for killing was limited only by the power of their weapons.

Intelligence and field reports from Afghanistan point to al-Qaeda's desire to acquire weapons of mass destruction. We have seen much more of that in the news lately. But the visions of Senators Nunn and LUGAR a decade ago have limited the terrorists' weapons and capability of killing because they started before the headlines, before the attacks of September 11 putting programs into place because of their vision. This committee wants to support that vision and make it more robust, and we have.

Accordingly, Congress and the President must continue to push forward in nonproliferation programs. This underlying bill is not perfect, but it puts us well on the way and honors the work that Senator Nunn and Senator LUGAR accomplished, again, prior to September 11.

Among the legislative provisions, we have also included support of granting permanent authority, which the President asked for, for the President to waive on an annual basis the preconditions to implementing the Cooperative Threat Reduction Program.

We have also included Senator LUGAR's bill that will provide discretionary authority to the Secretary of Defense to use CTR funds outside the former Soviet Union, which is very important as we have discovered that maybe our whole problem is not going to be only confined to former Soviet Union states but, unfortunately, now other states. We have to have a robust plan for containment and cooperation, and Senator CARNAHAN's bill encourages the Secretary of Energy to expand the cooperative program beyond traditional weapons grade material.

These are two essential components to build on the legacy and the work that Senator LUGAR and Senator Nunn have so beautifully done over the years.

I wish to comment on two more areas, Mr. President. As I mentioned, in science and technology, the President's budget included \$9.9 billion for

S&T programs. This is both good and bad news. It is only 2.6 percent of DOD's budget. It is the lowest percentage since fiscal year 1992. Although the dollar amounts have increased because the overall Defense Department bill has increased, it is not near the goal of 3 percent, which is where we want to be, and it is a less percentage than last year. So the trend lines are not going in the most positive direction.

I hope we can continue to work in this area because this is important to our subcommittee and to our entire committee, and I think it is important to give the support to our military so we can be not only the strongest but the smartest. We are going to be working on that as well.

In chemical and biological weapons, I visited the Army's infectious disease research laboratory at Fort Detrick. It was a very fine day we spent touring that facility. I was taken aback by the hard work and dedication of the civilian and military researchers who are working to develop the defenses and cures we need to fight these new biological weapons.

I should note for all Senators that this laboratory, the U.S. Army Medical Research Institute of Infectious Diseases, USAMRIID, did the analysis of the anthrax that was sent to the Senate of the United States last year. In addition to their work, they analyzed more than 15,000 samples of anthrax and other biological agents, using facilities that are very small and overcrowded. I believe if I took anyone from Louisiana or elsewhere to visit this facility, they might be very surprised to see the cramped quarters. They would be proud of the extraordinary work, but they would be surprised to see the cramped quarters in which we are asking people to operate when this threat is real, this threat has happened, this threat will probably happen again.

There is money in this budget to upgrade those facilities, and I am proud to be a part of that.

Of course, it is important to the Maryland Senators because this facility is in Maryland, but it is important to our whole Nation. I am proud to be leading that effort to give us the finest lab facilities to deal with these new threats. We did not have to do this in World War II. We did not have to do this in Vietnam. We have to do it now. Our scientists are on the front lines, our lab technicians are on the front lines, and this bill needs to reflect the new realities.

We also fund a number of innovative projects for chemical and biological defense including improved sensors, decontamination technologies, and equipment and promising nanotechnologies. But it also includes provisions to allow defense labs to cut the red tape, adopt more business-like practices so they can be more competitive in attracting the finest technical talent and doing the best technical work for the Department and for the Nation.

One final point: Over the last few years, our subcommittee has requested that the Department perform a careful evaluation of their testing and evaluation facilities. The reason is we want to make sure we are testing all these new weapons systems, new technologies, so that when we get them to the battlefield, they actually work.

We want to make sure the right incentives are in this bill to have good and robust testing. The procedure we are using now to explain in the most simplified way is that they are not the right incentives in place to have the right kinds of testing because the testing budget is competing with the production budget.

So we have put in a proposal that hopefully will not create a new bureaucracy and not take discretion away from the services. We do not intend to slow down getting new technologies. We want to make sure we are doing our taxpayers a good service by making sure we are testing before the battlefield in a way that helps us save taxpayer money and gives our soldiers and sailors what they need to fight effectively. That is a very important component.

Finally, in special operations, I say again that this force is doing extraordinary work. They only have 1.3 percent of this whole budget, but they are basically the ones we see on the news every night fighting al-Qaida in the caves and in the desert, everywhere, over ground, underground, in the air, on the battlefield, protecting us and hunting down these murderers, cowards, and terrorists, wherever they are.

We are proud that we are recommending \$96.1 million to Special Operations Command to make sure they can address their training and pressing equipment needs for the forces, the new radios that we saw on the news, the emitter radios. When the special operations were riding horseback, they were calling down the strikes from our bombers and our fighters, and that was a result of the work our subcommittee did in a bipartisan way to provide our warfighters on the battlefield with what they need to get the job done, thinking outside the box, and we are really proud of the work they have done.

In addition, besides good communications equipment and good training, these special operations forces, because of the human intelligence now that is required, need much more foreign language training, more sophisticated sort of schoolwork, to make sure that our fighters are up to the task, and we are really working with foreign operations to provide them funding for the new kind of training, particularly foreign language, that is going to be necessary for all of our military in the future as we find ourselves operating in very different circumstances, in different countries with different cultures, trying to understand very complicated geographic, cultural, and religious conflicts.

Over the past year, and in fact well before September 11, this subcommittee has looked at the new threats, such as terrorism and the use of weapons of mass destruction, that will face our military and our Nation in the 21st century. It has worked to authorize the critical programs in the Departments of Defense and Energy that are creating the new capabilities that will transform the military to help it meet and defeat those threats.

Chairman LEVIN's guidelines for the Armed Services Committee in developing our legislation included two themes where this Subcommittee focuses much of its work:

Promote the transformation of the armed forces to meet the threats of the 21st century.

Improve the ability of the armed forces to meet nontraditional threats, including terrorism and weapons of mass destruction.

As the subcommittee is responsible for monitoring emerging threats and helping ensure that our military has the capabilities needed to respond to those threats, this subcommittee's jurisdiction includes the following: research, development, test and evaluation, RDT&E, including science and technology, S&T accounts, Special Operations Command, combating terrorism, counter-drug programs of DoD, nonproliferation programs of DoD and DOE, and chemical and biological defense.

This bill recommends additional funding or legislative provisions in each of these areas that are intended to meet the objectives of Senator LEVIN's proposed guidelines. I will describe our major efforts in each of these areas.

The President's budget request included \$9.9 billion for science and technology programs. Unfortunately, this is only about 2.6 percent of DoD's budget, the lowest share since fiscal year 1992, and far short of Secretary Rumsfeld's goal of 3 percent of the total budget, which would be more than \$11 billion.

This subcommittee has oversight over the majority of S&T programs within the Defense Department.

This bill recommends significant increases for the Department of Defense's research and development budget, as compared to the President's budget request. In particular, I want to note that there are recommendations to increase the science and technology budget request by over \$170 million. There are significant increases for: Combating terrorism and weapons of mass destruction; Army transformation, including funding \$100 million of Army unfunded requirements in science and technology; technologies to reduce the effects and costs of corrosion on ships and aircraft; fundamental scientific research at national labs and universities; and cyber security, including continuing the important information security scholarship program championed by Senator WARNER.

This bill includes legislative provisions to address the issue of speeding

the transition of defense technology from the laboratory into the hands of warfighters. This will give our troops the most advanced technology available more rapidly and improve the return on our S&T investments. They will also help our small businesses get prompt and fair evaluations by DOD of their technology ideas for combating terrorism.

During the past year, I visited the Army's infectious disease laboratory at Fort Detrick, MD. I was taken aback by the hard work and dedication of the civilian and military researchers there, who are working to develop the defenses and cures that we need to fight the threat of biological weapons. I am pleased that the bill also includes provisions to continue the Senate's efforts to improve the quality of our nation's defense laboratories. This legislation reauthorizes and expands a number of pilot programs previously established by our subcommittee under Senator ROBERTS. The programs allow defense labs to cut red tape and adopt more business-like practices so they can be more competitive in attracting the finest technical talent and doing the best technical work for the Department.

