American Bar Association accorded her a majority rating of ''not qualified,'' as it has several of this President's judicial nominees. Nonetheless, the Judiciary Committee held a hearing on her nomination. The Members of the Committee examined the nomination on the merits and reached their own judgment. With the support of Senator SCHUMER of New York, the nomination was favorably reported. While Senate consideration will include some brief debate, there is no reason this matter has not been scheduled and considered in the last seven months. It could easily have been considered during the course of an extended quorum call during any one of the many days when there is no significant business taking place on the Senate floor. As I have reiterated for months, there is no Democratic hold on this nomination. It merits a brief discussion, but we are prepared to vote on it. Republican delay has prevented action on this nomination.

I do not recall this lengthy a delay in scheduling debate on a Latina nominee since the untoward Republican obstruction of Senate consideration of President Clinton's nomination of Judge Sonia Sotomayor to the U.S. Court of Appeals for the Second Circuit in 1999. That nomination of an outstanding judge, who had been appointed to the federal bench by President George H.W. Bush, was delayed for more than 400 days in all and waited 7 months on the Senate floor, before we were able to force action and a vote on her confirmation. According to some accounts, she was delayed over Republican concerns that she would be chosen by President Clinton for the Supreme Court if a vacancy arose.

Likewise, the Senate's Republican leadership has not yet scheduled a vote on the nomination of Ricardo S. Martinez to be a United States District Court Judge for the Western District of Washington or Juan R. Sanchez to be a United States District Court Judge for the Eastern District of Pennsylvania.

Despite Republican delays in the consideration of President Bush's Hispanic nominees, the Senate has already confirmed, unanimously, three of his Hispanic nominees to the circuit courts and 11 to the district courts. Ms. Herrera will be the 12th Latino district court nominee and 15th overall confirmed by the Senate.

Unfortunately this White House's commitment to diversity seems shallow when compared to its devotion to ideological purity. The President has nominated many more members of the Federalist Society than members of the nation's fastest growing ethnic group. The White House has sent over the nominations of more than 45 individuals active in the Federalist Society, which is more than twice as many Latinos as he has nominated. In fact, the President has chosen more individuals involved in the Federalist Society than Latinos, African Americans, and Asian Americans combined.

We have made significant progress over the last three years in reducing Federal judicial vacancies. As of today, there are only 43 total vacancies in the Federal court system. That stands in sharp contrast to the treatment Republicans accorded President Clinton's nominees. Indeed, under Republican leadership, from 1995 to the summer of 2001 the number of vacancies in the federal courts rose from 63 to 110. We have now made up that 67 percent increase in vacancies the Republican Senate leadership had engineered between 1995 and 2001, and we have reduced vacancies from the 1995 level by one third, to the lowest vacancy level in 14 years. In spite of the way more than 60 of President Clinton's nominees were defeated by Republicans' objections, Senate Democrats have cooperated in the consideration and confirmation of 180 of this President's judicial nominations.

We now have 16 vacancies in the circuit courts. That is the number of vacancies that existed when Republicans took majority control of the Senate in 1995. Unfortunately, through Republican obstruction of moderate nominations by President Clinton, those circuit vacancies more than doubled, rising to 33 by the time Democrats resumed Senate leadership in the summer of 2001. We steadily reduced circuit vacancies over the 17 months that Senate Democrats were in charge. Even though since 2001 an additional 15 circuit vacancies have arisen, we have done what Republicans refused to do when President Clinton was in the White House by not only keeping up with attrition but actually working to reduce vacancies. We have now reduced circuit vacancies to the lowest level since before Republican Senate leadership irresponsibly doubled those vacancies in the years 1995 through 2001.

We should recognize the progress we have made. I certainly recognize the entirely different approach to judicial nominations Republicans have taken with a Republican President's nominations in contrast to their systematic obstruction of Senate action on President Clinton's judicial nominations. I would hope that we will be able to find ways to work together without too much more delay to consider the Hispanic nominees to the federal bench who Democrats are supporting.

I congratulate Ms. Herrera and her family on her confirmation today.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Judith C. Herrera, of New Mexico, to be United States District Judge for the District of New Mexico?

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 110 Ex.]

YEAS—93

Akaka	Domenici	Lott
Alexander	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Murkowski
Bingaman	Feinstein	Murray
Bond	Fitzgerald	Nelson (FL)
Boxer	Frist	Nelson (NE)
Breaux	Graham (FL)	Nickles
Brownback	Graham (SC)	Pryor
Bunning	Grassley	Reed
Burns	Gregg	Reid
Byrd	Hagel	Roberts
Cantwell	Harkin	Rockefeller
Carper	Hatch	Santorum
Chafee	Hollings	Sarbanes
Chambliss	Hutchison	Schumer
Clinton	Inhofe	Sessions
Cochran	Inouye	Shelby
Coleman	Jeffords	Smith
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Cornyn	Kohl	Stabenow
Craig	Kyl	Stevens
Crapo	Landrieu	Sununu
Daschle	Lautenberg	Talent
Dayton	Leahy	Thomas
DeWine	Levin	Voinovich
Dodd	Lieberman	Warner
Dole	Lincoln	Wyden

NOT VOTING—7

Baucus	Corzine	Miller
Biden	Edwards	
Campbell	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3263

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from California, Mrs. FEINSTEIN, the Senator from Rhode Island, Mr. REED, the Senator from New Jersey, Mr. LAUTENBERG, and the Senator from Wisconsin, Mr. FEINGOLD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mrs. FEINSTEIN, Mr. REED, Mr. LAUTENBERG, and Mr. FEINGOLD, proposes an amendment numbered 3263.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the Robust Nuclear Earth Penetrator (RNEP))

At the end of subtitle B of title XXXI, add the following:

SEC. 3122. PROHIBITION ON USE OF FUNDS FOR NEW NUCLEAR WEAPONS DEVELOPMENT UNDER STOCKPILE SERVICES ADVANCED CONCEPTS INITIATIVE OR FOR ROBUST NUCLEAR EARTH PENETRATOR.

None of the funds authorized to be appropriated by section 3101(a)(1) for the National Nuclear Security Administration for weapons activities may be obligated or expended for the following:

(1) The Stockpile Services Advanced Concepts Initiative for the support of new nuclear weapons development.

(2) The Robust Nuclear Earth Penetrator (RNEP).

Mr. KENNEDY. Mr. President, I see my friend and colleague, who offered this amendment on a previous occasion, in the Chamber. We have worked closely together. Because of the necessities of time, I hope the Chair will recognize her to make remarks, and then I will try to gain recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts. I particularly thank him for being the main sponsor of this amendment.

This amendment is something about which I feel passion, and the reason I do is because the country, of which I am a part, in this bill authorizes the opening of a nuclear door to the development of new nuclear weapons.

One of the things I realized is Americans forget what a nuclear weapon does. Both Senator KENNEDY and I were very young teenagers when the first nuclear bomb was dropped. The first nuclear bomb that was dropped was 15 kilotons, and it was dropped on Hiroshima. This is what Hiroshima looked like when that bomb was dropped.

Let me show you what a 21-kiloton nuclear bomb did, because that was the second bomb that was dropped, and that was on Nagasaki. In the course of a year, between the two cities, 200,000 people died—200,000—many of them in the most horrible of ways from radiation sickness.

Radiation is a major problem whenever you look at a new nuclear weapon—where it can be contained, how it can be contained, and where it cannot be contained.

In this bill, there is authorization for a 100-kiloton nuclear bunker buster. In this bill, there is a request for authorization of $9 million for advanced nuclear weapons concepts which translates into strategic battlefield nuclear weapons under 5 kilotons—battlefield nuclear weapons.

Let me show you the depth to which a bomb has to penetrate to prevent nuclear fallout. If it is two-tenths of a kiloton, it has to go down 70 feet, to 120 feet, and then it throws off 25,000 tons of radioactive fallout.

If it is 1 kiloton, at 80 feet, it throws up 60,000 tons of radioactive fallout and would have to go down to 220 feet not to throw out any radioactive fallout. Five kilotons, if it goes down 320 feet, it will not throw off radioactive fallout, but at 130 feet, it throws out 220,000 tons of radioactive fallout. At 100 kilotons, it would have to go down to 800 to 1,000 feet not to throw off any radioactive fallout.

That is what we are talking about. That is what is authorized in this bill: a nuclear bunker buster of 100 kilotons, and there is no known way to drive a bomb 800 to 1,000 feet into the earth because there is no known casing strong enough to drive that bomb down to that depth.

So I ask the question: Why are we doing this? Why are we spending what over 5 years will be $500 million on this program? And why are we doing it when it is going to encourage the very proliferation everything about us wants to prevent?

We now know through newspaper articles that India may be looking at what is called a boutique nuclear weapon, a battlefield nuclear weapon. We lead the way. We do not want other nations to go ahead and develop this, and this country has the most sophisticated conventional military in the world.

I support this amendment which essentially would eliminate the authorization for the robust nuclear earth penetrator and the advanced nuclear weapon concept.

I want to point out when this administration came into office, they put out a document called the Nuclear Posture Review in 2002. This Nuclear Posture Review, according to press reports, actually stated the United States would countenance a first use of nuclear weapons in certain circumstances.

This document named seven countries against whom we would consider launching a nuclear first strike. Those seven countries as listed in 2002 were North Korea, Iraq, Iran, Syria, Libya, China, and Russia. It also proposed a new triad in which nuclear and conventional weapons coexist along the same continuum. This effectively blurs the distinction between nuclear and conventional weapons and suggests that they could be used as an offensive weapon.

In addition, the Nuclear Posture Review said we need to develop new types of weapons so we can use them in a wider variety of circumstances and against a wider range of targets, such as hard and deeply buried targets, or to defeat chemical or biological agents.

I have now asked Secretary Rumsfeld, as a member of the Defense Appropriations Committee 2 years running, about this. The first year he said this is just a study; that is all. This year a week ago when I asked him, he said clearly, with the amount of underground activity that exists in the world, and it is pervasive in country after country that people have tunneled underground—North Korea is a perfect example; certainly Iran is—we have found this in country after country, and the question is, If that is a problem, what might be done about it. Your first choice would be to find some obviously conventional way to do it. They have looked and looked and looked, and this additional way is at least, in my view, worth studying.

In addition, the Congressional Research Service says the fiscal year 2005 budget request seems to cast serious doubt on the assertions that the Robust Nuclear Earth Penetrator is only a study because budget projections over the next 5 years is nearly $500 million for this program. So it is more than a study. It is a real program that is underway. I think it is a huge mistake.

I indicated that there is no way today to sink a nuclear weapon deeply enough into the earth to prevent radioactive fallout. Let me show what that fallout would do. This is the predicted radioactive fallout from a 300-kiloton explosion in west Pyongyang, North Korea, using historical weather data for the month of May. We see what the fallout would be. This makes no sense. We are not going to use a weapon either on a battlefield or as a bunker buster that spews out radioactive nuclear fallout. Why reopen the nuclear door? Why have other nations look at America and say, America is going to do this; maybe we should do it? India, Pakistan, historic enemies, both nuclear capable countries, rumors are that one now is going to develop a tactical battlefield nuclear weapon. They see us doing it; therefore, it is all right for them to do it.

According to press reports, in a Nuclear Posture Review, one of the countries we might consider a first use, North Korea. We then find North Korea breaks the agreed formula. North Korea is producing a nuclear capability. It makes no sense for the strongest military on Earth, the most sophisticated conventional military on Earth, to say, once again, we must reopen the nuclear door, and we must begin a new generation of nuclear weapons.

The people of California do not want this. I do not think the people of any State want that. So I believe very strongly in this amendment. I hope to discuss it more on Tuesday. I will do everything in my power to fight every way I can the reopening of this nuclear door.

The Robust Nuclear Earth Penetrator, and Advanced Concepts Initiative are only part of a movement to expand the development of new nuclear

weapons. There are also plans to develop a modern pit facility, and that modern pit facility would provide the capacity to create up to 450 more plutonium pits per year. The plutonium pit is the shell which is effectively the trigger of a nuclear device which compresses and therefore detonates. That is not necessary to maintain the current nuclear numbers that we have. It is only necessary if you are going to build new nuclear. In addition, last year the Administration urged Congress to eliminate the Spratt-Furse provision which for the past 10 years provided that there could be no research, no development, no study of low-yield nuclear weapons.

