

a threat out there and that we could cut down the size of our military; and, as the Senator from Arizona said, we did cut it down from some 3 million troops to 1.4 million. I am certain a mistake was made.

Now we look at the problems we have in our military and they go all the way across the board. No. 1, we have inadequate troop strength. We know that. That is a fact. We can't do what has to be done in Iraq and other places and have enough reserve for a contingency that might happen in North Korea, Syria, or any other place. This is something that has concerned us.

No. 2, force strength deficiency is resulting in a crisis in our reserve component. Our Guard and Reserves are all overworked. They are unable to carry on the responsibilities they have. We can't expect the employers to continue with all these deployments and pay these people, hold these jobs, particularly in an economy that is not robust. This problem is serious.

A third problem that took place over the last administration was a slowing down of our modernization program. I have said in the Senate that we are sending our troops out to fight on the ground with artillery that is World War II technology. The best thing we have in artillery right now operating is called Paladin. Paladin technology came about in the 1950s. When you tell people you have to get out and swab the breach after every shot, they don't believe you until they see that is the case. There are four countries, including South Africa, making artillery pieces better than that which we have.

Then with all of these problems out there, we find out that the threats are greater today than they were during the cold war. People don't like to hear that, but back in the cold war, we had one great threat. That was the Soviet Union. We were the two superpowers. They were predictable. We knew what each other had. We developed a program under a Republican administration that I did not agree with. That was a program of mutual assured destruction. That is, I will make you a deal: You don't defend yourself against us and an incoming missile; We will not defend ourselves. So if you fire on us, we will fire on you. Everybody dies and everybody is happy.

That seemed fairly reasonable at that time. Now we have a little sense of the changing threat out there and recognize it is not coming from one place. We have some 20 countries that have weapons of mass destruction or that are developing them. It is not something we can quantify now as to what kind of force structure we need.

That brings me to my second point one more time. While we don't know how much savings will be effected, we do know it is going to cost millions and millions of dollars for every installation that is closed. We cannot afford it now. We cannot afford to leave our force structure where it is, our modernization program where it is. We can-

not allow the Russians, who are selling on the open market their S.U. series that are better than our F-15s and F-16s—we want to give our troops, the most capable troops in the world, the resources and modern resources to make sure they have something that is better than the enemy has.

The third reason it is very significant is, we are going to rebuild. We have been asking the administration to give us as much detail as to what our future force structure should look like. I am not criticizing them for not being able to come back with it because this is a moving target. We have threats that are out there we didn't have before. We have to learn how to accommodate these threats and how to combat them. Until such time as we know what the force structure is going to look like, I don't believe we should be closing any infrastructure. If we have an inadequate force structure right now that is down to here and we have perhaps more infrastructure, it does not make sense to bring the infrastructure down to an inadequate force structure and then build that up and wonder, wait a minute, why do we have something that can't be used.

So for that reason, until we find out what our force structure is going to look like, we don't know what remaining installations will be needed. Let's stop and remember, we had 97 major installations that have been closed. That is behind us. We supported that. Those were the four BRAC rounds. We are now to a point where we do not know what the threat is going to be. We don't know how we will have to rebuild our force structure and our system. So we don't know what kind of infrastructure it is going to take to accommodate that.

These three reasons were not present in 1989. They were not present in 1991, 1993, and 1995. But they are present today. So we have to face this crisis, which we will, and rebuild our military. And when we get to the point where we know what it is going to look like and how to adequately defend against this new threat, we had no idea it would be out there as recently as 3 or 4 years ago, then it is time to maybe look and reevaluate where we might be. It would be premature to do it at this time.

I support the amendment. These are three very good reasons that were not present in the future rounds.

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. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that there now be a

period of morning business until 2:50 today with time equally divided.

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

#### MEASURE PLACED ON THE CALENDAR—S. 1174

Mr. WARNER. Mr. President, I understand that S. 1174 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The bill clerk read as follows:

A bill (S. 1174) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

Mr. WARNER. Mr. President, I ask that the Senate proceed to the measure and I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

Mr. INHOFE. I suggest the absence of a quorum and ask unanimous consent that time consumed during the quorum call be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Illinois.