The bill includes a provision recommended by Senator LIEBERMAN that establishes a coordinated, joint Defense Nanotechnology R&D Program. This legislation will ensure that the Department invests sufficiently and wisely in this revolutionary technology area, and plans the program strategically from the start so that new nanotechnologies can be used by our warfighters as soon as possible.

The bill includes a provision requiring the Secretary of Defense to carry out a program to identify and support technological advances that are necessary to develop vehicle fuel cell technology for use by the Department of Defense. The program is to be conducted in cooperation with the Secretary of Energy, other appropriate federal agencies, and private industry, with at least half of the total cost of the program to be borne by industry. The program, which is authorized at \$10 million, will also focus on critical issues for fuel cell vehicles such as hydrogen storage and development of a hydrogen fuel infrastructure.

There are a number of other funding provisions throughout the bill, totaling over \$50 million, that support increased development or use of revolutionary and advanced technologies such as hybrid electric technology, advanced batteries and fuel cells.

Three years ago, the Emerging Threats and Capabilities Subcommittee initiated a provision requiring a task force of the Defense Science Board (DSB) to report on the state of the Department's test and evaluation facilities. The DSB report, issued in December 2000, concluded that "the T&E process is not funded properly, in phasing or in magnitude." As a result, "testing is not being conducted adequately" and "there is growing evidence that the acquisition system is

not meeting expectations as far as delivering high quality, reliable and effective equipment to our military forces."

The annual report of DOD's Director of Operational Test and Evaluation, DOT&E, for fiscal year 2001 endorses the views of the Defense Science Board, concluding that: "The acquisition process fails to deliver systems to the warfighter that meet reliability and effectiveness requirements." In other words, DOD's Director of Operational Test and Evaluation and the Defense Science Board have both concluded that the Department's systematic underfunding of test and evaluation has resulted in a situation where we cannot give our troops the assurance they deserve that weapons systems will function the way they are supposed to in combat conditions.

This bill includes a series of provisions designed to reverse this situation by implementing the recommendations of the DSB and the Director of OT&E. The most important of these provisions would address longstanding funding shortfalls in the T&E infrastructure accounts, as recommended by the Director of Operational Test and Evaluation and the Defense Science Board, by requiring the Department to: (1) fund the T&E infrastructure through direct appropriations, rather than through surcharges on T&E "customers"; and (2) establish a central T&E "resource enterprise" to handle this infrastructure funding.

The first provision would transfer roughly \$250 million of testing funds from individual programs to separate T&E accounts to achieve direct funding. The money would still pay for the same things, but out of different accounts: the programs from which the money was transferred would benefit from a reduction in the rates that they are charged for testing (to be achieved by eliminating overhead charges). Because the new funding approach would reduce the prices charged to T&E customers, the Director of OT&E and the DSB believe that this approach would reduce the current disincentive to testing.

The second provision would improve the ability of the test and evaluation facilities to compete for limited funds by giving them a high-level advocate within the Department. We share the view of the Director of OT&E and the DSB that we owe it to our men and women in uniform to ensure that the weapons systems that they carry into battle will work as intended in an operational environment. Adequate testing of weapons systems is not an abstract concept: lives depend upon it. For this reason, the committee would implement the recommendations of the Director of OT&E and the report of the Defense Science Board task force on test and evaluation capabilities.

The President's budget request included \$4.9 billion for the Special Operations Command SOCOM, keeping their budget steady at 1.3 percent of

the overall defense budget. The bill under consideration recommends adding \$96.1 million to the SOCOM request to address training shortfalls and pressing equipment needs of the forces, such as radios for Army Special Forces and night vision goggles for Navy SEALs.

About half of this additional funding was offset by a combined \$13.7 million transfer of fiscal year 2002 funding as requested by the Command for the Advanced SEAL Delivery System program, which faces numerous problems, and a reduction in premature fiscal year 2003 funding for procurement of a second mini-submarine.

The committee's bill fully funds the research and development associated with the program, and recommends that about a fourth of the procurement funding be released only after the Secretary of Defense reports to the committee on how remaining technological, schedule and cost challenges associated with building the mini-sub will be addressed.

In addition, the bill includes a provision directing the Comptroller General to examine Special Operations Forces' foreign language requirements, training and means of achieving and retaining language proficiencies.

The President's budget request included \$7.3 billion for combating terrorism and another \$2.7 billion for combating terrorism items in the Defense Emergency Response Fund, DERF. S. 2514 would authorize the portion of the budget request under our jurisdiction and add some \$30 million for research and development programs aimed at combating terrorism.

In response to the unsettling results of the GAO report that the committee required in last year's bill on military installations' preparedness for incidents involving weapons of mass destruction, we have included a provision that directs the Secretary of Defense to develop and submit a comprehensive plan to improve the preparedness of military installations to deal with WMD incidents. The plan will include a strategy with clear objectives and resource requirements, as well as a performance plan for achieving and measuring implementation.

Finally, in light of continued confusion about the Department's role and strategy for defending the homeland, the bill directs the Secretary of Defense to submit a detailed report on how DOD should be and is fulfilling its homeland defense mission.

With respect to counter-drug activities, in addition to authorizing the budget request of \$849 million, the bill provides an additional \$25 million for the National Guard counter-drug State plans. This additional funding is of specific interest to many Senators.

The bill fully funds the budget request for both the DOD Cooperative Threat Reduction programs and the related programs at the Department of Energy, including a \$15 million increase for the DOE nonproliferation re-

search and development work. There are several legislative provisions that have been included to support these nonproliferation programs:

At the administration's request, we included permanent authority for the President to waive, on an annual basis, the pre-conditions to implementing the Cooperative Threat Reduction Program. There is legislation to support the administration decision to transfer the program to eliminate plutonium production in Russia to the Department of Energy from the Department of Defense. We included Senator LUGAR's bill that would provide discretionary authority to the Secretary of Defense to use CTR funds outside of the Former Soviet Union; and We also have Senator CARNAHAN's bill that would direct the DOE to explore ways to secure nuclear materials and improve nuclear plant security worldwide.

This bill funds a number of innovative projects for chemical and biological defense, including improved sensors, decontamination technology and equipment, and promising nanotechnology. It also includes a reduction to the budget request for a one-year spike in chem-bio defense funds that Department officials acknowledge are not executable and not well defined.

The bill authorizes the full funding requested by the Defense Department for chemical demilitarization, almost \$1.5 billion for fiscal year 2003. It includes a legislative provision that would provide the funding in a Defense Department account, as required by law, rather than in an Army account, as the budget request did.

I am proud to be associated with this bill and want to thank the chairman, ranking member, and especially my ranking member, Senator ROBERTS, and all the members of my subcommittee for working together to produce this legislation. I believe that it takes a great step in transforming our military to face an uncertain future and a host of ever-changing threats. I strongly support this bill and urge the Senate to pass this legislation.

It is my pleasure to serve as chair of this important subcommittee. It was great working with Senator ROBERTS and the other Members. I again thank Senator LEVIN for his leadership because this Emerging Threats Subcommittee is important to be part of the front line of helping reshape our military and provide the protection that our taxpayers and our citizens expect in this new war against people who are cowards, fanatics, and murderers, who do not wear a uniform and who have decided they are not going to attack people in uniform but they are going to attack innocent men, women, and children. So we need to be prepared for the future, and I think we are.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. LEVIN. Will the Senator from Arkansas yield for 30 seconds?



Mr. HUTCHINSON. I will yield.

Mr. LEVIN. He has been very patient, and I very much appreciate his yielding to me.

I thank Senator LANDRIEU for her absolutely invaluable contribution as chairman of the Emerging Threats Subcommittee. This subcommittee, under her leadership, and under the leadership of Senator ROBERTS before her, has seen what has been coming and has been doing everything within its power to put resources into defeating the new emerging threats, the terrorist threats we face. Her leadership has been absolutely superb. I thank her very much for that.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. WARNER. Will the Senator yield for a minute?