So the evidence is there that this administration is proceeding along the lines to reopen the nuclear door to develop a new generation of nuclear weapons while at the same time preaching to the world, thou shalt not; we are opposed to nuclear proliferation. Yet we are willing to open that door and proliferate ourselves.

In my view, this is hypocrisy. In my view, this is not good public policy. In my view, this is immoral and unethical.

I represent a constituency that does not think we need a new generation of nuclear weapons. So this amendment would remove that authorization from the Defense authorization bill, and I stand in support of it.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Arizona.

Mr. KYL. Mr. President, I rise in opposition to the amendment and would like to first reflect on some remarks that would have been presented by the chairman of the Armed Services Committee, Senator WARNER, were he able to be here. Then I will make a couple of comments on my own as well.

He points out that for the past 2 years, the Department of Energy has requested funding or legislation for several nuclear-weapons-related activities, including a feasibility study on the robust nuclear earth penetrator and the advanced concepts initiative.

These requests generated significant debate in the Congress, both last year and in the previous year. Last year, Congress decided to authorize research and the feasibility studies on advanced concepts and the robust nuclear earth penetrator, while ensuring that the Congress has the final say on whether more advanced development activities may proceed in the future.

So it is strictly up to Congress as to whether we would authorize anything in the future, and that has nothing to do with the bill that is before us today.

Specifically, the National Defense Authorization Act for fiscal year 2004 prohibits the Department of Energy from proceeding to the engineering/development, production or deployment phases of the robust nuclear earth penetrator, or a low-yield nuclear weapon, unless specifically authorized by Congress.

This is a prudent way to handle a very sensitive issue, which is deserving of the Congress's most careful oversight. I believe we struck a proper balance which will allow our weapons scientists, engineers, and technicians to conduct necessary research and studies to ensure that they maintain the ability to respond to any future military requirements from the Department of Defense.

We know rogue nations are increasingly developing hardened and deeply buried targets where they can conduct command, control, and communications operations, operate laboratories to produce and store weapons of mass destruction, and engage in other activities.

Pursuant to military requirements from the Department of Defense to address hardened and deeply buried targets, the National Nuclear Security Administration is doing a feasibility study to determine whether an existing nuclear weapon can be modified so that it can destroy these hardened targets—I repeat, an existing nuclear weapon, not a new nuclear weapon. The feasibility study is also trying to determine what collateral damage would result in such an event.

The need for validating this capability is well documented over several preceding administrations. Increased urgency to develop a capability to destroy hardened and deeply buried targets, both conventional and nuclear, was identified in the Quadrennial Defense Review, also in the Nuclear Posture Review, and the Hard and Deeply Buried Target Capstone Report and the HDBT report to the Congress. Advanced penetrators armed with conventional warheads have a very limited capability. They can only address relatively shallow targets whose location is known precisely.

I would parenthetically note that we also have photographs at the very beginning of the gulf war where we thought we had identified the location of Saddam Hussein. Very precise weaponry was deployed to try to penetrate the bunkers and facilities in which we thought the command and control was located. You remember the photographs of the concrete, layer upon layer upon layer, and hardened steel intermeshed with that concrete, none of which, of course, was penetrated enough to destroy the target we wanted to destroy. Only nuclear weapons can address the deeply buried targets that are protected by manmade or even hard geology. Our current nuclear penetrator, the B6–111, is only capable of penetrating a few feet of frozen soil and is incapable of attacking successfully a growing number of these hardened targets.

The feasibility study on the Robust Nuclear Earth Penetrator is focused on technical issues related to adapting an existing nuclear weapon to meet a spectrum of nuclear requirements for hardened and deeply buried targets, including survival through impact and penetration of hard geology. While the feasibility study on the Robust Nuclear Earth Penetrator will allow the Department of Energy to determine if the capability of destroying the HDBTs is possible, the current authorization will not result in a new or modified nuclear weapon.

Again I want to emphasize that the National Defense Authorization Act for the fiscal year 2004 included a provision requiring a specific authorization from the Congress before the Secretary of Energy can proceed to the engineering/development phase or subsequent phase of a Robust Nuclear Earth Penetrator or a low-yield nuclear weapon.

I support the National Nuclear Security Administration's ability to continue the feasibility study and the Advanced Concepts Initiative, and I urge my colleagues to oppose the amendment, which is, if anything, premature because of the points I have just made.

I will note in closing that it is possible to show photographs of a flattened Tokyo during World War II that was not bombed with a nuclear weapon or a burned-out Dresden, Germany. It is possible to show a lot of destruction in war caused by either nuclear or conventional weapons. But that is not what we are talking about nor are we talking about opening the nuclear door, as was mentioned. No new nuclear weapon is envisioned here. What we are talking about, again, is a feasibility study to use something we already have to destroy a target.

I would answer the question, Why would we want to do this? There are a lot of intelligence reports we cannot get into on the Senate floor that discuss the propensity for potential enemies of the United States to deeply bury what they don't want us to be able to destroy—whether it be weapons of mass destruction, production or storage or launch capability facilities or command and control or other kinds of targets we may need to deal with in a time of war. Why would we want to deny ourselves the ability to destroy those kinds of targets?

The point was mentioned that Secretary Rumsfeld testified. What did he testify to? That this was worth studying. He never said we were proceeding, because the law would prohibit that. That is all he said, that this is worth studying. Indeed it is.

Why does the 5-year budget requirement carry out a larger sum of money? Simply because that is what we require. We say to the DOE: Even though you have a 1-year number here, what would it look like if you proceeded 5 years out? And they have to tell us. But that is a hypothetical number because we have not authorized anything beyond the number we are talking about here.

The final point. Once we start talking about nuclear weaponry, a lot of very extraneous arguments get brought into the picture. I suggest we not go down that road because it is not necessary. It has nothing to do with this debate.

One of the arguments is, why would we want to begin testing nuclear weapons when we are trying to convince these other countries such as Pakistan and India, and so on, not to do so? I remind my colleagues that long after the United States imposed a moratorium on all nuclear testing, it was not just India or Pakistan but the North Koreans who were trying to develop a weapon. The French and the Chinese tested weapons after our moratorium was declared. So it is fallacious to say if only we would forego any testing of any kind, then the other countries would forego it as well. History shows that is a fallacious argument.

My point is let's not get into the scary discussion of reopening the nuclear window with an amendment that would prohibit us from continuing to study something that all of our defense people say we need to continue to study, and that is whether an existing weapon could be used to destroy a target we may need to destroy at some time in the future. As long as Congress has the ultimate say as to whether we would proceed with the development or deployment of the weapon—and we have not done that—it is absolutely not necessary for us to adopt an amendment such as this that would cripple us from even looking into the subject. That would be a Luddite position for a country like the United States with all of the responsibilities we have to take.

I urge my colleagues to vote against this amendment when we have the opportunity to do so.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the opportunity to join with my colleague and friend, the Senator from California, offering this amendment with my other colleagues.

Just to summarize very briefly, the development of these nuclear weapons signals a dangerous direction in our nuclear policy. It weakens our ability to ask other countries to give up their nuclear programs. If we build these nuclear weapons, the costs are clear. No one will believe we are serious about nuclear nonproliferation. Developing new nuclear weapons sends a mixed message that undermines all of our calls for nonproliferation. When we criticize Iran and North Korea for their nuclear weapons development, they point back to ours.

There is little doubt that we would be starting a new arms race. Although it is too soon to tell who will follow suit, few developments in the quantity or quality of nuclear weapons have gone unmatched by other powers. To start a costly new arms race for these weapons of little utility is, I believe, a mistake.

At the same time, the benefits are not clear. Opponents will just build deeper bunkers, out of the range of new weapons. We will build weapons with deeper range and our enemies will again build deeper bunkers.

But even more compelling is the fact that conventional weapons will do the job against deeply buried targets. All bunkers must have air intakes, energy sources, and entries; and secure those through conventional means and you have essentially secured the bunker, making these new nuclear weapons programs effectively useless.

In the end, the Department of Energy would like us to buy something that we do not need, that we will never use, that endangers us by its mere existence, and that makes our important diplomatic goals much more difficult to achieve.

I hope we will have the acceptance of our amendment.

Mr. President, having outlined what I believe to be the principal reasons for the amendment, I am going to take a few moments to go into some detail now about what is at risk.

As I mentioned, we are on the threshold of a new nuclear arms race. Instead of curbing the spread and the development of nuclear arms, the Bush administration wants us to build a new generation of nuclear weapons. I believe this is a dangerous and reckless policy that will put Americans at even greater risk in an increasingly dangerous world.

The nuclear weapons the administration is developing go by such terms as ''mini-nukes'' and ''bunker busters.'' They may not possess the yield of the nuclear warheads of the cold war era, but a mushroom cloud is still a mushroom cloud. They can still cause monumental destruction, massive casualties, and long-term environmental damage to entire regions of the world. They will encourage other countries to follow our example and produce a new generation of nuclear weapons of their own. Their existence makes it even more likely that nuclear weapons could fall into the hands of terrorists.

On issue after issue, the Bush administration has arrogantly abandoned cooperation of the allies in favor of ''my way or the highway'' policies that alienate us from the world, from its rejection of the Kyoto Treaty against global warming to misguided occupation of Iraq. This administration's policies have made the world more dangerous for Americans, and the development of a new generation of nuclear arms is another such policy. These nuclear weapons programs must be stopped.

The administration requested a total of $34.2 million for the development of these new nuclear weapons. Our amendment would stop this money from going toward these new nuclear weapons and would direct the money toward other priorities such as increasing the safety of our existing stockpile, or environmental cleanup of nuclear materials.

The administration's funding request for these programs is a continuation of the dangerous new direction this administration is taking in our nuclear weapons policy.

The administration's Nuclear Posture Review acknowledged this, stating it ''puts in motion a major change in our approach to the role of nuclear''—this is in the Nuclear Posture Review, 8 January 2002. Building on the QDR—the overall review of our defense capability—the Nuclear Posture Review ''puts in motion a major change in our approach to the role of nuclear offensive forces in our deterrent strategy and presents the blueprint for transforming our strategic posture.''

Why? Because the administration intends to go ahead not only in the research but in the development of these weapons systems. We will hear from the other side: ''Oh, no, we aren't, Senator.'' All you have to do is look in the legislation itself. There it is on page 378—the limitation of availability of funds for advanced nuclear weapons concept limitation. Under the funds authorized to be appropriated this year, they may be obligated or expended for the purpose of additional or exploratory studies under an advanced nuclear weapons concept initiative until 30 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees a detailed report on the activities for such studies on the initiatives that are planned for 2005.

There it is. Is that what the administration and is that what the Senate is relying on to say they are going to have to come back here for another action in terms of the development and the testing of nuclear weapons?

Look at what the language says—until 30 days after the date on which a report goes to the committee. They can go ahead.

Let us see what they are intending. This is a pass. Those who rely on that language said, ''Senator KENNEDY, Senator FEINSTEIN, we have effectively addressed your needs.'' They cannot go ahead in terms of development or testing because we have language in there to prohibit it.

That is not accurate. That is not accurate. I have read the operative language in the Defense authorization bill for this year's funding. They can do anything they want after they give notification. That isn't any prohibition for this year.

We can ask, What do they mean? What do they intend?

Let us look at what Linton Brooks, Administrator of the National Nuclear Security Administration, says. He is the top person on nuclear weapons. He says on December 5, 2003: ''On behalf of the administration, I would like to thank you''—

This was a memoranda to the directors of some of the laboratories. I will include the page in the RECORD.

''On behalf of the administration, I would like to thank you and your staff for helping us to support this important effort. We are now free to explore a range of technical options.''

This is after Congress repealed the amendment which prohibited mini-

nukes. That was in the law. And the last Congress repealed that action. Here is the head of the National Nuclear Security Administration:

''We are now free to explore a range of technical options. We should not fail to take advantage of this opportunity.''

Look what else Linton Brooks said:

''I have a bias in favor of things that might be usable. I think that's just an inherent part of deterrence. If it is usable, they can be developed, and we ought to use it.''

You can ask, How do we know the administration is serious in pursuing the bunker buster? How do we know that? All we have to do is look at the 5-year budget the administration has submitted.

As it moves on through in the development of the bunker buster, you will find as it increases—it has a total appropriations for this whole project of some $484 million over the next 5 years. For studies? For technical research? That is for the robust nuclear penetrator. Research is $484 million and $82 million for the small nuke. If you look in their budget, that is what it has.

