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Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal Spirit, who has set our noisy years in the heart of Your eternity, under the shadow of Your wings, we find gladness and peace. Thank You for Your watchful care over body and soul alike.

Lord, You have kept our eyes from tears and brought us solace in seasons of grief. Thank You for keeping our feet from falling, or if we fell, you refused to forsake us. You have forgiven our sins and healed our diseases.

Today, give all who labor for liberty Your wisdom. Help us to embrace the right priorities. Remind us that a person's success and greatness cannot keep him or her from death. Teach us, therefore, to sacrifice for those things that will live beyond our years. Use us to tell others about Your greatness. And, Lord, bless our military people who are in harm's way.

We pray this in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today the Senate will again resume de-

bate on H.R. 3108, the pension rate bill. Under the agreement reached yesterday, there will be 40 minutes of debate prior to disposing of the Kyl amendment No. 2236 regarding the general funding waiver. That amendment may not require a rollcall vote; therefore, we may be able to proceed to a vote on passage of the legislation prior to noon today.

In addition to completing the pension rate bill, the majority leader will be discussing with the Democratic leadership the possibility of a vote on a district judge nomination that has been available on the Executive Calendar. Therefore, additional votes may occur today and we will alert Members when that vote is confirmed.

For the remainder of the week, both sides of the aisle will be conducting retreats. Because of these important policy conferences, the Senate will be in pro forma session tomorrow, and we will be out of session on Friday. The leader will have more to say on next week's schedule at the close of business today.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I hope we can complete our work on the pension bill today. We have been on it now for, I think, 6 days. We have been getting good cooperation on both sides of the aisle. I don't see any reason why before we conclude our work this afternoon we cannot finish this bill. I appreciate very much the report of the assistant majority leader this morning.

HONORING OUR ARMED FORCES

NATIONAL GUARDSMAN KENNETH HENDRICKSON

Mr. DASCHLE. Mr. President, over the weekend, east of Fallujah, Iraq, a roadside bomb exploded, taking the life

of SSG Kenneth Hendrickson, a member of the National Guard 957th Multi-Role Bridge Company.

SSG Hendrickson is from Bismarck, ND, where he lived with his wife and son and near his mother Adeline. His father, Lyle Hendrickson, is now a Pendleton County commissioner in South Dakota.

Staff Sergeant Hendrickson was only 4 weeks away from returning home. Shortly before the attack that would take his life, his parents were told not to send anymore letters or care packages because he would be heading home before any other mail could reach him in Iraq.

Staff Sergeant Hendrickson served his country with courage. Every American owes him and the entire Hendrickson family a debt of thanks for his service, as well as his sacrifice. His death reminds us that nearly 150,000 of our sons and daughters still face danger in Iraq and Afghanistan, and that fathers, mothers, husbands, wives, and children still wait anxiously for their loved ones' safe return.

It reminds us, too, that more than 500 American soldiers have been lost since the Iraqi war began and about 3,000 have been wounded.

The families of South Dakota have borne a particularly heavy toll during this war. South Dakota has a higher proportion of its citizens serving the Guard in Iraq than any other State in the country right now.

There is nothing we can do to fully repay the men and women for their service. But in thanks for their commitment to our protection, we must commit ourselves to their protection as well. Our first responsibility is to give them every tool and technological advantage available to help them do their jobs and return home safely.

Regrettably, we have received numerous reports that the Defense Department is not doing all it can with regard to protecting our troops. From the very first deployments, we were

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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told members of the South Dakota Guard and Army Reserve were not equipped with the most effective body armor that should be standard issue. Soldiers from other States have suffered similar supply shortcomings.

We attempted to address this issue in the supplemental appropriations and the regular 2004 Defense appropriations bill with an extra \$420 million specifically to ensure that every soldier facing fire had the best body armor money can buy.

The DOD promised us the problem would be solved by the beginning of December. As it became clear they would miss this deadline, we were then told it would be solved this January. However, today, 10 months after the start of the conflict in Iraq, we continue to hear reports that Guard and Reserve personnel, as well as others, lack top-of-the-line body armor and other vital equipment.

In a few days, another 800 South Dakota Guard soldiers will be sent to Iraq to begin a year-long deployment. They have volunteered to face danger on our behalf. We owe them and the families they leave behind every effort to protect them from harm. Our obligation to stand by Guard members and Reservists cannot and should not end once they return home.

