

time, in my judgment, that we spoke out on this issue.

The Senator from New Mexico is exactly right. Saddam was captured in mid-December. Five months have passed, and it is time to proceed. Mr. President, 9/11 has occurred and thousands of Americans were killed in that brutal attack by flying hijacked planes into the World Trade Center, the Pentagon, and one probably was headed for the Capitol but went down in western Pennsylvania.

While many of us are worried on a daily basis, the President receives a CIA briefing every morning, and there is great concern about homeland security. In the public mind, the threat recedes. Understandably, it is human nature to have a short attention span. But what is going on in Iraq today is enormously problematic.

The United States is taking it on the chin in world public opinion and especially in the Arab world. When you have the brutal assassination of Nicholas Berg—his head was cut off in public view—and the Secretary of State has to remonstrate, criticize the Arab world for not condemning that act of brutality, and meanwhile we are subjected to all sorts of criticism—and the criticism on the mistreatment of Iraqi prisoners is well placed, it is justified. But we are acting on it, and we acknowledge the problems, the President has and the Secretary of State has—people forget why we are there. It is very painful to have the casualties and fatalities, but we are dealing with large stakes in establishing a democracy there.

If Saddam's defalcations and crimes were put on the public record, people would understand why we are there and how important it is to change. When the Iraqi resistance comes up and the Iraqi terrorists come up, let them understand that when there is a change in sovereignty, that they are acting against their own people, a duly constituted Iraq Government which would bring Saddam to trial. We cannot bring him to trial. Nobody would trust a trial by the United States, as good and fair as our system is, and as just as we are with procedural due process.

We ought to let it be known that it is our recommendation that the Iraqis will have to make the final decision.

I would like to start consideration, which is why I have taken a few minutes of our time today, not that there is any rush on the Senate floor. The Senator from New Mexico and I are the only ones here.

I thank my colleague, Senator DOMENICI, for his support and comments. I yield the floor, Mr. President, and in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

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

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

The Senate is in a period for morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. ALLARD. Mr. President, I ask unanimous consent that I be allowed to speak for 35 minutes.

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

#### DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. ALLARD. Mr. President, I rise today in support of the Defense authorization bill and ask that we proceed quickly to pass this legislation.

I thank Chairman WARNER for his leadership throughout this session. Clearly, the outcome of the bill reflects his commitment to our military men and women. We live in a very complicated world, and our national security depends on understanding that complexity, reacting to it appropriately when we must, and keeping ahead of it when we can. I commend Senator WARNER for a job well done, both during the committee markup and with the full committee in responding to the recent prisoner abuses in Iraq.

I also wish to take a moment to thank the ranking member of the Strategic Forces Subcommittee, Senator BILL NELSON, for his efforts on our portion of the bill. While we do not always see eye to eye, there is much on which we agree, and I appreciate the opportunity to work with Senator NELSON on important issues that confront us.

I am also pleased by the work the Armed Services Committee has done on both sides of the aisle and fully support the passage of the Defense authorization bill.

At the very beginning of his administration, President Bush made it a priority to rebuild and transform our military after 8 years of operation and maintenance funding shortfalls under the previous administration. Those of us in the Senate have heeded this call, and I am pleased that we are about to take the next step in maintaining a military fully capable of defending our Nation and meeting our foreign policy goals.

I continue to support the President's plan to transform our military, and this authorization bill builds on the work we in the Congress have already accomplished toward that end.

In fact, since 2001, President Bush and Congress have given the Department of Defense the tools to accomplish the following: Fight the war on terror on the offensive; remove threats to our security in Afghanistan and Iraq; liberate nearly 50 million people; provide a more than 21-percent pay raise to our service men and women; expand the use of targeted pay and bonuses; begin to transform our Nation's defenses; improve readiness rates; increase research and development funding by 56 percent; improve the quality of housing for military personnel and

their families through privatization and new construction; double investments in missile defense systems; and deploy the first ever land- and sea-based system this fall.

Overall, the Committee tackled the difficult task of simultaneously maintaining the transformational efforts in the department, while ensuring enough resources are available to guarantee success for our deployed soldiers overseas. The defense authorization bill includes more than \$422 billion in budget authority for Defense programs and represents an increase of 3.4 percent in spending over the last fiscal year. I believe that this bill helps to maintain the high state of readiness that is expected of our military, and also focuses the Department on the future in terms of research and development programs and technologies.