Look in the details of what they expect each year. And when you come to 2007, you will find it is planning development in 2007. It has the technical language.

If I am wrong, I hope those on the other side will correct me. If this language does not mean development, correct me. If applicable, RNEP will move to level 6.3 authority, given the appropriate authorization—that means effectively the development in 2007 and the testing in 2009. It is in the 5-year program. This is what they are intending to do. That is why this amendment is so important.

It is very clear what the intention of the budget proposal is from the statement of the key administration officials who are dealing with the development of nuclear weapons and by the statement of the Nuclear Posture Review in and of itself. That is the direction we are going.

We believe we should say we are not going to go in this direction. We do not want to have another nuclear arms race.

One of the great successes of Democratic and Republican Presidents over the period since the end of World War II was being able to contain the nuclear arms race. We came dangerously close during the Cuban missile crisis of a nuclear exchange. But we have been able to avoid it, and we have seen progress made with the different arms control agreements which have been signed and supported by Republicans and Democrats alike.

Why in the world, when we are trying to contain the nuclear capability of North Korea and Iran, are we going out and beginning to have another nuclear arms race when we have the most feared military in the world right now? That is the argument that must be addressed on the other side to those who want to support this particular program.

Development of these nuclear weapons is part of that ill-advised transformation. It returns us to the dangerous dynamics of the world when our nuclear scientists competed with our rivals to develop the latest technology, our arsenals were on highest alert, and we were only minutes away from nuclear attack.

The administration's nuclear posture review directs the Department of Defense to look into the possible modification to existing weapons to provide additional yield flexibility in the stockpile and improve the earth-penetrating weapons to counter the increased use of potential adversaries of hardened and deeply buried facilities, referring to the bunker buster. In addition, the nation's nuclear weapons laboratories were to look into the weapons that reduce collateral damage, the so-called mini-nukes.

Last year, the House Energy and Water Subcommittee raised serious concerns about our Nation's nuclear weapons program. They had extensive hearings on this. The Department of Energy is proposing, and this is their conclusion of the House committee report:

> The Department [of Energy] is proposing to rebuild, restart, and redo and otherwise exercise every capability that was used over the last forty years of the Cold War and at the same time prepare for a future with an expanded mission for nuclear weapons.

That is what the Republican House committee concluded, after extensive hearings on this particular issue. The House Energy and Water Subcommittee thought the pursuit of a broad range of new initiatives was premature until the Department of Energy could demonstrate that it could adequately care for the nuclear weapons we already have, which makes sense.

The committee cut the funding for the mini-nukes program, refusing to ''support redirecting the management resources and attention to a series of new initiatives.''

Chairman HOBSON's criticisms ring just as true today. Our amendment would similarly cut the funding for new nuclear weapons programs.

The President's budget for fiscal year 2005 contains $9 million for the Advanced Concepts Initiative, which funds research into the programs. This is an increase of 50 percent from last year's level of $6 million.

The low-yield nuclear weapons are nuclear weapons with a yield up to 5 kilotons. But these mininukes are very deadly. A 5-kiloton bomb is half the size of the bomb we dropped on Hiroshima, capable of killing hundreds of thousands of people and making the target radioactive for decades to come.

Based on questions about their battlefield utility, Congress banned the research and development of these weapons for over 10 years. As Chairman of the Joint Chiefs of Staff during the first gulf war, Colin Powell asked for a review of options for using tactical nuclear weapons on the battlefield. He rejected all of them. Colin Powell rejected all of them because he concluded they have no usefulness on the battlefield.

Unfortunately, last year, at the administration's request, Congress repealed the ban and allowed research into these weapons to go forward. I disagreed with that action and joined with my colleague from California in an amendment to retain the ban. Many supported repealing the ban because they believed the administration would not field these new weapons. This is simply not true.

The administrator's nuclear weapons chief, Linton Brooks, says, as I mentioned: ''I have a bias in favor of the lowest useable yield because I have a bias in favor of . . . things that might be useable.''

That is a clear intention of what a leading person for the administration believes and feels about the usability of small nuclear weapons.

The administration wants these weapons because it believes our existing nuclear weapons are too large to be used. It wants to develop a generation of more useable nuclear weapons. In creating a more useable nuclear weapon, the administration is making it more likely that the United States would use such a weapon, increasing the risks of escalation and nuclear war.

This chart shows a detonation outside of Damascus. This would be a 5-kiloton bomb that was detonated in a hypothetical bunker in the Middle East, in Damascus, on a typical day. Over half a million people would be wounded or killed from such explosion, and the fallout pattern would extend from Damascus into the Mediterranean Sea. The detonation of even a 1-kiloton nuclear weapon at a depth of less than 50 feet will create a crater larger than the World Trade Center and spew a million cubic feet of radioactive dust into the atmosphere.

According to Michael May, the former Director of Lawrence Livermore Nuclear Laboratory, one of our premier research labs, ''Scientists say even a low-yield nuclear strike on a bio-warfare storage bunker will dig a large, hot crater and blast a witches's brew of weaponized germs and radioactive fallout into the air.''

This next chart gives some idea about what that might look like. We can realize the size of the hole only if we can see the observation post that allegedly can hold 20 people. They are right on the edge of that very substantial crater for the 1-kiloton bomb, with the thousands of tons of radioactive material which comes from that.

For those who argue that the advanced weapons concepts program is necessary to preserve the intellectual base of nuclear weapons scientists, one

of the prime reasons being recommended before our committee is because we want to keep occupied our nuclear scientists so they will be energized in their work.

This amendment would not stifle their ability to study nuclear weapons. There is plenty of work to be done on stockpile security, on the nuclear weapons capability of other nations. This amendment would leave the money available for research in the nuclear weapons field but would prevent it from being spent on nuclear weapons research.

The robust nuclear earth-penetrator, the so-called bunker buster, is a nuclear weapon that will burrow into the ground 10 to 50 feet before detonating. The administration is currently studying the feasibility of putting existing nuclear weapons with yields up to 300 kilotons into an earth-penetrating casing. The bunker buster is designed to strike deeply buried, hardened bunkers, which could be fortified below 100 to 300 feet of concrete.

Earth-penetrating weapons would spray millions of tons of radioactive waste into the atmosphere, creating a plume of deadly fallout, according to nuclear physicists.

Robert Peurifoy, the retired vice president of Sandia National Laboratories, another premier nuclear weapons laboratory, had this to say:

''If you can find somebody in a uniform in the Defense Department who can talk about the need for nuclear bunker busters without laughing, I'll buy him a cup of coffee. It's outlandish. It's stupid. It is an effort to maintain a payroll at the weapons labs.''

Opponents will argue that we are simply funding a study, that there is no intent to go any further. But last year Fred Celec, former Deputy Assistant Secretary of Defense for Nuclear Matters in the Bush administration, was asked about these bunker busters and he stated that if a hydrogen bomb can be successfully designed to survive a crash through hard rock or concrete and still explode, ''it will ultimately get fielded.''

In May 2003, Secretary Rumsfeld said the bunker buster ''is a study. It is nothing more and nothing less.'' This study was planned to cost $15 million for fiscal years 2003 to 2005. In fiscal year 2004, based on concerns about the program, Congress cut the appropriations to $7.5 million. But this year, the President's fiscal year 2005 budget request challenged that and the administration requested $27.6 million for the study and revealed that it planned to spend $485 million over the next 5 years.

Surely an investment of that magnitude is not just a study but a quantum leap towards deployment of this dangerous weapon. In fact, in that plan the administration stated its intent to move in a development stage.

Whatever their size, current deployed nuclear weapons must be detonated close to the ground in order to kill chemical or biological agents, creating a great deal of nuclear fallout. If the detonation is underground, all the debris becomes radioactive and disperses through the air. Fallout can be reduced by detonating the weapons at a higher altitude, but that reduces their effectiveness against chemical or biological weapons.

Bunker busters require pinpoint accuracy to hit deeply buried, hardened bunkers that may contain chemical or biological weapons. They require precise intelligence on the location of the target because even an enhanced radiation weapon has a very short range of effectiveness to neutralize a biological agent. If the bomb is even slightly off target, the detonation may cause the spread of chemical bioagents in addition to the radioactive fallout instead of vaporizing the agent.

In fact, the administration's own Nuclear Posture Review acknowledges that ''significant capability shortfalls currently exist in: finding and tracking mobile relocatable targets and WMD sites'' as well as ''locating, identifying, and characterizing hard and deeply buried targets.''

Given our current failure to locate WMD in Iraq, do we have sufficient confidence to drop a nuclear bomb on a suspected hardened, deeply buried bunker? According to noted Stanford physicist Sidney Drell, the blast effects of such a weapon ''extend beyond the area of very high temperatures and radiation they create for destroying such agents.'' The consequences of using such a weapon extend far beyond the limited area of a suspected bunker.

In the months leading up to the war in Iraq, the administration refused to rule out—isn't this interesting—in the months leading up to the war in Iraq, the administration refused to rule out the use of nuclear weapons. If we had mininukes last spring, would we have used them against suspected chemical or biological bunkers, bunkers which turned out not to have existed?

Using a low-yield nuclear weapon against a suspected bunker around Baghdad could have killed a half a million people or more. Imagine the geometric increase in the resentment of the Iraqi people to our occupation, what it would have been had we done so.

Couple the administration's interest in these weapons with its newly declared preventive war doctrine and we face the potential of a nuclear first strike against a nonnuclear nation. This would violate our obligations under the Nuclear Nonproliferation Treaty. Use of a nuclear weapon against a country preemptively would instantly transform America from the great beacon of hope in the world to a pariah.

So, as I mentioned, the development of these new weapons signals a dangerous direction in our nuclear policy. It weakens our ability to ask other countries to give up their nuclear programs. And the costs are clear. No one will believe we are serious about nuclear nonproliferation. Developing the new nuclear weapon sends a mixed message that undermines all of our calls for nonproliferation. When we criticize Iran and North Korea for their nuclear weapons development, they point back to ours. There is little doubt that we would be starting a new arms race. Though it is too soon to tell who will follow suit, few developments in the quantity or quality of nuclear weapons have gone unmatched by other powers. To start an arms race with these weapons of little utility is a mistake.

Opponents, as mentioned, will just build deeper bunkers, but even more compelling is the fact that conventional weapons will do the job against deeply buried targets. We have not heard on the Armed Services Committee testimony that we do not have the capacity or capability to deal with the deep bunkers with conventional weapons today. I will wait for those who are opposed to this amendment to justify that position.

So this is a matter of enormous importance and consequence. The materials I mentioned are here on my desk. It is quite clear the direction this administration is intending to go. It is clear not only from the statements of those who have the prime responsibility for the development of nuclear weapons, it is clear in their statement for their 5-year proposal. You cannot read that proposal and not see where they are looking for development and testing. It is all out there for everyone to see.

For those to suggest on the floor of the Senate that under the existing Defense authorization bill we have effectively prohibited that kind of conduct in terms of the testing and the development defies the language I have read previously. The only hindrance would be the fact that the Department of Defense is required to send studies here to the appropriate Defense committees and then, after 30 days, is free this year to take whatever action they want. That is not the way for us to move into another nuclear arms race. That is what this amendment is meant to address. That is why I hope it will be accepted.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, let me compliment the Senator from Massachusetts. I fully intend to support this amendment. I have spoken about this issue on the Senate floor previously. It is in my judgment that job one for this country is to attempt to stop the spread of nuclear weapons around the rest of the world, to prevent the proliferation of nuclear weapons, to make certain the nuclear weapons that do exist are protected and safeguarded, and then for this country to lead in this world to try to reduce the stockpile of nuclear weapons.

But for this country to be talking about building new nuclear weapons,

earth-penetrating, bunker-buster nuclear weapons or low-yield nuclear weapons, and have people in this administration talk about nuclear weapons as if they are just another weapon to be used in a war—drop a nuke on a cave someplace; just another weapon, that is what they are talking about—that this country should be wanting to build more, it is absurd.

There are roughly 30,000 nuclear weapons on this Earth. The stealing of one of those weapons or the acquisition of one by terrorist groups would cause an apoplectic seizure for people who live in the major cities of this country that would be targeted by the detonation of a nuclear weapon.

Our job is not to be talking about building new nuclear weapons. There are plenty of nuclear weapons on this Earth—far too many, in fact. Our job is to be a world leader in stopping the spread of nuclear weapons and to find ways to reduce the stockpile of existing nuclear weapons. That is the way we create a safer world, not talking about building more, not talking about resuming testing, not talking about bunker buster, earth penetrators, low-yield, usable nuclear weapons. That is, in my judgment, reckless talk. I intend to support this amendment.