Mr. HUTCHINSON. Yes.

Mr. WARNER. I likewise say to our colleague who serves on the Armed Services Committee, we appreciate her work. I think she gave a well-delivered statement from the heart.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise in strong support of the concurrent receipt amendment. I thank Chairman LEVIN for ensuring it was a committee amendment. It came out with the full endorsement and strong support of the committee.

I thank the distinguished Senator from Virginia, Mr. WARNER, for his commitment to concurrent receipt and how engaged he has been on ensuring that this finally becomes a reality. And a special thanks to Senator REID, with whom I have been privileged to work on this important issue. We introduced S. 170, the Retired Pay Restoration Act. Last year, we offered this amendment to the Defense authorization and saw it pass overwhelmingly on the floor of the Senate. Truly, Senator REID has been the champion of this issue. I believe we are on the verge of a real victory on this, and I commend him for his commitment and his diligence, year in and year out.

The word "injustice" has been used a number of times in regard to the issue of concurrent receipt. I think it is the right word to use and it is the right context in which we put this vote. Military retirees are the only group of Federal retirees who are forced to fund their own disability benefits. That is the issue. Military retirees are the only group of Federal retirees who have to fund their own disability benefits. The Senator from Louisiana rightly pointed out that we are dealing with only a portion of our veterans, about 400,000 disabled military retirees, who must give up their retired pay in order to receive their VA disability compensation. For those 400,000, it is the most important issue of the day—it impacts their daily lives. I suggest to my colleagues that it is a far bigger issue than those 400,000. As the ranking member on the Personnel Subcommittee, I have seen how important

issues like concurrent receipt are to the recruitment and retention of our men and women in uniform.

The kind of message that our Government sends, the kind of dynamic we create, is reflected in issues such as this. When military retirees are treated in a discriminatory way, when they are treated with less respect than other Federal retirees, the message to the American people, the message to our young people who are considering what career to go into, is sent that we do not truly value them. We may say the words and we may salute them and we may honor them, but if we do not honor them in policy, then we are not honoring them as we should.

I want to share with my colleagues excerpts from two letters I received in recent days from my constituents. One is from a veteran in Harrison, AR, who said:

It is a matter of fundamental fairness that we provide our disabled military retirees with the pay they have earned and rightfully deserve. I am sure it has been brought to your attention numerous times that retired Federal employees receive VA disability compensation concurrent with Federal retirement pay. Why are military retired treated differently?

That is the question—why are they treated differently?

Then there is a letter from a veteran from Mulberry, AR, who wrote:

The purpose of VA disability compensation is to defray the effects of lost earning potential caused by injuries and sickness incurred while defending our country. Retirement pay is based wholly on the number of years of dedicated service. The two pays are entirely separate and should be mutually exclusive.

That is exactly the case. The offset that has existed is an injustice. It is unfair. We have an opportunity to rectify that this year.

I know there are thousands of veterans right now watching C-SPAN who are following this debate and are doing so with a sense of cynicism. They have seen this debate before, and they have seen the vote of the Senate before. They have seen the Senate vote to end the 110-year inequity on concurrent receipt, only to see it dissolve and disappear in the course of the conference negotiations. The House has not seen to take the step we have taken, and so there will be again the negotiations that will go on between the House and Senate.

I say to my colleagues, to the veterans of this Nation, and to our retired military, I pledge, through the conference committee that will exist, to continue to fight on this issue until the fundamental inequity that exists in current law has been eliminated, once and for all, for all of America's heroes. I am committed to full concurrent receipt and to fight for that until our veterans get what they have earned, and I urge my colleagues to fight for that as well as we go through the continuation of this process in the coming weeks. I thank the chairman. I thank Senator WARNER for this time and for the opportunity to express my strong support for the amendment that has been agreed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we thank our colleague from Arkansas. He has worked long and hard on this issue for a number of years. He is a very valued member of the Armed Services Committee, particularly as it relates to personnel issues, in the area in which the Senator spent much time.

Senator, we are doing our duty. I thank the Senator.

I add a few observations of my own about this legislation. I deferred my comments so others could proceed because I was going to remain on the floor.

Mr. President, everyone at a time such as this draws on personal recollections. I had an opportunity to briefly discuss with our distinguished colleague from Delaware his own experiences in the military. I draw on my modest experience in the military to derive the support I give to this particular piece of legislation. I have said on this floor many times that I would not be in the Senate today, privileged to represent my State these 24 years now, had it not been for the opportunities accorded me by brief tours of active service and a period of some 10 years in the Reserves in the military, together with opportunities I had in the Naval Secretariat after 5 years, 4 months, during that critical period of our history when our men and women were engaged in Vietnam, as well as elsewhere in the world in the cold war.

For those brief periods I served in the closing months of World War II, as a 17-year-old sailor, really in the training command only, I have vivid memories of the streets of America, lined with men and women in uniform, coming and going to the battlefields of the Pacific and Europe, and particularly those who had returned from the battlefields showing the scars of war.

As the chairman pointed out, that particular generation of World War II are passing on today in numbers exceeding 1,000 each day of the year. This legislation, should it become law—and I am optimistic it will become law; certainly the underlying provision in the committee bill which the Presiding Officer and others worked on—will touch a few of the World War II generation.

As the years passed on and I had the opportunity to have a brief tour of duty in Korea, again, as simply a ground officer with the First Marine Air Wing, I had occasion to observe those on the field of battle and experience the losses. That is emblazoned in my memory forever.

Then in the Navy Secretariat from time to time we would go to Vietnam. We are now honored in this Chamber with a very distinguished veteran of that period as the active chairman of the committee. I visited many of those in the aid stations and otherwise who had borne the brunt of war. Therefore, it is with sheer joy that I participated with my colleagues today, just one in

the ranks, to try to get this amendment passed.

The numbers of veterans organizations which work in this is long and lengthy that I and other Members of the Senate visited with in the course of our independent work on this particular piece of legislation, as well as what we did in the committee structure. It is remarkable when you deal with those organizations. They are men and women of humility, proud they had the opportunity to wear the uniform of the Nation, and they come out of a sense of duty to try to provide for those who have gone before us on active duty and those who are on today and those who will follow in the generations to come.

As I pointed out in my colloquy with the Senator from Delaware, while my most vivid memories are associated with those who bore the brunt of combat and war, many bear the scars of arduous training. Think of how many accidents we have had associated with the training in parachutes, the training in aviation, the operation exercises. Many of our exercises, people may not recognize, are conducted under live fire conditions, by necessity, to harden those who someday may face the reality of a combat zone.

I was with the distinguished Senator from New York visiting those who came back from the battlefields in Afghanistan who had borne the brunt of combat and suffered the injuries, to visit them and thank them for their duty for this Nation and the cause of freedom. I somehow believe this is just a fulfillment of an obligation that we have had long overdue. I join those who will move every possible way we can to see that this becomes the law.

I thank so many colleagues who have taken time today to speak to this particular issue. Their motivations are pure of heart, simply to do duty. We have done it and we have now seen this opportunity. The Senate has met that opportunity, by the vote which we have witnessed and agreed to this.

AMENDMENT NO. 3900

Mr. President, earlier I offered a second-degree amendment to the Levin amendment.

Under the Levin amendment, the Secretary of Defense is required to go through a reprogramming process which, by its very nature, is indeterminate in time.

No one can predict the certainty of how quickly a measure can get through four committees. That has to be done in order for the Secretary to spend funds, to fully implement the President's Crusader budget amendment which set forth the purposes for the use of the funds.

I come back to the word "fully." Had any one of those committees not—for whatever reason, even reasons unrelated to the Crusader issue—acted affirmatively on the reprogramming request, then the Secretary would not have the ability to fully expend those funds consistent with the objectives

laid down in the President's budget amendment.