#### OUR OCEANS AT RISK

Mr. DURBIN. Mr. President, I am a Midwesterner by birth. I come from the flatlands of Illinois, cornfields and prairies. Frankly, it has meant I see things differently than others. I can still recall as a young boy the first time I saw an ocean. I was off to my brother's wedding in California, all of about 9 or 10 years old, and I got to see the Pacific Ocean. It was an amazing spectacle to me. I had never seen anything like it. The closest I had come to that was the Mississippi River. I developed a special attachment and passion of taking my family, as they grew up, to oceans on a regular basis, to beaches, and the great time you have together.

I never reflected on the fact that the great, vast, mighty body of water, that ocean, might some day be vulnerable; it seemed so impenetrable, so vast, so diverse, so huge.

This week in Washington, the Pew Oceans Commission will release its report. The chairman of that commission is an old friend of mine, a great public servant, Leon Panetta of California. I commend this report to everyone in the country, whether you live near an ocean, as most Americans do, or you are from the Midwest and a flatlander, as I am. It talks about a great resource of America and a great resource of the

world which is in crisis, the great resource of the world which is in peril.

The area of the ocean under United States jurisdiction spans 4.5 million square miles, more than any other single country. According to Jane Lubchenco, professor of Oregon State University, our ocean property as a nation is 23 percent larger than our Nation's land area, making our ocean the country's largest public domain.

I met Professor Lubchenco last week in Italy at a seminar that focused on international global environmental issues. She spoke at length and in stark terms about what is happening to the oceans. Our ocean ecosystems are unique treasures, places where we can discover the mystery of life, work and vacation, and pursue scientific study. Losing the quality of our oceans and marine life that thrives in them would be a tremendous loss.

In addition, damage to ocean ecosystems can cause significant damage to our economy, public health, and even our national security.

As the Pew Commission reports, our oceans face a crisis due to contamination and failure to address problems over the years. Take, for example, this statistic. The National Academy of Sciences estimates that oil running off of our streets and driveways in America ultimately flows into the ocean, creating an Exxon-Valdez-size spill every 8 months. I was at Prince William Sound in Alaska after the Exxon Valdez spill, something I will never forget, going to tiny remote islands, seeing them literally covered with crude oil, seeing the wildlife that had been rescued, some of it perished almost immediately, and with others, valiant attempts were made to save them; 10.9 million gallons of crude oil dumped in Prince William Sound. That is how much oil we dump as a nation into the ocean every 8 months with the runoff from driveways and parking lots finding its way to streams and rivers and our oceans.

These problems have tragic consequences. Many of our public beaches have been closed over the years due to high levels of harmful contamination. The United States Environmental Protection Agency about 8 or 9 years ago created a Web site which reported on ozone and the impact it would have on public health. It became increasingly popular as more and more parents with children facing asthma attacks went to this Web site to see if it was safe to send their kids to school. What was the ozone reading? Then, almost coincidentally, the EPA released information about beaches around America that had been closed because of contamination. That, too, became an extremely popular Web site. Families planning vacations and weekends would go to this Web site and find out whether the beach they wanted to visit would be open to the public or safe for bathing in.

It is an interesting comment, is it not, in the world we live in, the Nation

we live in, with all of our progress, that one of the sources of information we turn to most frequently is whether we can breathe the air or can expose our children to a beach or lake shore that might be contaminated.

There is also a problem related to the fishing industry and its impact, the impact of the ocean contamination. There was a paper published in the May 15 issue of *Scientific Journal, Nature*, that reported 90 percent of all large fish—tuna, marlin, swordfish, shark, cod, and halibut—90 percent of those species are gone. Do you remember the fish orange roughly? I bet you do. In the last few years it was a pretty popular fish. Almost everywhere in America you would go to a restaurant and orange roughly was on the menu. Try to find it today. It has been fished to near extinction. They discovered where to fish for orange roughly on the coast of New Zealand and went to depths they had never been able to fish at before and successfully found the species. It was fished out. It turned out to be popular and no efforts were made to conserve it. As a consequence, you will be able to tell your children you once had a fish called orange roughly. It is not likely they will ever taste one.

