

He has not produced. But they didn't get a free selection. Nor does Khatami—I want to identify this as well—have free control. The ruling mullahs continue to control the military secret police, foreign policy, and the treasury.

They control, not President Khatami. So it is a system where unelected, unselected dictators brutalize a country, an elected reformer is not allowed to reform, and he isn't even selected by the people. He has to go through a selection process by the ruling mullahs, so only appropriate candidates can run for office. And the students are tired of it. They are fed up with it, they are protesting, and they are being brutalized in the process.

We should support the student movement for the July 9 nationwide protest in Iran. We should state that it is U.S. policy to stand for true democracy in Iran.

This is a great nation of great people. It is going to make a wonderful open democracy when it is liberated and opened up. These students are trying to pave the way for that to occur.

This is how history is made. It is made one brave act at a time. The world is watching how the regime treats the students, the protesters, and it will hold this regime accountable.

In Iran they have a saying that they yell frequently: "Free Iran." As these protesters are yelling "Free Iran," that should be our call as well: Free Iran.

Mr. President, I yield the floor.

VOTE EXPLANATION

Mr. BIDEN. Mr. President, yesterday evening the Senate confirmed the nomination of Michael Chertoff to the United States Court of Appeals for the Third Circuit. I was in Delaware attending a funeral last evening and, accordingly, was unable to attend yesterday's vote on Mr. Chertoff's nomination. I wish to note for the record, however, that I would have voted for Mr. Chertoff's confirmation yesterday, having voted to report favorably his nomination from the Judiciary Committee last month.

THE COAL ACT

Mr. GRASSLEY. Mr. President, I rise today to call attention to an issue whose time for reform and resolution has come. I am speaking of the so-called "reachback" and "super-reachback" issues enacted in the Coal Act in the 1992 Energy bill. This insidious tax has caused numerous businesses to fail over the past 10 years as a result of its inequitable taking from those that should not have been included in this effort in the first place.

The Coal Act obligated companies to pay an annual tax to cover premiums of coal miner retirees' health care benefits. Not only did the Coal Act require companies then active in the coal mining business to pay but it also retroactively required companies—referred

to as the reachback companies—that were no longer in the coal mining business to participate and assessed them liability to pay in to the Coal Act's combined benefit fund, CBF. This retroactive tax has been so crippling for a number of companies that many have been driven into bankruptcy. The very existence of many other companies that are subject to this tax is in danger due to the heavy obligation this tax imposes on them.

Needless to say, the provisions of the Coal Act that created the CBF were hastily crafted and rushed into law without the benefit of hearings in the Senate Finance Committee or serious examination by the Senate.

The combined benefit fund is not only financed by the taxes on these reachback and super-reachback companies. At its inception, the coal miners' pension funds were used for part of the startup money for the fund. It is additionally funded through current transfers of the surplus interest income of the abandoned mine lands reclamation fund, or the AML. As of 2003, those transfers have been in the hundreds of millions of dollars.

Since the beginning, the solvency of the CBF has been in question. Even now, the possibility exists that, without reform in the near future, this fund could fail putting in jeopardy the coal miner retirees' health care benefits. To temporarily stabilize the CBF, Congress appropriated \$68 million for fiscal year 2000 and another \$96 million for fiscal year 2001 and \$35 million for fiscal year 2003. These ad hoc appropriations are not a permanent solution and do nothing to guarantee that retirees will continue to receive health benefits in future years. For some younger retirees, the benefits from the CBF is their only source of health care until they are eligible for Medicare. For older retirees, it serves as a kind of Medigap policy.

In addition to reachback companies, the current law imposed crippling taxes on companies such as Plumb Supply in my home State of Iowa. Plumb Supply has been designated as a super-reachback company. The super-reachback companies were relieved of their prospective liability by the U.S. Supreme Court since 1998. They were not, however, afforded refunds of those improperly assessed taxes they had been required to pay into the CBF. This hurts Plumb Supply and all other similarly situated companies. The super-reachback companies have been waiting patiently for the return of their money for nearly 7 years.

Many of us in the Senate, along with our colleagues in the House of Representatives, pursued legislation aimed at solving the reachback issue in a comprehensive manner during the 106th and 107th Congresses. We took on these efforts in order to create stability and fairness in the combined benefit fund, and to thereby provide a solution that would address the needs of all interested parties.