Also, it is a long process, the reprogramming process, and the outcome has a certain degree of uncertainty. If any committee vetoes the reprogramming, the Secretary would not be able, again, to fully implement the budget amendment. He would be able only to implement those programs contained under the future combat system; whereas, under my amendment, the Secretary has more flexibility. Thirty days after notification to the Congress, under my amendment, the Secretary can move funds to all and fully implement the objectives of the President's budget amendment.

I ask unanimous consent that the Senator from Maine, Ms. COLLINS, who is a member of the Senate Armed Services Committee, be added as a cosponsor on the concurrent receipt amendment offered by the chairman and myself, and that the consent be granted prior as if to the taking of the vote.

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

The Senator from Georgia.

Mr. CLELAND. Mr. President, I thank Senator WARNER for his tremendous service to this country and the Nation, particularly in uniform, and the magnificent contribution he makes daily to the deliberations of the Armed Services Committee. We could not do it without him. His contributions are such that they enable the committee to do its work in a fashion which I think most of the Members of the Senate would support.

This is the 6th year that I have served on the Personnel Subcommittee of the Committee on Armed Services. I am privileged to chair this subcommittee. As I look back over the past 5 years, we have done a lot to improve the pay and benefits for our service men and women. Every year, we responded to the concerns of our service members and their families.

We heard our service members say that their pay was inadequate and not competitive with the civilian market. We responded by approving pay raises that total over 20 percent over the five years, and put into law a provision that requires pay raises at least a half percent above inflation through fiscal year 2006.

We heard the pleas of our service members that they were not fully reimbursed for off-post housing expenses. We responded by removing the requirement that members pay 15 percent of housing costs out-of-pocket and authorized an increase in the basic allowance for housing in order to reduce out-of-pocket housing expenses to zero by fiscal year 2005. We also directed the Secretary of Defense to implement a program to assist members who qualify for food stamps with a special pay of up to \$500 a month.

We heard the concerns about the Redux retirement system. We responded by authorizing service mem-

bers to choose between the traditional high three retirement system, or to remain under Redux with a \$30,000 bonus. We also authorized our military personnel to participate with other Federal employees in the Thrift Savings Plan.

We heard concerns about health care for our active duty members and their families. We responded. We enacted provisions that improved the quality of health care and access to health care providers. We authorized TRICARE Prime Remote for families of active duty personnel assigned where military medical facilities were not available. We eliminated copayments for active duty personnel and their families when they received care under the TRICARE Prime option.

We heard the military retirees when they called our attention to the broken promise of health care for life. We started with a series of pilot programs which included access to the Federal Employees Health Benefit Program, a TRICARE senior supplement, and Medicare subvention. Ultimately, we found an even better answer, TRICARE for Life. Under this program, TRICARE pay virtually everything the Medicare does not pay. This is the best health care program for Medicare eligibles in the United States. We are really proud of this program.

We responded to concerns of our absentee military voters by passing laws making it easier for military personnel and their families to vote in Federal, state, and local elections.

By the way, Mr. President, in that TRICARE for Life Program we included a program that I think is extremely valuable for military retirees, the U.S. Government is picking up the cost of the biggest out-of-pocket expense for our military retiree families, and that is the cost of prescription drugs. I just wish we could do that for every senior family in America.

For our military recruiting and retention ebbed and flowed during this 5-year period. We responded by authorizing special pays and bonuses as well as innovative recruiting initiatives. We also passed laws that will require high schools to give our military recruiters access to students directory information and the same access to students as the schools give to colleges and potential employers.

I know that we recruit individuals and retain families. Both recruiting and retention are improving. Just a few years ago, the services reported great challenges in meeting recruiting goals, and service members were leaving at alarming rates. I would like to think that the improvements in benefits that I just described helped to turn our recruiting and retention around. I understand that the downturn in the economy and the terrorist attacks on our Nation also contributed to the increase in the desire to serve our nation.

This year, like the last five years, we have attempted to respond to the needs

of our service members and their families. In the bill now before the Senate we do several things.

We recommend authorization of the active duty end strength requested by the administration. This includes an increase in end strength of 2,400 for the Marines. I am convinced that the other services need an increase in end strength as well. We simply cannot continue to increase our military commitments without increasing the end strength of our Armed Forces. They are already stretched too thin. I intend to offer an amendment to increase the end strength of the Army, Navy, and Air Force for next year, and will propose a plan to address the needs of the services over the next 5 years.

We cannot fight a war on the cheap and we cannot fight a war without people.

For the fourth year in a row, we propose a significant pay raise above the rate of inflation for military personnel. We recommend an across the board pay raise of 4.1 percent which is a half percent above the increase in the Employment Cost Index, and an additional targeted pay raise for certain experienced mid-career personnel that will result in pay raises ranging from 5.5 percent to 6.5 percent beginning in January, 2003. We also extend the special pays and bonuses that are so important for recruiting and retention.

Full time manning support is one of the top readiness issues of the Reserves. All of our TAGs have talked to us about the shortage in full time support in the Army Reserve and the Army National Guard. For the second year in a row, the Administration failed to budget for the ramp up contained in an agreed upon plan to bring full time manning in the Army Reserve and the Army National Guard up to minimal levels over an 11-year period. We address this shortfall by increasing the full time manning end strength by 1,761 personnel as the second installment of the 11-year plan.

We authorize the service secretaries to pay an incentive pay of up to \$1,500 per month to members serving in certain difficult to fill assignments. We encourage the Department to use this assignment incentive pay to address some of the concerns about military personnel serving tours in Korea.

We are finally able to authorize concurrent receipt of military retired pay and veterans' disability compensation for retirees with 20 or more years of military service with disabilities rated at 60 percent or more.

I understand the figure is now zero percent disabling and above. This is an incredibly high watermark in terms of service of this body to those who have served, and particularly those who are service-connected disabled and who also are military retirees with 20 or more years of service.

I understand that our posture here is, even though the Armed Services Committee reported out legislation that this Defense authorization bill grant

current receipt of disability compensation and military retirement—receipt concurrent for those who are 60-percent disabled or more—that this body by unanimous consent has agreed to actually lower that figure so that all of our military retirees with 20 years of active duty service or more, zero percent disabled or greater, will now be able to receive disability compensation and military retirement at the same time. I think that is only just.

We have our assistant majority leader, Senator HARRY REID, to thank for that. He has been pushing for this for many years.

Our proposal will phase in this effort. But with this Defense authorization bill today we will not be phasing it in; it will be reality, in the Senate's point of view.

This provision was carefully drafted, in consultation with veteran organizations and with members of the committee.

We authorize a National Call to Service provision initiated by Senator MCCAIN that would require individuals enlisting in the military under this program to serve on active duty for 15 months after the completion of initial entry training. That would encourage our citizens to participate in military training somewhat. It is not universal military training, but it is an incentive to become familiar with the military. And I think it is an excellent proposal by Senator MCCAIN and Senator BAYH. It is called National Call to Service.

If an individual comes on active duty, train, and then serve 15 months, what do they receive in addition to that for compensation?

They could elect one of the following incentives: No. 1, a \$5,000 bonus; No. 2, a student loan repayment of up to \$18,000, which is quite significant; No. 3, a 12-month educational allowance at the Montgomery GI bill rate; or, No. 4, a 36-month educational allowance at two-thirds of the Montgomery GI bill rate.

I think this is one of the most insightful programs to come along in a long time. I heartily endorse it.

We increase the maximum end strength for each of the military academies from 4,000 to 4,400 cadets or midshipmen.

I think this is an excellent provision and one that we need.

We provide \$55 million to address the severe aviation training backlog in the Army to train pilots from Guard and Reserve units transitioning to new aircraft and to train active duty pilots in their combat aircraft before reporting to their units.

We direct the Secretary of Defense to review personnel compensation laws and policies applicable to our Reserve components, including the retirement system to determine how well they address the demands placed on the Guard and Reserve personnel.

I thank my colleagues on the Armed Services Committee and the Personnel Subcommittee for their support.

I especially thank Senator HUTCHINSON for his support and work. His hard work has made this a truly bipartisan effort on behalf of our military men and women and their families. I appreciate all that he has done and what he has contributed.