Increasingly, Guard members are facing the same bullets as full-time soldiers. We owe them the same commitment to their health and well-being. That means giving them access to the same health care that full-time soldiers currently enjoy.

Recent studies indicate now one-fifth of National Guard and Reserve members lack health care when they come home. Last year, thanks in part to a bipartisan coalition of Senators, we established a 1-year program to provide a significant number of our Reservists and their families access to TRICARE, the military health care system, when they are not on duty. Today, that same bipartisan coalition will introduce legislation to make that coverage permanent.

Our bill would improve the readiness of our force and enhance the ability of the military to recruit and retain a new generation of soldiers. This legislation is important because these troops are performing a greater share of the fighting than at any other time in decades.

By May, 40 percent of the more than 100,000 U.S. troops in Iraq will be Guard members or Reservists. Yet as we depend more heavily on their service, we are receiving troubling signs of discontent and instability.

A recent internal survey showed the rate of those Reservists who decide not to reenlist could double in just a few years. Just last week, LTG James R. Helmly, head of the Army Reserves, said:

This is the first extended-duration war our Nation has fought with an all-volunteer force. We must be sensitive to that, and we must apply proactive, preventive measures to prevent a recruiting-retention crisis.

Unless this recruiting/retention crisis is addressed, those losses could severely undermine unit readiness and erode America's national security.

Over the weekend, America lost another hero in Iraq with the death of SGT Kenneth Hendrickson. His death serves to remind us of the service and sacrifice of our men and women in uniform and what they do for their country. Their commitment to us is beyond question. It is time we demonstrated real commitment to them and their families as well.

Our Guard and Reserve members have not failed us. We must not fail them. We must support our troops, not really with words but with action.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield for a question.

JUDICIAL NOMINATIONS

Mr. REID. I see on the announcement of the schedule for this afternoon that there is an agreement that we will vote on another Federal judge. It is my understanding this will be the 170th judge we have approved in the Senate, and with President Bush having given an interim appointment for 1 year to Judge Pickering, the numbers are now 170 approved by the Senate during the term of President Bush and only 4 who have not gotten approval.

Does the Senator agree that those are the numbers?

Mr. DASCHLE. Mr. President, the Senator from Nevada, the distinguish assistant Democratic leader, is right. That record exceeds the record of any predecessor in this period of time. Obviously, the Bush administration has 1 year left before the end of its term. So there is little doubt that they will probably continue to set records with regard to the confirmation of judges.

I might add, this is a time when the Democrats were, at least for a period of time, actually in the majority. They have had good cooperation. The four who have not been confirmed have not been confirmed for good reason. Again, we will address the issue of greater numbers and more cooperation this afternoon, as the Senator suggests, with the confirmation of yet another judge.

Mr. REID. If the Senator will yield for one final question, for those out there who are saying we are turning down President Bush's judicial nominations, the facts are that we have approved 170 who are now or shortly will be sitting as judges in the Federal system—they have been approved by the Senate—and we have turned down 4. The number then is 170 approved, 4 turned down. Those are pretty good numbers; does the Senator agree?

Mr. DASCHLE. The Senator is correct. That would be a pretty remarkable record if this were the sports world, the business world, or the academic world. I was just reminded that 100 of the 170 who were confirmed were confirmed under a Democratic-controlled Senate. So I think we can look back with great satisfaction.

I know there are some who argue we have not been tough enough, we have not been aggressive enough. But I think, as we have said on many occasions, where we agree with the President, we will support him. Where we disagree, we have no recourse but to continue to raise these reservations and objections, especially with regard to lifetime appointments to the Federal bench. I thank the Senator from Nevada for raising the issue.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

PENSION FUNDING EQUITY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3108, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

Pending:

Grassley amendment No. 2233, of a perfecting nature.

Kyl amendment No. 2236 (to amendment No. 2233), to restrict an employer that elected an alternative deficit reduction contribution from applying for a funding waiver.

The PRESIDING OFFICER. Under the previous order, prior to a vote in relationship to amendment No. 2236, there will be 30 minutes equally divided between the chairman and ranking member or their designees, with the initial 10 minutes under the control of the Senator from Arizona, Mr. KYL.

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I yield myself 5 minutes of the manager's time on this bill.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. COLEMAN. I thank the Chair.

Mr. President, Minnesota is home to Northwest Airlines as well as Ispat Inland Steel Mining Company. I rise today in support of the pension legislation before us and to urge my fellow colleagues to vote for this bill today.

Let me be clear. This legislation is about protecting American workers