Mr. President, I am going to be offering an amendment to this Defense authorization bill dealing with the White House plan to use a military aircraft to broadcast Television Marti to the Cuban people. I want to talk about that just for a moment.

It is almost unbelievable. When someone listens to the logic of all of this, they would say: Are you nuts? Is no one thinking at all about this?

Cuba, as we know, is a Communist government, run by Fidel Castro. He, I think, has lived now through 10 American Presidencies, with an embargo on the country of Cuba through 40-some years.

So we want to convince the Cubans that Fidel Castro is a bad deal for them. Well, I have been to Cuba. I do not think they need much convincing. They understand. They do not live in a free country. They understand that they live under the yoke of a Communist government. They would love to come to this country. If we had no immigration laws and Castro let them go, we would have an exodus to this country. So they do not need a great deal of convincing. But, nonetheless, we spend a lot of money on Television and Radio Marti.

So Radio Marti actually gets into Cuba, and people listen to it. I have been to Cuba. The dissidents and others in Cuba indicated that Radio Marti is effective, although they can also pick up the radio stations from Miami easily. All those commercial stations are available to be listened to by the folks in Cuba.

I support Radio Marti. It is fine with me. It gets into the Cuban broadcast range, the Cuban people listen to it, and I have been told by the Cubans in Cuba that it is effective. But TV Marti, broadcasting television signals into Cuba, let me talk about that for a moment.

All those television signals are blocked so the Cuban people can't see it. We broadcast it. I want to show you what we have been doing with the taxpayers' money. This is a picture of something called Fat Albert. It is a tethered dirigible or balloon that goes up, and using Fat Albert we send television signals at Cuba. Traditionally, we have done it from 3 until 7 in the morning. We broadcast 4 hours a day through Fat Albert. The Cuban Government blocks the signal. So we spend the money for nothing. We have a balloon-enhanced signal to Cuba and nobody can see the image.

In fact, here is how the television screen in Cuba looks. As you see, it is a scrambled screen. There is no TV picture.

The President announced recently that he is going to get much more aggressive on TV Marti. One would think if what we are doing is a colossal, tragic, complete, thorough waste of taxpayers' funds, you would stop it. No, not us, not now, not with Cuba. We want to spend more money. The President says it doesn't matter that they can't see it. It doesn't matter that it doesn't work. What we want to do is phase out these balloons because they are old. What we want to do is take an EC–130 special operations aircraft, under the control of the Department of Defense, and use it to transmit TV Marti broadcasts to Cuba. The broadcasts may well still be jammed, and the Cuban people still won't be able to see them. But the President and the White House are talking about $18 million to be able to send these television messages into Cuba that the Cubans can't see.

We have spent $180 million on TV Marti since 1989, $180 million on broadcast signals the Cubans haven't seen. One wonders if there is any depth to which foolishness will move in this Chamber, if we continue to do this. Is there anything that is beyond the pale? We just want to keep doing this? In fact, we want to get rid of the balloon, and we can put this aircraft up, run by a military special operations unit.

There are only six of these aircraft in the world. They are extraordinarily valuable in the Middle East. We have used these airplanes to great value in the Middle East. They broadcast important messages to support U.S. military operations in places like Afghanistan and Iraq. But they will not be used to great value in Cuba.

So if something doesn't work, the President and the White House announce we want to do more of it, and do it with more sophisticated equipment.

We want to divert this aircraft from missions in war theaters—Afghanistan, Iraq—and see if it can replace Fat Albert; put it up in the air and push television signals out the carcass of this airplane that the Cuban people probably cannot see or receive.

It is unbelievable to me that the White House is pushing this nonsense. I am going to offer an amendment that will say we will prohibit the use of EC–130 special operations aircraft and other aircraft for transmission of TV Marti broadcasts to Cuba or radio broadcasts to Cuba. We already get the radio broadcasts in. We don't need to do it with special operations aircraft. Having a special operations aircraft available probably will not get TV signals in effectively.

My point is, why waste the money? We were told yesterday that we are short of money for DOD. We were told we should have a $25 billion reserve fund. This Congress voted for it without a dissenting vote. Why? Because we are short of money. We need it, so the Congress provided it. Do we want to use scarce resources for flying a special ops airplane, of which there are only six in the entire world, so that we can send signals that will be jammed by Fidel Castro?

I don't have any use for Fidel Castro. I want the Cuban people to be free. But I want the American people to be free from this nonsense. These are taxpayers' moneys that come from the pocketbooks of the American people, and they ought not be wasted. This is a tragic waste of the taxpayers' money.

While I am at it, let me make one more point. We have folks who are in the Treasury Department in an organization called OFAC, Office of Foreign Assets Control. Their job is to track terrorist funds, the funds that support terrorists groups. Down at the Office of Foreign Assets Control, they have 21 people tracking American tourists who travel to Cuba. And they have fewer than four who are tracking assets that are supporting Osama bin Laden. That is unbelievable to me.

Recently I brought a picture of a woman named Joanie Scott to the Senate floor, a wonderful young woman who came to see me. She went to Cuba to distribute free Bibles. But she found out those fearless warriors in OFAC were not tracking Osama bin Laden. They were tracking Joanie Scott who was distributing free Bibles to the people of Cuba and slapping her with a $10,000 civil fine.

And it is not just Joanie Scott. It is a whole series of others, such as a man whose father died, and his last wish was that his ashes be buried at the church in which he ministered in Cuba. His son takes them there, and OFAC, instead of tracking Osama bin Laden's funding, is going after this guy with a civil fine for taking his dead father's ashes to bury them in Cuba. That is the kind of nonsense that is going on. It has nothing to do with sound public policy. It has everything to do with politics in Florida. This administration is playing it like a violin.

The fact is, this ought to stop. I will support the Defense authorization bill, but I hope my colleagues will agree

with me that diverting money from the Defense Department to put up a special operations EC–130 to broadcast television signals to the Cuban people who probably won't be able to see it is a waste of taxpayers' money, and it ought to stop.

REGULATORY AGENCIES

Mr. DORGAN. Mr. President, I read in the paper a story that reminded me that we have some real problems with respect to regulatory agencies these days. I happen to think there is a significant role for effective regulation in government, especially in areas where you have monopolies or the potential of abuse of consumers and citizens. That is why you have regulatory authorities, and there is a requirement for them to regulate effectively.

I noticed in the paper that ''SEC Seeks Psychologist to Boost Morale.'' It says:

Some former SEC officials find the idea of an SEC psychologist laughable.

This is a full-time position that will pay $147,000 a year, and they want to improve employee attitudes and job satisfaction, reduce burnout, conflict, and stress by hiring a psychologist.

I don't doubt there is plenty of need for psychologists in Washington, DC.

This came on the heels of a report in the newspaper about the Bureau of Indian Affairs sending a number of employees to Tony Robbins' motivational course in Chicago, IL, at a cost of tens of thousands of dollars. At a time when we don't have enough money to fund health care needs for Indian children, to fund Indian tribal colleges, to deal with the social service needs of most of these children on Indian reservations, we are sending people off to the Tony Robbins motivational course in Chicago, spending a small fortune.

As I was thinking about these things, which seemed to me to be a waste of the taxpayers' money, I was thinking about the issue of regulation.

Last evening, I saw the CBS report about what had happened in California with electricity prices. I held hearings and I chaired the subcommittee in Commerce holding hearings on the issue of the fleecing of west coast consumers who were paying prices for electricity that were outrageous a couple of years ago. We subpoenaed Kenneth Lay, former head of Enron. He came in and took the fifth amendment in front of our committee. We had Jeffrey Skilling. He actually testified. He is now under indictment. I was thinking about this issue of regulation, when I read last evening the transcript of Enron employees talking about going ahead and shutting down the electric plant.

That way, you have less supply of electricity out there. You inflate the price and we can maximize profits, manipulate the supply in order to maximize profits. They say: Well, all the money you guys stole from those poor grandmothers. The other guy says: Yes, Grandma Millie, that's Grandma Millie.

They laughed about stealing money from people by manipulating and shutting down electric plants. This all happened while we had the FERC, Federal Energy Regulatory Commission—people who are paid by the taxpayers who are supposed to regulate—sat on their hands; they did their imitation of a potted plant and did absolutely nothing.

One might ask consumers on the west coast about the $5 billion to $10 billion that was stolen from them by manipulating supply and demand and the inflating of prices by cartels, by traders who created schemes named ''get shorty,'' ''fat boy,'' ''death star,'' and ''load shift.''

These are organizations—and there is more than one—that, in my judgment, stole billions of dollars. Yes, there are some indictments, but some are still living in their gated communities and counting that money.

The Federal regulatory agency here, called FERC, did the American public an enormous disservice by deciding their job wasn't to regulate, it was to observe. If a regulatory agency is not going to regulate in cases where you have the stealing of billions of dollars, then we don't need that agency at all. We ought to dissolve it and create one that will work.

Here is another regulatory agency, the Federal Communications Commission. They are not regulating, either. They are content to just observe. They just came up with new rules on broadcast ownership. They said, oh, by the way, it will be all right with us if, in one major city in this country, the same company owns eight radio stations, three television stations, the cable company, and the major newspaper. That will be fine. That is what the FCC said.

You talk about abridging the rights of people in this country. This is a decision that means a handful of people—fewer and fewer people—will decide what the American people see, hear, and read in the future. Hundreds and hundreds of thousands of people wrote to the FCC complaining about the proposed rule. It didn't matter a bit. They went ahead and adopted it anyway. This is not a regulatory agency. At least they are not representing the interests of the American people. It is what the big interests want; let us move in that direction. It is what the big and powerful interests want—that is what we will do. That is true with FERC, with the FCC, the Surface Transportation Board, STB, and the SEC.

The Surface Transportation Board took the place of the Interstate Commerce Commission, the ICC, which I always thought was dead from the neck up. We replaced it with something called the STB. It doesn't matter. They are supposed to look after the railroads and make sure consumers are not cheated.

In North Dakota, we are overpaying rail rates by $100 million. Does the STB care about that? They don't give a whip. They are supposed to regulate and they are content to sit on their hands and observe. I met with them yesterday; same old story.

The Securities and Exchange Commission wants to hire a psychologist because of employee stress. It is interesting to me that the investment banking firms were investigated in this country and reached a settlement because they internally, some of them, were trying to sell stocks to the public that internally they called dogs. They said, we have these stocks that are real dogs, not worth anything, but let's market them to the public. They had sales people trying to sell the stocks that they described as dogs. Do you know who uncovered all that double dealing going on, the basic conflicts of interest? Was it the SEC, the ones that have hundreds of lawyers who are supposed to be doing this? No, the Securities and Exchange Commission, which wants to hire a psychologist because they have such stress on their jobs, didn't do a thing. It was the attorney general of New York State.

How about the scandal with the mutual funds? Was that the SEC, the organization that is so stressed out they want to hire a psychologist for employees? Unfortunately not. They were busy observing. The first Chairman under this administration said it would be a kinder and gentler SEC, we are probusiness. That is the message he wanted to send.

Well, that is certainly true. They have done nothing. It was Elliot Spitzer, the attorney general of New York, who unearthed both of those scandals. So much for the SEC, and so much for job stress for people who don't do anything.

The FDA is supposed to regulate as well. They seem content to represent the pharmaceutical industry. They have spent their time in recent months trying to prevent the Congress from providing for the reimportation of FDA-approved drugs from Canada. Why? Beats me. When the question is asked, whose side are you on, they come down on the side of the pharmaceutical industry, not the consumer.

We are trying to put downward pressure on prescription drug prices. They are in the wrong corner. I don't need to mention much about the FTC. When gas prices are $2.10 or $2.20 a gallon, you would hope to have an agency like the FTC that would be aggressive and active, and that you would see a cloud of dust from an investigating agency trying to find out what is happening. We know some of what is happening. There is a lot of trading and speculation going on, and a great deal of concern that consumers are being taken advantage of. Do we see much activity out of the Federal Trade Commission? Not much going on there, either. It is a great place to nap, apparently.