The bill we bring before the Senate today is a good bill that will go a long way toward improving the lives of our servicemembers and their families. I strongly urge my colleagues in the Senate to pass this significant legislation.

Thank you, Mr. President. I yield the floor. 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. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, I ask permission to address the Senate.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NELSON of Florida. Mr. President, it is a great privilege for me to serve on the Armed Services Committee with the distinguished Senator from Georgia, who, as head of the Personnel Subcommittee, has just laid out all of the strengths of this particular piece of legislation with regard to the personnel of our Armed Services.

We all can be so proud of our men and women in uniform. I have been to Afghanistan twice since the first of the year—the first congressional delegation to go into Afghanistan after September 11. In fact, they would not even take us in in the daylight. We went in under cover of darkness, lights out, no runway lights, all landing with night vision equipment because of the security for nine Senators on that trip.

What I encountered was not only the harsh reality of the climate—that bitter cold—but our first instructions were, when getting off the airplane: Don't dare step off the tarmac. The sergeant who escorted me through the darkness, in fact, explained that, having to traverse the trail over 30 times, his buddy was the unlucky one and had his foot blown off.

Seeing the faces of those young men and women—then, that first week of January, and 2½ months later—I saw how resolute they were, how they had tasted military success, how they knew that their cause was just, and how they were absolutely resolved in winning because the stakes are so high for our country and for the rest of the free world.

I have come to the floor to speak on this legislation because I am constantly inspired by my colleague from Georgia, the very life that he lives daily, which is an inspiration to this Senator, as are the sacrifices he made

for his country as a young man, which has led him to a style of living that all of us cannot imagine and yet he accommodates and he overcomes every day. That is a great inspiration to all of us.

So is it any wonder I am loving my time in the Senate, when I have colleagues I can look up to, such as the senior Senator from Georgia, joined by this wonderful committee that is quite bipartisan in its approach to these legislative matters. It is a great privilege for me to come and speak about him personally, and to come and speak and lend my name in support of this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I am floored by the wonderful and gracious remarks of the Senator from Florida, my dear friend, Mr. NELSON, my colleague on the Armed Services Committee, my colleague on the Commerce Committee. He is most effusive in his praise of me. But he is absolutely correct when he praises the service of our young men and women in harm's way.

There is a marvelous book out now, "We Were Soldiers Once and Young." I was a soldier once and young, and I can only look with admiration, great respect, and tremendous heartfelt pride at the young men and women out there now. The service men and women are young, they are talented, they are trained, they are committed, and they are doing a great job for the United States.

If this bill is a tribute to anything, it is not a tribute to me or to anybody on the Armed Services Committee or even to this Senate, but it is a tribute to them and their hard work on behalf of all of us.

So I thank the Senator from Florida for his effusive praise, but let's just reserve those kinds of words for another day. Today, we are talking about dealing with the needs of our service men and women who make it possible for us to have this open and free debate here. I yield the floor.

Mr. JOHNSON. Mr. President, I rise in strong support for the Levin/Warner amendment No. 3912.

I am pleased the Senate is addressing the issue of concurrent receipt of military retirement benefits. Under current law, military retirees cannot receive both full military retirement pay and full VA disability compensation. Instead, retirement payments are reduced by the amount received in disability compensation. Changing the law to allow for concurrent receipt of benefits is an issue of basic fairness because both military retirement pay and VA disability compensation are earned benefits. Retirement pay comes after at least twenty years of dedicated service in the Armed Forces and VA disability is earned as a result of injury during time of service.

I have been working with South Dakota veterans and my colleagues in the Senate for several years to fix this

problem. Last year, the Senate adopted an amendment to both the fiscal year 2002 budget resolution and to the fiscal year 2002 Defense authorization bill to include funding to correct this problem. Unfortunately, despite strong support in the Senate, the language to allow concurrent receipt was removed from last year's budget resolution during the conference with the House of Representatives. In the defense authorization bill, Congress agreed to allow concurrent receipt, but only if the administration included authorizing legislation as a part of the fiscal year 2003 budget request. I was very disappointed to discover that the President's fiscal year 2003 budget request did not include provisions for concurrent receipt.

Although I am pleased the Senate is going to take care of our military retirees with the passage of this amendment, I remain concerned about the Bush administration's continued opposition to concurrent receipt. Just recently, the Bush administration released a statement criticizing the concurrent receipt provision contained in the fiscal year 2003 Defense authorization bill. I have sent a letter to the Director of the Office of Management and Budget asking him to reconsider the Bush administration's position. Simply stated, at a time in which we are asking more and more from the men and women serving in the military, we should be looking for ways to encourage them to make a career in the military by improving benefits and assuring them they will be taken care of in retirement.

I appreciate the Senate Armed Services Committee's leadership on this issue, and look forward to continuing to work with my colleagues on behalf of our Nation's veterans.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3915

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 3915.

Mr. FEINGOLD. 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 extend for 2 years procedures to maintain fiscal accountability and responsibility)

At the appropriate place in the bill, insert the following:

#### SEC. . BUDGET ENFORCEMENT.

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and (2) in subsection (d)(3)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(3) in subsection (e), by striking "2002" and inserting "2007".

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011."

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—

(1) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(A) in the matter before subparagraph (A), by striking "2002" and inserting "2007";

(B) by striking subparagraphs (C), (D), (E), and (F); and

(C) by redesignating subparagraph (G) as subparagraph (C).

(2) CAPS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the discretionary category: \$764,722,000,000 in new budget authority and \$756,268,000,000 in outlays;

"(B) for the highway category: \$28,922,000,000 in outlays;

"(C) for the mass transit category: \$1,445,000,000 in new budget authority and \$6,030,000,000 in outlays; and

"(D) for the conservation spending category: \$1,922,000,000 in new budget authority and \$1,872,000,000 in outlays;

"(8)(A) with respect to fiscal year 2004 for the discretionary category: \$784,425,000,000 in new budget authority and \$814,447,000,000 in outlays; and

"(B) with respect to fiscal year 2004 for the conservation spending category: \$2,080,000,000 in new budget authority and \$2,032,000,000 in outlays;"

(3) REPORTS.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking "2002" and inserting "2007".

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking "2002" and inserting "2007".

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(e) SENATE APPROPRIATIONS COMMITTEE ALLOCATIONS.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the Committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

AMENDMENT NO. 3916 TO AMENDMENT NO. 3915

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Mr. CONRAD and Mr. FEINGOLD.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CONRAD, proposes an amendment numbered 3916 to amendment No. 3915.

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 extend for 2 years procedures to maintain fiscal accountability and responsibility)

Strike all after the first word in the amendment, and insert the following:

#### **BUDGET ENFORCEMENT.**

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(2) in subsection (d)(3)—

(A) by inserting "and" before "312(b)" and by striking ", and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(3) in subsection (e), by striking "2002" and inserting "2007".

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011."

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—

(1) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(A) in the matter before subparagraph (A), by striking "2002" and inserting "2007";

(B) by striking subparagraphs (C), (D), (E), and (F); and

(C) by redesignating subparagraph (G) as subparagraph (C).

(2) CAPS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the discretionary category: \$764,722,000,000 in new budget authority and \$756,268,000,000 in outlays;

"(B) for the highway category: \$28,922,000,000 in outlays;

"(C) for the mass transit category: \$1,445,000,000 in new budget authority and \$6,030,000,000 in outlays; and

"(D) for the conservation spending category: \$1,922,000,000 in new budget authority and \$1,872,000,000 in outlays;

"(8)(A) with respect to fiscal year 2004 for the discretionary category: \$784,425,000,000 in new budget authority and \$814,447,000,000 in outlays; and

"(B) with respect to fiscal year 2004 for the conservation spending category: \$2,080,000,000, in new budget authority and \$2,032,000,000 in outlays;"

(3) REPORTS.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking "2002" and inserting "2007".

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of House Concurrent Resolution 68 (106th Congress) is amended in subsection (g), by striking "2002" and inserting "2007".

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the President believes are appropriate when there is an on-budget surplus.