Specifically, the more than \$68 billion in research and development and the \$11 billion directed toward science and technology programs will continue to ensure that our military is the best equipped and prepared force in the future. These increases over fiscal year 2004 have supported a wide range of new systems including the F-22 and the Joint Strike Fighter, the destroyer DDX program, unmanned aerial vehicle programs, the Army's future combat system, satellites, communications equipment, and intelligence systems designed to accelerate the availability and capability of future weapons programs. We must continue to make these research and development investments in order to skip a generation of weapons and transform our military into the 21st century fighting force it must become. Investing 3 percent of the budget toward science and technology has long been our goal and with the bill before us, we move a step closer to that goal.

While I am pleased at the focus on the weapons and technology available to our warfighters, it is heartening that the committee has not neglected our most valuable resource—the service members themselves.

The authorization includes a 3.5 percent pay increase across the board, and also permanently authorizes family separation and imminent danger pay created originally for Operation Enduring Freedom and continuing to Operation Iraqi Freedom.

The men and women in the military make great sacrifices for us all as do their dependents and families. The continued progress of improving their quality of life, compensation, and family housing programs should not be overshadowed by any weapons program. As I stated before, our most valuable resource is the personnel in the armed forces, and we must continue to provide the best possible environment for them.

In addition to the resources available for personnel and their families, the authorization also provides the near-term readiness and protection equipment needed for the war on terror. Specifically, force protection measures for

our troops in Iraq and Afghanistan were given considerable attention by committee members. No resource should be spared to ensure that our warfighters have the equipment and training in place to provide for their safety.

To that end, \$107 million was added for the rapid fielding initiative, \$603 million was devoted toward protection gear and combat clothing, and \$925 million was added for additional up-armored Humvees and add-on ballistic armor. Clearly this reflects the committee's concern that our soldiers have all the tools they need to be successful while they fight the war on terror.

Turning to the Strategic Forces Subcommittee, which I have the pleasure of serving as chairman, we exercised oversight for the Department of Defense budget request for strategic, space, intelligence, surveillance and reconnaissance, and intelligence support activities. The DOD budget request in these areas included \$8.9 billion in procurement, \$28.2 billion in research and development, and \$3.1 billion in operations and maintenance. The administration budget request also included \$15.4 billion for the Department of Energy nuclear weapons and environmental management programs and activities.

The committee bill reflects a net increase of about \$80 million in research and development and procurement, and the amount requested in operations and maintenance. It also reflects the requested level of funding for Department of Energy programs and activities. The program supports the development and fielding of transformational capabilities, enhanced readiness, and capabilities directly relevant to defending the homeland from current and anticipated forms of attack.

The reductions reflect a thorough examination of the administration's budget request. A number of programs were identified in which excess funds were requested or the requested funds were not executable. Others were based on unrealistic schedules or showed unjustified program growth. The committee reduced these funding requests appropriately.

As the chairman of the Strategic Forces Subcommittee, ensuring full support of missile defense is my most important priority. As I have stated on the floor many times before, it is abundantly clear how important missile defense is to our country. The development of this program is central to homeland defense and to the protection of our friends, allies and deployed forces against growing threats.

Overall, \$10.2 billion was requested, and the markup reduces that by a net of about \$40 million. Significant funding actions in the markup include an increase of \$75 million for the ground-based missile defense element to enhance the ability to operate and test concurrently; a \$35 million reduction for long lead items for some GMD

interceptors; an increase of \$90 million for additional PAC-3 missiles; and a reduction of \$200 million for the ballistic missile defense system interceptor project, also known as the kinetic energy interceptor, or KEI.

The markup includes two missile defense legislative provisions, including one identical to a provision last year that authorizes the use of this year's missile defense R&D funds to field an initial missile defense capability. The other provision of interest relates to the role of the director of the Missile Defense Agency in the Army's Patriot-MEADS program. The provision is intended to ensure that the Patriot MEADS program remains thoroughly integrated in the ballistic missile defense system.

Concerning Department of Defense space programs, the markup sustains the amount requested, but does shift some of the funding. Significant reductions are recommended in the transformational communications satellite, or T-SAT, to try to put the program on a healthier development track; and to the EELV launch program because of a delay in one of the launches for which services were being procured in fiscal year 2005.

Significant increases recommended include: \$35 million in the advanced EHF program, \$35 million in the space based infrared program, \$25 million for a new operationally responsive satellite payload effort, \$15 million for the wideband gapfiller satellite program, and \$15 million for ballistic missile range safety technology.

The markup includes three space-related provisions, including one that would establish a panel to examine the future of military space launch, and another establishing a new program element for operationally responsive satellite payloads.

The markup includes minor adds for strategic forces and intelligence programs, and no significant legislative initiatives in these areas.