There is a good reason, it seems to me, for us to start asking: Is there not a requirement for a regulatory authority that regulates? I know this notion

of deregulation is wonderful. But if you deregulate in the face of monopolies, the American people, in my judgment, are going to be injured severely. Ask people in California, Oregon, and Washington, who paid sky-high rates for electricity, about the need for effective regulation. Why did they pay those rates? Because a company such as Enron, and others, I might add, got involved and found ways to cheat. They created schemes, such as ''get shorty,'' ''fat boy,'' ''death star,'' and others, by which they could cheat the ratepayers, the consumers. I think there is a time when you need effective regulation.

Going back to one more point, I mentioned all of these agencies—the SEC, FDA, Federal Communications Commission, Surface Transportation Board, and others. They are all there for a purpose. If they are not serving that purpose, maybe we don't need them at all. It is a purpose, however, that I embrace.

I believe the American people deserve someone who fights for them. When the railroad overcharges somebody, in my judgment, they ought to be able to file a complaint and find due process in a regulatory body that is not on the railroad's side, or that automatically decides for the railroads, but in a way that fairly and effectively deals with those complaints.

When the FCC is looking at what the impact is of the concentration of broadcast properties, I hope they will not come up with the conclusion that it is not a problem for the consumers if one company owns eight radio stations, three television stations, the newspaper, and the cable company in the same town.

I do not know what school you go to learn that sort of nonsense, but that is not the right thing for this country.

Incidentally, on that subject, the Senate agrees with the position I have articulated. We voted on this issue and by a wide margin the Senate voted to overturn the Federal Communications Commission's rules on broadcast ownership, but it is not going anyplace because the leaders in the House of Representatives are blocking that resolution.

My hope is as we proceed through this year and work on appropriations issues we might be able to address some of these issues with regulatory agencies. If we are going to have regulatory agencies—and I think we should in a good many areas; I do not think they need psychologists, they need leadership—they need an administration that says: Your job at the FCC, FDA, FERC, and others is to effectively represent the interests of the American people, and when you have big interests confronting small interests, you need to be the fair referee here, the one that evens the score a bit.

I mentioned many times the refrain in Bob Wills and the Texas Playboys song from the 1930s, but it applies pretty well:

Little bee sucks the blossom and the big bee gets the honey.

The little guy picks the cotton and the big guy gets the money.

With respect to Government, there ought to be a mechanism that provides protection for the smaller interests when confronted by the larger interests that want to take advantage of it. What happened on the west coast should never have happened with respect to electric grids because the Federal Energy Regulatory Commission should have stepped in immediately, but they would not; they did not. The President, in fact, when he took office bragged: There will be no price caps; we won't put any caps on prices because we want the market to work.

The market was not working. There was massive stealing and cheating going on of west coast consumers by some folks who got rich in the Enron Corporation, and others. That is not speculation on my part. We now know this as a function of criminal filings that have been made in these cases. We now know it as a result of tape recordings that were made available only under duress by the U.S. Justice Department in the last couple of days. ''Enron Traders Caught on Tape,'' ''Enron Tapes Anger Lawmakers.''

The American people deserve better. The American people deserve much better than they are getting with these regulatory agencies that decide they do not want to regulate.

I wanted to visit about these regulatory agencies. Some will not like what I have to say. Frankly, I do not like their inattention to the issues facing the American people in a manner that is not fair to many people.

I come back to where I started, the amendment I discussed earlier about prohibiting the use of special operations aircraft to broadcast TV Marti signals into Cuba. My amendment is a prohibition on the use of money for that purpose.

Radio Marti is effective. I have been to Cuba. They hear those signals. It is effective. We have spent nearly $180 million on TV Marti. It has been a tragic waste of the taxpayers' money. Those signals are not able to be seen in Cuba. They are blocked. To appropriate military aircraft for the use of sending signals that will likely still be blocked and not seen by the Cuban people seems folly to me.

I ask unanimous consent that we lay the current amendment aside so I may formally offer the amendment I have described.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Let me ask the Senator from Nevada the status of the legislation in the Senate. It is my intention to offer the amendment. Of course, I will have the opportunity. Is it the intention of the floor managers not to allow amendments the rest of the day?

Mr. REID. Yes, there may come a time when there are six or seven amendments the managers cleared. As far as setting the Kennedy amendment aside, we are not able to do that this afternoon.

Mr. DORGAN. Let me also say—I know the managers of the bill are not here—as an observation, it would make a lot of sense to move amendments. There is always the case of people coming to the floor of the Senate saying: Boy, we don't want any delays; this is taking too long. And yet on a fair number of occasions, when I have come to the floor, there is someone—in this case it is not the Senator from Nevada himself. Well, I guess it is the Senator from Nevada at this point saying someone objects.

I would prefer we offer amendments, get them to the desk, and consider them with votes in due course. If there is a decision or an objection at this point to setting aside the current amendment, which is the course that must be taken, then I will come back, I guess, on—on Monday or Tuesday, will we be open for amendments?

Mr. REID. Monday.

Mr. DORGAN. Then I will come back on Monday and offer the amendment I described and hope it may be seen by the Senate as something that represents an enhancement to this underlying Defense authorization bill.

Mr. President, I yield the floor.

Mr. REID. Mr. President, it is my understanding the distinguished Senator from North Carolina wishes to speak for 20 minutes; is that right?

Mrs. DOLE. Yes.

Mr. REID. Is that in morning business or on this amendment?

Mrs. DOLE. Morning business.

Mr. REID. I ask unanimous consent that the Senator from North Carolina be recognized for 20 minutes.

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

Mr. REID. Following the Senator from North Carolina recognized in morning business, that Senator LAUTENBERG be recognized for 20 minutes to speak as in morning business. It is my understanding we have cleared amendments now.

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

The Senator from North Carolina.

AMENDMENT NOS. 3274, 3275, 3236, 3276, 3233, 3277, AND 3278, EN BLOC

Mrs. DOLE. Mr. President, I have a set of amendments to the Defense bill that have been cleared by both managers. Therefore, I ask unanimous consent that the amendments be considered and agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. These have been cleared by Senator LEVIN. There is no objection.

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

The amendments (Nos. 3274, 3275, 3236, 3276, 3233, 3277, and 3278) were agreed to, en bloc, as follows:

AMENDMENT NO. 3274

(Purpose: To provide for the conveyance of land at the Sunflower Army Ammunition Plant, Kansas)

At the end of subtitle C of title XXVIII, insert the following:

SEC. 2830. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army, in consultation with the Administrator of General Services, may convey to an entity selected by the Board of Commissioners of Johnson County, Kansas (in this section referred to as the ''entity'' and the ''Board'', respectively), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9,065 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to facilitate the re-use of the property for economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the entity shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal of the property acceptable to the Administrator and the Secretary. The Secretary may authorize the entity to carry out, as in-kind consideration, environmental remediation activities for the property conveyed under such subsection.

(2) The Secretary shall deposit any cash received as consideration under this subsection in a special account established pursuant to section 572(b) of title 40, United States Code, to pay for environmental remediation and explosives cleanup of the property conveyed under subsection (a).

(c) CONSTRUCTION WITH PREVIOUS LAND CONVEYANCE AUTHORITY ON SUNFLOWER ARMY AMMUNITION PLANT.—The authority in subsection (a) to make the conveyance described in that subsection is in addition to the authority under section 2823 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2712) to make the conveyance described in that section.

(d) ENVIRONMENTAL REMEDIATION AND EXPLOSIVES CLEANUP.—(1) Notwithstanding any other provision of law, the Secretary may enter into a multi-year cooperative agreement or contract with the entity to undertake environmental remediation and explosives cleanup of the property, and may utilize amounts authorized to be appropriated for the Secretary for purposes of environmental remediation and explosives cleanup under the agreement.

(2) The terms of the cooperative agreement or contract may provide for advance payments on an annual basis or for payments on a performance basis. Payments may be made over a period of time agreed to by the Secretary and the entity or for such time as may be necessary to perform the environmental remediation and explosives cleanup of the property, including any long-term operation and maintenance requirements.

(e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the entity or other persons to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental, and other administrative costs related to the conveyance.

(2) Amounts received under paragraph (1) shall be credited to the appropriation, fund, or account from which the costs were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account, and shall be available for the same purposes, and subject to the same limitations, as the funds with which merged.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey jointly satisfactory to the Secretary and the Administrator.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary and the Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a), and the environmental remediation and explosives cleanup under subsection (d), as the Secretary and the Administrator jointly consider appropriate to protect the interests of the United States.

AMENDMENT NO. 3275

(Purpose: To clarify the protection of military personnel from retaliatory action for communications made through the chain of command)

On page 280, after line 22, insert the following:

SEC. 1068. PROTECTION OF ARMED FORCES PERSONNEL FROM RETALIATORY ACTIONS FOR COMMUNICATIONS MADE THROUGH THE CHAIN OF COMMAND.

(a) PROTECTED COMMUNICATIONS.—Section 1034(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of clause (iii)''; and

(2) by striking clause (iv) and inserting the following:

''(iv) any person or organization in the chain of command; or

''(v) any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to any unfavorable personnel action taken or threatened, and any withholding of or threat to withhold a favorable personnel action, on or after that date.

AMENDMENT NO. 3236

(Purpose: To authorize and improve Operation Hero Miles)

On page 131, between lines 17 and 18, insert the following:

SEC. 653. ACCEPTANCE OF FREQUENT TRAVELER MILES, CREDITS, AND TICKETS TO FACILITATE THE AIR OR SURFACE TRAVEL OF CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

Section 2608 of title 10, United States Code, is amended—

(1) by redesignating subsections (g) through (k) as subsections (h) through (l), respectively; and

(2) by inserting after subsection (f) the following new subsection:

''(g) OPERATION HERO MILES.—(1) The Secretary of Defense may use the authority of subsection (a) to accept the donation of frequent traveler miles, credits, and tickets for air or surface transportation issued by any air carrier or surface carrier that serves the public and that consents to such donation, and under such terms and conditions as the air or surface carrier may specify. The Secretary shall designate a single office in the Department of Defense to carry out this subsection, including the establishment of such rules and procedures as may be necessary to facilitate the acceptance of such frequent traveler miles, credits, and tickets.

''(2) Frequent traveler miles, credits, and tickets accepted under this subsection shall be used only in accordance with the rules established by the air carrier or surface carrier that is the source of the miles, credits, or tickets and shall be used only for the following purposes:

''(A) To facilitate the travel of a member of the armed forces who—

''(i) is deployed on active duty outside the United States away from the permanent duty station of the member in support of a contingency operation; and

''(ii) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member.

''(B) In the case of a member of the armed forces recuperating from an injury or illness incurred or aggravated in the line of duty during such deployment, to facilitate the travel of family members of the member to be reunited with the member.

''(3) For the use of miles, credits, or tickets under paragraph (2)(B) by family members of a member of the armed forces, the Secretary may, as the Secretary determines appropriate, limit—

''(A) eligibility to family members who, by reason of affinity, degree of consanguinity, or otherwise, are sufficiently close in relationship to the member of the armed forces to justify the travel assistance;

''(B) the number of family members who may travel; and

''(C) the number of trips that family members may take.

''(4) Notwithstanding paragraph (2), the Secretary of Defense may, in an exceptional case, authorize a person not described in subparagraph (B) of that paragraph to use frequent traveler miles, credits, or a ticket accepted under this subsection to visit a member of the armed forces described in such subparagraph if that person has a notably close relationship with the member. The frequent traveler miles, credits, or ticket may be used by such person only in accordance with such conditions and restrictions as the Secretary determines appropriate and the rules established by the air carrier or surface carrier that is the source of the miles, credits, or ticket.

''(5) The Secretary of Defense shall encourage air carriers and surface carriers to participate in, and to facilitate through minimization of restrictions and otherwise, the donation, acceptance, and use of frequent traveler miles, credits, and tickets under this section.

''(6) The Secretary of Defense may enter into an agreement with a nonprofit organization to use the services of the organization—

''(A) to promote the donation of frequent traveler miles, credits, and tickets under paragraph (1), except that amounts appropriated to the Department of Defense may not be expended for this purpose; and

''(B) to assist in administering the collection, distribution, and use of donated frequent traveler miles, credits, and tickets.

''(7) Members of the armed forces, family members, and other persons who receive air or surface transportation using frequent traveler miles, credits, or tickets donated under this subsection are deemed to recognize no income from such use. Donors of frequent traveler miles, credits, or tickets under this subsection are deemed to obtain no tax benefit from such donation.

''(8) In this subsection, the term 'family member' has the meaning given that term in section 411h(b)(1) of title 37.''.