(e) SENATE APPROPRIATIONS COMMITTEE ALLOCATIONS.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the Committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 15 days after the enactment of this Act.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Senate began its debate on budget discipline on the supplemental appropriations bill, but we left our work undone. Today, we are here to finish the job.

On the supplemental appropriations bill, the Senate debated a 5-year budget process extension that my colleague, Senator GREGG, and I offered. Regrettably, that amendment failed on a tie vote. The Senate also began to debate an amendment by Chairman CONRAD that would have extended some of the budget process for a more limited time. That amendment fell on a point of order.

We are left, therefore, with a budget process that expires on September 30 of this year, less than 3½ months from now. Unless we act before then, the process will fail to constrain the government from deficit spending. And unless we act, the process will fail to protect the Social Security trust funds from being used to fund other government spending.

Thus, Senator CONRAD and I have come to the floor with a compromise proposal. Our amendment would extend exactly the same budget processes that Chairman CONRAD's amendment would have, in exactly the same way. So the Senate will have no reason to dispute the way in which our amendment enforces budget discipline.

But our amendment would also do something that Chairman CONRAD's amendment would not have done. The amendment that Chairman CONRAD offered on the supplemental appropriations bill had no caps on appropriated spending. Now we understand that Chairman CONRAD and Senator DOMENICI intended to offer an amendment that would create enforcement for 1 year, this year, pretty much as a budget resolution would, but were unable to offer that amendment.

But just 1 year of constraint on appropriated spending means absolutely no restraint on next year's budget resolution. At a minimum, we ought to put some constraint on how much spending we can put into next year's budget. If we do not put any constraint on the coming year's budget resolution, then we are not doing what we need to do to rein in the deficit and protect Social Security.

And that's what our amendment would do. We would do everything that the Conrad amendment would do, exactly as the Conrad amendment would do it. But then our amendment would have 2 years of caps on appropriations, instead of just 1. We would require next

year's budget resolution to live by a cap, as well.

Now, for the first year, the numbers we use for our amendment are, as best as we can determine, what Chairman CONRAD and Senator DOMENICI would have offered had they had the chance on the supplemental appropriations bill. We have simply followed the numbers that Senator DOMENICI distributed at that time. They are pretty much the same as the budget resolution numbers that we proposed in our earlier amendment, except that an adjustment is made to smooth out fluctuations in the highway trust fund.

For the second year, we continue to use the numbers in the budget resolution reported by the Budget Committee on March 22. We have sought to employ the most neutral numbers that we can find.

We have sought, therefore, to focus the debate on a single issue: Shall we have budget constraint for next year's budget resolution, or will we have no constraint at all?

In March, the Congressional Budget Office projected that, with the President's budget levels, we are headed for a deficit of \$121 billion in 2003 and a deficit just a few billion dollars short of \$300 billion, if you don't count the Social Security surplus.

And for this fiscal year, 2002, just last Friday, CBO issued a report saying:

The total budget deficit for the first eight months of fiscal year 2002 was \$149 billion . . . a sharp reversal from the \$137 billion surplus recorded for the same period in 2001. So far this year, receipts are more than \$80 billion below CBO's baseline projections, and CBO now expects the deficit for the entire fiscal year to end up well above \$100 billion.

And in Saturday's papers, CBO Director Dan Crippen was quoted saying that the unified budget deficit for 2002 could reach \$150 billion.

Once again, the government is using the Social Security surplus to fund other parts of government. That is something that many Senators from both parties fought for most all of the 1990s. It is something that we should continue to fight.

This is a critical test for us. Are we serious about protecting Social Security, even in these difficult times? Especially after 9-11, the American people have a right to know that we are being especially careful with their dollars, that we can keep track of them, and that we are truly putting our priorities straight—with the war on terrorism at the top, but also guaranteeing the safety and security of Social Security.

This is a modest budget process proposal, Mr. President. It is the least that we should do, and I urge my colleagues to join us in this effort. Let us extend the budget process for at least 2 years, and do what we can to protect Social Security.

Mr. President, I also ask unanimous consent that the Senator from Washington, Ms. CANTWELL, be added as a sponsor of the pending first- and second-degree amendments.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield the floor and 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. CONRAD. 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. CONRAD. Mr. President, I want to stand and commend my colleague, Senator FEINGOLD, for his initiative with respect to the budget circumstance facing the country and the Congress. Senator FEINGOLD has crafted an amendment that represents a compromise on the question of the budget for this year. It is critically important that we adopt a budget for this year, and it is also important that we have the budget disciplines extended.

I hope my colleagues realize what we face. In the absence of an extension of the budget disciplines, the budget points of order, the pay-go provisions all expire on September 30. That would mean the things we have used to control spending and to exercise fiscal discipline are gone. They are gone. That means that as we go through the appropriations process, we would not have the allocations to the committees that are enforced by 60-vote points of order to prevent spending from going out of control. We would not have those same 60-vote points of order to protect against additional tax reductions that would threaten the fiscal condition of the country. And we would not have the provisions that allow us to protect Social Security. All of those provisions expire at the end of September.

Mr. President, that is what Senator FEINGOLD is before us offering now—an extension of those provisions, an extension that has been worked out with very detailed, bipartisan discussions over an extended period of time.

Senator FEINGOLD has played a very constructive role in that regard. He did not end there with the amendment that he is offering. He also has offered budget caps for this year and next year. My judgment is that we ought to adopt spending caps for this year and next year, and they ought to be at levels that are realistic so they can really be enforced. What we have learned in the past is if you set unrealistic spending caps, they are then broken with impunity and we wind up spending much more money, digging the deficit hole deeper.

Let me just emphasize that the spending number that Senator FEINGOLD has set out in this amendment is exactly the same number that the President of the United States sent us for the budget for this year. The number he has included for next year as a spending cap takes that amount and increases it by something over 3 per-

cent. That is the number that was in the report of the Senate Budget Committee to our colleagues in the full Chamber. Those are responsible numbers. They allow and accommodate the very large increases in spending asked for by the President for defense and homeland security. All the rest of the spending would actually be reduced from the so-called baseline.

Now, that is a responsible budget outline. It accommodates fully the President's request for increases for defense and homeland security, if that is the wish of the Senate and the wish of the House. But it provides a budget discipline that is going to be badly needed here if we are to recover because the harsh reality that we confront is that last year when we were told there were going to be nearly \$6 trillion of surpluses over the next 10 years, all of that money is gone; there are no surpluses. In fact, our reestimates indicate that instead of surpluses, we face some \$600 billion of budget deficits over the next decade.

Mr. President, it is more serious than that. It is really far more serious than that because those numbers lump together the trust funds and the other funds of the Federal Government. If one takes out the trust funds, if one takes out, for example, the Social Security trust fund, what one sees is an ocean of red ink over the next decade—hundreds of billions of dollars of nontrust fund deficits this year and next year and all of the years to the end of the decade. Instead of a \$160 billion budget deficit this year, if one segregates the Social Security trust fund, if one protects the Social Security trust fund, it will be \$320 billion.

Next year, the budget deficit, instead of being \$200 billion, will be \$370 billion. That is the depths and the dimensions of the fiscal deterioration that has occurred in just 1 year.

These are not just numbers on a page. These are numbers that reflect a larger reality with enormous economic implications for this country. I hope our colleagues are listening. I hope our colleagues are thinking very carefully about the path we have embarked on, where this is all headed, because I want to warn our colleagues that none of this adds up. It does not come close to adding up. It is critically important that we adopt an extension of the budget disciplines that will help keep this from further exploding out of control.

It is absolutely critical that we agree to a budget for this year and, as Senator FEINGOLD has offered, a budget for next year as well, with enforceable caps, with provisions that will allow this Chamber to discipline spending and revenue and, yes, protect Social Security. Absent these disciplines, absent a budget, I believe we are headed for a very difficult ending to this session.

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

Mr. CONRAD. I am happy to yield.