An article in the *Washington Post* also reports the significant fish shortages and how the fishing industry is close to collapsing in many parts of the United States and around the world. This week's U.S. News & World Report devotes its cover story to the problem of empty oceans.

I will address one part of this problem, something we can do about it in a hurry. It relates to cruise ships.

One of the major contributors to ocean pollution is the cruise ship industry, which in 2001 carried 8.4 million passengers in North America. I do not have anything against cruise ships—they provide many Americans ample opportunities to relax and learn about oceans and marine wildlife. However, they are exempt from critical regulations that would help protect the beautiful and inspiring oceans and marine wildlife that many cruise ships aim to present to travelers.

I am going to give some data here that I think is incredibly shocking.

According to EPA and industry data, a typical 3,000 passenger cruise ship each week generates 210,000 gallons of black water, which is raw sewage; 1 million gallons of gray water, included runoff from showers, sinks and dishwashers; 37,000 gallons of oily bilge water, which collects in the bottom of ships and contains oil and chemicals from engine maintenance that are toxic to marine life; more than eight tons of solid waste; millions of gallons of ballast water, which is brought into ships to facilitate balance and then released back into the ocean, containing potential invasive species; and toxic wastes including dry cleaning chemicals such as PERC and photoprocessing chemicals.

These wastes are damaging to our oceans. Interestingly enough, any city

in America which generated that kind of waste would never be allowed to dump it on the land or in an adjoining river. But if you happen to be a cruise ship that is traveling in the waters of America, you are virtually exempt from the Clean Water Act and you can dump, in certain locations within the oceans off the coasts of America, with virtual impunity, with one notable exception. The State of Alaska—thank goodness for them—has established much stricter standards than the Clean Water Act imposes on the cruise ship industry that does its business outside States around America.

According to the organization Oceana, raw sewage can sicken and kill marine life, including corals, and contributes to algae blooms that cloud the water, reduce oxygen levels and kill fish. Furthermore, invasive species, those that are not native to the area where they are released in ballast water, can colonize new areas, and, in so doing, replace and harm local species. We have become painfully familiar with invasive species in the Great Lakes, and the government and industry are making efforts to address it. I am proud to be representing a state that adjoins that great Lake Michigan, but we know about Zebra Mussels and forms of eels that have been dumped in ballast water and invaded what was a sound marine life in the Great Lakes.

Wastes from cruise ships can also affect human health. According to Oceana, the recent outbreaks of the Norwalk virus on cruise ships have sickened more than 3,000 passengers and crew, forcing many people to abandon their vacations early. The Norwalk virus is found in human waste and on hands and surfaces that may have had contact with it. It can be spread by shellfish contaminated by sewage from boats. In addition, wastes can wash up on our beaches and near our shoes, threatening people who work or vacation there.

Despite the fact that cruise ships generate all of this waste, and are an identifiable source of pollution, they are exempted from the regulations that implement the Clean Water Act's point source permitting system. Indeed, cruise ships can dump raw, untreated sewage into the water once the ship is more than three miles off U.S. shores. They can also dump gray water and ballast water without a permit, even when they are docked at ports that are in U.S. waters. Finally, they are permitted to dump solid garbage into the ocean when they are at least 12 miles from the shore.

This problem is not confined to our domestic cruise ship industry. According to a February 2000 GAO report, foreign-flagged cruise ships were involved in 87 confirmed illegal discharge cases in U.S. waters from 1993 to 1998.

In August 2000, EPA issued a "Cruise ship White Paper," providing a blueprint for strengthening the laws regulating cruise ships. However, Congress has failed to act on this issue.

We cannot delay any longer, that is why I will introduce legislation to strengthen the Clean Water Act and other relevant laws regarding the cruise ship industry.