AMENDMENT NO. 3276

(Purpose: To require a report on the training provided to members of the Armed Forces to prepare for post-conflict operations)

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON TRAINING PROVIDED TO MEMBERS OF THE ARMED FORCES TO PREPARE FOR POST-CONFLICT OPERATIONS.

(a) STUDY ON TRAINING.—The Secretary of Defense shall conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training.

(b) MATTERS TO BE INCLUDED IN STUDY.—As part of the study under subsection (a), the Secretary shall specifically evaluate the following:

(1) The doctrine, training, and leader-development system necessary to enable members of the Armed Forces to successfully operate in post-conflict operations.

(2) The adequacy of the curricula at military educational facilities to ensure that the Armed Forces has a cadre of members skilled in post-conflict duties, including a familiarity with applicable foreign languages and foreign cultures.

(3) The training time and resources available to members and units of the Armed Forces to develop cultural awareness about ethnic backgrounds and religious beliefs of the people living in areas in which post-conflict operations are likely to occur.

(4) The adequacy of training transformation to emphasize post-conflict operations, including interagency coordination in support of combatant commanders.

(c) REPORT ON STUDY.—Not later than May 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the result of the study conducted under this section.

AMENDMENT NO. 3233

(Purpose: To express the sense of the Senate regarding the funding of the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy)

On page 35, between lines 6 and 7, insert the following:

SEC. 232. SENSE OF THE SENATE REGARDING FUNDING OF THE ADVANCED SHIPBUILDING ENTERPRISE UNDER THE NATIONAL SHIPBUILDING RESEARCH PROGRAM OF THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The budget for fiscal year 2005, as submitted to Congress by the President, provides $10,300,000 for the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy.

(2) The Advanced Shipbuilding Enterprise is an innovative program to encourage greater efficiency in the national technology and industrial base.

(3) The leaders of the United States shipbuilding industry have embraced the Advanced Shipbuilding Enterprise as a method for exploring and collaborating on innovation in shipbuilding and ship repair that collectively benefits all components of the industry.

(b) SENSE OF THE SENATE.—It is the sense of the Senate—

(1) that the Senate—

(A) strongly supports the innovative Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program as an enterprise between the Navy and industry that has yielded new processes and techniques that reduce the cost of building and repairing ships in the United States; and

(B) is concerned that the future-years defense program of the Department of Defense that was submitted to Congress for fiscal year 2005 does not reflect any funding for the Advanced Shipbuilding Enterprise after fiscal year 2005; and

(2) that the Secretary of Defense should continue to provide in the future-years defense program for funding the Advanced Shipbuilding Enterprise at a sustaining level in order to support additional research to further reduce the cost of designing, building, and repairing ships.

AMENDMENT NO. 3277

(Purpose: To require a study regarding promotion eligibility of retired warrant officers on active duty)

On page 79, between lines 10 and 11, insert the following:

SEC. 515. STUDY REGARDING PROMOTION ELIGIBILITY OF RETIRED WARRANT OFFICERS RECALLED TO ACTIVE DUTY.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine whether it would be equitable for retired warrant officers on active duty, but not on the active-duty list by reason of section 582(2) of title 10, United States Code, to be eligible for consideration for promotion under section 573 of such title.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study under subsection (a). The report shall include a discussion of the Secretary's determination regarding the issue covered by the study, the rationale for the Secretary's determination, and any recommended legislation that the Secretary considers appropriate regarding that issue.

AMENDMENT NO. 3278

(Purpose: To convert appropriations transfer authority in section 123 to authority for transfers of authorizations of appropriations)

Strike section 123 and insert the following:

SEC. 123. PILOT PROGRAM FOR FLEXIBLE FUNDING OF SUBMARINE ENGINEERED REFUELING OVERHAUL AND CONVERSION.

(a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program of flexible funding of engineered refueling overhauls and conversions of submarines in accordance with this section.

(b) AUTHORITY.—Under the pilot program, the Secretary of the Navy may, subject to subsection (d), transfer amounts described in subsection (c) to the authorization of appropriations for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to provide authorization of appropriations for any engineered refueling conversion or overhaul of a submarine of the Navy for which funds were initially provided on the basis of the authorization of appropriations to which transferred.

(c) AMOUNTS AVAILABLE FOR TRANSFER.—The amounts available for transfer under this section are amounts authorized to be appropriated to the Navy for any fiscal year after fiscal year 2004 and before fiscal year 2013 for the following purposes:

(1) For procurement as follows:

(A) For shipbuilding and conversion.

(B) For weapons procurement.

(C) For other procurement.

(2) For operation and maintenance.

(d) LIMITATIONS.—(1) A transfer may be made with respect to a submarine under this section only to meet either (or both) of the following requirements:

(A) An increase in the size of the workload for engineered refueling overhaul and conversion to meet existing requirements for the submarine.

(B) A new engineered refueling overhaul and conversion requirement resulting from a revision of the original baseline engineered refueling overhaul and conversion program for the submarine.

(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

(A) The purpose of the transfer.

(B) The amounts to be transferred.

(C) Each account from which the funds are to be transferred.

(D) Each program, project, or activity from which the amounts are to be transferred.

(E) Each account to which the amounts are to be transferred.

(F) A discussion of the implications of the transfer for the total cost of the submarine engineered refueling overhaul and conversion program for which the transfer is to be made.

(e) MERGER OF FUNDS.—A transfer made from one account to another with respect to the engineered refueling overhaul and conversion of a submarine under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred and shall be available for the engineered refueling overhaul and conversion of such submarine for the same period as the account to which transferred.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under this section is in addition to any other transfer authority provided in this or any other Act and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) FINAL REPORT.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary's evaluation of the efficacy of the authority provided under this section.

(h) TERMINATION OF PROGRAM.—No transfer may be made under this section after September 30, 2012.

Ms. SNOWE. Mr. President, today, I rise to speak to an amendment to Section 841 of the National Defense Authorization Act for fiscal year 2005 revising the authority for the Commission on the Future of the National Technology and Industrial Base.

This amendment is intended to ensure that small business interests are represented in the membership of the commission and are considered in its studies.

I applaud Chairman WARNER and the Armed Services Committee for creating this Commission in Section 841 of this Act. This esteemed commission will be composed from persons with backgrounds in defense industry, foreign policy, trade, labor, economics, and other relevant fields. Further, this commission is charged with studying and reporting on various important issues affecting the future of the national technology and industrial base.

However, as chair of the Small Business Committee, I was surprised to find that Section 841 contains no requirement to appoint small business persons to the commission. I was also disappointed to see that the commission is not currently required to study small business issues.

There is no reasonable basis for retaining these omissions in the act. Persuasive studies from the Office of Advocacy of the Small Business Administration have shown that small businesses are crucial to job creation, economic development, and technological innovation. Further, the Small Business Act sets forth the goal of directing 23 percent of defense procurement dollars to small business prime contracts. Clearly, the commission's studies will be incomplete without taking into account small business contributions to our Nation's defense.

My amendment provides for appointment to the commission of persons with background in small business contracting. It also gives this commission the mandate to study the ways to strengthen the role of the small business sector as a vital component of our national technology and industrial base.

NATIONAL HUNGER AWARENESS DAY

Mrs. DOLE. Mr. President, 1 year ago, I shared my thoughts on the Senate floor on a matter that weighs heavily on my mind. I reserved my maiden speech for a topic I chose to make one of my top priorities as a Senator. Hunger is the silent enemy lurking within too many American homes and a tragedy I have seen firsthand far too many times throughout my life in public service.

Today, on National Hunger Awareness Day, I call once again for a hunger-free America. The battle to end hunger in our country is a campaign that cannot be won in months or even a few years, but it is a victory within reach. What we need is to help our fellow Americans understand the terrible reality of hunger and how to put a stop to it.

As Washington Post columnist David Broder said:

> America has some problems that defy solution. This one does not. It just needs caring people and a caring government working together.

We are fortunate, indeed, to have a President who strives to lead our Government and our Nation in a compassionate direction. President Bush has said poverty runs deep in this country, and we need to take the war on poverty a step further by recognizing the power and promise of faith-based and community-based groups that exist not because of Government, but because they have heard the universal call to love somebody in need.

I am curious if the majority of the American public knows how many of their fellow citizens go hungry each and every day. The number is astounding. The Census Bureau reports that in the year 2002, 34.6 million Americans were living in poverty. Within that figure, over 7 million families, families with children, young little ones fall asleep with an empty stomach. It is hard to believe that here in America, where we are desperately trying to get a handle on obesity, there are literally millions of children who do not have enough to eat.

Families in my home State of North Carolina are especially struggling. According to the most recent studies from the U.S. Department of Agriculture, we are one of the few States that has an increasing rate of food insecurity. From 1996 to 2002, food insecurity among North Carolina households rose from 9.6 percent to 12.3 percent. That means tens of thousands of families have difficulty affording food at some point each year.

A great deal of this can be attributed to the significant economic hardship we have faced over the last few years. Once-thriving towns have been decimated by the closing of furniture and textile mills. In the summer of 2003, less than 1 year ago, North Carolina experienced the largest layoff in State history when textile giant Pillowtex closed its doors forever. That day alone, 4,400 people lost their jobs, and eventually nearly 5,000 were laid off.

In eastern North Carolina, plant closures have resulted in more than 2,200 layoffs since last summer, and in the last few months, the western region of North Carolina has lost more than 1,500 jobs.

Now there are signs that the situation is improving, but even as our employment numbers rise, there are families struggling to put a balanced meal on their table. Sadly, their story is not unlike so many others across the country. There are many Americans who, after being laid off, were fortunate enough to find new employment. But in the changing climate of today's workforce, simply being able to hold down a job will not necessarily guarantee your family three square meals a day.

A recent report from the U.S. Conference of Mayors found that many of the jobs lost between the years 2001 and 2003 will be replaced by jobs paying at least 20-percent less. The face of the hungry has changed over the last 10 years. While many associate those who struggle with hunger as being unemployed Americans, the sad truth is that the number of the working poor has escalated in the last decade.

There are 43 million people in low-income families. That means millions of those lining up at soup kitchens, low-priced pantries, and other charitable organizations are men and women working anywhere from one to three jobs, raising children, and under daily pressure to make ends meet. They have been called the new poor in the editorial sections of our newspapers.

I think of families such as Danny and Shirley Palmer of rural Ohio, a State such as North Carolina that has been devastated by thousands of job losses. Danny worked for a quarter of a century at a local power company until he was let go in November 2002. After over a year of job searches, he obtained a union card as a pipefitter. He pays union dues but has yet to be tapped for a job. He works now as a Wal-Mart employee, but with bills, including a $343-a-month mortgage, their savings account is almost empty. Their frustration is not being able to find suitable employment, and that frustration is growing rapidly.

Our food banks are having a hard time finding food to feed these families. As America struggles in today's economic hardships, financial donations have dropped off or corporations have scaled back on food donations. As recent numbers have shown, many times there are just too many people and not enough food.

In the year 2003, at least 23 million Americans stood in food lines. In any given week, it is estimated that 7 million people are served at emergency feeding sites around the country. The numbers in specific parts of our country are just as disheartening.

In western North Carolina, the Manna Food Bank says over 68,000 people seek food assistance throughout the year, with over 20,000 seeking assistance each week. This means many of the same people are coming back again and again.

Since I came to Congress, I have visited homeless and hunger shelters, food distribution sites and soup kitchens. I went through the process of applying for Government assistance through the WIC Program, helping women, infants and children. As I learned more about the efforts to combat hunger, I gained a great respect for groups such as the Society of St. Andrew.

For the last 25 years, this organization has been doing yeoman's work in the area of gleaning. That is when excess crops that would otherwise be thrown out or taken from farms, packing houses, and warehouses are distributed to the needy. Gleaning also helps the farmer because he does not have to haul off or plow under crops that do not meet exact specifications of grocery chains, and certainly it helps the hungry by giving them not just any food but food that is both nutritious and fresh.

Last year, the Society of St. Andrew told me $100,000 would provide at least 10 million servings of food for hungry North Carolinians. Just before last year's National Hunger Awareness Day, I set out to raise that amount for the society. Thanks to the compassionate hearts of several individuals, companies, and organizations, we surpassed the original goal and raised $187,000 in 2 weeks. That money was enough for at least 18 million servings of food.

The Society of St. Andrew is the only comprehensive program in North Carolina that gleans available produce and then sorts, packages, processes, transports, and delivers excess food to feed the hungry. In the first few months of this year, the society hosted over 168 events, gleaning 4.2 million pounds of food. Between January and March, they gleaned 12.8 million servings.