Mr. REID. I say to the Senator from North Dakota—and I also applaud, as



he did, the Senator from Wisconsin for offering this amendment—without the budget talk that people outside this Chamber perhaps don't understand, is it correct that the Senator from Wisconsin and the Senator from North Dakota are saying that what the Senate needs is a budget so that we can keep spending down to certain limits as to what the 13 subcommittees can appropriate, so that there will be, as there have been for many years, some discipline in what we do with spending? Does this amendment do anything more than what I just described?

Mr. CONRAD. No. I think the Senator stated it well. This provides, No. 1, a budget for this year and a budget for next year and caps spending at those amounts. The number for this year is the number the President sent us, \$768 billion. It is not the same policy the President sent us, but it is the same total amount of spending that the President sent us. In addition to that, there are the various budget disciplines that expire at the end of September that Senator FEINGOLD is extending in his amendment.

I might say, I know Senator FEINGOLD worked this out on a bipartisan basis. There were other Senators on the other side of the aisle who were involved with negotiating this amendment. I can tell you there have been many discussions with Members on both sides with respect to the number and with respect to a continuation of the budget disciplines. This was not something that was done in a partisan way or just on one side of the aisle. This is the result of lengthy discussions over an extended period of time with Senators on both sides.

Mr. REID. Can I ask the Senator another question?

Mr. CONRAD. Certainly.

Mr. REID. Why would someone not want this Congress to have budget discipline? Why would someone want free-wheeling spending, spend anything you can; why would someone want that?

Mr. CONRAD. There are a number of reasons that are possible for somebody to be in opposition to a continuation of the budget disciplines. One would be they want to spend more money. Another possibility is they want more tax cuts that are not paid for. Both of those are possibilities. A third possibility, with respect to the budget disciplines, is that they have another idea for budget discipline. I suppose that is a possibility.

With respect to the actual number, they might disagree. They might say they want less spending or they want more spending, but I say to my colleagues, whatever their disposition is with respect to that, let's vote. Let's decide. Let's move this process forward, but let's do it in a way that is timely. Let's get a budget in place before the appropriations process starts. Let's do that. We have an opportunity to do that now. Let's get those budget disciplines extended before we start the appropriations process; otherwise, we are courting chaos.

Mr. REID. Can I ask one additional question? It is my understanding, having spoken with the Senator from North Dakota and the Senator from Wisconsin, that both Senators would agree to a limited time that this matter would be debated. This is not something on which the two Senators are wanting extended debate. The Senator from North Dakota would agree to a reasonable period of time and have a vote; is that right?

Mr. CONRAD. I certainly would, but I think, in fairness, the question should be directed at my colleague. He is the author of this amendment. I would certainly be willing to do whatever the Senator from Wisconsin is willing to do. I would certainly accept a reasonable time limit.

Mr. REID. I have already spoken with my friend from Wisconsin, and I know he is not concerned about an extended debate. He gave a brief statement, as we heard it in the last few minutes. I hope, I say to all of my colleagues, we can set a reasonable period of time tomorrow. I know we are not going to be able to work much later tonight, but that we would set a time for some reasonable debate and move forward. I hope we can do that.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair.

Mr. President, first, I say to the Senator from Nevada, I certainly think limited debate time will be acceptable. This is similar to the approach we tried to bring up on similar proposals on other bills. Members of the Senate understand this.

The reason I rise at this point is to thank the Senator from North Dakota for his kind words, but also in many ways the Senator from North Dakota is sort of my mentor on these issues of the budget. Before I came here, I watched him focus on balancing the budget in a sincere way, taking political risk with relation to it.

In the 10 years I have been here, many of them on the Budget Committee, time and again I have seen his proposals, his genuine attempts to either get us to a balanced budget as fast as possible or to figure out some way to make absolutely sure that we do not borrow from Social Security, which is something he and I both abhor.

That is exactly what this is about. Yes, it sometimes sounds like technical budget talk, but it really is whether or not there is going to be an open bank account for Congress to take money out of Social Security—that is what it is about—without any rules, without any caps, without any discipline. That is what we are discussing. Sure, it comes out in the form of a lot of documents and a lot of papers and a lot of numbers, but what it is about is whether or not Members of this body are truly committed to stopping the practice of borrowing from Social Security and getting us back to a balanced budget as fast as possible.

The Senator from North Dakota and I spent just about every day for many

years trying to get us to the point where we were not borrowing from Social Security. A lot of people thought that could not happen, but we made it, working together with our colleagues, often both parties and under President Clinton. We made it. We were there for a while.

The only way we can get there again is by finding a way to extend these budget caps and keep these budget rules in place because, without them, I really do fear many of the alternatives Senator CONRAD mentioned will come to the fore, and the result will be a huge hole.

There is already a significant hole being developed, a significant deficit that actually reminds me of the kinds of numbers I first saw when I came here. I ran on this issue of whether we can balance the budget, and the deficits we are starting to look at for a 1-year period are beginning to resemble the deficits I was complaining about when I first had the chance to run for the Senate and challenge what was going on in Washington in the 1980s.

I thank the Senator. I am pleased we could come together in this amendment. It is not everything I would want ideally, but it is a significant step in the right direction, and it will provide some discipline, not only in this fiscal year that is coming up but in the following fiscal year. I thank him very much for his cosponsorship of this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Wisconsin and the Senator from North Dakota leave the floor, when we look at these staggering numbers, we had a surplus last year at this time of close to \$4.7 trillion. It is gone now.

We had staggering numbers in 1986, as an example, when Senator CONRAD and I were first elected to this body. The Senator from North Dakota ran on the platform that he thought something should be done about these deficits, and unless something was done, he would not run again, and he followed through on that. It was politically a very courageous thing to do. As fate would have it, things worked out that he could come back.

We have been able to manage these staggering yearly deficits. We have had surpluses in recent years, so it is not as if we are asking for the impossible, but we need discipline to do it. We will not have discipline without this budget resolution.

It is unfortunate, as we have heard said so many different times, that these tax cuts have put us in a real quandary: \$4.7 trillion, 50 percent of it is the tax cut; 25 percent of it, approximately, is the war; the rest of it is other economic issues and other policies of this administration. We are in deep trouble economically.

I do not know why anyone would oppose what is being attempted by the author of this amendment and the author of the second-degree amendment.

This is something that needs to be done for the good of the country. If there were ever anything that was for the security of our Nation, it is getting the financial house back in order. It is not back in order, and it will go downhill if we do not do something to cause us to have budget discipline.

I am not going to prolong the debate tonight other than to say I am grateful—the people of Nevada are grateful—for the work done by these two Senators.

I hope we will be joined by people of good will on the other side to see if we can come up with a resolution. There is no question that this started out as a bipartisan amendment. I am disappointed it is not offered on a bipartisan basis tonight. But the two Senators have spoken. They have the spirit of bipartisanship. There is nothing partisan at all about this amendment. I hope we can move forward on it and complete it tomorrow.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to thank my colleague from Wisconsin for his initiative. I was not involved in the development of this amendment. The Senator from Wisconsin negotiated this amendment with one of our colleagues on the other side of the aisle. They produced this amendment. They believed this was a way to advance a return to fiscal discipline. They believed putting caps on spending for this year and next and restoring the budget discipline was a critical first step.

This is not the budget resolution I passed through the committee. It has similar elements, but it has additional budget discipline, an entire additional year of spending caps. I believe this is critically important to our fiscal future.

I think the amendment that was negotiated by Senator FEINGOLD and one of our colleagues on the other side of the aisle represents the best chance we have this year of moving this country back towards fiscal balance. This will not solve the problem. It will prevent the problem from getting worse, and it will move us in the direction of restoring fiscal discipline. It is a critical first step.

My own judgment is, next year, when hopefully the economy is on stronger ground, we will put in place a multiyear plan to balance the budget without using Social Security funds. That is going to take a multiyear effort. The hole has been dug so deep as a result of the tax cut, which is the biggest culprit, combined with the economic slowdown, combined with the attack on the country, combined with underestimations of the cost of Medicare and Medicaid. All of those elements have cooked this stew. Unless we respond, our country is going to get in deeper trouble.

