

public school districts for the loss of traditional revenue sources resulting from a Federal presence or Federal activity. Since that time, numerous school districts throughout the country have received direct assistance from the program. Impact Aid is unique among the Federal education programs because it is one of the only programs in which funds are sent directly to the school district with little or no intervening bureaucracy.

Although in recent years the program has not been fully funded, it still provides critical support to school systems that contain Federal bases. School systems have three main sources of revenue for each student: State aid, local property taxes, and local taxes on businesses. Districts that contain Federal installations do not have the benefit of collecting property taxes on the property upon which military bases sit. Their schools educate children whose parents are stationed on base, but they do not receive the benefits of a tax base that includes the property that these parents would occupy in normal school districts. In other words, these districts have less money per child with which to support their public schools.

The Impact Aid Program was created to alleviate some of the pressures created by a large military presence by providing funding for additional students and programs to meet growth-related needs. But the Department's RCI program presents a unique situation for communities across the country, including that of Anne Arundel County, which contains Fort Meade. On the one hand RCI provides a commendable solution. By rehabilitating dilapidated military housing, our service men and women have safer, more comfortable places to live. We in Maryland are very proud of and grateful for our military presence and strongly support the right of military families to have livable dwellings. But on the other hand our communities must have the Department participate as a full partner in those facilities its personnel use.

It is only proper that the Department, as it improves its housing, consider the impacts those improvements are likely to have on the surrounding community, particularly the school system. My amendment asks the Department to do just that—to not only build and improve housing, but to think of the community it is creating and to contribute to that community's needs as a partner. I believe this is the only responsible way for the Department of Defense to proceed and I thank my colleagues for supporting this amendment.

Ms. SNOWE. Mr. President, last Thursday, I submitted amendment No. 3273 to the National Defense Authorization Act for fiscal year 2005 revising and extending the authority for the advisory panel to the Administrator for Federal Procurement Policy on review of government procurement laws and regulations

This amendment is intended to ensure that small business interests are represented both in the membership of the panel and in its activities.

The advisory panel was created in Section 1423 of the National Defense Authorization Act for fiscal year 2004, and was mandated to focus on laws and regulations concerning the use of commercial practices, performance-based contracting, the performance of acquisition functions across agency lines of responsibility, and the use of government-wide contracts. The panel was required to issue a report a year after appointment, but, otherwise, the panel has no subset date.

While the panel was to study contracting laws in different contexts, small business was not one of them. Further, Section 1423 provided that appointments were to be made in consultation with several government agencies and Congressional committees involved in procurement policy. Again, neither the Small Business Administration nor the Congressional Small Business Committees were mentioned. Finally, there was no mention of small business with regard to the panel's report.

As Chair of the Small Business Committee, I am profoundly troubled by the omission of small business interests from the work of this panel. The contracting practices to be studied by the panel have an enormous impact on the ability of small business to participate in the Federal procurement marketplace. The Senate must assure small businesses that their opinions about acquisition reforms will be heard.

My amendment is simple and straightforward. It would require participation on the panel by the Chief Counsel for Advocacy of the Small Business Administration or his designee. The Chief Counsel's Office of Advocacy, created by Public Law 94-305, has a unique mandate to be an independent voice of small business before Congress and Federal agencies. Under Executive Order 13272 signed by President George W. Bush, Federal agencies must consider the chief counsel's comments on any proposed rules in order to ensure that our government's policies will not cause harm to America's small business.

As we know, small businesses have been struggling to gain and retain access to Federal contracts. Problems like contract bundling continue to persist, and many agencies still fail to meet their statutory small business contracting goals. The Chief Counsel for Advocacy and his capable staff have worked hard to tackle challenges faced by small companies in doing business with the Federal Government. Naming the chief counsel or his designee to this panel will enable the Office of Advocacy to better carry out its statutory mandate, and it will facilitate the implementation of President Bush's Executive order on consideration of small business interests. The chief counsel,

Mr. Thomas M. Sullivan, advised my committee that such an appointment will be in the interest of small business.