Related to the Department of Energy, the markup includes \$15.4 billion for the Department of Energy Atomic Energy Act programs for fiscal year 2005, the amount requested by the administration. Of this amount, \$7.8 billion is for the National Nuclear Security Administration, NNSA, a \$117.9 million increase above the budget request.

Key NNSA increases in the subcommittee mark include:

\$62.9 million for the Readiness in Technical Base and Facilities, RTBF, program, which will help NNSA continue to reduce the amount of deferred maintenance and repair;

\$20.0 million for the Facilities and Infrastructure Recapitalization Program, FIRP, to help revitalize the infrastructure of the nuclear weapons complex. This additional funding will reduce the cost and accelerate the completion of the FIRP program;

\$35 million for safeguards and security. After the attacks of September 11,

2001, the Secretary of Energy developed and issued a new design basis threat, which added security requirements across the nuclear weapons complex. This additional funding is to help address the increased needs for safeguards and security, including force multiplying technologies.

The subcommittee mark provides adequate funding for the National Nuclear Security Administration to advance directed stockpile work, science-based campaigns, and naval reactors programs. These efforts have been funded at the budget request for fiscal year 2005, a \$367.0 million increase over the fiscal year 2004 appropriated levels.

The subcommittee mark includes authorization at the budget request for several of the continuing nuclear weapons initiatives, including the feasibility study on the robust nuclear earth penetrator, RNEP, the advanced concepts initiative, ACI, the NEPA study on the modern pit facility, and test readiness enhancements. No funding was requested nor authorized for the engineering development, production or deployment of a new or modified nuclear weapon. As was enacted in the National Defense Authorization Act for fiscal year 2004, there can be no engineering development, or subsequent phase of development, of a low-yield nuclear weapon nor a robust nuclear earth penetrator without a specific authorization from Congress. No such authorization was requested in the fiscal year 2005 budget request and no authorization is included in the subcommittee mark.

Turning to the Environmental Management, EM, program, the subcommittee mark includes \$7 billion for these activities. This will be the last full fiscal year of funding for the first three major closure sites, including the Rocky Flats Site, the Fernald Closure Project, and the Mound Closure Project. The planned 2006 closure of these three sites is very good news for DOE and for the United States. The early closure of these sites is expected to result in a cost savings of over \$12 billion.

Now that DOE will begin shifting the oversight of the closure sites from the Environmental Management program to the Office of Legacy Management, LM, new challenges emerge. Environmental stewardship responsibilities, pension and health care needs, and community concerns will all require a high level of attention to ensure a smooth transition.

The subcommittee mark includes a provision that would authorize the Secretary of Energy to exclude from treatment as high-level radioactive waste, that which is stored Department of Energy, DOE, radioactive material resulting from the reprocessing of spent nuclear fuel as long as the waste can be appropriately characterized as low-level or transuranic waste.

The subcommittee mark also includes \$566.6 million for other defense activities, a reduction of \$97 million

below the budget request for fiscal year 2005, and \$108 million for the defense nuclear waste disposal, a reduction of \$23 million below the budget request for fiscal year 2005. These amounts authorized include a \$92.4 million reduction to the defense related administrative support account. The committee has consistently rejected funding for this account because the funding is for non-defense activities.

Once again, I thank my chairman for his superb leadership. I believe that the defense authorization bill is a good one, and that programs that fall under the purview of the Strategic Forces Subcommittee have been dealt with in a measured and responsible way. The Armed Service Committee and its staff have worked diligently and in a bipartisan manner to ensure our military remains the best equipped and best trained fighting force in the world. I would ask my colleagues that we proceed quickly with the Defense authorization, and urge support of the bill.

Mr. President, I yield the floor and my remaining time.

#### 50TH ANNIVERSARY OF BROWN VERSUS BOARD OF EDUCATION

Mr. REID. Mr. President, yesterday marked the 50th anniversary of the Supreme Court's decision to reverse the long-standing principle of "separate but equal" in our public schools. The ruling handed down in *Brown v. Board of Education* was the great catalyst America needed to move toward equal opportunities for all children.

On May 17th, 1954, the Supreme Court spoke unanimously: ". . . in the field of public education the doctrine of 'separate but equal' has no place."

When we talk about *Brown v. Board of Education*, it is natural to think about its application and enforcement in the South, because that was where the most publicized acts of segregation and discrimination took place.

But it is naïve to think that the South was the only region of America grappling with the new educational and racial standard of equality. Western states like Nevada struggled to adapt as well.

Nevada was not a place widely associated with having a large population of African Americans back in 1954 . . . but in fact it was home to many African Americans who migrated from Arkansas, Louisiana, and Texas—primarily seeking employment in Law Vegas' hospitality industry.