Last week, we had to pass a massive increase in the indebtedness of the United States. The President is asking for the second biggest increase in the

indebtedness of our country in the history of the United States. That is how serious the situation is. I hope our colleagues will join with an effort to get us back on track.

Mr. KENNEDY. Mr. President, as the Senate considers the Defense authorization bill, we all know that this legislation is extremely important for our country. Around the world, the members of our armed forces are engaged in an ongoing and all-important battle against terrorism.

Our men and women in uniform are serving with great skill and courage in defense of our freedom. They endure long hours and hazardous, life-threatening challenges. They do so with awe-inspiring spirit and determination that has made us all proud and that keeps our country free.

I know I speak for all of us when I express our vast appreciation and respect for these courageous men and women. It is an essential priority for all of us in Congress to ensure that they have the resources needed to carry out their missions. Recruiting, training, and equipping the best possible force is the cornerstone of our Nation's military strength and superiority.

The Armed Service Committee has produced a strong and effective bill to see that our military is well-prepared to face the challenges of the 21st century. The funds authorized for fiscal year 2003 demonstrate our strong commitment to the Nation's defense. The U.S. military is the most capable fighting force in the world and this bill is well designed to maintain that strength.

This legislation also builds on the steps we have taken in recent years to improve the quality of life of our armed forces. The 4.1 percent pay increase is the fourth consecutive year that the committee has authorized a significant pay raise above the rate of inflation.

The bill also maintains support for reducing out-of-pocket housing expenses from 11.3 percent to 7.5 percent, with the goal of reducing them to zero by fiscal year 2005. Additionally, the bill adds \$640 million above the President's budget request for military construction.

In recent years improvements in TRICARE and prescription drug benefits have dramatically improved the quality of life for service members, retirees, and their families. This bill also addresses the quality of life issue by providing \$35 million to public school systems that serve large numbers of military children and children with severe disabilities.

The bill also directs the Secretary of Defense to conduct a quadrennial review of the quality of life of our service members. For many years, we have emphasized a quadrennial review of our defense strategy. Under Personnel Subcommittee chairman MAX CLELAND's leadership, we have now recognized that the morale and well-being of our service members is vital to an effective national defense.

As chairman of the Seapower Subcommittee, I have consistently advocated a strong Navy-Marine Corps team as a major part of the Nation's defense. This bill supports the President's budget request for shipbuilding. We have also worked hard in the committee to provide additional funds for advanced procurement of *Virginia* Class attack submarines, *Arleigh Burke* Class destroyers (DDG-51) and *San Antonio* Class amphibious transport dock ships (LPD-17). These funds do not buy additional ships, but they will contribute to solving the shipbuilding shortfall that is a great concern to our committee.

The committee has resisted efforts to fund additional ships through reductions in the Operations and Maintenance accounts. The Army, Navy, Air Force, and Marines need these funds to carry out their day-to-day operations, maintenance and training.

Instead, the committee rightly focused on providing modest increases to the shipbuilding accounts from the missile defense fund. After reviewing the administration's proposal, we found that a small reduction in this fund is justified. We believe this proposal is the best way to sustain the readiness of our armed forces to conduct their full range of operations and missions.

The bill also improves the ability of the armed forces to meet non-traditional threats, including terrorism and weapons of mass destruction. Overall, \$10 billion is provided for combating terrorism. Significantly, the bill authorizes the Secretary of Defense to expand the Cooperative Threat Reduction program beyond the countries of the former Soviet Union.

A major priority in our defense strategy continues to be the ability to deter a potential adversary. If deterrence ultimately fails, we must be prepared to fight and win future conflicts. The \$300 million added by the committee to the science and technology budget brings the Department of Defense closer to the goal of devoting 3 percent of all defense funds to the cutting edge technology that can bring us new systems and more effective deterrence.

Key discussions by the Department of Defense and Congress on past defense budgets contributed significantly to the outstanding performance of our armed forces in Operation Enduring Freedom. Now more than ever, we must think creatively about the future and do all we can to enhance our readiness and our technological edge to meet the challenges we will face. I urge the Senate to approve this legislation as an important part of that effort.

Mr. THURMOND. Mr. President, today, I am again offering an amendment that would correct the longstanding injustice to the widows or widowers of our military retirees. The proposed legislation, which reflects the language of S. 145 which I introduced on January 23, 2001, would immediately increase for surviving spouses over the

age 62 the minimum Survivor Benefit Plan, SBP, annuity from 35 percent to 40 percent of the SBP covered retired pay. The bill would provide a further increase to 45 percent of covered retired pay as of October 1, 2006.

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

Uniformed services retirees pay too much for the available SBP benefit both, compared to what we promised and what we offer other Federal retirees. When the Survivor Benefit Plan was enacted in 1972, the Congress intended that the Government would pay 40 percent of the cost to parallel the Government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the Government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent. Contrast this with the Federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employees Retirement System and a 50 percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the federal civilian retiree.

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

Sense of the Congress reflects the concern addressed by the legislation I am introducing again today.

Since I introduced S.145, 37 of my colleagues joined as cosponsors to the bill. I hope they will join me in speaking in support of this important legislation and the Senate will adopt this amendment.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 5 minutes each.

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

#### THE MIDDLE EAST

Mr. WELLSTONE. Regarding the Middle East, I make two points, although in a few minutes it is hard to give justice to what is happening.

First, yesterday was a horrible day not just for Israel and Israelis but for Israel's neighbors, as well: The murder of 19 innocent people, and God knows how many were injured. Some of those people, young men and women, were teenagers. Murder is never legitimate. That is what this is. This is terroristic murder of innocent people.

It is not for me, as a Senator, to come to the floor and say the people of Israel or supporters in the United States are not to have indignation. We should condemn it. I condemn it on the floor of the Senate. I condemn it.

Second, Prime Minister Rabin said when confronted with terrorist attacks, something like: We will go after the terrorists; we will defend ourselves, and we will go forward with the peace process—in other words, we are not going to let the extremists, Hamas terrorists and others, completely destroy the peace process or completely prevent us from getting back on a political track. It is extremely important.

I support what has been courageous work of Secretary of State Powell. I believe the Secretary is right in what I think he is proposing; that is that our Government has to play a positive and proactive role. We cannot zig and zag. It cannot be a contradictory policy. We should be strong in our condemnation of the terrorism, of the murder of innocent people, and we also should be a part of the denunciation and the enunciation of a political goal that goes in the direction of two states, side by side, people living side by side with one another, in secure borders.

Ultimately, that is what is going to happen. The question is, How wide and how deep a river of blood has to be spilled beforehand? I know the dynamics are swirling around in terms of domestic politics, but I believe it is extremely important the President, the administration, step forward with our support and be clear in our condemnation and be clear in the call for demands of reform within the Palestinian

Authority and the rest. But at the same time we should not come away from the role we can play in laying out a political goal, laying out the goal of two states side by side and trying to bring the parties together.

With the status quo, the present course, more Israeli children and Palestinian children will die. There have been innocent Palestinians who have died, innocent Palestinians who also have, unfortunately, been killed, though never deliberately. I ask unanimous consent for 1 more minute.

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

Mr. WELLSTONE. It is extremely important that this administration lay out this goal. It is extremely important the President be strong. It is extremely important we condemn the violence but we also be part of the political process.

I believe the vast majority of people, Israelis and their neighbors, do not want to see this continuing killing of innocent people. Enough.

I yield the floor.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 30, 2001 in San Diego County, CA. A 51 year-old Sikh woman was attacked by two men who stabbed her twice in the head and threatened to kill her. As she was sitting in her car, the two assailants pulled up next to her on a motorcycle, opened her door, and one of them yelled, "This is what you get for what your people have done to us. I'm going to slash your throat." The attackers fled when another car approached the scene.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### CIVIL SERVICE REFORM AND THE RIGHTS OF FEDERAL EMPLOYEES

Mr. AKAKA. Mr. President, as we consider proposals for creating a Department of Homeland Security to protect our Nation's borders and critical infrastructure, we must not forget the 170,000 federal employees who will staff this new agency.

This new department should not be used as a vehicle to advance broad changes to existing laws that would