This amendment also requires the panel to consider small business issues in its studies and in its report, provides for an extension in the deadline for completing or supplementing its report to reflect the small business perspective, and mandates accountability to the small business committees of the House and the Senate.

This amendment gives small businesses a seat at the table to have their views heard as recommendations are made that could significantly impact their future viability as government contractors. Senators COLEMAN and KERRY have already expressed their support for this amendment by becoming cosponsors. I urge the rest of my esteemed colleagues to support America's small business and this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### OPENING THE RAIN GARDEN

Mr. DURBIN. Mr. President, earlier today the Architect of the Capitol and I had the opportunity to participate in the ribbon cutting for a small, but important project on the Senate side of the Capitol.

At my request, the Architect and his staff built a demonstration rain garden, also known as a low impact drainage project, last month just outside of parking lot 16 at the corner of First and D Streets, Northeast. A rain garden captures and filters runoff from parking lots to reduce stormwater flooding and keep pollutants from entering local streams and rivers.

In the case of the Senate's rain garden, oil, gas, brake fluid, and other toxic substances from automobiles are filtered through a garden that measures 18 ft x 65 ft x 5 ft just outside of the Lot 16 fence. The garden, which is a very attractive addition to the landscaping here on Capitol Hill, is not flat; it is built on an angle to pull runoff into it. The water is filtered through rocks and a coarse mix of soil. The soil is 50 percent sand, 30 percent topsoil, and 20 percent organic materials, such as composted leaf mulch. The annual and perennial plants in the rain garden were selected by the Landscape Architect due to their ability to withstand periods of heavy saturation, drought, and also their ability to thrive in an environment that occasionally includes a steady diet of pollutants.

Once the water is filtered, it is discharged into the existing stormwater

sewer system which, during periods of heavy rainfall can discharge directly into the Anacostia River and, eventually, the Chesapeake Bay. However, the rain garden filters out as much as 90 percent of the pollutants that would otherwise go directly into the stormwater sewer. As it turns out, a rain garden is a simple, inexpensive, yet attractive solution to a very difficult problem in most urban areas.

While this rain garden will not solve all of the runoff problems on Capitol Hill, it will serve as a model that can be replicated throughout the Capitol complex. As Members of the Senate we represent all 50 States, but we must never forget that we have a responsibility to be thoughtful and caring stewards of our Nation's Capital.

Now that the rain garden project is complete, I extend my thanks to Doug Siglin of the Anacostia River Initiative for bringing the concept to my attention last year, to the Architect of the Capitol, for moving the project forward, and to Ecosite, the Maryland-based contractor, that did the physical construction work on the project.

However, special thanks are reserved for the two people most responsible for making this project a reality, Nancy Olkewicz, who works for the Legislative Branch Appropriations Subcommittee, and Matthew Evans, the Landscape Architect of the Capitol.

Matthew brought his great vision and gentle determination to bear on this project and it shows in the way the rain garden blends seamlessly into the overall Capitol Hill landscape plan. He has been pleasant and responsive throughout this entire process and I appreciate his hard work.

I asked Nancy to investigate whether a demonstration rain garden could be built on Capitol Hill given all of the restrictions and rules that govern everything that takes place within the Capitol complex. Nancy took my request and ran with it. In large part, the rain garden is a product of her determination and doggedness in seeing it through to completion. I have great admiration for such perseverance and appreciate all that she does for me and the Senate, which she has made her professional home for 25 years.

The Senate rain garden was completed on time and under budget and will undoubtedly contribute to a cleaner environment on Capitol Hill and throughout the region. I am pleased to have played a small role in its development.

#### COMMEMORATING THE 60TH ANNIVERSARY OF D-DAY

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate the anniversary of the Allied invasion of Western Europe.

Sixty years ago yesterday, Allied troops landed on the beaches and parachuted into the fields of Normandy in an effort that would lead to the eventual destruction of the German

Army and the liberation of the European continent.

On the early morning of June 6, 1944, after years of logistical coordination and deceptive intelligence operations, U.S. troops and their counterparts from Britain, France, Canada, and Poland brought to bear their enormous power and tremendous bravery on Hitler's military.