I sincerely hope that the Ways and Means Committee will take up legislation during this session of Congress to continue this program for coal mine retirees and their beneficiaries in a responsible fashion, while ending the unfair taxation imposed on businesses no longer active in the coal mining business.

Such legislation should do four things. First, it should provide for permanent solvency for the combined benefit fund. Second, it should relieve all reachback companies of prospective liability. Third, the long-overdue refunds to the super-reachback companies should be satisfied immediately. Finally companies with an ongoing reachback liability should be given an opportunity to prefund their obligations on an actuarially sound basis.

If the Ways and Means Committee can send us this legislation, the Finance Committee will be most happy to receive and examine it so this issue can finally be resolved.

BURMESE FREEDOM AND DEMOCRACY ACT

Mr. LEAHY. Mr. President, I strongly support the Burmese Freedom and Democracy Act of 2002, introduced by Senator MCCONNELL and Senator FEINSTEIN. This legislation seeks to pressure the military junta in Burma to release Aung San Suu Kyi and help bring democracy and human rights to Burma.

Several days last week, Senator MCCONNELL came to the floor to speak on this issue. I want to commend him for his steadfast leadership, and associate myself with his remarks. I have also joined as an original cosponsor of this legislation.

The message that we are sending to the ruling junta in Burma is clear: Its behavior is outrageous. Aung San Suu Kyi is the rightful, democratically elected leader of Burma. She and her fellow opposition leaders must be immediately released. This legislation also sends a clear signal to the administration, ASEAN members, and the international community that we need to turn up the heat on this illegitimate regime.

The efforts of Senators MCCONNELL and FEINSTEIN are already having an impact. On June 5, 2003, the State Department issued a strong statement on this matter, which reads:

The continued detention in isolation of Aung San Suu Kyi and other members of her political party is outrageous and unacceptable. We call on the SPDC to release them immediately, and to provide all necessary medical attention to those who have been injured, including assistance from international specialists. The offices of the National League for Democracy closed by the SPDC should be reopened without delay and their activities no longer proscribed.

But we all know that U.S. actions can only go so far. Bringing democracy and human rights to Burma will require active pressure from its neighbors in Southeast Asia, particularly

Thailand, Japan, and China. It will require these and other nations to disavow the failed policies of engagement. These policies simply have not worked.

I am pleased to see that the McConnell-Feinstein legislation attempts to trigger a process that will ratchet up the regional pressure on the Burmese Government. I am also glad to see that the United States has demarched every government in Southeast Asia on this issue.

In closing, I want to highlight the fact that the U.N. Envoy, Razali Ismail, was finally able to see Aung San Suu Kyi. According to CNN, Mr. Ismail said that she shows no signs of injury following clashes with a pro-government group. His exact words were "she did not have a scratch on her and was feisty as usual." That is indeed good.

I was also glad to see Mr. Ismail call on the members of ASEAN to drop the organization's policy of nonintervention. He stated: "ASEAN has to break through the straitjacket and start dealing with this issue. . . . The situation in Burma can only be changed if regional actors take their positions to act on it."

I agree. The international community has a responsibility to act together to pressure the SPDC. The time for appeasement is over.

Mr. ALLEN. Mr. President, I rise today to condemn the ongoing repression of the democracy movement in Burma. This latest crackdown has included the rearrest and injury of Daw Aung San Suu Kyi and brutal attacks on her supporters. Burma's regime has ignored the basic human rights of its citizens and is intent only on preserving its own brutal grip on power.

Since last May, the international community has significantly decreased pressure on Burma's regime. During that time, we have seen only increased abuses. The numbers are staggering: Burma's regime has forcibly conscripted 70,000 child soldiers, far more than any other country in the world. The regime has tortured and locked up 1,400 political prisoners. Even worse, the regime has borrowed a tactic from the Bosnian war by using rape as a weapon of war, heaping misery on countless women and girls.

Clearly, the United States and the international community must more actively address the situation and Burma and take available steps to prevent further violence against those seeking desired democratic reform.

As my colleague from Kentucky Senator McCONNELL has stated forcefully and eloquently over the last two weeks, the United States must provide international leadership. Next week, Thailand's Prime Minister Thaksin Shinawatra will be visiting Washington, DC to meet with the President and other senior government officials. This meeting would provide an ideal opportunity to urge the Prime Minister to make every effort to formulate a policy to help bring about positive change in Burma.

