

the U.S. Department of Justice Reauthorization. We are debating legislation that overwhelmingly passed the House last Thursday on a vote of 400-4. It is my hope that it will pass the Senate with an equally strong majority.

I am speaking in support of legislation included in the conference report that protects the rights of motor vehicle dealers, many of which are small businesses, under State law. The provision is identical in substance to Senators HATCH and FEINGOLD's bill, S. 1140, which has bipartisan support of 64 cosponsors. I ask my colleagues to pass this legislation and restore desperately needed rights to small businesses throughout the nation.

S. 1140 is necessary to restore fairness for automobile dealers by preserving their state rights in dispute resolution with manufacturers under motor vehicle dealer contracts. All 50 States, including Wyoming, have enacted laws to regulate the relationship between motor vehicle dealers and manufacturers and curb unfair manufacturer practices. These laws are necessary to protect auto dealers since they must sign contracts with the much larger manufacturers to sell the product. A Supreme Court decision, however, allows manufacturers to skirt these State laws by including mandatory binding arbitration in their dealer contracts.

Congress never intended to strip the State's role in regulating the motor vehicle dealer franchise relationship, but because of the Supreme Court interpretation, states cannot prohibit manufacturers from forcing dealers to waive their state rights and forums. Dealers must sign "take-it-or-leave-it contracts" drafted by the manufacturer to stay in business, and are vulnerable to manufacturer abuses of power. Since States cannot remedy this problem, Federal legislation is necessary to restore dealers' rights.

Specifically, the legislation included in the conference report States that whenever a motor vehicle franchise contract provides for the use of arbitration to resolve a contractual controversy, arbitration may be used to settle the controversy only if both parties consent in writing after the controversy arises. It also requires the arbitrator to provide the parties with a written explanation of the factual and legal basis for the award.

The arbitration language in the conference report before us is supported by Wyoming automobile and truck dealers and dealers throughout the country because it would merely restore State law. It is consistent with Wyoming law, which does not allow a manufacturer to force a dealer to prospectively waive rights and remedies under State law. I urge my colleagues to pass this legislation and protect our States' interest in regulating the auto dealer/manufacturing relationship.

The PRESIDING OFFICER. The Senator from Nevada.

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

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

UNANIMOUS CONSENT REQUEST— H.R. 4069

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4069 and the Senate now proceed to its consideration, that it be read the third time and passed, and the motion to reconsider be laid upon the table, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object. There are individuals on this side who have an objection. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I appreciate the courtesy of the Senator from Alabama waiting.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for up to 5 minutes each.

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

IMPOSING BUDGET ENFORCEMENT RULES

Mr. DASCHLE. Mr. President, yesterday marked the end of the fiscal year, and, absent action by the Senate, it will also mark the end of a fiscal discipline system that has served this country very well for more than a decade.

Earlier this year, we had a chance to pass a budget blueprint for 2003. It was jointly co-sponsored by Senators CONRAD and DOMENICI, the chair and ranking member of the Senate Budget Committee. It received 59 votes, one vote short of passage. It would have done exactly what everyone in this chamber knows we should do. It would have extended the pay-as-you-go rules and the other points of order that have helped enforce at least some measure of fiscal discipline around here since 1990.

When we voted in the spring, many Republicans voted "no," citing the total amount for 2003 discretionary spending. That issue has been removed from the current effort to extend the budget enforcement rules, and there is no longer any plausible reason to oppose a simple extension of the points of order.

Prior to the time President George H.W. Bush signed the budget act into law in 1990, there were no procedural barriers to the most irresponsible fiscal propositions. Spending proposals could be offered without any consideration for offsetting their budgetary affects. Tax cuts could be implemented without the slightest thought for their long-term consequences. Enormous fiscal damage could be inflicted with a simple majority vote.

The 1990 Budget Act ended the bad old days, and it did so with overwhelming bipartisan support. It has subsequently been extended each time it expired whether the Senate was in Democratic or Republican hands.

It should be extended here today.

I think we all know that the budgetary trend of the last year has been profoundly negative. For many years, the two parties have disagreed vehemently about the most fundamental aspects of our country's spending and tax policies—and we will continue to disagree. But the times when we were able to restore fiscal balance, like we did in the 1990s, were the times when both parties agreed to retain basic discipline at the procedural level. We very much need to agree to that right now.

Democrats will continue to press for adoption of the Conrad-Domenici budget enforcement resolution as soon as possible, and we urge all Senators to support it.

CHALLENGES TO CONCURRENT RECEIPT OF BENEFITS FOR DISABLED VETERANS

Mr. REID. Mr. President, I have worked hard to make sure all the brave men and women who have served in our Armed Forces are treated fairly.

Many military retirees, like so many other Americans, have relocated to fast-growing Nevada because of its high quality of life. And Nevada is also home to some of the country's finest military installations.

Regardless of where our loyal veterans and service members live, they all deserve our gratitude, respect, and fair treatment.

For several years I have introduced and championed legislation that would end the unfair policy of denying America's disabled veterans retirement benefits they have earned through years of service and sacrifice.

Changing the current law that requires disabled retirees to forfeit a dollar of their earned retired pay for each dollar they receive in veterans' disability compensation is simply the right thing to do.

I am therefore extremely troubled that the Bush administration opposes a

provision in the Senate Defense authorization bill allowing so-called concurrent receipt of retirement pay and disability pay by disabled military retirees.

Some officials have been quoted in recent newspaper articles as stating that retired pay and disability pay are "two pays for the same event" and that receiving both would be "double-dipping" not permitted other retirees. These statements are simply not true.

Career military retired veterans are the only group of Federal retirees required to waive their retirement pay in order to receive VA disability. Other Federal retirees get both disability and retirement pay.