Incredibly, it only cost one penny a serving to glean and deliver this food to those in need. All of this work is done by the hands of the 9,200 volunteers and a minimal staff.

Like any humanitarian effort, the gleaning system works because of cooperative efforts. Clearly, private organizations and individuals are doing a great job, but they are doing so with limited resources. It is up to us to make some changes on the public side and help leverage scarce dollars to feed the hungry.

Transportation is the single biggest concern for gleaners. As the numbers tell us, the food is there. The issue is simply how to transport such a large volume. I am proud to say that with the help of organizations such as the American Trucking Association and America's Second Harvest we are making progress at easing that transportation concern.

I have introduced a bill with cosponsor Senators CHRIS DODD, RICHARD LUGAR, and LAMAR ALEXANDER that will change the Tax Code to give transportation companies tax incentives for volunteering trucks to transfer gleaned food. Such tax incentives would be especially helpful to organizations such as Relief Fleet. This food distribution system is run through transportation companies who donate empty trailer space to move food donations to the proper sites.

Last fiscal year, Relief Fleet moved 16.7 million pounds of food free of charge. More than 555 truckloads traveled to 130 food banks, generating a savings of $382,000 in shipping costs.

Gleaning and transportation efforts are just some of the possible initiatives to help end hunger. There is so much more that can be done. Take, for example, child nutrition programs. There is no question that far too many of our children are going hungry each and every day. Of the 23 million Americans being fed at soup kitchens, 9 million of those are hungry children under the age of 18. This is why the School Lunch Program is so important.

In fact, recent research at Tufts University indicates that even mild undernutrition experienced by young children during critical periods of growth may affect brain development and lead to reductions in physical growth. Under the current School Lunch Program, children from families with incomes at or below 130 percent of poverty are eligible for free meals.

Additionally, children from families with incomes between 130 and 185 percent of poverty are eligible for reduced price meals, no more than 40 cents per meal. This may seem like a nominal amount, but for struggling families with several children, the costs add up. School administrators in my State tell me they hear from parents who just do not know how they will be able to pay for their child's school meals. These income eligibility guidelines are not consistent with the WIC Program and other Federal assistance.

For example, families whose incomes are at or below 185 percent of poverty are eligible for free benefits through WIC. It makes sense to harmonize these income eligibility guidelines, allowing us to clarify this bureaucratic situation. Doing so would enable us to immediately certify children from WIC families for the national school lunch and breakfast programs.

Difficulty paying the reduced price fee is an issue that is real across America. More than 500 State and local school boards have passed resolutions urging the Congress to eliminate the reduced price category, thereby expanding free lunches and breakfasts to all of those children whose families' incomes are at or below 185 percent of poverty.

In addition, the American School Food Service Association, the Association of School Business Officials, the National Association of Elementary School Principals, and the American Public Health Association have endorsed this idea. Why? Because it is the right thing to do.

I was pleased when the Senate agriculture panel went on record in the child nutrition reauthorization bill in favor of eliminating the reduced price meal program. This initiative will begin through a pilot program in five States. I thank Chairman COCHRAN, Ranking Member HARKIN, and my colleagues on the Senate Agriculture Committee for their support and assistance. Since introducing this legislation, colleagues on both sides of the aisle have joined me and two bills have been introduced in the House of Representatives. Of course, this is only the first step. There is far more to be done.

Our work to end hunger stretches outside of our own country, of course. There are more than 300 million chronically hungry children in the world. More than half of these children go to school on an empty stomach and almost as many do not attend school at all but might if food were available. I believe the distribution of food in schools is one of the most effective strategies to fight hunger and malnutrition among children. Studies have shown this encourages better school attendance which in turn improves literacy rates and helps fight poverty. This increased school attendance for students in poor countries may very well protect some children who would otherwise be susceptible to recruitment by groups that would offer them food in return for attending extremist schools or participating in terrorist training camps.

I was proud to introduce a joint resolution with Congressman JIM MCGOVERN of Massachusetts that recognizes the worldwide problem of hunger and acknowledges the vital significance of food distribution to millions of starving children. This resolution recognizes the benefits of increased school attendance due to food availability for needy children, benefits ranging from improved literacy rates and job opportunities to protection from root causes of terrorism. In short, children who attend school on a regular basis have a much brighter future. Let us build on this foundation.

On this third annual Hunger Awareness Day, I urge Americans to join me in the campaign to end hunger. As I have said before, hunger does not differentiate between Democrats and Republicans, and just as it stretches across so many ethnicities, so many areas, so must we.

Bill Shore, director of Share Our Strength, an antihunger organization, said it best.

> There are two kinds of poverty in America. There are those who don't have and there are those who don't know. The majority of Americans are fortunate not to be in the category of those who don't have. Too many have been willing to remain in the category of those who don't know. Men and women of conscience must do more than accept or reject allegations about the conditions of the society in which they live. They must find out for themselves. Those who do will learn that hunger is a serious but solvable problem. It is only as invisible as Americans allow it to be.

It is a privilege to work with colleagues from both sides of the aisle toward the goal of ending hunger.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

SENATOR FRITZ HOLLINGS—A CAREER OF SUPPORTING ISRAEL AND AMERICAN JEWS

Mr. LAUTENBERG. Mr. President, I want to talk for a little while about a matter that has come up regarding one of my distinguished colleagues who, like me, served in Europe during World War II, who was a very brave and proud soldier, and who was decorated for his service there. That is Senator HOLLINGS.

Senator HOLLINGS has served for some years in this body as a junior Senator, even when he was well into 70 years of age. That was one of the more unusual circumstances, although I think I, too, bring a junior status at a fairly advanced age to my being here as a freshman.

But in the delegation that is going to go to Normandy tonight, I am one of several who served in World War II. The other names are among the bravest of all: Senator DANIEL INOUYE, who lost his arm in Italy after being struck three times by enemy fire. And, as he described it to me, in one of those incidents he had not felt any part of the wound from the bullet which apparently passed through his body—a rifle shot through his body, or a machine gun shot through his body. He was knocked down. He got up to continue to lead his platoon into a murderous battle in Italy.

Although it took some 50 years for Senator DANIEL INOUYE to get his medal, it finally arrived. Those of us who were privileged to be here were so proud of Senator INOUYE's service as

the medal was bestowed on him for the service he so bravely gave to his country.

It was noted also that even though DANIEL INOUYE, now Senator INOUYE, was volunteering for service in the U.S. Army which at first was denied, he continued to be as loyal as he could to his country, brave and courageous. We are proud of the opportunity to serve with him and to know him as a friend.

In addition to Senator INOUYE, Senator HOLLINGS, Senator WARNER—and Senator STEVENS had an illustrious military record flying in China, Burma, India—and Senator AKAKA and Senator WARNER—all of us join together in the bond we received as a result of serving in World War II and being given then the privilege to serve in this distinguished body.

I want to talk about FRITZ HOLLINGS, a good friend of mine for more than 20 years, now the senior Senator from South Carolina, a good friend to all of us, an outstanding public servant, someone who has given more years to public service than some of the people who are serving here have. He was accused of being anti-Semitic because of an op-ed piece he wrote that appeared recently in the Charleston Post and Courier.

The charge has been made on the Senate floor by the junior Senator from Virginia who apparently heads up the National Republican Senatorial Committee and serves as the chief fundraiser for Republican incumbents and candidates for the Senate.

It is very unusual. Frankly, I don't remember in almost 20 years of service that one Senator issues a press release criticizing another for something the person did in a public press release. That tells us where it was going. It was going to politics.

I also heard the junior Senator from Virginia repeat the charge again earlier this week while he was a guest on the Don Imus radio show. The charge he leveled is outrageous. I encourage the junior Senator from Virginia to cease and desist.

I am a Jewish American and fully support the American-Israeli relationship, not because I am a Jewish American but because it is good for America. It is good for us to have an ally that is as strong as she is, an ally that is the only democratic society in the entire Middle East with over 100 million of those who would declare they are the enemy of Israel and the United States. Israel is a very valuable part of our support for freedom and liberty in this world.

I have known the senior Senator from South Carolina for almost a quarter of a century. I am proud of his longstanding service to the people of this country. I treasure our friendship. Although he will be leaving this Senate in January of next year, he will be missed. I certainly will be one of those who will miss him.

He is one of the strongest Senate supporters of the State of Israel and the American Jewish community we have. He doesn't just ''talk the talk.'' As an appropriator, he has ''walked the walk.''

Israel is safer and more secure as a result of the votes Senator HOLLINGS has cast in the Appropriations Committee and on the floor of the Senate.

The senior Senator from South Carolina has a well-deserved reputation for candor. And, frankly, we could use a little bit more of that around here.

The op-ed in question is his candid assessment of why President Bush took us to war with Iraq despite the fact Iraq did not have weapons of mass destruction or links to al-Qaida.

I want to make it positively clear I don't necessarily agree with everything the senior Senator from South Carolina said in the op-ed, but I reserve the right to disagree with the best of friends on an issue. But to construe the op-ed piece or its author as representing anti-Semitism is patently unfair.

Senator HOLLINGS was critical of Paul Wolfowitz, Richard Perle, and the journalist Charles Krauthammer for being three of the architects of a dubious policy to forcibly democratize the Middle East, starting with Iraq. They believe that such policy will make Israel more secure. That is something all of us want and need.

The problem with that policy is that it is not quite working the way the architects envisioned. This may have something to do with the fact that none of them, to my knowledge, have any combat experience. People who do have experience in combat, such as former President Bush, Secretary of State Colin Powell, are a little more circumspect about what we can achieve and how we can achieve it.

I, too, have been critical of this policy which the administration swallowed hook, line, and sinker. I called for Deputy Secretary of Defense Wolfowitz and Under Secretary of Defense Douglas Feith to resign, along with Secretary of Defense Rumsfeld. Does that make me an anti-Semite? I would say not.

We are all kind of holding our breath right now as we wait to see the fallout from the resignation of Mr. Tenet, the head of the CIA, so abruptly, so quickly. We want to know what it is that caused that sudden change. He was a loyal, faithful servant. Perhaps mistakes were made. We will find out more about that very soon.

The bottom line is that these high-ranking civilian officials to whom I just referred in the Pentagon have misled America and they have let our troops down. Senator HOLLINGS' contention that Israel is less secure as a result of this misguided policy certainly cannot be dismissed.

It is time for that cadre of people who run the Pentagon to go. It has nothing to do with anti-Semitism. It has everything to do with the fact that Iraq is becoming a quagmire and has already claimed over 800 brave young American men and women.

When I heard the junior Senator from Virginia attack Senator HOLLINGS, I asked my staff to research his voting record with regard to Israel and other matters of concern to the American Jewish community.

The memo my staff prepared is 10 pages long. I could not find a single vote that could be construed as opposition to Israel or American Jews.

I will cite a few examples. In 1978, he voted against S. Con. Res. 86, a measure to disapprove the sale of jet fighters to Israel. He voted against the disapproval of the sale. The resolution was defeated 44 to 54.

In 1980, he voted to table an amendment to S. 2714, the foreign aid authorization bill, that would have withheld $150 million in aid to Israel because of the settlements being erected in the West Bank.

In 1981, he opposed President Reagan's decision to sell AWACs and other military equipment to Saudi Arabia.

In 1986, Senator HOLLINGS supported Senator BYRD's amendment to H.J. Res. 738, the continuing resolution for fiscal year 1987 to ensure that funds appropriated for aid to the Philippines did not come at the expense of aid to Israel or Egypt.

Senator HOLLINGS also supported recognizing Jerusalem as the undivided capital of Israel. As the ranking member and former chairman of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, he has insisted that the annual appropriations bill under his jurisdiction contain the following three provisions: One, that people born in Jerusalem be allowed to list Israel as their country of origin; two, that all relevant official U.S. Government documents list Jerusalem as the capital of Jerusalem; and three, that U.S. policies treat Jerusalem as the capital of Israel.

I note that these provisions have been eliminated in conference at the insistence of House Republicans and the administration.

Does that make them anti-Semites? Absolutely not. The Senator from South Carolina is eloquent and certainly able to defend himself and his record.

But when I hear his reputation repeatedly besmirched, the reputation and integrity of a man that I know to be one of the staunchest supporters of Israel and the American Jewish community, a man who fought hard, almost gave his life to defend his country, I will not sit by and be quiet.