I say to the people of Burma that the people of the United States support you and share your values. We admire your courage, and commend your bravery. We will continue to support your struggle, as long as this oppressive regime remains in power.

The United States has a long history of supporting democratic change and condemning regimes that repress and disregard the will of the people. This most recent attack on democratic reformers in Burma only underscores the need for the U.S. to be vigilant in voicing strong disapproval with the actions of the current regime, and assist the legitimately elected leaders of Burma to bring much needed democratic reform and respect for universally recognized human rights to the people of Burma.

HONORING OUR ARMED FORCES

Mr. CRAPO. Mr. President, today I rise to pay tribute to those members of the Armed Forces who have served and continue to serve in Operation Iraqi Freedom. Countless women and men have answered the call of our country to preserve and protect our freedom against those individuals and regimes that would seek to compromise or destroy our way of life. Reservists have left civilian lives behind, parting with wives, husbands, parents, children, and friends in order to fulfill their commitment to our country's defense. Active Duty military members have gone from merely conducting exercises mimicking war, to leaving their homes and families to engage in the real thing, on foreign soil, thousands of emotional and physical miles from familiarity and comfort. These brave soldiers, airman, marines, and sailors do their jobs in a place where injury and death lie in wait at every turn. The next rise in the gritty, windblown landscape may hide 160 pounds of profound desperation peering from behind the barrel of a gun. The building around the corner needing to be secured might be rigged with enough explosives to make a small child's father or mother nothing but a memory. floating just beneath the roiling surface of the water, there might be a mine, with deadly patience waiting for the next ship to pass overhead so that it can accomplish its gruesome mission. These are some of the hazards our military members face in their jobs. Frankly, it makes our job in these marble halls seem significantly less perilous.

I speak today to recognize in particular those faithful men and women from my State—Idaho. We have had approximately 450 reservists and active-duty members called to serve in the war. That may not seem like a large number compared to those from some other States, but proportionately it represents a significant percentage of Idahoans. We also have countless other soldiers who have family and friends who call Idaho home. This number does not include the over 160 who were activated to fill positions vacated at in-

stallations here by deployed personnel. We also have Idahoans continuing to serve in Operation Enduring Freedom, and in the fight against terrorism. I have spoken before of MAJ Gregory Stone and CPL Richard P. Carl, both soldiers from Idaho who lost their lives in Operation Iraqi Freedom. I now ask for a moment of silent prayer and reflection from my fellow Senators as we consider what their dying, as well as over 150 other men and women who have met the same fate in this conflict, has accomplished for our personal freedom.

Thankfully, many of those who were called to military service from Idaho have just recently returned safely home. Yet their experiences overseas will remain with them for the rest of their lives.

Some may remember lines of tanks rolling ominously forward under a dusty sky, marred by waves of heat emanating from the desert floor. That memory may be infused with the pungent odor of layers of sweat and grime under desert camies, mingled with the acrid odor of burning gasoline and oil. Others may remember pulling the trigger on their weapon and seeing death for the first time in their young life. They may remember being close enough to smell it and feel it, or feel as if their own was but a whisper away. Still more may remember the sight of crowds, pushing against one another, some greeting the American soldiers with cheers of gratitude, some screaming epithets, some shamelessly begging for food and water to feed themselves or their starving families, and others simply greeting this modern army in grim, expressionless silence brought on by years of brutal repression and loss. The smell of desperate, poverty-stricken humanity, and the sounds of raw emotion cascading forth in an uninhibited tidal wave after a lifetime of unchecked tyranny, may remain forever embedded in the memories of many of those soldiers. Finally, and very tragically, some will never forget a life that slipped away while they clutched a friend's bleeding body to their chest in shared agony.

I give account of these images to remind us of the grim reality of war, and the tremendous sacrifice that these noble women and men have made so that we can continue to live in glorious freedom. We tend to take for granted, at times, the price that is paid for this amazing gift. The cost comes not only in the loss of life, but the loss of innocence. The cost is borne by family members as well, and by those, whom never having set foot outside this country, bear the scars of a father, mother, husband, wife, son or daughter forever gone from this life.

This body voted to support a decision to send these men and women into harm's way. Lest the proud soldiers from Idaho, and their persevering families, think that I came to that decision lightly, I stand now before you and recognize their tremendous bravery in the