This antiquated law that denies our veterans concurrent receipt in effect implies wrongly and unfairly that disabled military retirees neither need nor deserve the full compensation they earned for their 20 or more years served in uniform.

Military retirement pay and disability compensation are earned for entirely different purposes and therefore a disabled veteran should be allowed to receive both. Current law ignores the distinction between these two benefits.

Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable.

Veterans' disability compensation, on the other hand, is recompense for pain, suffering, and lost future earning power caused by a 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. A retiree shouldn't have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability.

Likewise, the administration's assertion that if concurrent receipt passes "1.2 million veterans could qualify" for extra payments is simply not credible. The Department of Defense and Department of Veterans Affairs previously informed Congress that about 550,000 disabled retirees would qualify if the Senate concurrent receipt plan were approved. But the new administration speculation that an additional 700,000 might apply for and be granted disability ratings is an unfounded exaggeration.

The administration's argument that funding benefits for America's disabled veterans would hurt current military personnel is also misleading. Congress is not cutting funding for those who are now serving our country in order to provide benefits for those from previous generations who served loyally and made tremendous sacrifices. Congress will appropriate the money to pay for it.

Enacting my concurrent receipt legislation will not cause service members

to live in substandard quarters, as some Defense leaders try to claim in a misguided attempt to turn one generation of patriots against others.

Moreover, at a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those now in uniform. All who have selected to make their career in the U.S. military now face an additional unknown risk in our fight against terrorism. If they are injured, they would be forced to forego their earned retired pay in order to receive their VA disability compensation. In effect, they would be paying for their own disability benefits from their retirement checks unless my legislation is enacted.

We must send a signal to these brave men and women that the American people and Government take care of those who make sacrifices for our Nation. We have a unique opportunity this year to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. It is time for us to show our appreciation to these men and women.

Finally the assertion that the veterans who would benefit from concurrent receipt are already doing well financially is ridiculous. NBC News recently aired three news stories documenting the dire situation that veterans are facing today. The Pentagon has acknowledged that its studies of retiree income included very few seriously disabled retirees.

On July 8, 2002, I sent a letter to the President urging him to support the inclusion of a concurrent receipt provision in the final Defense Authorization Act. Our veterans have heard enough excuses. Now it is time for them to receive the benefits they earned.

TRIBUTE TO COMMANDER DAVID G. MANERO, U.S. NAVY

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize an outstanding Naval Officer, Commander Dave Manero, for the tremendous work he has done as a member of my staff during the second session of the 107th Congress. It is my privilege to recognize his many career accomplishments and to commend him for the superb service he has provided the Navy, the great State of Mississippi, and our Nation.

Commander Manero is the son of Carmen and Rosemary Manero of Highland Park, NJ. He earned his commission through NROTC at the University of Pennsylvania where he graduated in 1988 with a Bachelor of Science in Electrical Engineering. He received his Wings of Gold from Helicopter Training Squadron Eight at NAS Whiting Field, FL, on July 7, 1989.

Following flight school, Commander Manero reported to Helicopter Anti-Submarine Squadron Light, HSL, 41 where he received training in the SH-60B Seahawk with a follow-on tour at

the HSL-45 'Wolfpack.' While assigned to the Wolfpack, he deployed in USS *Paul F. Foster*, DD-964, as Detachment One Operations Officer in support of Operation Desert Storm. During the Gulf War, he worked in close coordination with British Lynx helicopters in the destruction of six hostile surface combatants. He subsequently cruised as Detachment Three Maintenance Officer embarked in USS *Jarrett*, FFG-33, in support of Operation Southern Watch. He was presented with the 1991 Naval Helicopter Association national "Aircraft of the Year" and the 1993 Wolfpack "Officer of the Year" awards.

Commander Manero's next assignment included selection for the Navy's Advanced Education Program where he attended a two-year Masters Program at Harvard University. He graduated in 1995 with a Master of Public Policy specializing in International Affairs and Security. After graduate school, Commander Manero was assigned as Flag Lieutenant, Commander Carrier Group ONE located in San Diego, CA. He deployed to the South Pacific embarked in USS *Blue Ridge*, LCC-19, and Arabian Gulf in USS *Carl Vinson*, CVN-70, as a member of the fly-away Joint Forces Air Component Commander's staff.

Commander Manero returned again to the East Coast where he attended the U.S. Naval Test Pilot School and graduated in December 1997 with Class 112. In January 1998, he reported in to the Naval Rotary Wing Aircraft Test Squadron in Patuxent River, MD where he served as a Test Pilot and as the Sea-Control Department Head. A Member of the Society of Experimental Test Pilots, he has accumulated over 2800 flight hours in over 30 different aircraft types.

In May 1999, Commander Manero reported to the HSL-43 'BattleCats' where he served as Training Officer, Detachment Officer-in-Charge and Squadron Maintenance Officer. Prior to his detachment from his department head tour, he was selected for Commander and was nominated for the prestigious 'John Paul Jones Inspirational Leadership' award. Dave is currently assigned as a Legislative Fellow on my staff and has made tremendous contributions towards shaping our Navy's future through the DD(X), Littoral Combat Ship, LHD, and LHR programs. He also was instrumental in securing over \$108 million in Military Construction funding for Mississippi. I offer my sincere congratulations for Dave's recent selection to command. He will depart my staff in December to take command of a squadron in mid-2004.

Throughout his most distinguished career, Dave has served the United States Navy and our Nation with pride and excellence. His awards include the Air Medal, two Strike Flight, the Navy Commendation Medal, five, two with Combat Valor distinction, the Navy Achievement Medal, the Combat Action Ribbon, and numerous other campaign and unit distinctions.