To paraphrase our former colleague, Lloyd Bentsen: I know FRITZ HOLLINGS. FRITZ HOLLINGS is a friend of mine. FRITZ HOLLINGS is no anti-Semite.

To state otherwise goes beyond the pale of partisan rhetoric, even by the standards of a heated election campaign.

Frankly, I think the senior Senator from South Carolina is owed an apology, not just by the junior Senator from Virginia but from Senators who believe it was an inappropriate besmirching of character and reputation

dutifully earned by years and years of service to this country and certainly to this body. Silence on the other side, in my view, is implicit approval of what was said.

I hope we hear something different in the not-too-distant future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

FTAA NEGOTIATIONS AND FLORIDA CITRUS

Mr. NELSON of Florida. Mr. President, I take this opportunity to bring to the Senate's attention to some recent news about the ongoing negotiations of the Free Trade Area of the Americas, or the FTAA. These negotiations have been going on for some period of time. I look at these with significant interest, as they dramatically affect my State of Florida.

There are many mutual benefits that will accrue to the nations of the Western Hemisphere from a Free Trade Area of the Americas agreement. I am someone who has consistently supported free and fair trade. That is why I am hopeful these negotiations are going to yield an agreement that ultimately can be supported here.

However, there is a critical issue with respect to the negotiations of the FTAA that is absolutely crucial to my State. It involves the Florida citrus industry. It involves tens of thousands of jobs, and it involves basically the production of frozen concentrate that supplies the fresh orange juice on the breakfast tables of so many Americans every morning.

Here is the news. Last week, Reuters reported that ''the United States signaled for the first time that some agriculture products would be excluded altogether from the [Free Trade Area of the Americas agreement] FTAA.

There was another publication called ''Inside U.S. Trade,'' which reported that this new proposal from the United States would ''allow for some market access negotiations to yield results other than total elimination of tariffs.''

Well, that is a significant change from what we have been told. It is, from my standpoint and my State's standpoint, clearly a step in the right direction. But while this would appear to be welcome news to Florida's citrus industry, we need some more information.

I am going to continue to fight to preserve the tariff on imported frozen concentrated orange juice and ask for a commitment from the President. I believe the President must state publicly, in clear language, that we will not negotiate any reduction of the tariff on imported orange juice. It is not only important to Florida, it is important to the consumers of orange juice all over this country.

Now, why is this so important? Let me tell you. Because if the FTAA negotiated out an elimination of the tariff, it would not be free and fair trade because Brazil would become a monopoly. Here is what happens. Right now, basically, of the world's production of frozen concentrated orange juice, you have Brazil basically producing about 60 percent and the remainder—around 40 percent—is produced by the Florida citrus industry.

Of the world's production, the Florida citrus industry basically produces the supply for the domestic orange juice market; that is, the U.S. market. Brazil supplies some of that domestic United States market, and basically the markets in the rest of the world. There are other producers, but I am simplifying it. The two big producers are the United States—mainly Florida—and Brazil.

Now, what happens? If you eliminate the tariff protecting the Florida citrus growers, and therefore the 40 percent that is produced in Florida, since Brazil has cheaper land and cheaper labor, Brazil then takes over 100 percent of the world's market for frozen concentrated orange juice. That is not free trade. That would be a monopoly. And what happens in a monopoly? In a monopoly, then, the producers can determine whatever price they want because they are the sole suppliers. And what happens to the consumer? The consumer gets it in the neck, and the price goes up.

Well, you will hear those people who say: Oh, don't worry. There is competition among the growers in Brazil. The truth is, there are about five major producers in Brazil and, in effect, they operate as a cartel with collusion among themselves. So if they took over the entire world's market, ran the Florida citrus industry out of business, they would start to set the price, and that is not free and fair trade.

I can tell you, this Senator, who is someone who is for free and fair trade, and has voted that way—is not going to stand for that because that is not in the best interests of consumers.

I might also tell you when I went to Brazil last December, I had several very pleasant meetings with members of the Brazilian Government, including the chief negotiator for the FTAA, and a number of other ministers in the Government. I visited with the Acting President, who is the Vice President of Brazil, and he becomes Acting President when the President is out of the country, as the President was in South America in a Mercosur meeting at the time.

When I told the Brazilian Vice President about this problem for Florida, his response was—half in jest, but half seriously—well, why don't you just have the Florida citrus growers move to Brazil where our land is cheaper and our labor is cheaper? That is exactly what we do not want to happen. We want to keep a vital industry alive in the United States.

Florida has 12,000 growers, many of whom operate small family-owned operations. Unlike almost all agricultural commodities, the citrus industry receives no U.S. production subsidies. The tariff on Brazilian orange juice is the only offset the industry receives. Any reduction in that tariff would simply devastate Florida's citrus industry.

This citrus industry is Florida's second largest. It is responsible for generating over $9 billion for the economy and providing nearly 90,000 jobs. It accounts for $1 billion in revenue for the State and local governments, which, of course, funds our public hospitals and our schools and our fire and our police services.

So back on Brazil, I am disappointed that Brazil reportedly does not view a proposal to exclude certain agricultural products from ''total tariff elimination'' as a constructive step. I do not think we are going to see them take that position.

Excluding the tariff on imported orange juice from the negotiations would actually represent an important step toward completing, not retarding, an FTAA agreement that will benefit all of the Western Hemisphere. And regardless of the progress of the FTAA negotiations, our industries should focus on expanding global markets for orange juice and not waste our efforts on fighting over the tariff. Greater cooperation is needed between Brazil and the United States.

On a tangential matter, I want to encourage the administration to select Miami as the U.S. candidate city to serve as the home of the FTAA secretariat. Miami's special and close relationship with our Latin American neighbors makes the city a natural choice as the city to play this important role. The administration should announce this decision soon so we can put the full efforts of the U.S. Government behind one U.S. city; and that is logically Miami.

As a matter of fact, from different destinations in Latin America, it is a lot easier to get to Miami from those locations in Latin America, in many cases, than it is to get from one location in Latin America to another.

Miami is the logical choice. It is a place of significant Hispanic culture and population. La lingua is spoken there every day on la calle, on the street. It is a place that is a logical location for the everyday transaction of business for trade in the Americas.

Miami is the gateway to Latin America. It should be the gateway for the FTAA. I believe the administration should act right now in going ahead and determining that so as they negotiate between different cities in the hemisphere, the United States will be unified behind one city it is putting forth, which should be Miami, FL.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. 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. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

FAREWELL AND THANK YOU TO THE SENATE PAGES

Mr. DASCHLE. Mr. President, I would like to say farewell to a wonderful group of young men and women who have served as Senate pages over the last 5 months and thank them for the contributions they make to the day-to-day operations of the Senate.

This particular group of pages has served with distinction and has done a marvelous job of balancing their responsibilities to their studies and to this body. Their final day as Senate pages is tomorrow, but I hope we will see some—or all—of them back in the Senate someday, as staffers or Senators.

I suspect few people understand how hard Senate pages work. On a typical day, pages are in school by 6:15 a.m. After several hours of classes each morning, pages then report to the Capitol to prepare the Senate Chamber for the day's session. Throughout the day—and sometimes into the night—pages are called upon to perform a wide array of tasks—from obtaining copies of documents and reports for Senators to use during debate, to running errands between the Capitol and the Senate office buildings, to lending a hand at our weekly conference luncheons.

Once we finish our business here for the day—no matter what time—the pages return to the dorm and prepare for the next day's classes and Senate session and, we hope, get some much-needed sleep.

Despite this rigorous schedule, these young people continually discharge their tasks efficiently and cheerfully. In fact, as one page put it, ''We like working hard. When things get hectic, that's when we like it best.''

This page class had the good fortune to witness some historic moments.

They saw President Bush present the Congressional Gold Medal to Dorothy Height, one of the giants of the modern civil rights movement in America.

They were present for important debates in this Chamber over such critical issues as the budget and the wars in Iraq and Afghanistan.

They've seen—and had their photos taken—with celebrities, including Governor Arnold Schwarzenegger.

Just yesterday, they saw another famous visitor, the actor Mike Myers—better known to some as ''Austin Powers, International Man of Mystery.''

I hope the close-up view that these exceptional young people have had of the Senate at work these last few months has made this institution a little bit less of a mystery. Our government ''of the people, by the people, and for the people'' requires the active involvement of informed citizens to work.

I understand that many, if not most, of this semester's pages have decided to volunteer on political campaigns—both Republican and Democractic—when they return home. I'm told the campaigns run the gamut from local school board candidates to United States Senate candidates.

I am sure I speak for all Senators when I say, we applaud your continued involvement in the democratic process. We are very grateful for your outstanding service to the Senate this semester. And we wish you well in all that you choose to do in your future.

I ask unanimous consent to print in the RECORD the names and hometowns of each of the Senate pages to whom we are saying goodbye today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE PAGES—SPRING SEMESTER 2004

Andrew Blais, Rhode Island; Katherine Buck, New Hampshire; Sam Cannon, Utah; Erin Chase, South Dakota; Eric Coykendall, Arizona; Julie Cyr, Vermont; Joe Galli, Maine; Watson Hemrick, Tennessee; Jennifer Hirsch, Arkansas; Garrett Jackson, Mississippi; Kara Johnson, Illinois; Ben Kappelman, Montana; Andrew Knox, Vermont; Adam Lathan, Alabama; Betsy Lefholz, South Dakota; Brittney Moraski, Michigan; Alex Ogden, North Carolina; Jaclyn Pfaehler, Montana; Aaron Porter, Tennessee; Ingrid Price, Utah; Laura Pritchard, Virginia; Laura Refsland, Wisconsin; Ryan Smith, Kentucky; Kyra Waitley, Idaho; Nathanael Whipple, California; and Elizabeth Wright, Montana.

NATIONAL HUNGER AWARENESS DAY

Mr. SANTORUM. Mr. President, today in Palmyra, PA, volunteers at the Lebanon Valley Brethren Home will collect food and sell baked goods for the ''Great American Bake Sale'' to support their local food bank. In hundreds of small towns, suburban communities, and cities from New York to California, thousands of volunteers will help collect food, glean fields, prepare meals, and raise awareness as a part of National Hunger Awareness Day.

These dedicated volunteers and their compassionate acts represent a grassroots citizens' movement motivated to reduce hunger in America. These volunteers are the people who prepare the dinners and stock the shelves of the local charities that serve more than 9 million kids who lack basic food supplies. They are motivated by appalling statistics that show that more than 13 million children live in what the Federal Government deems ''food insecure'' households. And, of course, they are motivated by knowing the needs and faces of the vulnerable people in their communities.

Last year, an estimated 23 million low-income people—many of whom are from working families with children, are elderly, or have disabilities—received a meal or an emergency food box from one of the estimated 50,000 local hunger relief charities that dot the Nation's landscape. These charities, of which three-quarters are faith-based organizations, play an important and complementary role to State, local and Federal Government efforts to help low-income families achieve self-sufficiency. But for the family whose benefits have been exhausted, or the single mother who is waiting for the benefits to begin, or for those who simply don't want government help, these charities are the last line of defense against hunger.

Despite the selfless extraordinary work of these charities and their estimated one million volunteers, the need in many communities too often exceeds the available resources. At the same time, the United States throws away nearly 96 billion pounds of food each year.

Legislation I have sponsored, the Charity Aid, Recovery and Empowerment Act, or the CARE Act, would help close the gap between the need and available resources. The CARE Act provides farmers and ranchers, small businesses, and franchisees with a tax incentive that would allow these smaller business entities to enjoy the same tax incentives that large corporations receive when they donate food to charity. The CARE Act's food donation tax incentives will enable farmers with surplus crops to donate the food to a food bank or emergency shelter, recouping some of the cost of production and transportation—and preventing them from having to plow the crops back into the ground. The CARE Act gives a restaurant owner the incentive to donate surplus meals to a soup kitchen rather than throwing good food into a dumpster. America's Second Harvest, the Nation's food bank network, estimates that the CARE Act will help generate more than 878 million new meals for hungry people over the next 10 years.

This legislation, despite broad, bipartisan support for the food donation tax incentives and the other provisions in the act, is now stalled in the Senate, not being allowed to go to conference. The CARE Act is in jeopardy, and with its fortunes go the hopes of tens of thousands of people that serve America's most vulnerable families. We cannot allow partisan differences, unrelated to this legislation, to undo the promise that the CARE Act offers to millions of Americans. The CARE Act