Specifically, the legislation I am preparing is based on ideas and recommendations generated by the EPA, GAO, and interest groups. Here is what it would do:

Remove the exemption of cruise ships from existing Clean Water Act requirements;

Ban the release of raw sewage anywhere in the ocean, and require treatment standards similar to Alaska's strict standards;

Ban release of so-called "treated" wastes within a certain distance of our shores;

Provide for adequate measures to prevent ballast waters from spreading invasive species;

Provide for monitoring of compliance with these requirements and the availability of data for public review;

Enable citizens to bring lawsuits against cruise ships, as provided under the Clean Water Act; and

Increase resources for inspections and strengthen the inspection requirements.

This is truly an international issue, but the United States must not only do its part, it must lead the way. I urge my colleagues to join me. First, read this Pew Oceans Commission report. It is an eye opener. It is a revelation. Wherever you live in the United States, you will value our oceans and you will come to understand the dangers they face.

I also encourage my colleagues to join me by cosponsoring the legislation I am crafting. The oceans, that cover nearly 70 percent of our planet, cannot wait any longer.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

(The remarks of Mr. PRYOR pertaining to the submission of S. Res. 121 are located in today's RECORD under "Submitted Resolutions.")

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—Continued

Mr. DORGAN. Mr. President, what is the pending business?

VOTE ON AMENDMENT NO. 849

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota.

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

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

The result was announced—yeas 42, nays 53, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—42

Baucus	Dodd	Lott
Bayh	Domenici	Mikulski
Bennett	Dorgan	Murkowski
Bingaman	Durbin	Murray
Bond	Edwards	Nelson (FL)
Boxer	Enzi	Nelson (NE)
Breaux	Feinstein	Sarbanes
Burns	Gregg	Schumer
Campbell	Hatch	Shelby
Clinton	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Inouye	Stevens
Conrad	Johnson	Sununu
Daschle	Kennedy	Thomas

NAYS—53

Akaka	Dole	Lugar
Alexander	Ensign	McCain
Allard	Feingold	McConnell
Allen	Fitzgerald	Miller
Biden	Frist	Nickles
Brownback	Graham (SC)	Pryor
Bunning	Grassley	Reed
Byrd	Hagel	Reid
Cantwell	Harkin	Roberts
Carper	Hollings	Rockefeller
Chafee	Jeffords	Santorum
Chambliss	Kohl	Sessions
Coleman	Kyl	Smith
Cornyn	Landrieu	Stabenow
Corzine	Lautenberg	Talent
Craig	Leahy	Warner
Dayton	Levin	Wyden
DeWine	Lincoln	

NOT VOTING—5

Crapo	Kerry	Voinovich
Graham (FL)	Lieberman	

The amendment (No. 849) was rejected.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The only remaining amendments authorized are of the chairman.

Mr. WARNER. Those amendments will not be forthcoming.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

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

The bill (H.R. 1588), as amended, was passed, as follows:

(Note: S. 1047 is Division A; S. 1048 is Division B; S. 1049 is Division C.)

Resolved, That the bill from the House of Representatives (H.R. 1588) entitled "An Act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2004".

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical agents and munitions destruction. Defense.

Sec. 107. Defense health programs.

Sec. 108. Reduction in authorization.

**Subtitle B—Army Programs**

Sec. 111. CH-47 helicopter program.

Sec. 112. Rapid infusion pumps.

**Subtitle C—Navy Programs**

Sec. 121. Multiyear procurement authority for Navy programs.

Sec. 122. Pilot program for flexible funding of naval vessel conversions and overhauls.

**Subtitle D—Air Force Programs**

Sec. 131. Elimination of quantity limitations on multiyear procurement authority for C-130J aircraft.

Sec. 132. B-1B Bomber aircraft.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**Subtitle A—Authorization of Appropriations**

Sec. 201. Authorization of appropriations.

Sec. 202. Support for science and technology.

Sec. 203. Defense Inspector General.

Sec. 204. Defense health programs.