Clark County's classrooms were segregated before the *Brown Decision*—and they remained so afterward. While there were no written laws segregating schools in Clark County, there were impenetrable school zoning laws that made it pretty clear that children could only go to school where they lived . . . and because of housing discrimination, most black people lived in concentrated areas.

*Brown v. Board of Education* was decided in 1954, yet Clark County schools

were not officially integrated until much later, when attorney Charles Kellar arrived in Nevada in 1959. Thurgood Marshall, then head of the NAACP Bar Representation Program, solicited Mr. Kellar to move to Nevada to establish a chapter and legal representation.

At the time, one had to live in Nevada for one year before sitting for the bar exam. So, to establish residency, most white law students would engage in paralegal work, Mr. Kellar spent his year studying real estate at an unknown little college called UNLV in order to qualify for residency.

When he was finally eligible to sit for the exam, the hotel he reserved for his stay refused to admit him. He had to spend his two nights sleeping in the airport. To add insult to injury, Mr. Kellar was accused of cheating on his exam, for his results were near perfect. He had to sue the Nevada State Bar in order to gain admission, which he was finally granted in 1965.

The first case he filed was a class action suit against the Clark County School District in 1968, charging that access to an equal, public education was denied to African American students—in spite of the *Brown v. Board of Education* ruling 14 years earlier. Despite the fact that he won the case, the school district decided to convert the West Las Vegas schools to sixth grade centers, which would be fully integrated. However, the white students would be bused to the schools while the black students would have to walk.

Mr. President, the landscape of Clark County is much different today in the sense that we now publicly educate a much more diverse population of students. But there are still factors in our school system that separate and discriminate against certain groups of students: economic status, English language learners, students with learning disabilities, and so on.

I am concerned about these barriers, just as I am concerned about the gap in academic achievement between different groups of students. This gap says to me that we still have a lot of work to do in terms of providing truly equal opportunities for all of our children.

And even after 50 years, in spite of the law, segregation itself is still alive and well.

Taylor County High School in Butler, Georgia, held its first integrated prom in 31 years last year—in 2003. This year, the white students decided to return to their old tradition of holding their own private party—a segregated prom. It is disappointing to realize that segregation is still preferred by some people. But it just goes to show that we still have work to do.

The *Brown* decision truly was a landmark . . . it showed that America had come a long way since *Plessy v. Ferguson*. Before *Brown*, we knew that segregation was wrong. After *Brown*, we knew that it was illegal.

That was a tremendous step, and I am certainly grateful for it . . . but we cannot rest on our laurels.

We must keep struggling until we can live up to the spirit of the *Brown* ruling, and to the letter of the Civil Rights Act that followed 10 years later. Until we provide every child with an equal—not separate—opportunity to get a good education.

Mrs. DOLE. Mr. President, 50 years ago our Nation witnessed a significant step in providing equal education for every child of every race. On May 17, 1954, the United States Supreme Court ruled in favor of a young girl who had been denied enrollment in her neighborhood school simply because of the color of her skin. On the 50th Anniversary of the Supreme Court's *Brown vs. the Board of Education* ruling, I want to recognize the courage, vision and boldness of that decision and celebrate how far our country has come—and focus on a new bold vision that will lead us into the future.

The *Brown* decision not only called for an end to segregation—it began a process of healing in America, still needed almost 100 years after the Civil War. The *Brown* decision affirmed the constitutional promise of equality for all Americans. It overturned laws that denied millions of school children freedom and choice in education and set this country on a new course, affirming civil and human rights while demanding the full respect and protection of the law for all people. *Brown vs. the Board of Education* was a decision of courage and conviction and was one of the finest moments of the American judicial system. But while this decision paved the way for the establishment of equal learning environments, today there is evidence of work yet to be done.

Unfortunately, 50 years later, we still have a relatively two-tiered education system. Many students are in schools where they are receiving an incredible education; other children are in mediocre classrooms, emerging at the end of each school year barely even able to read at the levels of their peers. The reality is disheartening: nationally, at the fourth-grade level, the achievement gap in reading between blacks and whites is 28 percentage points. And consider this: only one in six African-Americans can read proficiently after graduating from high school. It truly is hard to believe such disparity exists today.

Years after opening the doors of opportunity to every child—regardless of their race—we have yet to truly take advantage of the possibilities *Brown vs. Board* created. Breaking through prejudice in school enrollment was the first step—educating each and every student to his or her full potential is the next. I give President Bush much credit for recognizing this problem and applaud his willingness to make it an issue in the last national election. He said that, if elected, he would institute change, and he did. Within four days of assuming office, he provided a blueprint that became the No Child Left Behind Act of 2001—an act that was passed with wide bipartisan support.