On that momentous day, over 150,000 Allied servicemen, including 73,000 Americans, 5,000 ships, and more than 1,000 planes started to beat back the German Army.

The attack began just after midnight when more than 13,000 paratroopers carrying between 70 and 90 pounds of equipment jumped down into German-occupied territory. As these men fell through enemy fire to the fields and farmland of Normandy, the largest armada ever assembled steamed across the English Channel toward the French coast.

At 6:30 a.m., the first wave of troops arrived on the beaches, unloading tens of thousands of soldiers in the face of mortar, artillery, and machine gun fire from the cliffs above the Normandy beaches.

A second wave of Allied Forces landed at 7 a.m., charging up hills and scaling cliffs through continued firepower. The fighting continued throughout the day, and at day's end, the Allied casualties numbered nearly 10,000, of which 2,500 had died, including more than 1,400 Americans.

But more than 100,000 Allied soldiers had made it ashore and secured French coastal towns. On D-Day Plus Five, June 11, over 325,000 Allied troops, 54,000 vehicles, and 104,000 tons of supplies had arrived in Normandy.

The D-Day invasion was one of the most daring military operations in history and it succeeded because of the courage of Allied soldiers and the careful planning of Allied military leaders. These brave troops and their leaders knew that this attack would determine the fate of Europe and much of the world for many years to come.

With success on the coast of Normandy, the Allies advanced across France, liberating village after village on the path to Berlin. The massive landing and subsequent arrival of troops had allowed for a relentless advance and cleared the way to a conclusion of the war.

The Americans who survived that day and that war are no longer young. Indeed, there are fewer D-Day veterans this year than last, and there will be fewer still next year. Yet the men who fought on that day 60 years ago, and the Americans who supported their efforts at home and abroad, have created a legacy of peace and prosperity that continues to reign across Europe today.

Europe is united, not by force of arms or tyranny, but by economic strength and cooperation. Last month, 10 new countries joined the European Union. Former battlefield adversaries

now enjoy freedom of movement, a single currency, and a secure future for themselves and their children.

The legacy of those D-Day veterans is also apparent in our Nation today. Just last week, thousands of veterans came to Washington, DC, to celebrate the opening of the World War II Memorial. These veterans reminded us that the prosperity we have enjoyed for most of the past 60 years came at a price—the 400,000 American lives that were lost during World War II.

The remarkable advancements in our Nation and the world during the past 60 years would not have been possible without the extraordinary effort undertaken by this generation of Americans and our allies who shared our commitment to freedom.

Today, courageous soldiers, sailors, marines, and pilots continue to serve and sacrifice for this country. As we remember the brave individuals who served in Normandy and across the globe during World War II, we must also honor the men and women of today's military who are in harm's way.

As of June 3, 126 American soldiers have died in Afghanistan and another 818 have died in Iraq. Thousands more have been injured. These men and women, along with their families, have made the ultimate sacrifice for our country. Today, I honor them and the approximately 140,000 soldiers who continue to serve in the Middle East.

June 6, 1944, was a crucial day in the history of this Nation and the history of the world. Today we recognize the contribution of those who served our Nation on that day and thank them for staring down tyranny and liberating Europe. They continue to serve our nation through the undiminished memory of a battle fought far from home for the good of all people.

#### MANIPULATION OF THE CALIFORNIA ENERGY MARKET

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the callous attitudes of Enron employees that were brought to light recently in transcripts released by the Snohomish County Public Utility District in Washington and broadcast on CBS News.

These tapes provide concrete evidence of the manipulation and fraud that was perpetrated by energy companies in the 2000-2001 energy crisis in California.

This manipulation resulted in the cost of energy in California increasing from \$7 billion in 1999 to \$27 billion in 2000 and 2001, respectively.

This type of price gouging and market manipulation can and will happen again if the energy market is not restructured.

I urge the California State Legislature to take action on Speaker of the Assembly Fabian Nunez's bill—AB 2006, the Reliable Electric Service Act.

This bill would re-regulate the energy market and protect small consumers served by utilities from this type of unethical behavior.